



SPEAKING NOTES IN THE SENATE

On The

2015 – 2016 BUDGET

by

SEN. THE HON. ALLYSON MAYNARD GIBSON, QC

ATTORNEY-GENERAL AND MINISTER OF LEGAL AFFAIRS

Wednesday 24th June, 2015

Madam President we live in a wonderful country, The Bahamas, a Christian nation, where democracy reigns and in which annually the government is called upon to account for its performance and to enunciate future plans. At moments such as this we all are reminded that we SERVE the Bahamian people and they are entitled to hear from us. We are called to account and we readily respond.

Madam President I would like to commence this important national debate by acknowledging the facts about the condition of The Bahamas' affairs in 2012:

- Unemployment had doubled from 7.6% in 2007 to 14.7% by 2012. It is estimated that 14,000 persons were put out of work.
- Debt to GDP steadily increased.
- There was over \$100 Million dollars in cost overruns on roads.

- Standard and Poors had downgraded The Bahamas twice - in 2009 and 2011
- Moody's downgraded The Bahamas in 2011
- Crime rates had skyrocketed – the opposition like to talk about the number of murders...well the murder rate in 4 of the 5 years of the FNM reached record levels since they took office
 - 2006 – 61 murders
 - 2007 – 78 murders + 28%
 - 2008 – 73 murders – 6%
 - 2009 - 85 murders +12%
 - 2010 – 94 murders +11%
 - 2011 – 127 murders + 35%

Madam President, at the outset, it is important that we ask our colleagues from the Opposition to acknowledge their former government's role in implementing and

overseeing the policies that put us in this position in the first place. Indeed, it is hard to imagine a former government more poorly placed to now critique the clean-up job our government has had to undertake. Their legacy is especially bad given the “headroom” that Hubert Ingraham in May 2012 admitted the FNM found in place.

Faced with the failed plans and fiscal mismanagement of the FNM, the PLP set about to achieve a dramatic turnaround in the state of our public finances – and we succeeded. As the PM said, “The GFS Deficit this fiscal year is now estimated at \$198 million, as compared to the \$539 million Deficit that resulted from the fiscal structure that we inherited in 2012/13. That is a reduction in the Deficit of \$342 million.” That is a deficit cut of virtually two-thirds.

History will show that Perry Christie is an exceptional Prime Minister. Faced with the daunting task of turning the country around, he could have chosen patchwork. Simply putting a finger in the dyke. But he did not. He is an experienced visionary Leader. He is a Christian, whose legacy will be one of “heavy lifting”- laying a sound foundation for The Bahamas and Bahamians for economic freedom in the 21st century. He is a courageous Leader. The right man for the times. It takes courage to do the “heavy lifting” and to stay connected to and consult with Bahamians as we build a Stronger Bahamas. I repeat, Perry Gladstone Christie is a courageous and visionary Leader.

The job has not been an easy one, and drastic change does not happen overnight. It may not happen in a year, two, years or three years. But change is happening every day. Every day The Bahamas is getting stronger.

Mr. Speaker, this Budget is faithful to the reform plan for a Stronger Bahamas that the PLP led by Perry Christie has been pursuing since May 2012. Our plan is working. This Budget builds further on that plan.

