First (1st) Sitting of the Twenty-Fifth (25th) Meeting of the First Session of the Thirteenth (13th) Legislature

THE PARLIAMENT OF TURKS AND CAICOS ISLANDS

OFFICIAL HANSARD REPORT

23 JULY 2026

(Parliament)

Hon. Speaker

Speaker

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PRAYER

OPENING OF THE SITTING

Hon. Gordon Burton:

I now call this first sitting of the 25th meeting of the First Session of the 13th Legislature of the Parliament of the Turks and Caicos Islands, to be held on Thursday, 23 July 2026, at the Honourable A.N.J.S. Francis Building, Pond Street, Grand Turk, to order. Honourable Members, I now call on our Chaplain, Bishop Coleta Williams III, to pray for the Assembly.

PRAYER

Chaplain:

Proverbs chapter 3, verses 5 to 6: Trust in the Lord with all your heart, and lean not on your own understanding. In all thy ways acknowledge Him, and He shall direct thy path. Leadership and faith in our journey, hope for our future. As we begin the observance of our 50th anniversary of ministerial government, faith and leadership are deeply intertwined.

Faithful leadership anchors our purpose. It fuels our resilience and provides the vision necessary to navigate our journey with confidence and steadfast hope for the future. As we explore the connection between these pillars, it provides the exact guidance needed to stay encouraged and focused. Number one: anchoring identity and purpose.

Grounding our leadership in faith helps to resist external cultural pressure, provides moral clarity and ensures our actions remain consistent with our core values. Number two: building unshakable resilience. Faith provides a firm foundation when the journey is uncertain. It instils courage to take bold risks, knowing that you are supported even when circumstances look difficult.

Finally, inspiring hope in others. Leaders are ultimately merchants of hope. Effective vision casting relies on expectation of a better future. Let us pray. Heavenly Father and Almighty God, we come before You today with hearts full of gratitude, acknowledging You as the ultimate King of all nations. We lift our country up to You, asking for Your divine wisdom, mercy and guidance to rest upon our leaders, our Premier, our Leader of the Opposition, our Ministers, Members of this Government, the independent Member and Opposition Members. Grant our Government the discernment to make just decisions, the integrity to lead with humility and a deep commitment to the welfare of the people. Protect our country from division, heal our communities, and let righteousness and peace prevail on our streets. Father, we pray that You will pour out Your Spirit upon all of our leaders, granting them the strength to bear the responsibilities of their offices.

Give them the grace to work together with hearts dedicated to service and national development. Bless the Speaker with clarity and discernment. Bless the Attorney General with sound legal counsel. Bless the Clerk with stewardship in management responsibility. Bless this Parliament and all its undertakings today. Bless this country. It is in the name of Jesus we pray with thanksgiving. Amen.

OPENING OF THE SITTING

Hon. Gordon Burton:

Pray be seated. Honourable Premier.

Hon. Charles Washington Misick, OBE:

Good morning, Mr. Speaker. Good morning, colleagues. Good morning to the former Honourable Speaker of the Parliament, former Member of Parliament and current Leader of the People's Democratic Movement, Honourable Douglas Parnell, who is in the gallery. Welcome to Parliament. It is good to have you here in a supervisory role of the Opposition. Mr. Speaker, to those people under the sound of my voice on live streaming and Radio Turks and Caicos, to Turks and Caicos Islanders at home and abroad, and to the support staff who will help us today, good morning to everyone.

SUSPENSION OF STANDING ORDERS TO SIT BEYOND 6 PM

Hon. Gordon Burton:

Mr. Speaker, we will have an opportunity later, I hope, to extend condolences to all those families who are bereaved,

and to all those persons and families who are celebrating high points in their lives and other significant occurrences. To you, I would like you to know that we empathise and celebrate with you. Mr. Speaker, with that said, pursuant to Standing Order 130, I move that Standing Order 12 be suspended to allow this Honourable House to sit beyond the 6 pm hour.

The motion was seconded. Honourable Members, the motion has been moved by the Honourable Premier and seconded by the Honourable Deputy Premier that this Honourable Parliament sit beyond the 6 pm hour. All in favour say aye. All to the contrary, no. The ayes have it.

REARRANGEMENT OF BUSINESS

Hon. Charles Washington Misick, OBE:

Thank you, Mr. Speaker. I failed to acknowledge the person sitting next to the Honourable Parnell. Welcome to Parliament in whatever capacity you are here. Mr. Speaker, pursuant to Standing Order 49, I wish to rearrange the business of this Honourable Parliament so that Government business can have precedence over all other business.

In that regard, I would like item No. 6, Papers, to be taken as item No. 8; item No. 10, Report from Committees, to be taken as item No. 4; item No. 11, First Reading of Bills, to be taken as item No. 5; item No. 17, Orders of the Day, to be taken as item No. 6; item No. 15, Oral Replies to Questions, to be taken as item No. 7; and item No. 12, Statements by Ministers, to be taken as item No. 9. Mr. Speaker, also pursuant to Standing Order 130, I move that Standing Order 44 be suspended to allow Government business to have precedence. I have already asked for the reordering, so

I want to assure my colleague, the Honourable Leader of the Opposition, that we will be dealing with questions today. In that regard, we intend and ask the Cabinet and the Parliament that we follow the order as suggested. Thank you, Mr. Speaker.

REPORT FROM COMMITTEES

SELECT COMMITTEE REPORT ON THE INTEGRITY COMMISSION CRESS REPORT

Hon. Gordon Burton:

Thank you very much, Honourable Premier. Good morning again, Members. I want to welcome you here this morning to this sitting of Parliament. I also want to welcome the strangers in the gallery who are with us this morning. In particular, I welcome the former Speaker, Honourable Dwayne Taylor, and the former Member, Honourable Doug Parnell, and his wife, Tanya Parnell. I welcome you here this morning for this meeting. I also welcome persons who are with us this morning via Radio Turks and Caicos and those who are viewing us on our social media platforms. I send condolences to persons whom we have lost since we last met, and I also send congratulations to persons who are celebrating happier times in their lives.

I congratulate the team that recently left us to participate in the Commonwealth Games in Glasgow, Scotland, and wish them all the best as they compete on behalf of the Turks and Caicos Islands. Honourable Members, I will now return to the Order Paper. We are now at Messages from the Governor. There are none.

We will now go to Report from Committees. We have the Parliament of the Turks and Caicos Islands Select Committee Report on the Integrity Commission CRESS Report to be laid by the Chairman of the Select Committee, the Honourable Deputy Speaker. Honourable Deputy Speaker.

Hon. Jameka L. Williams:

Good morning, Mr. Speaker. Good morning to persons in the gallery and to colleagues. Mr. Speaker, I beg leave, in accordance with Standing Order 32, to have the report of the Select Committee to Investigate the Circumstances, Conduct and Report of the Review of the Integrity Commission of the Turks and Caicos Islands, commissioned by Her Excellency Governor Dileeni Daniel-Selvaratnam and carried out by CRESS Advisory UK Limited, presented to Parliament pursuant to the motion for the review of the reform of the Turks and Caicos Islands Integrity Commission of 19 May 2025. The motion was seconded.

Hon. Gordon Burton:

Honourable Members, the motion has been moved by the Honourable Chairman of the Select Committee and seconded by the Honourable Minister of Health and Human Services, that the report from the Parliament of the Turks and Caicos Islands Select Committee on the Integrity Commission CRESS Report be laid in this Honourable Parliament without question put. All in favour say aye. All to the contrary, no. The ayes have it.

Honourable Chair.

Hon. Jameka L. Williams:

Mr. Speaker, this report is respectfully submitted pursuant to the motion moved in this Honourable House entitled Motion for the Review of the Reform of the Turks and Caicos Islands Integrity Commission on 19 May 2025. In debating the motion, Parliament acknowledged the findings of the CRESS review, which concluded that the Integrity Commission, in its current form, is not fit for purpose due to systematic deficiencies affecting governance, transparency, accountability and operational effectiveness. Mr. Speaker, the Select Committee was created to examine those findings, gather evidence and develop additional or alternative recommendations that are constitutionally sound, locally informed and aligned with the

best interests of the people of the Turks and Caicos Islands. At the outset, I wish to thank the members of the Committee for their diligence, commitment and thoughtful deliberations throughout this important exercise.

Our task was not simply to review the CRESS report, but to determine whether the findings and recommendations were consistent with our Constitution, our laws and the interests of the people of the Turks and Caicos Islands. The Integrity Commission was created by Ordinance No. 8 of 2008, which came into force on 1 June 2009, after portions of the Constitution referring to ministerial and representative government had been suspended. The Commission appeared to be functioning well in its initial stage, being chaired by a renowned Caribbean judge with a director of long standing in the Islands. On 6 December 2023, the Governor, accompanied by the Chair of the Integrity Commission, issued a statement to the press announcing the Governor's plan for an effectiveness review of the Integrity Commission.

It was anticipated that the effectiveness review would assess the accountability and transparent discharge of the Integrity Commission's constitutional duties. This would include the effectiveness of its governance and compliance framework, its resourcing and the discharge of its enforcement powers. The Integrity Commission's governance and compliance framework, together with its resourcing and the discharge of its enforcement powers, are particularly important to Members of Parliament, who are especially subject to the Commission's powers and duties. Set out in section 102 of the Constitution and section 13 of the Integrity Commission Act are the powers and duties of the Commission.

Mr. Speaker, it is not lost on this Committee that the Constitution sets the Commission's highest priority as promoting integrity, honesty and good faith in public life in the Islands. Obviously, public life in the Islands includes the position and functions of the Governor, as well as Members of the Parliament and other members of the Executive. The final edition of the report was published on 16 December 2024, again announced by the Governor and accompanied by the Chair of the Integrity Commission. The statement issued at the time said that the findings make clear that, without substantial reform, the Commission will struggle to meet its objectives effectively.

The report proposes more than 40 recommendations to fundamentally restructure and reform the Commission. The Chair of the Integrity Commission, who had been Chair since 2001, said that the independent review had provided a sobering but necessary assessment of the Integrity Commission's performance. While the findings are difficult, they present an opportunity for growth and renewal. The review has highlighted significant challenges with the Integrity Commission that must be addressed as a matter of priority to build a stronger, more effective institution that operates with the transparency and accountability that the public deserves.

We welcome the establishment of the new working group and are fully committed to working collaboratively to implement the recommended changes and rebuild confidence in the Commission's work. Mr. Speaker, this seems to this Committee to say that the Chair's statement condones the Commission over which she influenced for a significant period. It seems to say that, under the chairmanship, the institution was not effective, nor was it operating with the transparency and accountability that the public deserves. The Chair says that she was fully committed to working collaboratively to implement the recommendations and changes and rebuild confidence in the Commission's work, but the Committee is advised that the Commission has never approved or accepted the recommended changes in the report.

While the report does not carry a list of persons consulted, it clearly states that the writers heard from only 40 persons, and they claim to have conducted a comprehensive review, even though they say the review was consistently receiving the same information from interviews. When the Committee members reviewed the schedule of the Integrity Commission Act, where specific persons in public life are identified by office, the Committee formed the view that a properly balanced view of the impact of the presence and work of the 15-year-old institution was required. In these circumstances, Parliament accounts for 19 individuals out of more than 36 categories of persons specified in the schedule. If they spoke to all 17 staff and commissioners of the Integrity Commission, that would have accounted for 47.5 per cent and 42.5 per cent, or 90 per cent, of the persons interviewed.

The number of declarants is more than 10 times 40.

REVIEW OF THE REFORM OF THE TURKS AND CAICOS ISLANDS INTEGRITY COMMISSION

Hon. Jameka L. Williams:

This clearly shows that 40 persons did not amount to a significant portion of those persons immediately and directly affected by the work of the Commission. The Committee is led to the conclusion that the CRESS team did not have a sufficiently widespread cross-section of the population to make a reliable conclusion of the public's view of the Commission. The Committee is left to ask how much time the CRESS team spent with the staff of the Commission. With the benefit of the insightful meeting with the Commissioner and senior staff, the Committee appreciates that the motivation for the recommendations did not come from the Commission.

Further, the Committee heard from persons who said that the report failed to mention serious topics that they brought to the attention of the CRESS team. The CRESS report mentioned nothing about historical Governors and their direct and open intervention in the Commission's affairs. It appears to the Committee that this is likely the biggest contributor to the Commission's perceived loss of effectiveness: the Commission no longer directs what is supposed to be its activities, such activities being carried out by Commission staff under the direction of the Governor and outside the knowledge of the Commissioners. Having failed to mention this historic interference by Governors, the report is certainly not factually comprehensive.

Rather, Mr. Speaker, the Committee is led to the conclusion that the CRESS team apparently considered it appropriate to publish only the opinions of those whom they felt were in

favour of the outcome. The intent of the legislation creating the Integrity Commission was not to develop a police force, yet this appears to be exactly what occurred. The Committee accepts that there is a logical and understandable reason for this. The Commission started functioning during the interim administration, when the Governor was empowered to make all the decisions for the country, notwithstanding his Advisory Committee and consultative forum.

During this period, it was the choice of the Governor to select initial personnel for the Commission. There was no Premier and no Leader of the Opposition to function as section 3 of the Integrity Commission Ordinance requires. The Commission's Investigations Unit was populated with retired police officers from central England. Those who were not employed were consultants.

The Committee has been advised that the Commission over the last decade has been far too influenced by retired UK police officers, who chose rather to take directions from UK Governors and from Commissioners appointed by Governors. The so-called enforcement department appears to have been allowed to take over the Commission to the point where the Commissioners were not even informed of the decisions being carried out and for which they were being blamed, including prolonged suspensions.

The report does not recommend demolishing this unfortunate, unintended outcome, but rather suggests reinforcing it. The Constitution declares that the primary responsibility of the Commission is to promote integrity, honesty and good faith in public life in the islands. This suggests educational outreach rather than policing. Nevertheless, from conversations that members of the Committee have had with constituents disrupted by what they believe to be actions of the Commission, decisions were made towards prioritising the police unit.

