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OF

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AT THE

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

ON THE ANNUAL BUDGET 2021/2022

Thursday, 24th JUNE 2021 AT 10:00 A.M.

NASSAU, N.P., BAHAMAS

Accelerated Recovery: From Restoration to Growth

Madam President,

The 2021-22 Budget is without doubt the most important Budget ever delivered in the history of The Bahamas. It is such, due to the fact that it lays the foundation for the **accelerated recovery** of The Bahamas from the worst calamity ever to befall our country since Christopher Columbus landed at San Salvador in 1492. The arrival of Columbus heralded the genocide of the vast majority of the, then, existing population of these blessed islands. Covid-19 posed almost as great a treat to human life, and certainly decimated the Bahamian economy.

The Government, led by your “Doc”, the Most Hon. Hubert Minnis, has successfully weathered the storm, saved thousands of lives, preserved, improved and expanded our health care system and services and preserved scores of thousands of livelihoods during the worst economic downturn ever recorded in Bahamian history.

Throughout this Pandemic The Bahamas has consistently been acknowledged by the international community, and those who have observed our progress as a country, as having mounted one of the best responses to the Covid Pandemic; thanks to our “Doc”, the Most Hon. Hubert Minnis. Even today, as we battle the third wave of infections, while resolutely, and safely, reopening the national economy, many of our Caribbean neighbours, some of which, like Trinidad and Tobago, have still not opened their borders or their economy, are confronted by horrendous infection rates, ranging from 300 to more the 600 new infections each day. This, while their borders have remained shut for nearly a year and a half!

In The Bahamas, even with our open borders and a re-opening economy, our daily infection rate has never exceeded 100. Now, in fact, the rate of new infections is bending down from the daily highs of 50-60 cases, now to more like 20-30 daily cases. Quite simply, in the fight against Covid-19, The Bahamas is doing much better than most of the Caribbean region, thanks to your “Doc”, the Most Hon. Hubert Minnis.

Further, despite the opportunistic political pandering of the Opposition, who sometimes seem to live in a world of “alternate reality”, The Bahamas has now been internationally recognized as having successfully mounted one of the 4 most successful social and economic relief programmes of any country in the entirety of Latin America and the Caribbean! Thanks to your “Doc”, the Most Hon. Hubert Minnis!

The recently issued World Bank Report acknowledges that unlike virtually every other country The Bahamas was one of the few countries in the region which offered and paid unemployment payments even to persons who were not eligible to receive unemployment benefits from the NIB. Barbados came out on top, due to the fact that they are very law-abiding with more than 90% of their workers covered by their version of National Insurance. Unfortunately, compliance rates in The Bahamas have historically been low, with many workers in the informal sector of the economy failing to register for NIB; yet, these displaced workers were able to receive similar benefit payments as those properly registered. There were only 4 countries who were commended for their outstanding support for displaced workers,

the poor and the indigent, namely, Barbados, Chile, Uruguay and The Bahamas! Thanks to your “Doc”, the Most Hon. Hubert Minnis!

As we all know, because of the economic damage caused by the COVID-19 Pandemic, other Caribbean countries terminated public servants and contractual staff, and also reduced the pay of those remaining, nothing of the sort happened under the leadership of Your “Doc” and the FNM. All 25,000 or more public servants, and thousands of additional contractual employees, upwards of an additional 5,000 contractual government employees were kept on the payroll on full pay, even while most were staying home during the lockdowns period, and even when there was no lockdown, but the health situation being such that they were required to “work from home”. And for most, there was no work they could possibly perform from home.

Madam President,

Before going into the substance of my contribution, it is necessary to address several matters arising in the several of the Budget debates.

Firstly, the Leader of the Opposition alleged that a private company had offered to procure Vaccines for The Bahamas since January of this year, but we had refused to accept the offer, and that somehow the government had deprived Bahamians of access to additional vaccines.

Nothing could be further from the truth. There was an offer, but the Company was a newly formed Company, its principal owners could not be found to have any connection with the pharmaceutical industries, they never produced any evidence of any agreement with any major pharmaceutical supplier to sell them any authorized vaccines, and they demanded that millions of dollars should be paid to them “up front”.