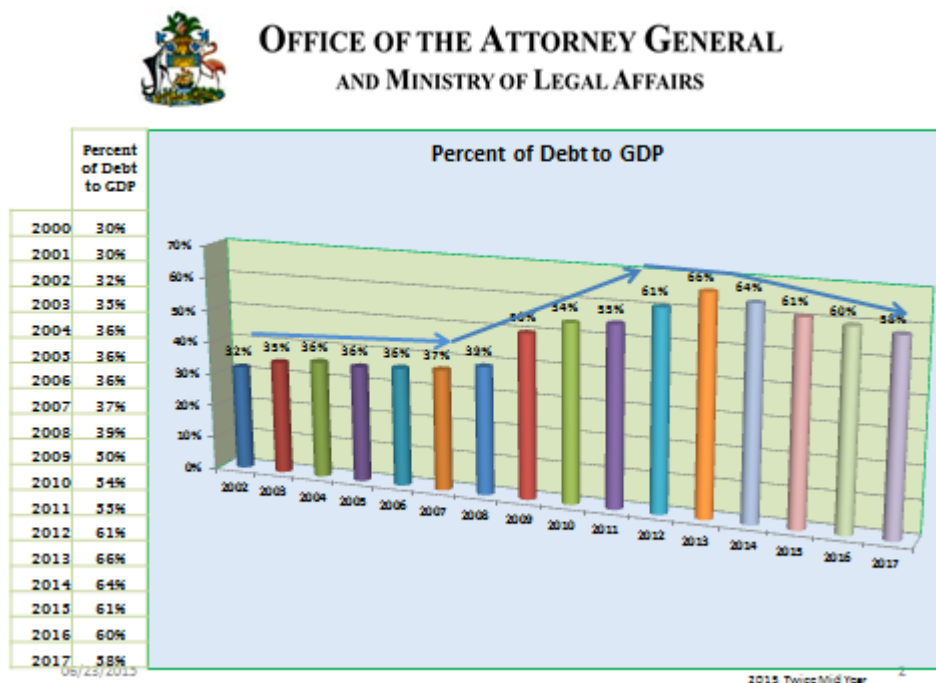
The PLP is steadily working towards a more Prosperous Bahamas.

VAT was implemented in fashion that some tax consultants have called the smoothest ever in their experience. I wish to thank the private sector stakeholders who partnered with the GOB in taking this step which is so important for a strong economic future. Among other things, they acknowledge that Bahamians across this archipelagic nation have the right to the same opportunities and infrastructure as Bahamians in New Providence and that nation building means building the entire Bahamas. Responsible pursuit of these objectives requires the revenue provided by VAT. The FNM

executed a contract to build a wing onto Princess Margaret Hospital in the face of rising deficits and over \$100 Million in road cost overruns. No provision was made for cardiac surgical facilities in the new surgical suites. No provision was made to furnish the surgical suites and virtually no improvement was made to clinics across The Bahamas. The \$60 Million the Government has allocated to immediately improve health facilities is possible because of our improved fiscal position.

Government expenditure IS UNDER CONTROL thanks to systemic changes that continue to focus on elimination of excess and wastage. Bahamians are seeing the benefits of a fairer tax system, through reductions in property taxes, customs duties and through the ability of the government to fund important social programs like National Health Insurance.

The debt to GDP ratio is moving in the right direction. As can be seen from the below chart, the last time that debt to GDP was moving in the right direction was under the last Christie administration.



Standard and Poors has not downgraded The Bahamas. Quite the opposite, after years of concern about the Bahamas' economy, S&P is now expressing "optimism".

Restoration of fiscal strength may have been sufficient for any administration but the Christie administration did not stop there in working to build a Stronger Bahamas. It has pursued:

- Liberalization/ICTs – critically important to a prosperous and modern Bahamas. We will have reliable, affordable cell phone and data connectivity
- Sports, cultural and religious tourism and reengaged a world leading events and promotions firm – AEG – the tourism product is evolving and every Island is being promoted to showcase its uniqueness
- National Health Insurance – healthy Bahamians – essential to a prosperous and modern Bahamas
- BEC – rate reductions and restructuring and use of alternative energy – to reduce the cost of electricity and thereby the cost of living and of doing business in a prosperous and modern Bahamas

- National Development Plan – consultations with stakeholders have commenced. This is the foundation of a Strong Bahamas.
- Youth job initiatives and entrepreneurship
- Hawksbill Creek Agreement negotiations in collaboration with stakeholders, including licencees
- Freedom of Information – which again included collaboration with stakeholders
- Maritime Laws modernization –Bahamians want to know that our archipelagic nation fulfills its international obligations AND shapes a prosperous future for Bahamians utilizing our significant God given gift – our pristine waters and all in them and on the sea floor
- Gaming laws modernization – to avoid blacklisting and enable another arena for a modern and prosperous Bahamas

- Immigration policies to strengthen national security
- Conditional Cash transfer so as to increase the safety net and support citizens who are able to get a job and support themselves and their families
- Investment in education – including no child left behind
- ETC

This Budget is one that will stimulate growth, creating a Stronger Bahamas – a prosperous, safe and modern Bahamas.