The report recommends the renegade step of running the Commission from the Governor's Office, but it might be that trying to run the Commission out of the Governor's Office is what got us to this point, Mr. Speaker, where the Governor can say that the Commission is not fit for purpose. Beyond that, the Commissioners are to function independently, and making the Commission subject to the whims of the Governor, or to the mere suggestion of such a course of action, becomes a direct contravention of our Constitution. There was widespread disappointment, Mr. Speaker, over the report, and the CRESS personnel never sat to discuss the findings with the Integrity Commission or members of Parliament. In the circumstances of the dissatisfaction surrounding the report, the matter was raised here in Parliament on 19 May 2025 and, after discussion, Parliament established this Select Committee for the purpose of reviewing this report on the effectiveness of the Commission.

While the people of the Turks and Caicos Islands generally do not support the recommendations of the CRESS report, the report has support from foreign persons who might have served previously. Such persons have been and continue to be pushing the line expressed by the CRESS report for the reduction of powers of the Integrity Commission in the Turks and Caicos Islands and placing the majority of the powers that the Act now grants the Commission in the hands of foreign officials. The Committee, from its meetings with the Commission, would say that the motivation behind the enactment of the Integrity Commission Ordinance in 2008 did not come from locally elected representatives, but from officials connected with colonial authority exercised through the office of the Governor.

In hindsight, Mr. Speaker, this Committee may need to agree with the sentiments, because the statute did produce the nickname of the politicians' police. However, the Act has been enforced from 2009, and it has been subject to substantial and significant amendments during the period of the interim administration. None of those amendments watered down the powers of the Commission. It is the considered opinion of the Committee that now is not the time to embark on a process of watering down the powers of the Commission. The Committee sees the need for strengthening the Integrity Commission. This Committee sees the need to recognise the Integrity Commission for what it is and what it was initially intended to do pursuant to the legislation, and to reverse any previous reduction of the requirements of the original enactment.

Perhaps, Mr. Speaker, the time has come, particularly in light of the 2024 amendment of the Constitution, for this Parliament to take the steps necessary to amend the Integrity Commission Ordinance to reinstate the current constitutional position that the Integrity Commission is a matter of domestic affairs. Consequently, the Governor has no power or authority over the Commission, other than that which Parliament willingly decides to surrender to him or her. The Committee is disappointed to learn that the Commission, in the 15 years of its existence, has not yet had a director or chairperson who is a Turks and Caicos Islander. The Committee questions whether there has yet been a time when the majority of Commissioners were Turks and Caicos Islanders.

The Committee therefore concludes that the Act ought to be amended to reserve appointments of Commissioners to the parliamentary leaders. Therefore, Mr. Speaker, this Committee recommends the following: one, the removal of any function of the Governor pursuant to the constitutional amendment in December 2024; two, the repeal of Ordinance No. 1 of 2021, which removed the prohibition on any Turks and Caicos Islander being appointed a member of the Commission; three, that Parliament appreciates and begins to follow the budgetary practice or process set in the Constitution; four, that the Appropriations Committee appreciates its constitutional authority to provide for adequate and proper administration of the Integrity Commission; five, that Parliament recognises the Governor's obligations under the various international treaties and other agreements that require the Government to pursue corruption in the public service of the country; and six, that Parliament immediately embarks on the procedures necessary to enact legislation to accomplish the various recommendations.

The Committee joins the recommendations of the Administration Committee that the Integrity Commission Ordinance be urgently reviewed, particularly regarding the appointment of persons to the Integrity Commission. The Integrity Commission has not been and is not being run as an independent good-governance body; rather, it is an

administrative function and abides too much interference from the Governor's Office. The Integrity Commission should be required to produce qualifying standards for persons to be appointed to the Commission, and the Chair and majority of the Commissioners should be Turks and Caicos Islanders with Turks and Caicos Islands status for a minimum period of 25 years. Secondly, Mr. Speaker, Parliament should urgently take the steps necessary to fulfil the requirements of section 97 of the Constitution.

Thirdly, Parliament should take note of the budgetary process set out in section 105 of the Constitution. Fourthly, elected representatives should join the Commission in its educational outreach activities, especially when those activities take place in electoral districts, showing acceptance of the Commission as an independent good-governance and anti-corruption institution. Fifthly, the Select Committee should consult members of the Commission to assist in identifying areas of the Integrity Commission Ordinance that require amendment. Mr. Speaker, this Select Committee commends this report to Parliament for due attention and action.

PARLIAMENT OF THE TURKS AND CAICOS ISLANDS SELECT COMMITTEE REPORT ON THE INTEGRITY COMMISSION CRESS REPORT

Hon. Gordon Burton:

Thank you very much, Honourable Deputy Speaker. In relation to the Parliament of the Turks and Caicos Islands Select Committee Report on the Integrity Commission CRESS Report, Honourable Chair, I notice that a motion has not been set to be passed at this meeting. I wonder whether you want to give Members an opportunity to read the report first, and then, at our next meeting, move a motion to accept the recommendations. You have the motion now?

Hon. Jameka L. Williams:

Yes.

Hon. Gordon Burton:

Before you go, the Chair recognizes the Honourable Premier.

SUSPENSION OF THE SITTING

Hon. Charles Washington Misick, OBE:

Mr. Speaker, I move for a five-minute suspension.

Hon. Gordon Burton:

Honourable Members, this Honourable Parliament is hereby suspended for five minutes.

PARLIAMENT OF THE TURKS AND CAICOS ISLANDS SELECT COMMITTEE REPORT ON THE INTEGRITY COMMISSION CRESS REPORT

Hon. Gordon Burton:

Honourable Members, this Honourable Parliament now resumes its sitting. Pray be seated. Honourable Chairman, you can now move for adoption.

Hon. Jameka L. Williams:

Mr. Speaker, thank you. Before I move for the adoption of the report, I would like to make a correction to the recommendations. In recommendation number 2, I had said that the repeal of Ordinance No. 1 of 2021 prohibited Turks and Caicos Islanders from being appointed to membership of the Commission, and that is incorrect, so

I would like to have that removed. So now for the adoption, Mr. Speaker: in accordance with Standing Order 114, I move that the report of the Select Committee be adopted. Do I have a seconder?

Hon. Samuel Ernest Been:

Second.

Hon. Gordon Burton:

Honourable Members, the motion moved by the Honourable Chair of the Select Committee and seconded by the Honourable Member for Cheshire Hall and Richmond Hill is that the Parliament of the Turks and Caicos Islands Select Committee Report on the Integrity Commission CRESS Report be hereby adopted. All in favour say aye. All to the contrary, no. The ayes have it.

The report is adopted. The Chair recognizes the Honourable Leader of the Opposition.

Hon. Edwin Andre Astwood:

Speaker, just for a point of clarification, what happens now that this report is laid? What comes into effect?

FIRST READING OF BILLS

FIRST READING OF BILLS

Hon. Gordon Burton:

What happens now is that there will have to be a motion for Parliament to accept the recommendations from the report. We will give Honourable Members an opportunity to read the report, and that motion will be made at our next meeting. Once that happens, a motion will be made for Parliament to accept the recommendations. I also remind Members that there will be a debate on the motion, but during the debate please observe Standing Order 59 when making contributions.

It says that, except in respect of a substantive motion, a Member must not refer to the conduct of the Queen, Members of the Royal Family, the Governor, Members, judges, or the performance of judicial functions by any person. Please keep that in mind when making contributions to the report. Honourable Members, we will now return to the Order Paper, and we are now at the First Reading of Bills. We will have the first reading of the National Honours and Awards Amendment Bill 2026, to be moved by the Honourable Premier and Minister for Finance, Economic Development, Investment and Trade.

Honourable Premier.

MOTION FOR BILLS TO GO THROUGH ALL THREE READINGS AT THIS MEETING

Hon. Charles Washington Misick, OBE:

Thank you, Mr. Speaker. Mr. Speaker, I would like to take the opportunity to speak to these three very small bills. I did have a conversation with the Leader of the Opposition yesterday, and I think we agreed to accommodate each other in relation to Question Time and to allow the reading of the bills. They are small, but they are quite important in terms of timing. Mr. Speaker, I move that, pursuant to Standing Order 95, the bills entitled the National Honours and Awards Amendment Bill 2026, the Destination Management Fee Amendment No. 2 Bill 2026 and the Minerals Exploration and Exploitation Amendment Bill 2026 be allowed to go through all three readings at this meeting. Do I have a seconder?

Hon. Gordon Burton:

The Chair recognizes the Honourable Leader of the Opposition.

Hon. Edwin Andre Astwood:

Thank you very much, Mr. Speaker. As the Premier stated, there was a compromise concerning Question Time and the reading of all three bills, so I agree and second this motion for the bills to go through all three readings, provided that Question Time happens.

Hon. Gordon Burton:

Honourable Members, the motion moved by the Honourable Premier and seconded by the Honourable Leader of the Opposition is that the bills entitled National Honours and Awards Amendment Bill 2026, Destination Management Fee Amendment No. 2 Bill 2026 and Minerals Exploration and Exploitation Amendment Bill 2026 go through all three readings during this meeting. All in favour say aye. All to the contrary, no. The ayes have it.

NATIONAL HONOURS AND AWARDS AMENDMENT BILL 2026 - FIRST READING

Hon. Gordon Burton:

Honourable Premier.

Hon. Charles Washington Misick, OBE:

Mr. Speaker, I want to thank the Leader of the Opposition. With that said, Mr. Speaker, I move that, pursuant to Standing Order 90.4, the bill entitled the National Honours and Awards Amendment Bill 2026 be read a first time. Do I have a seconder?

Hon. Jamell Rayan Robinson:

Second.

Hon. Gordon Burton:

Honourable Members, the motion moved by the Honourable Premier and seconded by the Honourable Deputy Premier is that the bill entitled National Honours and Awards Amendment Bill 2026 be read a first time. All in favour say aye. All to the contrary, no. The ayes have it.

Hon. Charles Washington Misick, OBE:

Madam Clerk.

Rosetta Talbot:

This Act may be cited as the National Honours and Awards Amendment Act 2026 and shall come into operation on such

date as the Governor may appoint by notice published in the Gazette.

DESTINATION MANAGEMENT FEE AMENDMENT NO. 2 BILL 2026 - FIRST READING

Hon. Gordon Burton:

Thank you very much, Madam Deputy Clerk. Honourable Members, I will now return to the Order Paper, and we will now have the first reading of the Destination Management Fee Amendment No. 2 Bill 2026, to be moved by the Honourable Premier. Honourable Premier.

Hon. Charles Washington Misick, OBE:

Thank you, Mr. Speaker. Mr. Speaker, I move that, pursuant to Standing Order 90.4, the bill entitled Destination Management Fee Amendment No. 2 Bill 2026 be read a first time. Do I have a seconder?

Hon. Jamell Rayan Robinson:

Seconded.

Hon. Gordon Burton:

Honourable Members, the motion moved by the Honourable Premier and seconded by the Honourable Deputy Premier is that the bill entitled Destination Management Fee Amendment No. 2 Bill 2026 be now read a first time. All in favour say aye. All to the contrary, no. The ayes have it. Madam Deputy Clerk.

Rosetta Talbot:

This Act may be cited as the Destination Management Fee Amendment No. 2 Act 2026 and shall come into operation on publication in the Gazette.

MINERALS EXPLORATION AND EXPLOITATION AMENDMENT BILL 2026 - FIRST READING

Hon. Gordon Burton:

Thank you very much, Honourable Deputy Clerk. Honourable Members, we will now have the first reading of the Minerals Exploration and Exploitation Amendment Bill 2026, to be moved by the Honourable Minister for Tourism, Environment, Heritage, Maritime, Fisheries and Gaming. Honourable Minister.

Hon. Zhavargo Jolly:

Mr. Speaker, I move that, pursuant to Standing Order 94, the bill entitled Minerals Exploration and Exploitation Amendment Bill 2026 be read a first time. Do I have a seconder?

Hon. Charles Washington Misick, OBE:

Second.

Hon. Gordon Burton:

Honourable Members, the motion moved by the Honourable Minister for Tourism and seconded is that the bill entitled Minerals Exploration and Exploitation Amendment Bill 2026 be now read a first time. All in favour say aye. All to the contrary, no. The ayes have it. Madam Deputy Clerk.

Rosetta Talbot:

This Act may be cited as the Minerals Exploration and Exploitation Amendment Act 2026 and shall come into operation on publication in the Gazette.

CUSTOMS AMENDMENT BILL 2026 - FIRST READING

Hon. Gordon Burton:

Thank you very much, Madam Deputy Clerk. Honourable Members, we will now have the first reading of the Customs Amendment Bill 2026, to be moved by the Honourable Deputy Premier and Minister for Immigration and Border Services. Honourable Minister.

Hon. Jamell Rayan Robinson:

Thank you, Mr. Speaker. Mr. Speaker, I move that, pursuant to Standing Order 94, the bill entitled Customs Amendment Bill 2026 be read a first time. Do I have a seconder?

Hon. Kyle Knowles:

Second.

Hon. Gordon Burton:

Honourable Members, the motion moved by the Honourable Deputy Premier and seconded by the Honourable Minister of Health is that the bill entitled Customs Amendment Bill 2026 be read a first time. All in favour say aye. All to the contrary, no. The ayes have it. Madam Deputy Clerk.

Rosetta Talbot:

This Act may be cited as the Customs Amendment Act 2026 and shall come into operation on publication in the Gazette.

ORDERS OF THE DAY

AIRPORTS AUTHORITY AMENDMENT BILL 2025 - SECOND READING

Hon. Gordon Burton:

Thank you very much, Madam Deputy Clerk. Honourable Members, I will now return to the Order Paper. We are now at Orders of the Day, and we are at the Second Reading of Bills. We will have the second reading of the Airports Authority Amendment Bill 2025, to be moved by the Honourable Minister for Physical Planning and Infrastructure Development.

Honourable Minister.

AIRPORTS AUTHORITY AMENDMENT BILL 2025 - DEFERRAL

Hon. Arlington Alexander Musgrove:

Good morning, Mr. Speaker. I move that, in accordance with Standing Order 90, the Airports Authority Amendment Bill 2025 be deferred to the next sitting of Parliament. Do I have a seconder?

Hon. Shaun David Malcolm:

Second.

Hon. Gordon Burton:

Honourable Members, the motion moved by the Honourable Minister of Physical Planning and Infrastructure Development and seconded by the Honourable Minister of Public Safety is that the bill entitled Airports Authority Amendment Bill 2025 be deferred until the next sitting of Parliament. All in favour say aye. All to the contrary, no. The ayes have it.

Honourable Members, we are still on Orders of the Day, the Second Reading of Bills, and we will have the second reading of the National Honours and Awards Amendment Bill 2026, to be moved by the Honourable Premier. Honourable Premier.

NATIONAL HONOURS AND AWARDS AMENDMENT BILL 2026 - SECOND READING

Hon. Charles Washington Misick, OBE:

Thank you, Mr. Speaker. Mr. Speaker, this is a very short amendment to the bill, and it is for one particular purpose. We did not have an event last year, and the purpose is to seek parliamentary approval for the expansion of the number of awardees in the categories in order to take account of the fact that we did not have an award last year. I would also like to use this opportunity to speak to the general public.

This is not opening up the process to get new recommendations, because the list of names would already have been submitted. We will have to choose from the list that the committee already has, because that process, if I am not mistaken, is now closed. From the list that the committee already has, it will have the ability to increase the number. For example, in the Patriarch category, if there are two, it will have the ability to add an additional two persons to take account of the fact that there were no awards last year.

I appeal to the general public that, when these opportunities come around, they should make representation for persons in the community who they believe are deserving of the different categories of awards, because unless the committee receives recommendations, the committee cannot make awards. There are numerous unsung heroes in their own right who have made contributions to TCI over the years and who continue to do so, but who are not recognized simply because they have not been recommended.

The process is meant to be absolutely 100% apolitical, so politicians, certainly sitting ones, are not allowed to interfere in the process at all. These awards are made based on nominations or recommendations by the general public. It is true that each category has a description of the qualifications required to be recognized in each category, but I would appeal to the public in future, because my understanding is that the level of response that the committee is getting has not been robust enough. In other words, the number of recommendations seems to be somewhat limited. That is the only purpose of this bill.

Mr. Speaker, I thank you.

NATIONAL HONOURS AND AWARDS AMENDMENT BILL 2026

Hon. Gordon Burton:

Honourable Premier, you have to make the motion.

Hon. Charles Washington Misick, OBE:

Thank you, Mr. Speaker. Pursuant to Standing Order 92(2), I move that the Bill entitled National Honours and Awards

Amendment Bill 2026 be read for a second time. Do I have a seconder?

Hon. Jamell Rayan Robinson:

Seconded.

Hon. Gordon Burton:

Thank you very much, Honourable Premier. Honourable Members, the motion moved by the Honourable Premier and seconded by the Honourable Deputy Premier is that the National Honours and Awards Amendment Bill 2026 be now read for a second time. All in favour say aye; those to the contrary, no. The ayes have it.

Hon. Charles Washington Misick, OBE:

Mr. Speaker, I have already spoken to the Bill.

Hon. Gordon Burton:

You have already made the presentation.

Hon. Charles Washington Misick, OBE:

Yes. I invite my colleagues to make their contributions. Thank you.

Hon. Gordon Burton:

Honourable Members, the floor is now open for debate on this Bill. Are there any contributions? The Chair recognizes the Honourable Leader of the Opposition for his contribution.

Hon. Edwin Andre Astwood:

Thank you very much, Mr. Speaker. I rise to make my contribution to the National Honours and Awards Amendment Bill 2026. Before I do, please allow me to say good morning to our people throughout the length and breadth of the Turks and Caicos Islands, certainly in my constituency of Grand Turk South and Salt Cay. I continue to send words of condolence to all bereaved families.

It seems that from the middle of last week through the weekend we were attending funerals, and we have more to come. A number of families throughout the Turks and Caicos Islands are in bereavement, and we send condolences to them all. I also send condolences to the Williams family in North Bexelena, including my cousins Oliver and Ferguson and their siblings, on the passing of their mother; and to the family of the late Mr. Max Smith and all the members. To the Attorney General, we know the close connection with Bible Baptist Church, and certainly to your father also, our condolences.

Let me also welcome our newly elected party leader, the Honourable Purnell, who is no stranger to this House, having been here in 2007. I believe that was your first time. The only person here who has probably been here longer, and who came in at the same time as you, is the Honourable Member for Cheshire Hall. We welcome you as our party leader and have full confidence in you. Thank you for coming to the House today, you and your lovely wife.

I also welcome our former Speaker, Honourable Taylor, who was Speaker of the House from 2016 to early 2021. We are happy to have your presence here. To all those in the gallery, and to Mr. Williams, thank you for always showing up. You were a little late this morning and had me worried, but you are here.

The House does not normally start until Mr. Williams is sitting in the gallery. This is a very short Bill. It increases the number of awardees in the Order of the Turks and Caicos Islands, the Patriotic Award, and the Meritorious Service Medal. Perhaps in his wrap-up the Premier can identify exactly what those three awards entail, because the public will hear of the Order of the Turks and Caicos Islands but may not have the documents to remind them who qualifies for the Order of the Turks and Caicos Islands or the Patriotic Award.

The public needs to be reminded of what we are doing in expanding those categories. I agree with the Premier that the public needs to be more active. Politicians are not supposed to take part in this process. The public should take part. I was hoping that perhaps the time could be expanded, as both the Premier and I are making this plea to the public. Perhaps the National Honours and Awards Committee could expand the window for another two weeks, as we have done for other things, to make sure that after this plea from the Premier, from myself, and perhaps from others, recommendations are submitted. There are a number of people who have served the Turks and Caicos Islands in various ways and need to be recognised. If we fall short in recognising them, we do ourselves a disservice as a people and as a country.

We always say that we want to give people their roses while they are living, and this is one way to do so. If the process did not capture the volume expected, given that there was no award ceremony last year, provision should be made to expand it for two weeks and make clear the cutoff time for recommendations. We certainly have no objection to the Bill, but we hope the time will be expanded so we can get more recommendations from the public, especially now that the categories are being expanded to include more persons.

Thank you very much, Mr. Speaker.

Hon. Gordon Burton:

Thank you very much for your contribution, Honourable Leader of the Opposition. Are there any further contributions? The Chair recognizes the Honourable Deputy Premier for his contribution.

Hon. Jamell Rayan Robinson:

Good morning, Mr. Speaker, and thank you. My contribution will be short. I wish all those celebrating birthdays and anniversaries a happy birthday and happy anniversary, and express condolences to all families in bereavement, as we have a number of funerals over the weekend. For the benefit of the Leader of the Opposition, who asked about the designations, I have them and would like to read them for the general public.

I do not think this first one is referenced, but, as it is one of the categories generally, I will mention it. The Order of the National Hero is the nation's highest honour. It may be granted to a Turks and Caicos Islander who has given distinguished and meritorious service to the Islands and the people of the Islands. It may be conferred upon a person during his or her lifetime or posthumously.

The Order of the Turks and Caicos Islands, for distinction in any field of discipline, may be granted to a Turks and Caicos Islander who has served with distinction in any field of discipline. It may be conferred upon a person during his or her lifetime or posthumously. It may be granted to no more than two persons annually; this legislation changes that to no more than four persons in this instance. The Patriotic Award is for national consciousness and sacrificial service.

It may be granted to a Turks and Caicos Islander who has demonstrated a keen sense of national consciousness and rendered exceptional sacrificial service to the Islands and the people of the Islands. The Patriotic Award, Musha Bank Medal, may be bestowed upon a non-Turks and Caicos Islander as an honorary honour for demonstrating a very high regard for national integration and philanthropic contribution to the development of the Islands. It may be conferred upon a person during his or her lifetime or after death. It may be granted in classes of gold or silver and distinguished in categories as follows: the Caicos Medal, gold, and the Musha Bank Medal, silver.

It may be granted to no more than four persons annually, and this legislation changes that to eight. The Meritorious Service Medal, the last main one we are dealing with today, is for sacrifice, bravery or humanitarian acts. It may be granted to a Turks and Caicos Islander who has given sacrificial and meritorious service in a field of service that is inherently challenging, or has performed a brave or humane act in the Islands or abroad, provided that it may also be granted to a non-Turks and Caicos Islander who has made extraordinary sacrifices in the interest of humanity on the world stage. It may be conferred upon a person during his or her lifetime or after death.

It may be granted to not more than four persons annually, and in this instance we are increasing that to eight. The Long Service Medal Award can also be awarded to a number of persons, and there is the National Young Achievers Medal to round out the national awards. With that, Mr. Speaker, I support the Bill. Thank you.

Hon. Gordon Burton:

Thank you very much, Honourable Deputy Premier, for your contribution. Are there any further contributions? There being no further contributions, I now call on the Honourable Premier to commit the bill to the committee.

Hon. Charles Washington Misick, OBE:

Thank you, Mr. Speaker. I spoke to the persons responsible for administering the National Honours and Awards activity, and I have confirmation that the purpose is to open the process for two weeks in order to allow new applications. I apologize if I misled Parliament in the first place. That is the purpose of this, but in order for that to take place, this bill has to first be passed.

With that said, Mr. Speaker, I move that, pursuant to Standing Order 93, the bill entitled the National Honours and Awards Amendment Bill 2026 be committed to a Committee of the Whole. Do I have a seconder?

Hon. Akierra Mary Deanne Missick:

Second.

DESTINATION MANAGEMENT FEE AMENDMENT NO. 2 BILL 2026

Hon. Gordon Burton:

Honourable Members, a motion has been moved by the Honourable Premier and seconded by the Honourable Minister of Home Affairs that the bill entitled National Honours and Awards Amendment Bill 2026 be now referred to a Committee of the Whole. All in favour say aye. All to the contrary, no. The ayes have it.

Honourable Members, we have three short bills, so I will have the second reading of all three before we go to committee. Before we do that, I want to recognize an intern working with the Attorney General's Chambers for this summer. Her name is Maya Dickinson, and she is with the Chambers for the summer. I want to welcome her, and I want all of us to welcome her here to Parliament today.

Please stand. Thank you very much. Thank you for being with us this morning. Honourable Members, I will now return to the Order Paper, and we will have the second reading of the Destination Management Fee Amendment No. 2 Bill 2026, to be moved by the Honourable Premier. Honourable Premier.

Hon. Charles Washington Misick, OBE:

Thank you, Mr. Speaker. Pursuant to Standing Order 92(2), I move that the bill entitled Destination Management Fee Amendment No. 2 Bill 2026 be read a second time. Do I have a seconder?

Hon. Akierra Mary Deanne Missick:

Second.

Hon. Gordon Burton:

Honourable Members, a motion has been moved by the Honourable Premier and seconded by the Honourable Minister of Home Affairs that the bill entitled Destination Management Fee Amendment No. 2 Bill 2026 be now read a second time. All in favour say aye. All to the contrary, no. The ayes have it.

Honourable Premier.

Hon. Charles Washington Misick, OBE:

Thank you, Mr. Speaker. This is a very short bill, the purpose of which is to provide for the ability to deduct administrative expenses on the collection of the destination management fee. The bill seeks to amend the Destination Management Fee Act to provide for the deduction of reasonable administrative fees incurred in the collection, remittance and administration of the destination management fee, and to validate certain historical collections and deductions. Clauses 1 and 2 of the bill provide for the short title, commencement and interpretation clause.

Clause 3 of the bill seeks to amend section 12 of the principal Act to allow deductions for administrative fees incurred in the collection of destination management fees. It also seeks to provide that a fee collected by the Airport Authority is subject to instructions issued by the Permanent Secretary of Finance under the Public Finance Management Act. Clause 4 of the bill, Mr. Speaker, seeks to validate and deem to have been legally made the collection of destination management fees from 1 August 2023 until the enactment and commencement of the Act on 27 November 2023; the collection of destination management fees for children over two years and under 10 years since the commencement of the Act in November 2023 until the amendment of the exemption age to two years in March 2026; and the deduction of administrative fees already made from 1 April 2025.

Mr. Speaker, that, in sum total, is what the bill is about, and I invite my colleagues to make their contributions. Thank you.

Hon. Gordon Burton:

Thank you very much, Honourable Premier, for your presentation on the Destination Management Fee Amendment No. 2 Bill 2026. Honourable Members, the floor is now open for debate on this bill. Are there any contributions? The Chair recognizes the Honourable Leader of the Opposition.

Hon. Edwin Andre Astwood:

Thank you very much, Mr. Speaker. I rise to make my contribution to the Destination Management Fee Amendment No. 2 Bill 2026. Before I do, when I rose earlier some additional persons came in, and I want to recognize the wife of our former minister, who held a number of ministries and, I think, was Deputy Premier at one time, Ms Emma-Jane Selva.

Thank you very much for being here today. I also see permanent secretaries in the gallery, and someone from RTC. Thank you very much. Mr. Speaker, in making my contribution to this bill, I have some questions. This is about a fee being collected by the Airports Authority. However, we are under the impression that IATA collects this fee.

Is there a fee to IATA, or is the Airports Authority paid and then the Airports Authority pays IATA? How does it work? Do we pay IATA a fee? Do we pay the Airports Authority a fee, or is IATA doing this free of charge? If so, how much has been paid to IATA before this bill came here today?

I see that the bill addresses the Airports Authority, but I am not sure if the Airports Authority here is representing IATA also. It is not clear whether this fee that the Airports Authority collects will be passed directly on to IATA, or whether it will be seen in the books of the Airports Authority, so that when we are in Appropriations or the Public Accounts Committee we will see this as a collection cost centre under the Airports Authority.

The bill does not state the exact amount. If the amount is there, perhaps we can be directed to it, or will that fee be determined later? We also do not have any historical data to say that a certain amount has been collected and that, out of that amount, so much was administrative fees.

I would like to know how much in fees has been collected since its inception in 2023, and what is owing. Every time I turn around I hear that the Turks and Caicos Islands Government owes money, and big money too. We do not want to be here where we see a lawsuit from IATA saying that the Airport Authority was paid but IATA was collecting the money over that time, and now it is taking TCIG to court. Let us avoid that. Let us get it straight.

If we have to pay IATA, let us pay them. We want to avoid that, so let us get it straight in this bill. Do we owe IATA anything? If so, let the people know how much. How much has been collected by the Airports Authority? How much do we owe the Airports Authority, or how much have they withheld from TCIG? If the Government has those figures, the public would like to know them. Certainly, in Appropriations and other committees we can get them, but we are not there yet and we do not have them before us, so we have to put the questions directly to the policymakers in this instance.