Madam President, as I indicated crime was allowed to spiral out of control from 2007 to 2012.

Crime is complex. And one murder is one too many. People want to hear what the Government is doing to prevent murder and other violent crime and, ultimately, to make The Bahamas Safer. This is what we are doing through Stronger Bahamas.

This Government has been committed to taking a holistic approach to fighting crime - Project Safe Bahamas. This strategy aims at prevention, through the award winning Urban Renewal program and other similar programs as well as rehabilitation. Countless young lives have been changed for the better through this program. We are targeting at risk youth and providing them with a venue for positive activities rather than negative behaviour. It is making a real difference. In fact, the Commissioner of Police announced at the end of 2014 that overall crime had decreased by 18% over 2013. This is progress and we intend to keep that trend going in the right direction – down!

During this presentation I shall address only the criminal justice system – the aspect of our system about which people express greatest concerns.

The Swift Justice component of our plan for a Safer Bahamas is administered by the Office of the Attorney General. By Swift Justice we recognize that justice delayed is justice denied – for victims and accused persons. As well, we recognize that all when all stakeholders communicate, cooperate and collaborate the efficiency of the system is maximized. And we recognize that crime and fear of crime are likely to decrease when all within our borders see that the system does work. We have worked assiduously to bring on matters for trial within a reasonable period of time –

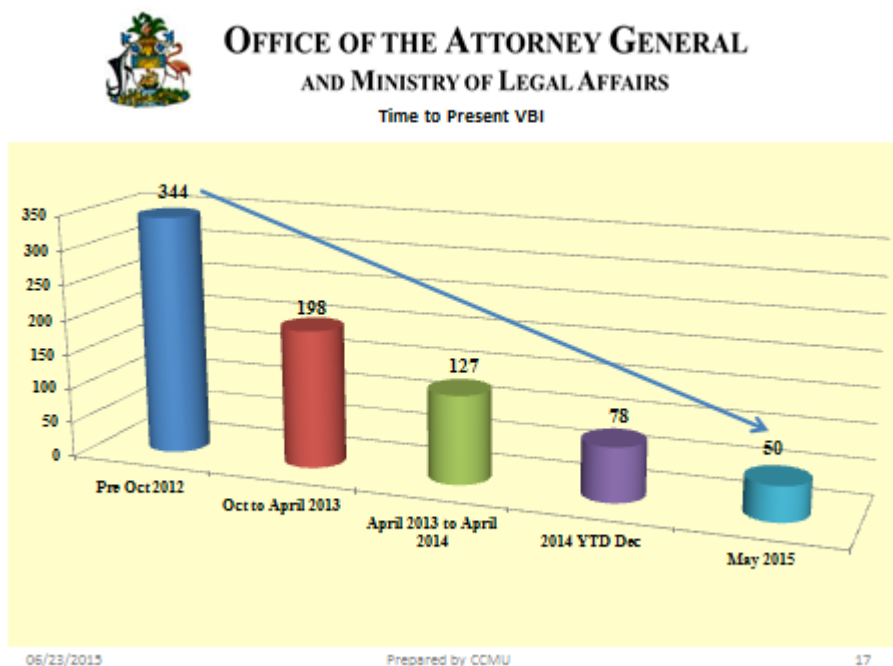
- sending the message to criminals that they will be swiftly caught, prosecuted and punished
- and thereby reducing the likelihood of persons accused of murder being released on bail.

A Safer Bahamas has a Swift Justice system that deters crime and deals with criminals fairly and swiftly.

Regrettably Swift Justice was a victim of the FNM's stop, review and cancel policy. It was reimplemented in 2012 and is getting good results. It is one of the key components of building a Safer Bahamas.

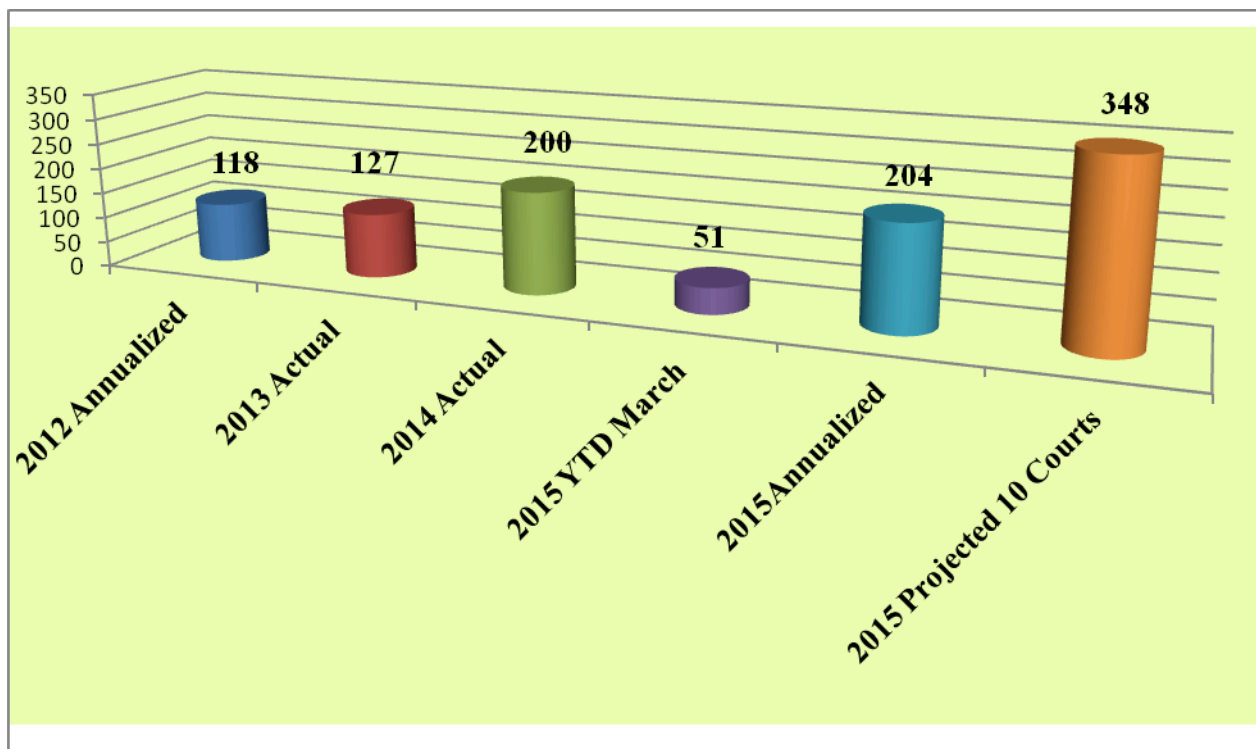
Some measures of the good results include:

Time to present VBIs down from 344 days in 2012 to 50 days in May 2015



Systemic changes that almost doubled the amount of matters disposed of by 6 courts from 2012 to December 2014.

And the implementation of 10 courts means that at least 348 matters can be disposed of in 2015.