If we need to legally collect these fees, we want TCIG to be in its best light. We are all servants and we are here for the people. We represent the people, so any loopholes that could negatively impact TCIG should be clarified here. Once those clarifications come and we make sure that TCIG is doing the right thing and the legally accepted and legally demanded things, certainly we will support this to make sure that our people and our country's moneys are protected. Thank you very much, Mr. Speaker.

DESTINATION MANAGEMENT FEE AMENDMENT BILL NUMBER 2, BILL 2026

Hon. Gordon Burton:

Thank you very much, Honourable Leader of the Opposition, for your contribution. Are there any further contributions? The Chair recognizes the Honourable Minister of Tourism for his contribution.

Hon. Zhavargo Jolly:

Good morning, Mr. Speaker and those in the gallery. I join my colleagues in welcoming everyone already mentioned in their official capacity. I also welcome my Permanent Secretary, representing the Ministry of Tourism. Mr. Speaker, I rise today not only to support the Destination Management Fee Amendment Bill 2026, but to add some much-needed context to this bill.

At the outset, we want to make a few things clear. This bill does not introduce any new tax. It does not increase the destination management fee that our visitors pay when they arrive in the Turks and Caicos Islands. The amount payable by travellers remains exactly the same. Rather, and more importantly, this bill seeks to ensure that our legislation accurately reflects the operational arrangements under which the destination management fee has been collected since the inception of the programme. Where necessary, it provides the legal certainty required to validate actions undertaken in good faith in implementing government policy. Mr. Speaker, members of this good House will recall that the destination management fee was originally introduced as part of the Government's broader strategy to create sustainable and dedicated funding for tourism operations, enhancement, protection and development of our tourism product, which remains our main economic engine. The revenues generated by this fund are intended to support destination marketing, environmental preservation, tourism infrastructure, cultural development, product enhancement and other initiatives that strengthen the long-term competitiveness of the Turks and Caicos Islands so that we remain a luxury tourism destination.

It is important that we have dedicated funding. There should not be a debate every year about how much money goes to tourism. We needed this mechanism to ensure that our most important economy is always well funded. The policy objective remains sound, and it continues to enjoy the full support of this Government.

However, as with many pieces of legislation, practical implementation has revealed several areas where the statutory framework requires refinement. Everyone knows that legislation, laws and constitutions are living documents that continuously need to evolve. One of our biggest jobs in this good Parliament is amending legislation, not only to fix gaps originally missed, but also to catch up with the times. This bill addresses many of those matters. Mr. Speaker, the first amendment concerns the deduction of reasonable administrative fees incurred in collecting the destination management fee.

Under the current Act, all destination management fees collected by carriers are required to be deposited into the Destination Enhancement Fund in their entirety. The legislation, however, does not expressly recognize that there are legitimate costs associated with collecting these funds, for example administrative fees. In practice, airlines normally remit destination management fees through IATA, the International Air Transport Association. It operates the international financial settlement system used throughout the aviation industry. That is IATA's job: to collect the money and ensure that it gets to the Airports Authority or, in some cases, directly to a tourist board or statutory body. As part of the internationally accepted settlement process, IATA deducts a modest administration fee before remitting the balance to the Turks and Caicos Islands Airports Authority.

Mr. Speaker, this is not unusual. It is a common industry practice. It is the standard international mechanism used by airlines around the world. The issue is simply that our legislation did not expressly authorize those deductions. Accordingly, clause 3 of this bill amends section 12 of the principal Act to provide clear statutory authority for the deduction of reasonable administrative costs incurred in the collection of destination management fees before the balance is remitted to the Destination Enhancement Fund. We are legitimizing the administrative fee. The understanding existed, but now the legislation is catching up with that understanding. This amendment aligns our domestic legislation with established international financial practice.

It eliminates unnecessary accounting complexities and provides certainty to government, our collection agents and our auditors. Importantly, these administrative costs represent less than 1% of total collections and therefore have no material impact on government revenues. Mr. Speaker, there is a second issue that came to light only during the final review of this legislation. When the destination management fee regime was originally introduced, government agencies proceeded with implementation on the basis that collections

would commence on 1 August 2023. The Airports Authority and the relevant agencies commenced collections from that date, consistent with the Government's implementation plan. However, during the preparation of this bill, a Gazette notice was identified establishing the formal commencement of the Act in November 2023.

This creates a legal discrepancy of approximately three months during which destination management fees were collected before the statutory commencement date reflected in the Gazette. Mr. Speaker, I emphasize that there was no attempt to circumvent the law. The collections were undertaken pursuant to the Government's policy decision and the agreed implementation arrangements existing at the time. Because legislation must provide absolute legal certainty, this bill seeks to validate those collections so there can be no future uncertainty regarding the legality of the revenue collected during that three-month period.

This amendment protects both the Government and the integrity of the Destination Enhancement Fund. Mr. Speaker, the third amendment relates to the collection of destination management fees for children, and this is a huge caveat that was caught as well. Under the legislation as originally enacted, children over the age of two and under the age of 10 were subject to the destination management fee. Parliament subsequently amended the law in March of this year to exempt children under the age of two.

However, between November 2023 and March 2026, fees continued to be collected in accordance with the legislation then in force. Although the collections reflected the operational application of the law, this bill includes a validation provision to remove any possible legal uncertainty regarding these historical collections. Again, Mr. Speaker, this is not about imposing any new obligation. It is about ensuring that the law clearly validates actions previously undertaken in accordance with government policy during the implementation of this programme. Mr. Speaker, taken together, these amendments serve one overriding purpose.

They ensure that our legislation accurately reflects today's operational reality. They remove legal uncertainty. They protect the Government against unnecessary legal challenges. They provide confidence to our collection agents and auditors. They strengthen the integrity of the Destination Enhancement Fund, and they ensure that future collections are conducted under a clear and modern legislative framework. Good governance requires that, where government identifies deficiencies in legislation, however minor they may seem, those deficiencies are corrected transparently through this good Parliament.

That is precisely what this bill seeks to do. Rather than allowing uncertainty to persist, the Government has chosen to bring these matters before the Honourable House, openly explain the circumstances and seek Parliament's approval to regularize the existing legal framework. I believe this is responsible governance. I believe this is transparent government and good legal practice.

In closing, Mr. Speaker, I think this bill clearly achieves that objective.

TURKS AND CAICOS ISLANDS DESTINATION MANAGEMENT FEE AMENDMENT NO. 2 BILL 2026

Hon. Gordon Burton:

The Chair recognizes the Honourable Leader of the Opposition. Do you have a point of clarification? Please proceed.

Hon. Edwin Andre Astwood:

Thank you very much, Mr. Speaker, and thank you very much, Honourable Minister, for that. In your presentation, you mentioned first that IATA collects at 1%, but then you said the Airports Authority has been collecting since 2023. I am wondering who actually was collecting since 2023. Is it IATA or is it the Airports Authority? Also, what will happen to persons who had already paid on tickets for children under 2 years old?

Hon. Zhavargo Jolly:

Thank you, Mr. Speaker.

Hon. Gordon Burton:

Honourable Member, do you want to respond?

Hon. Zhavargo Jolly:

I will do it quickly and then close.

Hon. Gordon Burton:

Okay, please proceed.

Hon. Zhavargo Jolly:

On the initial question, IATA collects on behalf and then passes it on to the Airports Authority, and then it goes into the Destination Management Fund. On the second question, the funds are then validated. That is the purpose of this exercise. The money that was paid during that period, 2023 to 2026, once this legislation is passed, that validation exercise begins subsequently.

In closing, Mr. Speaker, I continue to lend my support to the destination management fee, and I hope I have provided the

necessary context. Thank you. I rest.

Hon. Gordon Burton:

Thank you very much, Honourable Member, for your contribution. Are there any further contributions? There being no further contributions, I ask the Honourable Premier to wrap up and to commit the bill to the Committee of the Whole. Honourable Premier.

Hon. Charles Washington Misick, OBE:

Thank you, Mr. Speaker. I think some of the questions from the Leader of the Opposition may be dealt with during Question Time, including those relating to the fees collected, and he would be able to gather answers from Question Time, but also in his capacity as Chairman of the Public Accounts Committee. If you wish to pose those questions, we will provide answers. The Minister indicated that funds are collected by IATA, submitted to the Airports Authority, and find their way into the Destination Management Fee ring-fenced account for the purposes of promoting, marketing and managing the destination.

I thank my Minister for Tourism for so ably explaining the process and the purpose of the bill, particularly as it relates to the validation aspect of it. Honourable Leader of the Opposition, we can have a discussion and choose an argument at another time. I am not arguing. This is not big enough for us to have a fight over. There will be other opportunities when we can expand into questioning whether government is liquid.

I believe you have access to the books, so you know what the situation is. I suggest that you do not sow doubts in the public mind about government liquidity, because I think you know that government is indeed very liquid and has no debt. With that said, Mr. Speaker, under Standing Order 93, I move to refer this bill entitled the Turks and Caicos Islands Destination Management Fee Amendment No. 2 Bill 2026 to a Committee of the Whole.

Do I have a seconder?

Hon. Shaun David Malcolm:

Second.

Hon. Gordon Burton:

Honourable Members, a motion has been moved by the Honourable Premier and seconded by the Honourable Minister of Public Safety that the bill entitled Destination Management Fee Amendment No. 2 Bill 2026 be referred to a Committee of the Whole. All in favour say aye. Those against, no. The ayes have it.

Honourable Members, I will now return to the Order Paper. We are still at the second reading of bills, and we will now have the second reading of the Minerals Exploration and Exploitation Amendment Bill 2026, to be moved by the Honourable Minister for Tourism, Environment, Heritage, Maritime, Fisheries and Gaming. Honourable Minister. Sorry about that.

Put your mic on again for me, please.

MINERALS EXPLORATION AND EXPLOITATION AMENDMENT BILL 2026

Hon. Zhavargo Jolly:

Thank you, Mr. Speaker. Pursuant to Standing Order 92, I move that the bill entitled Minerals Exploration and Exploitation Amendment Bill 2026 be read for a second time. Do I have a seconder?

Hon. Gordon Burton:

Before you do that, please read that again.

MINERALS EXPLORATION AND EXPLOITATION AMENDMENT BILL 2026 - SECOND READING

Hon. Zhavargo Jolly:

Sorry?

Hon. Gordon Burton:

Read the bill again. I think you mixed it up.

Hon. Zhavargo Jolly:

Minerals Exploration and Exploitation.

Hon. Edwin Andre Astwood:

Yes.

Hon. Zhavargo Jolly:

Thank you, Mr. Speaker.

Hon. Gordon Burton:

Okay.

Hon. Zhavargo Jolly:

Do I have a seconder?

Hon. Arlington Alexander Musgrove:

Second.

Hon. Gordon Burton:

Honourable Members, the motion moved by the Honourable Minister of Tourism and seconded by the Honourable Minister for PPID is that the bill entitled the Minerals Exploration and Exploitation Amendment Bill 2026 be now read a second time. All in favour say aye. To the contrary, no. The ayes have it.

Honourable Minister.

Hon. Zhavargo Jolly:

Mr. Speaker, I rise today to move that the Minerals Exploration and Exploitation Amendment Bill 2026 be read a second time. The purpose of this bill is straightforward. It is intended to modernise the administrative framework under the Minerals Exploration and Exploitation Act. That seems to be the theme today, Mr. Speaker: modernisation.

Our goal is to provide a clear legislative mechanism for the prescription of application fees and royalties through regulations, rather than relying on administrative determinations or Gazette notices. This is a relatively short bill, comprising only five clauses, but it addresses an important legislative gap that has existed in the principal Act. At present, section 6 of the principal Act provides that an application for a mineral exploration or exploitation licence must be made to the Governor, but while it contemplates the payment of an application fee, it does not establish a clear legislative framework for how that fee is to be prescribed. Likewise, section 7 allows the Governor to grant a licence on such consideration, whether by way of royalty or any other methodology, as the Governor may determine, but again it does not provide an appropriate statutory mechanism for establishing these royalties.

As Members would be aware, royalties have historically been established by notices published in the Gazette. For example, a 2012 notice increased the royalty payable for the extraction of beach-quality sand and other minerals. While this approach has served its purpose in terms of revenue generation, it is no longer regarded as the most appropriate legislative practice. The amendments before this Honourable House therefore seek to introduce a more structured and transparent legislative framework that is consistent with modern drafting practices and with the approach adopted in many other pieces of legislation here in the Turks and Caicos Islands.

Clause 3 amends section 6 of the principal Act to provide that applications for licences must be submitted on a prescribed form, accompanied by a prescribed application fee and any supporting information that the Government may require. This amendment creates a statutory basis for prescribing application fees through regulations rather than by administrative practice alone, which is the current practice. Clause 4 amends section 7 of the principal Act to provide that licences may be granted upon payment of such fee or royalty as may be imposed by regulations made under the Act. The amendment similarly establishes a clear legislative basis for prescribing royalties in subsidiary legislation.

Perhaps the most significant amendment is found in clause 5, which inserts a new section 30 into the principal Act. This new provision expressly empowers the Governor to make regulations generally for giving effect to the Act and, more specifically, for prescribing matters that the Act requires or permits to be prescribed. This is an important enabling provision because it provides the legal authority on which the subsequent Minerals Regulations 2026 are made. Those regulations establish a prescribed application process, introduce a standard application form, and set out application fees and royalties payable under the Act.

It formalises the whole process: a simple application form, fees and supporting documents. These amendments do not alter the policy governing the granting of mineral licences, nor do they introduce any new category of licences or expand the powers of Government in relation to ministerial action. They simply formalise the process. They provide the legal certainty necessary to ensure that application fees and royalties are prescribed through subsidiary legislation made under express statutory authority.

This promotes greater transparency, consistency and legal clarity for both the Government and applying licence holders. Good governance requires that, where Parliament intends for fees and royalties to be imposed, the enabling legislation should clearly provide the authority for those amounts to be prescribed. That removes any ambiguity from the process. These amendments accomplish precisely that objective and align the Minerals Act with contemporary legislative drafting standards adopted elsewhere on our statute book.

I thank the Attorney General's Chambers and the technical officers within the Ministry for all their work in preparing these amendments. This bill provides a simple but necessary legislative improvement that will strengthen the administration of the Minerals Act and provide a clear statutory foundation for the accompanying regulations governing application fees and royalties. Accordingly, I commend the Minerals Exploration and Exploitation Amendment Bill 2026 to this Honourable House and respectfully invite all Members to support its passage.