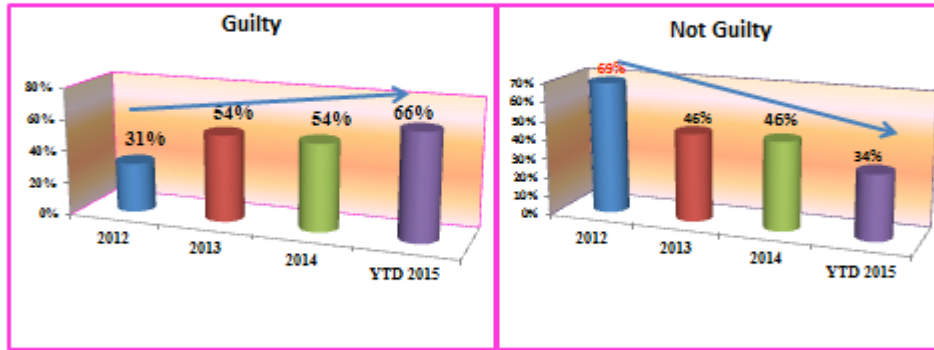


Swift Justice has resulted in an increased conviction rate to 66% guilty YTD 2015. We implemented a new system for the presentation of VBIs in 2012. This system has reduced the number of days for the presentation of a VBI. This new system together with other systemic changes implemented since 2012 has resulted in a conviction rate under the “new system” of 70%. That is, a conviction rate for all matters combined of 66% and a conviction rate of matters under the new system of 70%.



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Guilty v Not Guilty Combined



06/23/2015

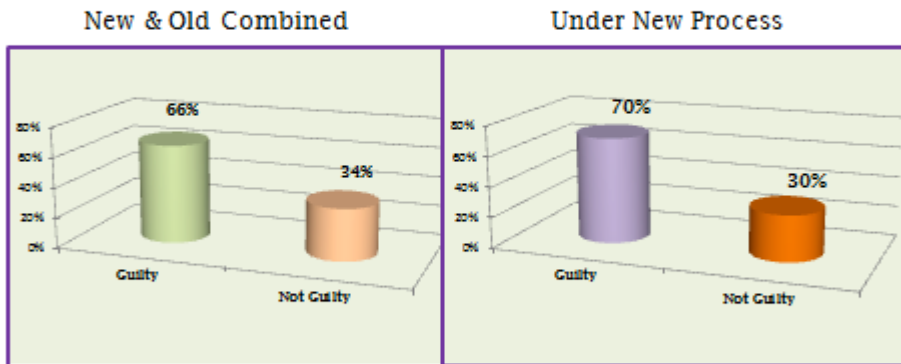
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Guilty v Not Guilty YTD May 2015



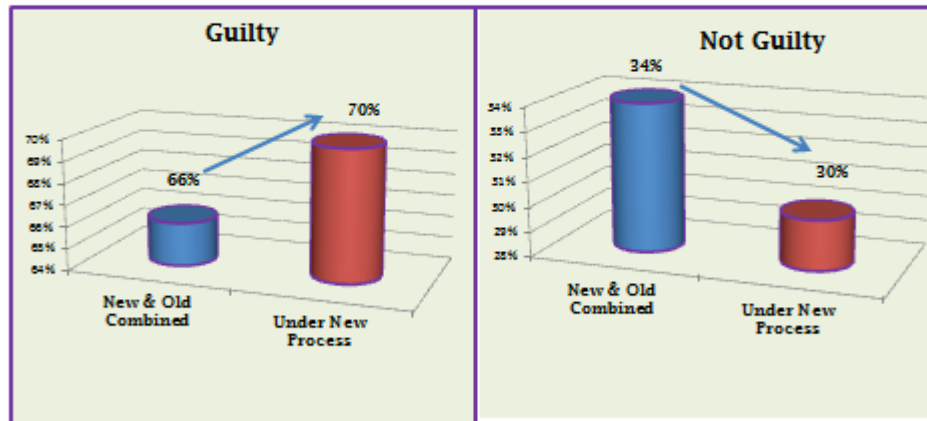
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Guilty v Not Guilty YTD May 2015



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Citizens of a Safer and Stronger Bahamas do not want those accused of murder to be released on bail. We have implemented new measures that have resulted in better outcomes for bail applications for murder and manslaughter. YTD there were 148 bail appearances/hearings for persons accused of murder and manslaughter. From those appearances (including

repeat appearances), 8 bails were granted, 25 bails denied, 1 bail revoked, 8 variations made, 1 variation denied and 6 applications dismissed.

This shows that we are serious about the perception of a revolving door on bail. This shows that there is now a real belief that a matter will come on for trial within a reasonable period of time.