Hon. Gordon Burton:

Thank you very much, Honourable Member, for your presentation on the Minerals Exploration and Exploitation Amendment Bill 2026. Honourable Members, the floor is now open for debate on this bill. Are there any contributions? The Chair recognizes the Honourable Leader of the Opposition.

Hon. Edwin Andre Astwood:

Thank you very much again, Mr. Speaker. I rise to make my contribution on the Minerals Exploration and Exploitation Amendment Bill 2026. There is a well-known story in the Bible. I did not research it; it just came to my mind as I was getting up. There was a story that when a general in Israel was supposed to be selecting his army, God told him to tell all the soldiers to go down by the river and drink. He was then to select from there. God told him to select only the ones who dipped their hands and looked up to see what was going on, and to discard those who just kept their heads down and drank. I believe he came out with 300 men out of the thousands, who actually dipped down, put the water in their hands, and looked up and around to see what was happening.

The reason I mention that story is that it is always good to look around and look beyond what you see. The Minister identified what this bill does, and I thank him very much for doing that, but I have to ask why. I appreciate what, but I want to ask why, and why now?

When Cabinet was setting its legislative agenda, did Cabinet agree that this was such a high priority that it needed to be brought now? I wonder why it was so high on Cabinet's agenda. Of all the bills and amendments that could take place, why has this Minerals Exploration and Exploitation Bill come so high on the agenda?

It is very early in this term. I may not get the answer in this setting, but the public would most likely like to know why. What is happening in the country that we need this bill now? Yes, we know about regulations for setting these fees, but why now? What is going on? What are we missing? Honourable Minister, we are missing something, because I cannot see minerals being extremely high on the legislative agenda of this newly elected Government. This new term started only a few months ago, a few weeks ago, but minerals are so high on the agenda.

Why are the collection and the regulations so high? I am not in Cabinet. I am on the Opposition side, so a lot of information is kept away from me, but I have to dig and move, Mr. Speaker. The regulations are to establish royalties. What minerals are they speaking to? Are we only talking about sand and quarry? What other minerals are we referring to, if any? We want to know whether something has been discovered in the Turks and Caicos Islands, some precious mineral or something that we want to get ahead of. I do not know; it may or may not be so.

We know of the exploration and mining of sand. We know of quarry for roads and construction, beach sand and the like, but what other minerals? I just want to be one of those soldiers selected by the Lord who will look up, not take what they see, hold their head down and not worry about what is going on. Yes, you have said how and what it does. Please, can you explain why we are here today, so early, dealing with minerals?

There may be a simple reason, but I do not know. I have to ask on behalf of the people why we are here so early in this financial year dealing with minerals. With that, there will be no noise again. Thank you very much.

Hon. Gordon Burton:

Thank you very much, Honourable Member, for your contribution. The Chair recognizes the Honourable Minister for Home Affairs for her contribution.

Hon. Akierra Mary Deanne Missick:

Thank you very much, Mr. Speaker. Good morning to you, to our colleagues in the gallery, visitors in the gallery, former Members of Parliament who are also in the gallery, and to the amazing people of Leeward and Long Bay. I also apologise to the people of Leeward and Long Bay because I was late into the Chamber this morning, but I advised you, Mr. Speaker, why I would be late. Since my brother colleague has everyone wide awake in here now, I wonder whether he is showing off because he has company today.

I was late because I was on a conference call with the CPA UK branch of the Commonwealth Women Parliamentarians network, preparing for the regional conference next month, as well as the CPC in South Africa in September. I am the branch chair of the CWP here in the Turks and Caicos Islands, and I was elected chair of the Overseas Territories CWP Network. We had to have that meeting today, so thank you for that.

I rise to lend the support of Leeward and Long Bay to the amendments to the bill on the table, the Minerals Exploration and Exploitation Amendment Bill 2026. I lend support because this is no secret legislation coming forward because we have found something amazing under the water. It is an amendment seeking to protect the most valuable resource next to our people, our environment in these islands, and to ensure that, as the Ministry of Tourism, with all the extra names behind it, prepares to build a shore management plan and strategy to protect our coastlines, our great-great-great-great-grandchildren will be able to benefit from using our waters and beaches and have a future where our environment is safe and secure. We want to ensure that this Government and future Governments have the ability to set out a mechanism for applications from persons who may be interested in dredging, removing sand, replenishing beaches and so on.

That is the purpose of the amendment, and it is clearly

articulated in the explanatory memorandum. I would not expect the Minister who is moving the bill to read that, because that would not be good parliamentary practice, but because the public would not have access to the explanatory memorandum, I will say that it advises us that current section 6 of the principal Act requires the Governor to determine the application fee, while section 7 empowers the Governor to grant a licence on such consideration, whether by way of royalty or otherwise, as the Governor may determine. This enabling provision provides for fees or royalties to be determined, but does not set out the manner in which that determination needs to be made.

The amendment sought is to put in place a structure that is very plain, very understandable and eventually enforceable if need be, and a mechanism for an applicant to come forward. I have this often in the Leeward constituency. Leeward Beach, one of the prettiest portions of the Grace Bay beach strip, has an issue with erosion. As weather patterns change and storms get heavier and heavier, we have seen over the years that where the beach had significant width, over time it starts to shrink.

Persons will make an application to have sand removed from another portion of a non-protected national park, because you cannot dredge in a national park. Anyone who is taking buckets of sand home with them should put the people's sand back. It is our sand. You cannot dredge in the national park, but there are different areas from which minerals, namely sand, can be removed.

The system and process were not abundantly clear on what it costs to move this sand from one area, to pay the moving company and to pay TCIG for permission to do so. We want to ensure that it is clear. That is the beauty of a living, breathing Parliament. A matter has come up that makes us say that every other piece of legislation in these islands has enabling provisions for regulations, because the regulations are where the policy is developed and shared, so why does this legislation not have them?

We should put the provisions in. What we are seeing done today is the creation of the ability to have regulations in a piece of legislation that did not have them for some reason. This legislation predates this current Cabinet and parliamentary colleagues. It was prior to 2012. We had nothing to do with it, but for some reason regulations were missed out. We are fixing that. What we are seeking to do with these amendments is to ensure that a structured framework is developed and given legislative effect, because that is the most important part. We are in this Chamber to ensure that, as we develop the laws for this territory, they can be enforceable, monitored and structured.

Although we have to charge a fee, because at the end of the day the minerals belong to the Crown, namely the historic and natural people of the Turks and Caicos Islands, the reality is that minerals may need to be moved around in order to enhance our beaches. We have had that in Grand Turk time and time again. Big storms come through and urgent calls come from a former client of mine. I call the Ministry and the Department trying to figure out how we can get the licence approved so that they can replenish a portion of beach that was washed away in a storm.

We are seeking to ensure that this amendment is in line with our legislative regime in these islands, is applicable in these islands, and provides a clear mechanism for the collection of fees and royalties, the collection of licence fees, the prescribed manner in which licences can be applied for under this legislation, and determines exactly who processes the licence. From my private sector experience, I have experience in applying for licences for exploration and, although I do not like the word exploitation because it sounds heavy and in some contexts a little rude, in this instance exploitation means removing it from its natural environment and placing it elsewhere. If you read the entire legislation, you will see that that is what it seeks to do.

I do not know who picked that word, but nonetheless it is here and it works at the end of the day. I want the public to understand that there is nothing untoward in that regard. That is what the exploitation aspect of minerals is. The exploration aspect is, as the Leader of the Opposition hinted, that maybe someone is down there and has stumbled upon some great mineral. I do not know, because we have not received any science to say that yet.

There was a science study, I think a few months ago, where a team found something amazing, but I am being told to be quiet in that regard. Leader of the Opposition, there is no conspiracy. There is no gotcha moment. It is in regulations. It has to be gazetted. You will have the full information, as will the entire general public of the Turks and Caicos Islands. It is really to guide the process on how to make an application and how much the people of the Turks and Caicos Islands are going to receive if such an application is granted and such minerals are moved around. I hope that brings some clarity.

With that said, Mr. Speaker, I bid you a pleasant afternoon.

MINERALS EXPLORATION AND EXPLOITATION AMENDMENT BILL 2026

Hon. Gordon Burton:

Thank you very much, Honourable Member. Before I call for other contributions, I remind Members, and persons in the gallery, to please ensure that their phones are on silent, because we have had a few interruptions today. Please double-check your phones to make certain that they are all on silent. Honourable Members, are there any further contributions? There being no further contributions, I ask the Honourable Minister to wrap up the debate and to commit the bill to the Committee of the Whole.

Honourable Minister.

Hon. Zhavargo Jolly:

Thank you, Mr. Speaker. Again, thank you to my colleagues here in the House, thank you to the Leader of the Opposition

for his very interesting question, and thank you to the Minister of Home Affairs for providing additional context. I think the Minister of Home Affairs touched on most of the points that I thought we had already addressed, but more context is always valuable. I did not know Parliament was the place for conspiracy theories, Mr. Speaker.

We learn something new every day. The why has been answered; the why now has, I feel, been answered. For clarity, Mr. Speaker, this is our job. Our job is to fix legislation. The Minister mentioned that these are living, breathing laws; they evolve over time. The idea that now implies that something has happened in order for the amendment to take place gives the impression that laws or amendments are reactive. This is a proactive Government. Nothing needs to happen for us to fix legislation.

Our goal is to be ahead of the impact, and that is exactly what we are doing here. We do not have to wait for something to take place, and that is why these are the kinds of moves that I am quite proud of as a member of this good Government. On that note, Mr. Speaker, pursuant to Standing Order 93, I move that the Minerals Exploration and Exploitation Amendment Bill be referred to a Committee of the Whole.

Hon. Akierra Mary Deanne Missick:

Second.

Hon. Gordon Burton:

Honourable Members, the motion has been moved by the Honourable Minister of Tourism and seconded by the Honourable Minister of Home Affairs that the bill entitled Minerals Exploration and Exploitation Amendment Bill 2026 now be referred to a Committee of the Whole. All in favour say aye. All to the contrary, no. The ayes have it.

Honourable Members, I now call on the Honourable Deputy Speaker to chair the Committee of the Whole for the bills entitled National Honours and Awards Amendment Bill 2026, Destination Management Fee Amendment Number 2 Bill 2026, and Minerals Exploration and Exploitation Amendment Bill 2026. This Honourable Parliament is hereby suspended.

NATIONAL HONOURS AND AWARDS AMENDMENT BILL 2026

Hon. Jameka L. Williams:

Honourable Members, we are now in the Committee of the Whole for consideration of the National Honours and Awards Amendment Bill 2026. Madam Clerk, I call on the Clerk to read Clause 1 of the bill.

Clerk:

Short title and commencement.

Hon. Jameka L. Williams:

Honourable Premier.

Hon. Charles Washington Misick, OBE:

I move that Clause 1 stand part of the bill. Do I have a seconder?

Hon. Jameka L. Williams:

Second. Clause 1 has been moved by the Honourable Premier and seconded by the Honourable Minister of Home Affairs that Clause 1 stand part of the bill. All in favour? Aye. Those to the contrary? No. The ayes have it. Are there any contributions to Clause 1? Are there any contributions?

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Yes, Madam Chair.

Hon. Jameka L. Williams:

The Chair recognizes the Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

I am grateful, Madam Chair. The clause refers to commencement on publication of a notice, but the Honourable Premier would prefer to have the bill commence immediately on publication for the reasons cited in the debate. Madam Chair, I move on behalf of the Honourable Premier that, in Clause 1, the words such day as the Governor may appoint by notice published be deleted and substituted by the word publication, so that it reads: This Act may be cited as the National Honours and Awards Amendment Act 2026 and shall come into operation on publication in the Gazette.

I so move, Madam Chair. Do I have a seconder?

Hon. Jameka L. Williams:

Thank you, Honourable Attorney General. The motion has

been moved by the Honourable Attorney General and seconded by the Minister of Home Affairs. All in favour of the motion say aye. Those to the contrary, no. The ayes have it. Are there any further contributions to Clause 1? Any contributions? There being no further contributions to Clause 1, the question is that Clause 1 stands part of the bill. All in favour, aye. Those to the contrary, no.

The ayes have it. Madam Clerk. Clause 2, interpretation.

Hon. Charles Washington Misick, OBE:

Sorry, Madam Chair, I move that Clause 2 stands part of the bill. Do I have a seconder?

Hon. Jameka L. Williams:

Second. The motion has been moved by the Honourable Premier and seconded by the Honourable Minister of Innovation that Clause 2 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Are there any contributions? There being no contributions, the question is that Clause 2 stands part of the bill. All in favour, aye. Those to the contrary, no.

The ayes have it. Madam Clerk.

Clerk:

Clause 3, Schedule 1 amended.

Hon. Jameka L. Williams:

Honourable Premier.

Hon. Charles Washington Misick, OBE:

Madam Chair, I move that Clause 3 stands part of the bill. Do I have a seconder?

Hon. Shaun David Malcolm:

Second.

Hon. Jameka L. Williams:

The motion has been moved by the Honourable Premier and seconded by the Honourable Minister of Public Safety that Clause 3 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Are there any contributions to Clause 3? The Chair recognizes the Member for The Bight.

Hon. Kimbule A. Skippings:

Good morning. Through the Chair, why is it necessary to increase the number of recipients in 2026?

Hon. Jameka L. Williams:

Honourable Premier.

Hon. Charles Washington Misick, OBE:

The number of recipients: I stated when I stood up that we did not have awards last year, and so, in order to compensate for that, we would like, on a one-off basis just for 2026, to be able to recognize that fact and to increase the number of awardees in 2026.

This is not a permanent increase. What I would suggest is that we have not gotten there yet, but Clause 4 speaks specifically that this should only continue until the end of December 2026, which is at the end of the award ceremony period. Thank you.

Hon. Jameka L. Williams:

Thank you, Honourable Premier. Are there any further contributions? There being no contributions, the question is that Clause 3 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Madam Clerk.

Clerk:

Clause 4, duration.

Hon. Jameka L. Williams:

Honourable Premier.

Hon. Charles Washington Misick, OBE:

Madam Chair, I move that Clause 4 stands part of the bill. Do I have a seconder?

Hon. Shaun David Malcolm:

Second.