**OFFICE OF THE ATTORNEY GENERAL
AND MINISTRY OF LEGAL AFFAIRS**

Bail Year To Date May 2015

% of Hearings	Hearings	Offence Type	% Granted	Bail Granted	Bail Denied	Variation Granted	Variation Denied	Revoked	Dismissed
30.7%	164	Armed Robbery / Conspiracy / Burglary / Receiving / Stealing & Related	18.3%	30	12	12	1		3
0.4%	2	Arson	100.0%	2					
27.7%	148	Murder / Manslaughter	5.4%	8	25	8	1	1	6
19.6%	105	Murder Attempted / Crimes Against The Person & Related	13.3%	14	11	6		1	5
4.3%	23	Possession of A Firearm & Possession Whilst Committing Another Offence	21.7%	5	1	2			
9.5%	51	Possession of Dangerous Drugs With Intent To Supply & Related	64.7%	33	4	2			2
3.7%	20	Rape/Attempted & Rape Whilst Committing Another Offence	25.0%	5	4				1
4.1%	22	Unlawful Sexual Intercourse	50.0%	11		2	1		1
100.0%	335	Grand Total	20.2%	108	57	32	3	2	18

We have also addressed other critical issues within the justice system that needed to be modernized to improve efficiencies.

Stenographers

Stenographers are critical to the administration of justice. With the assistance of the IDB, as well as restructuring the Court Reporting Unit, we have properly equipped the Unit and implemented new systems that are now producing good results.

Previously the record of where a Court Reporter was assigned was kept in a book. Many reporters may have been assigned to a case. And, reporters were taking transcripts home on jump drives and CDs. To retrieve a transcript the Director of Court Reporting would have to go to the books and track each reporter that attended

the case. Each reporter would then be asked to prepare his/her transcript.

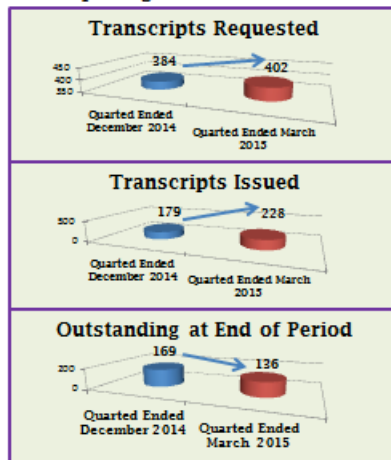
We now have a system where all transcripts each day are to be downloaded into the electronic case file. They are not taken home. Transcripts requested and produced are now being monitored. The diagram shows that as well as more transcripts being requested, fewer transcripts are outstanding. Things are moving in the right direction. The easy availability of transcripts results in fewer delays, fewer lost court days and greater efficiency.



OFFICE OF THE ATTORNEY GENERAL
AND MINISTRY OF LEGAL AFFAIRS
Court Reporting Unit

	Quarter Ended December 2014	Quarter Ended March 2015
Transcripts Requested	384	402
Transcripts Issued	179	228
Erroneous Request	36	38
Outstanding at End of Period	169	136

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Juries

We have provided for a 21st century method of electronic selection of juries. We debated this when we amended the Juries Act. Already, we are seeing promising results. In 2014 to May 20 trials were impacted by the inability to empanel a jury. This amounts to about 100 lost days. In 2015 to May, 16 trials have been impacted by the inability to empanel a jury. This amounts to about 80 lost days. Already, without the full implementation of the

new system, the result is better ability to empanel a jury and fewer lost days. This systemic adjustment built capacity to hear matters when scheduled. It is already making a difference. Things are moving in the right direction. We are getting Stronger every day.

Calendaring

Focus on avoiding calendaring conflicts is working but Integrated Justice is not coming on stream as fast as we would have liked.

Public Defenders

The Public Defender Non Profit has been formed and the first Board of Directors is:

- Justice Joseph Strachan
- Mrs. Cheryl Bazzard
- Dr. David Allen
- Archdeacon James Palacios

- Mr. Elsworth Johnson

We expect that the Unit should become fully operational this year.