Hon. Jameka L. Williams:

The motion has been moved by the Honourable Premier and seconded by the Honourable Minister of Public Safety that Clause 4 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Are there any contributions to Clause 4? The Chair recognizes the Leader of the Opposition.

Hon. Edwin Andre Astwood:

Yes, Madam Chair, through you, I was wondering whether the expansion of the two weeks has to be in the bill or in regulations. How do we handle that? Madam Attorney General, the additional two weeks for which this will be opened up, which it is recommended that it be opened up for, how is it handled? Is it addressed in the bill or somewhere else?

Hon. Jameka L. Williams:

Honourable Premier.

Hon. Charles Washington Misick, OBE:

I think that is addressed in the current legislation. There are cutoff times, and we have not gotten to that cutoff time. There is a space by which the announcement of the appointments or the nominees will have to be submitted, and we are not at that date yet, so we have the time within the current period to extend for two weeks.

Hon. Jameka L. Williams:

Thank you, Honourable Premier. Are there any further contributions? There being no further contributions, the question is that Clause 4 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Honourable members, we have reached the end of the considerations for the National Honours and Awards Amendment Bill 2026. We now move to the Destination Management Fee Amendment Number 2 Bill 2026. Madam Clerk.

DESTINATION MANAGEMENT FEE AMENDMENT NUMBER 2 BILL 2026

Clerk:

Clause 1, short title and commencement.

Hon. Jameka L. Williams:

Honourable Premier.

Hon. Charles Washington Misick, OBE:

Madam Chair, I move that Clause 1 now stands part of the bill. Do I have a seconder?

Hon. Erwin Jay Saunders:

Second.

Hon. Jameka L. Williams:

The motion has been moved by the Honourable Premier and seconded by the Honourable Minister of Innovation that Clause 1 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Are there any contributions to Clause 1? There being no contributions, the question is that Clause 1 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it.

Madam Clerk. Clause 2, interpretation. Honourable Premier.

Hon. Charles Washington Misick, OBE:

Thank you, Madam Chair. Madam Chair, I move that Clause 2 stands part of the bill. Do I have a seconder?

Hon. Jameka L. Williams:

Second. The motion has been moved by the Honourable Premier and seconded by the Honourable Minister of Innovation that Clause 2 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Are there any contributions to Clause 2? There being no contributions to Clause 2, the question is that Clause 2 stands part of the bill. All in favour, aye. Those to the contrary, no.

The ayes have it. Madam Clerk.

Clerk:

Clause 3, Section 12 amended.

Hon. Jameka L. Williams:

Honourable Premier.

Hon. Charles Washington Misick, OBE:

Madam Chair, I move that Clause 3 stands part of the bill. Do I have a seconder?

Hon. Shaun David Malcolm:

Second.

Hon. Jameka L. Williams:

The motion has been moved by the Honourable Premier and seconded by the Honourable Minister of Public Safety that Clause 3 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Are there any contributions to Clause 3? There being no contributions, the question is that Clause 3 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it.

Madam Clerk.

Clerk:

Clause 4, validation.

Hon. Charles Washington Misick, OBE:

Madam Chair, I move that Clause 4 now stands part of the bill. Do I have a seconder?

Hon. Erwin Jay Saunders:

Second.

Hon. Jameka L. Williams:

The motion has been moved by the Honourable Premier and seconded by the Honourable Minister of Innovation that Clause 4 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Are there any contributions to Clause 4? The Chair recognizes the Member for The Bight.

Hon. Kimbule A. Skippings:

Good morning again. Through the Chair, can the Premier state how much money was collected during these periods, August to November 2023, and the children's fees from 2023 to 2026?

Hon. Jameka L. Williams:

Honourable Premier.

Hon. Charles Washington Misick, OBE:

I am happy to provide that information if a parliamentary question is provided through the Clerk, but I do not have that information at the moment.

Hon. Jameka L. Williams:

Thank you, Honourable Premier. Are there any further contributions to Clause 4? There being no further contributions to Clause 4, the question is that Clause 4 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Honourable members, we have concluded the considerations for the Destination Management Fee Amendment Number 2 Bill 2026, and we now move to the Minerals Exploration and Exploitation Amendment Bill 2026. Sorry, Minister.

MINERALS EXPLORATION AND EXPLOITATION AMENDMENT BILL 2026

Hon. Zhavargo Jolly:

Thank you, Madam Chair. Madam Chair, I move that Clause 1 stands part of the bill. I move that the committee recommends passage of the bill as it stands. Do I have a seconder?

Hon. Jameka L. Williams:

I am sorry, I am going to ask the Clerk to read Clause 1 of the bill.

Clerk:

Clause 1, short title and commencement.

Hon. Jameka L. Williams:

Honourable Minister of Tourism.

Hon. Gordon Burton:

Madam Chair, sorry, I move that Clause 2 stands part of the bill.

Hon. Charles Washington Misick, OBE:

We did that already.

Hon. Gordon Burton:

Clause 1 stands part of the bill. Do I have a seconder?

Hon. Shaun David Malcolm:

Second.

Hon. Jameka L. Williams:

Thank you. The motion has been moved by the Honourable Minister of Tourism and seconded by the Minister of Public Safety that Clause 1 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Are there any contributions to Clause 1? There being no contributions to Clause 1, the question is that Clause 1 stands part of the bill. All in favour, aye. Those to the contrary, no.

The ayes have it. Madam Clerk.

Clerk:

Clause 2, interpretation.

Hon. Zhavargo Jolly:

Madam Chair, I move that Clause 2 stands part of the bill. Do I have a seconder?

Hon. Samuel Ernest Been:

Second.

Hon. Jameka L. Williams:

The motion has been moved by the Honourable Minister of Tourism and seconded by the Member for Cheshire Hall that Clause 2 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Are there any contributions to Clause 2? There being no contributions to Clause 2, the question is that Clause 2 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it.

Madam Clerk. Clause 3, Section 6 amended.

Hon. Gordon Burton:

Madam Chair, I move that Clause 3 stands part of the bill. Do I have a seconder?

Hon. Jameka L. Williams:

The motion has been moved by the Honourable Minister of Tourism and seconded by the Honourable Minister of Innovation that Clause 3 stands part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Are there any contributions to Clause 3? The Chair recognizes the Member for South Caicos.

Hon. Tamell Seymour:

I am grateful, Madam Chair. Madam Chair, my question, or my understanding, is that, as it relates to persons who currently get quarry from the quarry pit, I notice here that it says that you have to apply to the Governor through a prescribed form. Currently, as it stands, one would apply through the DCR on a prescribed form. I am just curious whether that is going away.

The second part of that question is that it is currently free to Turks and Caicos Islanders. I am concerned whether Turks and Caicos Islanders will now be paying a fee and how that hinders Turks and Caicos Islanders.

Hon. Jameka L. Williams:

Thank you. Honourable Minister of Tourism.

Hon. Zhavargo Jolly:

Thank you, Madam Chair. Through you, I would be happy to answer the Member for South Caicos's question through a parliamentary question, and then we can provide that information for you.

Hon. Tamell Seymour:

Madam Chair.

Hon. Jameka L. Williams:

The Chair recognizes the Member for South Caicos. Just hold on a second for me, please.

Hon. Zhavargo Jolly:

Apologies, Madam Chair, I have just been provided clarity. It is not that the question was improper; it is a perfectly proper question. We do not have the information on hand at the moment, so we will provide the information for you.

Hon. Jameka L. Williams:

Honourable Minister, can you mute your microphone for me? Thank you. Member for South Caicos, do you have a follow-up question?

Hon. Tamell Seymour:

Madam Chair, I do not know if it is a question or more of a statement, because I am concerned that we are doing this, and as we are in here doing this, I am sure there are people who are applying for quarry. I know a lot of folks are building, so I am concerned that we are putting this into place and then the people are left in the open without any clear direction on what will happen to them.

MINERALS AMENDMENT BILL - COMMITTEE STAGE

Hon. Jameka L. Williams:

Thank you. Honourable Minister of Tourism.

Hon. Zhavargo Jolly:

Madam Chair, may I provide a bit of clarity?

Hon. Jameka L. Williams:

Go ahead, please.

Hon. Zhavargo Jolly:

Just to clarify, through you, Madam Chair, to the Member for South Caicos, the fee does not change now. This is not an amendment to the total fee. If that does take place through a process, it would have to be gazetted and that information would be provided. That is why I originally said that, through a parliamentary question, any new fees could potentially be provided.

Hon. Tamell Seymour:

Madam Chair, just so we can be on record, if a Turks and Caicos Islander goes to DECR from today onwards, that Turks and Caicos Islander will be granted free quarry, I believe the policy is 10 loads per year. If a Turks and Caicos Islander who has a status card goes to the DECR and says, I want quarry from the pit, there would be no charge to that Turks and Caicos Islander. Is that correct, just for clarity?

Hon. Jameka L. Williams:

Honourable Minister of Tourism.

Hon. Tamell Seymour:

Again, going back to the previous point, we want to make sure that it is made clear that this does not change that fee or the process for Turks and Caicos Islanders, whether it is quarry or sand. Madam Chair, can you ask the member, through you, to repeat his subsequent question?

Hon. Jameka L. Williams:

Your first question. Sorry, repeat your question, Member for South Caicos. I think your original question is what you want.

Hon. Zhavargo Jolly:

The second question was in relation to the process. That does not change either. We just want to make that clear for Turks

and Caicos Islanders.

Hon. Tamell Seymour:

Thank you.

Hon. Jameka L. Williams:

Thank you. Are there any further contributions? The Chair recognizes the Member for Grand Turk.

Hon. Otis Chuck Morris:

Just for clarification, if I understood the member correctly about quarry being free to Turks and Caicos Islanders, there is a royalty fee that everyone pays when they get quarry. If you pay for a load of quarry, or whatever material, the fee paid to the person supplying it to you includes the royalty fee paid to the Government. Whether it is going to change or go up, that is there. Everyone has to pay that fee.

You may have the liberty to have a certain amount of quarry for the year, but the royalty fee still has to be paid to the Government by whoever collects the quarry or the material.

Hon. Jameka L. Williams:

That is right.

Hon. Otis Chuck Morris:

I may not be explaining it well or correctly, but that is the way I understand the legislation to be.

Hon. Jameka L. Williams:

Thank you, Honourable Member. Are there any further contributions? Honourable Minister?

Hon. Zhavargo Jolly:

Just to add clarity for the Honourable Member for Grand Turk North, the royalties for quarry are $4 a yard to the Government. As a Turks and Caicos Islander, you qualify for a waiver from this fee. If it is being sold, whatever the trucking or markup is, that is what would be paid. If you qualify for a waiver from DECR as a Turks and Caicos Islander, you do not pay the royalties to the Government.

Whatever fee you are charged would be for transportation or whatever profit the seller is applying to the cost.

Hon. Otis Chuck Morris:

As I understand it, you are saying it that way, but that is not the way it is operating. Automatically, once you are buying, purchasing or getting a load of quarry, you have to pay the royalties regardless of who is getting it or how it is being supplied. The Government royalties must be paid.

Hon. Zhavargo Jolly:

Again, if you are getting quarry from the Government site, you can apply to DECR for a waiver. I will not speak to what processes you may have experienced, but if you are getting quarry from the Government site, you can apply to DECR for a waiver and then you will not have to pay any royalties at all as a Turks and Caicos Islander.

Hon. Jameka L. Williams:

Honourable Member, the Chair recognizes the Minister of PP.

Hon. Akierra Mary Deanne Missick:

Home Affairs.

Hon. Jameka L. Williams:

Home Affairs. Sorry, correction.

Hon. Akierra Mary Deanne Missick:

Thank you, Madam Chair. I think all colleagues are saying the same thing, but in different fashion. Our colleague from Grand Turk North is speaking about the experience that the person who is picking up or ripping the quarry is going to charge me because I have hired that person to do it. Because that person is a business, they do not get the waiver because they are the operator.

If I were to get my own little truck and rip my own little quarry, I could go to DECR and get a waiver because I am a Turks and Caicos Islander. If it is being done as a business, of course there is a fee because you are making a profit from your labour using a Government or Crown resource. But if I am just trying to put up a little utility closet in the backyard and I need

one small truck of quarry to do it, then I can qualify for a waiver as a Turks and Caicos Islander. Those are two different users of quarry in this situation that would be charged differently.

I hope that provides a bit of clarity. Grateful, Madam Chair.

Hon. Jameka L. Williams:

Thank you so much, Honourable Member. Are there any further contributions? The Chair recognizes the Member for South Caicos.

Hon. Tamell Seymour:

Thank you, Madam Chair. I look at section 3, and it speaks to an application for a licence under section 7 being made to the Governor in the prescribed form and accompanied by the listed items. If a licence is made to the Governor in the prescribed form, is there any input from the Government of the day? Secondly, is there any input from NGOs? We realize from time to time that a lot of NGOs tend to circumvent the process of development and what we as Turks and Caicos Islanders want for our country. I want to ensure there is clarity on who grants the licence and what specifics grant a licence.

Hon. Jameka L. Williams:

Thank you, Honourable Member. Minister of Tourism.

Hon. Zhavargo Jolly:

Thank you, Madam Chair. Through you, the Governor referred to in the regulation is the Governor in Cabinet. Specifically, what you are asking about is the Governor in Cabinet. The process you are describing is the existing process, so it is being legitimized. There is a form now that you go through with DECR, but this amendment makes that the proper legal form.

Hon. Jameka L. Williams:

Thank you. Are there any further contributions? The Chair recognizes the Member for South Caicos.

Hon. Tamell Seymour:

One last contribution. This is dear to my heart because South Caicos is a developing island and climate change is real. I want to know whether there will be a policy that says you do A, B and C, and then you are granted a licence, or whether this is on a case-by-case basis.

Is there somewhere we could go online, or some document that has a policy outlining who will be granted a licence, how they will be granted a licence, why they will be granted a licence, or why they would not be granted a licence?

Hon. Jameka L. Williams:

Honourable Minister.

Hon. Zhavargo Jolly:

Again, the regulations will speak to the requirements. We can make sure it is made clear to the public how the process takes place and what is in the form. It is going to be published in the Gazette, and then it is prepared and taken to Cabinet. Again, it is the Governor in Cabinet, so there will be an entire process, but we can make sure this is made clear to the public.

Hon. Jameka L. Williams:

Thank you, Honourable Minister. Are there any further contributions to clause 3?

Hon. Tamell Seymour:

One last, final contribution.

Hon. Jameka L. Williams:

The Chair recognizes the Member for South Caicos.

Hon. Tamell Seymour:

Are these licences granted to non-belongers, or will this be reserved for Turks and Caicos Islanders only?

Hon. Jameka L. Williams:

Honourable Minister.

Hon. Zhavargo Jolly:

For clarity, this Act does not speak specifically to quarry or quarry from the Government mine. It speaks to all minerals. We could be dredging or carrying out maintenance dredging for a big development project. It does not limit the application process, or even approval, specifically to Turks and Caicos Islanders because, for example, if it is a large project with maintenance dredging requirements, then a mineral licence will be required as well.

It ranges and includes all minerals, so it is not specific only to Turks and Caicos Islanders because there are various scales.

Hon. Tamell Seymour:

Thank you. Madam Chair, through you, I would like to suggest to the Minister that while currently the minerals of our earth belong to the Crown as a dependent territory, I think in our future of independence these minerals will belong to us. I believe it is only right that we put something in place now to eliminate people from jumping off a plane, coming here and applying for a mineral licence. I believe that a mineral licence should be issued solely to Turks and Caicos Islanders, and I believe that is the best way forward. Thank you.

Hon. Jameka L. Williams:

Thank you, Honourable Member for South Caicos. Are there any further contributions? Minister, do you care to respond?

Hon. Zhavargo Jolly:

Madam Chair, for clarity, I do not think the Member for South Caicos asked a question. I think she more or less made a point.

Hon. Jameka L. Williams:

Thank you.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Madam Chair.

Hon. Jameka L. Williams:

The Chair recognizes the Attorney General. Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Thank you, Madam Chair. I want to clarify for the benefit of the Honourable Member and for the public, so that persons are not unintentionally misled, that although in the legislation land-related matters are usually referred to as owned by, belonging to or the right being in the Crown, that does not mean the Crown in England.

That means the Crown in right of the Turks and Caicos Islands. When you see that expression as it relates to land, Crown land, land minerals and so on, that means the Turks and Caicos Islands. That is who it belongs to. I want to make it absolutely clear so that no one leaves with the incorrect impression, which I know the member was not trying to give.

Thank you for that clarification.

Hon. Jameka L. Williams:

Are there any further contributions to clause 3? Any further contributions? There being no contributions, the question is that clause 3 stand part of the bill. All in favour? Aye. Those to the contrary? No. The ayes have it. Madam Clerk.

Clerk:

Clause 4, section 7 amended.

Hon. Jameka L. Williams:

Honourable Minister of Tourism.

Hon. Zhavargo Jolly:

Madam Chair, I move that clause 4 stand part of the bill. Do I have a seconder?

Hon. Jameka L. Williams:

The motion has been moved by the Honourable Minister of Tourism and seconded by the Honourable Member for Cheshire Hall, that clause 4 stand part of the bill. All in favour? Aye. Those to the contrary? No. The ayes have it. Are there any contributions to clause 4? There being no contributions, the question is that clause 4 stand part of the bill.

All in favour? Aye. Those to the contrary? No. The ayes have it. Madam Clerk.

MINERALS EXPLORATION AND EXPLOITATION AMENDMENT BILL 2026 - COMMITTEE STAGE

Clerk:

Clause 5, section 30, inserted.

Hon. Jameka L. Williams:

Honourable Minister of Tourism.

Hon. Zhavargo Jolly:

Madam Chair, I now move that Clause 5 stand part of the bill. Do I have a seconder?

Hon. Jameka L. Williams:

Motion has been moved by the Honourable Minister of Tourism and seconded by the Minister of Innovation that Clause 5 stand part of the bill. All in favour? Aye. Those to the contrary? No. The ayes have it. Are there any contributions to Clause 5? Any contributions? The Chair recognizes the Ninth All-Island Member.

Hon. Willin A. Belliard:

Thank you, Madam Chair. To the Minister, while a lot of the discussions centre around quarry, this legislation applies generally to all resources. My question is: will the intended regulations, in terms of the rates, take into account the quality of the resource, the prevailing market rates, the cost of the administration and the wider impact of the extraction of the resources?

Hon. Jameka L. Williams:

Honourable Minister.

Hon. Zhavargo Jolly:

Thank you, Madam Chair, and to the All-Island Number 9 representative. The answer is yes. It will take into consideration various qualities, and there will be tiers as well.

Hon. Jameka L. Williams:

Thank you. Are there any further contributions to Clause 5? Any contributions? There being no contributions, the question is that Clause 5 stand part of the bill. All in favour, aye. Those to the contrary, no. The ayes have it. Honourable Members, we have reached the end of the consideration of the Minerals Exploration and Exploitation Amendment Bill 2026. I now suspend these proceedings to have the Speaker take the Chair.

RESUMPTION OF SITTING

Hon. Gordon Burton:

Honourable Members, this Honourable Parliament now resumes its sitting. Pray be seated. Honourable Deputy Speaker.

REPORT FROM COMMITTEE OF THE WHOLE

Hon. Jameka L. Williams:

Mr. Speaker, the Committee has completed its consideration of the bills entitled the National Honours and Awards Amendment Bill 2026, with amendments, the Destination Management Fee Amendment No. 2 Bill 2026, and the Minerals Exploration and Exploitation Amendment Bill 2026. I now turn these proceedings over to you, Mr. Speaker.

NATIONAL HONOURS AND AWARDS AMENDMENT BILL 2026 - THIRD READING

Hon. Gordon Burton:

Thank you very much, Honourable Deputy Speaker. I thank the Honourable Deputy Speaker for chairing the Committee of the Whole and overseeing the passage of these bills. Honourable Members, I will now return to the Order Paper. We are still on Orders of the Day, and we are at the third reading of bills.

We will now have the third reading of the National Honours and Awards Amendment Bill 2026, to be moved by the Honourable Deputy Premier.

Hon. Charles Washington Misick, OBE:

Thank you, Mr. Speaker. I move, pursuant to Standing Order 99(1), that the bill entitled National Honours and Awards Amendment Bill 2026 be read a third time. Do I have a seconder?

Hon. Gordon Burton:

Honourable Members, motion moved by the Honourable Deputy Premier and seconded by the Honourable Minister of

Public Safety that the bill entitled National Honours and Awards Amendment Bill 2026 be now read a third time. All in favour say aye. All to the contrary, no. The ayes have it. Madam Deputy Clerk.

Rosetta Talbot:

This Act may be cited as the National Honours and Awards Amendment Act 2026 and shall come into operation on such date as the Governor may appoint by notice published in the Gazette.

Hon. Gordon Burton:

Thank you very much, Madam Deputy Clerk. Honourable Deputy Premier.

Hon. Jamell Rayan Robinson:

Thank you, Mr. Speaker. I move, pursuant to Standing Order 99, that the bill entitled National Honours and Awards Amendment Bill 2026 do now pass. Do I have a seconder?

Hon. Gordon Burton:

Honourable Members, motion moved by the Honourable Deputy Premier and seconded by the Honourable Minister of Tourism that the bill entitled National Honours and Awards Amendment Bill 2026 do now pass. All in favour say aye. All to the contrary, no. The ayes have it. Honourable Members, the bill entitled National Honours and Awards Amendment Bill 2026 do now pass. Honourable Members, we will now have the third reading of the Destination Management Fee Amendment No. 2 Bill 2026, to be moved by the Honourable Deputy Premier.

DESTINATION MANAGEMENT FEE AMENDMENT NO. 2 BILL 2026 - THIRD READING

Hon. Jamell Rayan Robinson:

Thank you, Mr. Speaker. I move, pursuant to Standing Order 99, that the bill entitled Destination Management Fee Amendment No. 2 Bill 2026 be read a third time. Do I have a seconder?

Hon. Gordon Burton:

Honourable Members, motion moved by the Honourable Deputy Premier and seconded by the Honourable Minister of Home Affairs that the bill entitled Destination Management Fee Amendment No. 2 Bill 2026 be now read a third time. All in favour, aye. All to the contrary, no. The ayes have it. Madam Deputy Clerk.

Rosetta Talbot:

This Act may be cited as the Destination Management Fee Amendment No. 2 Act 2026 and shall come into operation on publication in the Gazette.

Hon. Gordon Burton:

Thank you very much, Madam Deputy Clerk. Honourable Deputy Premier.

Hon. Jamell Rayan Robinson:

Thank you, Mr. Speaker. I move, pursuant to Standing Order 99, that the bill entitled Destination Management Fee Amendment No. 2 Bill 2026 do now pass. Do I have a seconder?

Hon. Akierra Mary Deanne Missick:

Second.

Hon. Gordon Burton:

Honourable Members, motion moved by the Honourable Deputy Premier and seconded by the Honourable Minister of Home Affairs that the bill entitled Destination Management Fee Amendment No. 2 Bill 2026 do now pass. All in favour say aye. All to the contrary, no. The ayes have it. Honourable Members, the bill entitled Destination Management Fee Amendment No. 2 Bill 2026 do now pass. Honourable Members, we are still on the third reading of bills, and we will now have the third reading of the Minerals Exploration and Exploitation Amendment Bill 2026, to be moved by the Honourable Minister of Tourism. Honourable Minister.

MINERALS EXPLORATION AND EXPLOITATION AMENDMENT BILL 2026 - THIRD READING

Hon. Zhavargo Jolly:

Thank you, Mr. Speaker. I now move, pursuant to Standing Order 99, that the bill entitled Minerals Exploration and Exploitation Amendment Bill 2026 be read a third time. Do I have a seconder?

Hon. Charles Washington Misick, OBE:

Second.

Hon. Gordon Burton:

Honourable Members, motion moved by the Honourable Minister of Tourism and seconded by the Honourable Minister of Home Affairs that the bill entitled Minerals Exploration and Exploitation Amendment Bill 2026 be now read a third time. All in favour, aye. All to the contrary, no. The ayes have it. Madam Deputy Clerk.

Hon. Jameka L. Williams:

This Act may be cited as the Minerals Exploration and Exploitation Amendment Act 2026 and shall come into operation on publication in the Gazette.

Hon. Gordon Burton:

Thank you very much, Madam Deputy Clerk. The Chair recognizes the Honourable Minister of Home Affairs.

Hon. Akierra Mary Deanne Missick:

Grateful, Mr. Speaker. I will just address the House during this third reading because I inadvertently forgot that mischief-makers are everywhere, and they may take the little banter between the Minister of Tourism and myself earlier during my contribution as something untoward. What I was referencing in my contribution was an article that came out in early January this year, entitled Beyond the Reef: A Leg of Surprises in the Turks and Caicos Islands, which was conducted in our waters by the RRS James Cook, which sailed into Turks and Caicos to do a scientific study. Besides all sorts of organisms that were discovered for the first time, they identified a 70-kilometre underwater ridge which lies north of the Turks and Caicos Islands.

Part of their scientific study is mapping out the imagery, and that is what I meant when I said earlier that something was discovered earlier this year. Before the ChatGPT and Claude memes are made that the Minister of Tourism and I are keeping some state national secret, the article is online and it is on the FCDO website, as well as the Turks and Caicos Islands page on the United Kingdom Government's website. That is what I was referencing. Thank you, Mr. Speaker.

Hon. Gordon Burton:

Thank you very much, Honourable Member, for your contribution. If there are no other contributions during the third reading, I will ask the Honourable Minister to move for passage.

Hon. Zhavargo Jolly:

Mr. Speaker, I move, pursuant to Standing Order 99, that the bill entitled Minerals Exploration and Exploitation Amendment Bill 2026 do now pass. Do I have a seconder?

Hon. Gordon Burton:

Second. Honourable Members, motion moved by the Honourable Minister of Tourism and seconded by the Honourable Minister for Public Safety that the bill entitled Minerals Exploration and Exploitation Amendment Bill 2026 do now pass. All in favour say aye. All to the contrary, no.

Hon. Charles Washington Misick, OBE:

The ayes have it.

Hon. Gordon Burton:

The ayes have it. Honourable Members, the bill entitled Minerals Exploration and Exploitation Amendment Bill 2026 do now pass. Honourable Members, we have now just passed the 1 pm hour, and we will now have our midday break. This Honourable Parliament is hereby suspended until 2 pm.

ORAL REPLIES TO QUESTIONS

QUESTION TO THE ATTORNEY GENERAL: ENGAGEMENT OF ANDREW MITCHELL KC

Hon. Gordon Burton:

Honourable Members, this Honourable House now resumes its sitting. Pray be seated. Honourable Members, I will now return to the Order Paper, and we are now at question time. We have a number of questions this morning. The first parliamentary question is to be asked by the Honourable Member for South Caicos to the Honourable Attorney General. Honourable Member.

Hon. Tamell Seymour:

Thank you, Honourable Speaker. Before I ask my question, I

would like you to indulge me to say good afternoon to the great people of South Caicos. I do not take this opportunity lightly, so I just want them to know that I am here on their behalf. Thank you to South Caicos for entrusting and supporting me. Mr. Speaker, my question is: will the Honourable Attorney General be pleased to inform this Honourable Parliament whether Mr. Andrew Mitchell is engaged on any other matter by the Turks and Caicos Islands Government other than his work as prosecutor for the Special Investigation and Prosecution Team? If so, will she state what procurement process was utilised by the Turks and Caicos Islands Government to engage Mr. Andrew Mitchell KC in any capacity outside his role as prosecutor for the SIPT, whether such engagement was subject to a competitive process or granted by exemption?

Will she further state whether Cabinet approval was sought or obtained, specify the nature and classification of each such matter, whether criminal, civil, investigatory or advisory, and provide the relevant dates and terms of the engagement?

Hon. Gordon Burton:

Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Good afternoon, Honourable Speaker, and to the members of this Honourable House. Mr. Speaker, I thank the Honourable Member for his question. Mr. Mitchell KC has been engaged by the Turks and Caicos Islands Government on matters outside his role as prosecutor for the SIPT proceedings. Counsel was previously instructed by the Attorney General in relation to Action CR6 of 2010, R v.