Technology

We are routinely using 21st century methods including digital photographs and videoconferencing. The following Islands will have videoconferencing capacity from the Administrator's Offices by end July

- Eleuthera
- Abaco
- Exuma
- Andros
- Cat Island
- Inagua
- Grand Bahama

- Long Island

This means that witnesses may give evidence into a court in Nassau or Grand Bahama from their location on these Islands or out of The Bahamas. Physicians also welcome the use of videoconferencing which can be used to give evidence from the Sandilands or PMH facilities, thereby enabling physicians to spend valuable time attending to patients rather than waiting around in courts. Also bails, case management and other pre trial matters may be conducted using videoconferencing.

We have the capacity to dispose of more matters. We have introduced and invested in systemic changes. There are 10 criminal courts operating at the same time.

The below chart shows that in 2015 we are likely for the first time to achieve a situation whereby more matters are disposed of than VBIs presented. This means that:

- Systemic changes will continue the outcome of matters consistently coming on for trial within a reasonable period of time
- Because of our VBI systemic changes days to present a VBI will continue to decrease also resulting in trials within a reasonable period of time
- Because of intense focus on the backlog and through plea bargainings, nollers and review of files the backlog will decrease and matters ready for trial will be brought on within a reasonable period.

As matters continue to come on for trial within a reasonable period of time a clear message will continue to be sent that the system works; criminals will no longer be able to play the system thereby reducing crime and citizens will be confident that their justice systems works – thereby reducing fear of crime.

The effect of the concentrated efforts, systemic changes, opening of 10 courts, dedication of the Swift Justice stakeholders is that we are able to clearly demonstrate that we have the capacity to dispose of matters in a reasonable period of time.

By way of example, in the past 12 months, a murder was tried in 1 year and 2 murders were tried in 9 months.

Who can remember the last time that a person accused of murder was tried within 9 months of charge?

We met a situation where persons were not being tried within 3 years which is why so many were routinely being released on bail. And, which is why so many victims' families were upset. They could not bring closure to these heinous events. It appeared that victims had no rights.

Swift Justice is working.

There is more work to be done but clearly we are moving in the right direction.

We are sending the clear message to criminals that they will be swiftly caught, swiftly prosecuted and swiftly punished. And we are creating a safe Bahamas in which victims' rights are acknowledged and respected.

I repeat, in the past 12 months, 2 murders tried within 9 months and 1 murder tried within 12 months.

We are not resting on our laurels.

Our Consultants from COMSEC and IDB and the US State Courts continue to assist in accomplishing our goals

This month a Consultant has returned to assist in methodologies for shortlisting trials. This will result in another matter coming on for trial as soon as a matter in

finished. At the moment if a back up matter does not come on for trial it could be listed 12 or more months later. This too increases the likelihood of an application for and possible grant of bail. If matters listed are ready for trial and amendable to be set down at short notice, even more matters will be disposed of resulting in even greater feeling of safety.

Another Consultant is assisting with witness care. At the moment far too many witnesses are do not feel a connection with the Justice System and many face the reality of witness intimidation. We have launched a “Witness Feel the Love” project whereby virtual complainants will be advised when an accused person is charged; all witnesses will be advised of the date of the trial immediately after arraignment and sustained contact will be maintained with all witnesses until trial and sentencing. We intend to reinforce to every witness

that the criminal justice system requires their involvement and cooperation and we shall stay connected with them so that they feel our love and respect. Further, we intend to bring legislation along the lines of Jamaica so that the written or digital witnesses statements of witnesses who are intimidated may be admitted into evidence. We believe that these measures together with those already implemented will tremendously positively impact witness security and safety and Swift Justice.

Finally, we note that too many sexual offences take more than a year to come to trial. We are increasing focus in these matters. We wish to expedite these matters also and send a clear message that sexual violence will not be tolerated.

Swift Justice is working. Justice is a divine concept. I thank God that HE is blessing our efforts:

- Time for presentation of VBI's down from 344 days to 50 days
- Almost double matters disposed of in Supreme Court
- 10 criminal courts operating at the same time
- Videoconferencing and other technology used in each court
- Conviction rate increased
- Intense focus on stemming release of persons on bail for murder working
- More transcripts being produced on time resulting in fewer lost court days
- Jury selection system modernized resulting in fewer lost trial days
- Calendaring system implemented to decrease calendaring conflicts resulting in fewer lost court days
- Public Defender Unit formed

- Renewed focus on witness care – “witness feel the love” project
- Imminent launch of a pilot project for short listing trials to increase matters disposed of within a reasonable period of time
- Murders can be tried within 9 months of charge - down from an average of 4 -5 years to 9 months. Systemic changes and increased capacity means that we will routinely see matters coming on for trial WITHIN A REASONABLE PERIOD OF TIME – thereby creating a safer Bahamas. We have demonstrated that this can happen. It is happening. We have the capacity to sustain this new thrust.

I commit to continuing regular online reporting and accountability – see the OAG website where bails, arraignments and trails are updated regularly.

The OAG Team is working VERY HARD.

THANKS TO ALL STAKEHOLDERS...POLICE, PHA, SOCIAL
SERVICES, DEPT. OF CORRECTIONS AND WITNESSES

JUDGES – CJ AND APPEAL COURT JUDGES

..AND PARTNERS ...BAHAMAS CHRISTIAN COUNCIL

AND CONSULTANTS – IDB, COMSEC, US GOVT. – US
STATE COURTS

AND TEAM OAG – A PATRIOTIC TEAM - THE GREATEST
TEAM THAT ANYONE COULD WORK WITH.

THE RESULTS FROM VERY HARD WORK AND EMBRACING
C CHANGE

I have spoken about a Stronger Bahamas in which a solid
foundation has been laid for economic prosperity. And
where Swift Justice is increasing safety. Our measures
are also creating a modern Bahamas.

A significant step by OAG through the Law Reform Division and the Drafting section to a modern, safe and prosperous is that Bahamas Laws Online is regularly updated.

And mention must be made of the considerable improvements in the Court of Appeal infrastructure and the Industrial Tribunal Infrastructure.

The Registrar General's department continues its modernization project.

On July 14th we shall begin beta testing the project for online name registration and incorporation of IBCs and companies incorporated under the Companies Act. This expanding project together with maritime marriages, deeds and documents, births and deaths and Intellectual property have the registrar general's department on track to be a 21st century registry in a modern Bahamas and to significantly increase government revenue.

THANKS DEPARTMENT OF INFORMATION TECHNOLOGY
AND TO PRIVATE SECTOR PARTNERS INCLUDING BFSB
AND OTHERS WHO HAVE GENEROUSLY GIVEN HOURS OF
THEIR TIME IN THIS EFFORT – CREATING A MODERN AND
PROSPEROUS BAHAMAS

A modern and prosperous Bahamas will leverage our
strength in tourism and financial services to introduce
The Bahamas as a centre for international arbitration.
We are accomplishing this by working with stakeholders
including the Chartered Institute of Arbitrators, the Bar
Association and Bahamas Financial Services Board.

There is much more that can be said and will be said as
we unveil legislation in the next half of this year. I wish to
leave with you no doubt that Swift Justice is working and
making great strides in building a Safer Bahamas.

From colleagues you will hear about other policies to
build a Stronger Bahamas.

THANKS TO OAG TEAM AGAIN -

As I again thank and congratulate the Prime Minister as being the right man for these times, I congratulate him on his vision for the future of The Bahamas through the Stronger Bahamas public engagement initiative. This too brings The Bahamas into the 21st century. Responsible governance means that as well as informing the public about measures being taken to improve their lives every effort must be made to provide the means by which citizens may interface and interact directly with their government. The Prime Minister is a consensus builder. In 2002 – 2007 he was hailed as an outstanding Prime Minister who promoted public private partnership. This commitment continues in his 2012- 2017 term and is expanded through the Stronger Bahamas public engagement strategy. I encourage all Bahamians to get

involved and take ownership in building a Stronger Bahamas for all of us now, and for future generations.

THANK GOD FOR HIS MANY BLESSINGS AND MY
HUSBAND AND FAMILY FOR SUPPORTING ME IN THIS
NATION BUILDING EFFORT

May God continue to bless the Commonwealth of The Bahamas.