David Smith, and associated matters between 2010 and 2021. Counsel has also advised, at no additional cost to the TCI Government, in several extradition matters, namely R v. Peter Karam, March 2019 to July 2021; R v. Roger Scott Hoffman, October 2023 to November 2024; and R v. Patrick Joseph Linden, January to April 2025. The nature of the matters I have listed is criminal in classification, specifically extradition-related proceedings, and the dates of counsel's involvement have been stated for the record. At no additional cost to the TCIG, counsel is instructed by Chambers in a constitutional motion matter raised by the defendants in the SIPT case. He has also represented the Director of Public Prosecutions in various matters.

He acted in a Privy Council matter in a murder conviction appeal at no additional cost to the Government. Where fees are charged, I am informed that they are subject to negotiations between the Director of Public Prosecutions and counsel, in the same manner as any other counsel is engaged. With respect to the procurement process, section 2 of the Public Procurement Act expressly provides that the Act does not apply to the appointment of counsel by the Attorney General or the Director of Public Prosecutions. As such, these engagements are not subject to competitive tendering requirements or procurement exemptions under that legislation.

Further, the engagement of counsel by the Attorney General or the Director of Public Prosecutions is not a political decision and, as such, is not subject to Cabinet approval. No such approval is required or sought for such matters. It must be emphasised that these engagements fall squarely within the constitutional and operational independence of both the Director of Public Prosecutions and the Attorney General. The Office of the Director of Public Prosecutions has repeatedly drawn to the attention of the Appropriations Committee and this Honourable House for some time that that office has been operating with limited prosecutorial staff and has had to rely on several external counsel from the private Bar, from within and outside the Turks and Caicos Islands, to ensure that justice is not delayed.

Although there is active recruitment going on and interested persons are encouraged to apply, this practice will likely continue as the need arises to ensure that justice is done. Similarly, the Attorney General's Chambers will instruct external counsel where specialist expertise is required and is not available in-house. These decisions are made to protect the integrity of proceedings and to ensure that the Government's legal obligations are met efficiently and professionally. Thank you, Mr. Speaker.

ORAL REPLIES TO QUESTIONS: ENGAGEMENT OF MR ANDREW MITCHELL KC

Hon. Gordon Burton:

Thank you very much, Honourable Attorney General, for your response. Honourable Member, do you have any follow-up questions? No? Okay. Parliamentary question number 2, to be asked by the Honourable Elected Member for South Caicos to the Honourable Attorney General.

Hon. Tamell Seymour:

Thank you, Honourable Speaker. Will the Honourable Attorney General be pleased to inform this Honourable Parliament what criteria were applied in determining that Mr Mitchell should be engaged for these additional matters, and whether any such matters are directly or indirectly related to SIPT investigations or outcomes?

Hon. Gordon Burton:

Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Thank you, Mr Speaker. I am grateful to you and the

Honourable Member for his question. Mr Speaker, Mr Mitchell KC was engaged for these additional matters based on his recognised expertise in proceeds of crime and extradition law, both in the United Kingdom and across the region. He has previously assisted the Government in extradition proceedings and, given his presence in the Islands at the relevant times and his working knowledge of our courts and procedures, he was approached regarding his availability to assist.

The matters in question all concerned extradition requests from foreign governments, specifically Argentina, the United States and the United Kingdom. These matters are strictly extradition-related and were not in any way directly or indirectly connected to the SIPT investigations or their outcomes. Thank you, Mr Speaker.

Hon. Gordon Burton:

Thank you very much, Honourable Attorney General, for your response. Honourable Member, do you have a follow-up question? Okay. Parliamentary question number 3, to be asked by the Honourable Elected Member for South Caicos to the Honourable Attorney General.

Hon. Tamell Seymour:

Thank you, Honourable Speaker. Will the Attorney General state whether Mr Mitchell has been working concurrently on non-SIPT matters for the Turks and Caicos Islands Government while engaged as a SIPT prosecutor, and what safeguards are in place to prevent double pay and other conflicts of interest, or any compromise to the integrity of the SIPT proceedings?

Hon. Gordon Burton:

Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Thank you, Mr Speaker, and thank you to the Honourable Member for his question. Mr Speaker, counsel has on occasion assisted the Government on non-SIPT matters while engaged as SIPT prosecutor. These matters were undertaken only during periods when SIPT proceedings were adjourned. There was no issue of double payment or conflict of interest.

The matters were entirely unrelated to the SIPT trials, and, save for the historic David Smith engagement, no additional payment was made by Chambers for counsel's assistance. As such, there was no overlap in paid work, no duplication of compensation and no compromise whatsoever to the integrity of the SIPT proceedings. In respect of the Office of the Director of Public Prosecutions, where fees are charged, that is subject to negotiations between the Office of the Director of Public Prosecutions and counsel. These safeguards ensured that Mr Mitchell KC's SIPT mandate remained fully protected and unimpaired at all times.

Thank you, Mr Speaker.

Hon. Gordon Burton:

Thank you very much, Honourable Attorney General. Do you have a follow-up question?

Hon. Tamell Seymour:

Thank you, Honourable Speaker. Will the Honourable Attorney General state whether Mr Andrew Mitchell is exclusively working for the DPP's office?

Hon. Gordon Burton:

Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Thank you very much, Mr Speaker, and to the Honourable Member. Mr Speaker, as I have indicated, counsel has worked for the Attorney General's Chambers and also for the Office of the Director of Public Prosecutions, so the answer to that question is no.

Hon. Gordon Burton:

Thank you for your response, Honourable Attorney General. Okay, no further follow-up questions. We will go to parliamentary question number 4, to be asked by the Honourable Member for South Caicos to the Honourable Attorney General.

Hon. Tamell Seymour:

Thank you, Honourable Speaker. Will the Honourable Attorney General provide full details of Mr Mitchell's remuneration arrangements for any non-SIPT work, including hourly or daily rates, retainer arrangements and any other financial terms? Will she state how such remuneration arrangements compare with, A, rates payable under the Legal Aid Scheme, and B, rates paid to other external counsel retained by the Government?

Hon. Gordon Burton:

Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Thank you, Mr Speaker, and thank you to the Honourable Member for his question. Mr Speaker, due to the 2023 cyberattack in which the Attorney General's Chambers server was compromised, the historical records that would contain the specific financial terms of the previous engagements are not presently available to us. Consequently, we are not able at this time to confirm the hourly or daily rates, retainer terms or other financial arrangements associated with those payments, but we can confirm that we entered into no retainer arrangements. As such, it is not possible to make a reliable comparison with rates payable under the Legal Aid Scheme operated by the courts or with the remuneration of other external counsel engaged by the Government.

However, SmartStream reflects payments made to counsel over the years by the Chambers, which I will state for the record: March 7, 2002, $5,750.58; August 18, 2011, $4,693; March 5, 2012, $8,426.67; April 18, 2012, $495; December 14, 2012, $10,666.66; March 13, 2013, $664; and February 27, 2019, $19,500 regarding David Smith. Thank you, Mr Speaker.

Hon. Gordon Burton:

Thank you, Honourable Attorney General. You have a follow-up? Yes, please proceed.

Hon. Tamell Seymour:

Thank you, Honourable Speaker. Thank you, Honourable Attorney General. Will the Honourable Attorney General be able to table those invoices in this Chamber? Thank you.

Hon. Gordon Burton:

Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

I am grateful, Mr Speaker, to the Honourable Member. I am happy, Mr Speaker, to table my written responses. Thank you.

Hon. Gordon Burton:

Thank you very much. Any other follow-up? No? Parliamentary question number 5, to be asked by the Honourable Member for South Caicos to the Honourable Attorney General. You have to turn the mic on, Honourable Member.

Hon. Tamell Seymour:

Thank you, Honourable Speaker. Will the Attorney General be pleased to inform this Honourable Parliament what is the total amount expended to date on Mr Mitchell for any non-SIPT work, and what is the projected cost of such engagements? Thank you.

Hon. Gordon Burton:

Honourable Attorney General.

Deputy Attorney General:

Thank you, Mr Speaker, and thank you to the Honourable Member. Mr Speaker, according to the SmartStream financial records, the total payments made to counsel by the Attorney General's Chambers over 24 years, between 2002 and 2026, amount to $50,196.23. Thank you.

Hon. Gordon Burton:

Thank you very much, Honourable Attorney General. Any follow-up? No. Okay, parliamentary question number 6, to be asked by the Honourable Member for South Caicos to the Honourable Attorney General.

Hon. Tamell Seymour:

Thank you, Honourable Speaker. Will the Honourable Attorney General state Mr Mitchell's standing with the Turks and Caicos Islands Bar Association, including whether he is admitted to practise in matters outside SIPT prosecutions and under what provisions, and whether the Bar Council has been consulted? Thank you.

Hon. Gordon Burton:

Thank you, Honourable Member. Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Thank you, Mr Speaker, and thank you to the Honourable Member. Mr Speaker, in response to appearances on behalf of the TCIG, applications for limited admission, pro hac vice, were made pursuant to section 8 of the Legal Profession Act. Unlike general or full admission under section 4 of that Act, where subsection 4 expressly requires the Chief Justice to consult the Bar Council when considering exemptions, that consultation requirement does not appear in section 8, which governs limited admission for a specific suit or matter. For clarity, it must also be noted that counsel is now a fully admitted member of the Turks and Caicos Islands Bar, which process would have required full consultation.

He was admitted by the former Chief Justice following an objection from the Bar Council, and his admission was initially conditional. The Chief Justice, however, permitted him to appear on a case-by-case basis upon application until the conclusion of the second SIPT trial, after which he was granted full admission rights.

Thank you, Mr Speaker.

Hon. Gordon Burton:

Thank you for your response, Honourable Attorney General. Are there any follow-up questions, Honourable Member? Are there any follow-up questions?

Hon. Tamell Seymour:

Thank you, Honourable Speaker. Thank you, Honourable Attorney General.

Hon. Gordon Burton:

Sorry, one moment. Turn on your mic again for me, please. No, just leave it. Okay, go ahead.

Hon. Tamell Seymour:

Thank you, Honourable Speaker. Thank you, Honourable Attorney General. Will the Honourable Attorney General be pleased to give a date for when Mr Mitchell was admitted to the Bar? Thank you.

Hon. Gordon Burton:

Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Thank you, Mr Speaker, and to the Honourable Member. Mr Speaker, the Attorney General's Chambers was not involved in the application of Mr Mitchell to the Bar, and so I am unable to provide the date of his admission, but it is information that should be publicly available on the court's website or on the Bar Council's website.

Thank you.

Hon. Gordon Burton:

Thank you. Yes, there is a supplementary question from the Honourable Deputy Speaker.

Hon. Jameka L. Williams:

Thank you, Mr Speaker. If I may, from the inception when Mr Mitchell arrived in the Turks and Caicos, he was here on special assignment specifically to prosecute the persons who were in the trial for the SIPT. I think it was a special assignment. So I am concerned, and I know that persons in the communities are concerned: how is it that he has completed his task and he has not left the Turks and Caicos Islands, and he is here continuing, because now he is in the Islands and allegedly practising law, which is now direct competition with our local attorneys?

So how is he allowed to continue and not leave the Islands after he has finished his special assignment?

PARLIAMENTARY QUESTION NO. 6: ADMISSION AND ENGAGEMENT OF ANDREW MITCHELL

Hon. Gordon Burton:

Honourable Attorney General, are you able to answer that question?

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Thank you, Mr. Speaker. I am not sure if that is a supplementary really, but I will attempt to respond. Mr. Speaker, I am thankful to the Honourable Member for her question. The process is that outlined in my response in respect of section 4 of the Legal Profession Act, which allows applications to be made by individuals.

The applications are to be made by an attorney already before the Bar of at least two years' standing, and they have to be supported by affidavit. There is a process that allows for the applications to be consulted on by the Bar Council, and as I indicated in my response, the Bar Council raised an objection, and that resulted in a hearing where all the relevant

information would have been taken into consideration. That process is not bespoke to counsel, to Mr. Mitchell. It is a process that is available to anyone, however they came into the Islands.

There are a number of attorneys working in the Islands who initially came in on a pro hac vice, or provisional application for a specific limited admission for a specific matter, and who have then decided to make an application under that provision to remain in the Islands on a general admission, which is without limitation. A number of the defence attorneys in the SIPT matter fall into that category, but even outside that particular matter, this is a process that is occurring all the time. It is not special in that regard to this one individual. That is the most I can say about that.

I was not involved in the application itself, so I do not know the details of the grounds and the basis that were considered in that matter. Thank you, Mr. Speaker.

Hon. Gordon Burton:

Thank you. Any further supplementary? No? The Chair recognizes the Honourable Deputy Speaker.

Hon. Jameka L. Williams:

Thank you, Mr. Speaker. Just for clarity, to be clear, Attorney Andrew Mitchell's assignment with TCIG is completed and he has been released?

Hon. Gordon Burton:

Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Thank you, Mr. Speaker, and to the Honourable Member for the follow-up question. Mr. Speaker, while the trials themselves, those particular trials referenced, are over, there is one more trial to come, and the trials that have been completed have a proceeding which has been well reported in the newspaper, which is the confiscation proceedings coming up, I believe, next month.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Those things still are to be done. Using the expression released from his assignment, I would respond in that way to that question, and also say that although at the beginning of the SIPT trial there was an appointed special prosecutor, Helen Garlick, when Helen Garlick demitted office no one was appointed into that role. In any event, the special prosecutor, Helen Garlick, was working to and under the authority of the Director of Public Prosecutions. The Director of Public Prosecutions assumed that role, and Mr. Mitchell has always been an attorney employed or engaged, like other attorneys are engaged from the private Bar from time to time, to carry out these functions.

Thank you.

Hon. Gordon Burton:

You have another supplementary? The Chair recognizes the Honourable Deputy Speaker.

Hon. Jameka L. Williams:

Thank you, Mr. Speaker. I am just speaking of trials or cases. This is my last one on this question, this portion. Can you say if Attorney Andrew Mitchell is dealing with any matters or cases with the Integrity Commission?

Hon. Gordon Burton:

Honourable Attorney General.

Hon. Rhondalee M. Braithwaite-Knowles, OBE, KC:

Thank you, Mr. Speaker. Mr. Speaker, I am unaware. Thank you.

PARLIAMENTARY QUESTION NO. 7 TO THE ATTORNEY GENERAL

Hon. Gordon Burton:

Thank you very much. Any further supplementaries? Parliamentary question number 7, to be asked by the Honourable Member for South Caicos to the Honourable Attorney General.