Fake vaccines have shown up in Poland, Mexico and elsewhere in Latin America. The Bahamas could not and was not willing to take the risk of purchasing “vaccines” which could well have been fake vaccines; or vaccines which were obtained from un-authorized or unknown sources. Senior officials of the Office of the Attorney-General strongly advised against the proposed arrangement and I accepted and agreed with that advice.

Let me be very frank with you and with every Bahamian. Very early in the development of the new vaccines, and just as the roll-out was beginning, a message was sent to me, through a highly reputable private law firm, from a senior executive of a major pharmaceutical Company who, because of his connections to The Bahamas, wanted to ensure that The Bahamas could receive vaccines from his Company to supplement such as we could receive from the Covax facility run by PAHO and the WHO. I duly passed on the contacts to the Minister of Health. Yet, despite our every effort we have not been able to get that Company to supply any Vaccines, even with The Bahamas being willing to pay for them at their market cost. This situation has much to do with the “vaccine Nationalism” about which I had reason to

complain recently. Quite simply, all stocks of vaccines have, until recently, been essentially commandeered by the major producing countries.

It is, therefore, a great relief to hear, firstly that the United States and the Biden Administration has recently committed to supplying over 500 million doses of vaccines to the developing world; and, further, that the G7 Countries, again as a result of American Leadership, has also agreed to provide at least 1 Billion doses of vaccines to the developing nations of the World, for a total of 2 Billion doses over the next 2 years. This commitment was underscored in the Closing Declaration of their recent meeting in Cornwall, UK, just last week.

The WHO has complained that this is still not enough; but it is an important first step, and a move towards an enduring Global commitment. For this we ought to thank the Biden Administration and the People of the USA.

Madam President,

The second issue which arose in the Other Place was what appears to be a political “narrative”, a story-line, designed to paint a negative picture of the Minnis Administration as being “out to get” political opponents, and abusing the prosecution authority to “persecute” political opponents.

This is, Madam President, a desperately untrue allegation, as we say on the streets, “from the pit of Hell”. It is a suggestion which endangers the very administration of justice.

I would remind the Opposition, when they were last in office they prosecuted a FNM former Senator, and an MCM of the FNM. The FNM never sought to accuse the then government of conducting any witch hunts.

Let me remind every Bahamian, that because of the commitment to fair and impartial justice by this government, The Bahamas now has an independent and impartial DPP, for whom I hold the highest regard and respect. And that DPP, free from any political interference, has charged and is preparing to go to trial against a former distinguished FNM Minister, yes, even as I speak today.

This circumstance hurts my heart and every fibre of my being, but the Law is the Law, and there is no justifiable legal basis on which I could exercise the constitutional override reserved to the Attorney-General.

No Bahamaland! we are not the PLP. We do not “play politics” with the administration of justice! We have an independent DPP now, and his job is to ensure that, in all things, Justice is served, both for the “boys on the blocks”, if you will, the ordinary person, and also for the political class, whoever they may be.

Madam President,

There is yet another matter which arose in the Other Place. It was a remark made by my very good friend the Hon. Glenys Hanna-Martin, the Member for Englerston, alleged that the FNM Government was constantly being Blacklisted and that we remained on one or two. This statement is misleading as it suggests that we were Blacklisted because of something that we, the FNM did, or didn't do. Nothing could be further from the truth.

The Bahamas remains on only ONE adverse list today, it is the EU List. However, we were only placed on that List by virtue of the fact that in May of 2020, when the EU List was announced, we were, at that time, still on the FATF Gray list. We only got on the FATF Gray list because of the defaults by the PLP government in its last term in Office.

As I indicated several times before in this place, the former PLP government knew since 2015 what they had to do to avoid the Country being Blacklisted. They failed entirely to do anything to address the deficiencies of which they were fully aware since 2015. In two weeks after we were sworn in, we were informed that the CFATF had referred The Bahamas to the FATF for the development of an "Action Plan" at their plenary held in June 2017. We assumed government in mid-May 2017; and by June 2017 the Bahamas had been referred to the FATF; because of PLP neglect and failure to address the deficiencies about which they were fully informed for more than two years before May 2017.

Madam President,

Moving to my substantive address of Budgetary matters, let me start by quoting Michelle Obama:

“Becoming isn’t about arriving somewhere or achieving a certain aim. I see it instead as forward motion, a means of evolving, a way to reach continuously toward a better self”. – Michelle Obama

As we enter this new phase in the COVID-19 Pandemic, it is the time for hope, optimism and reform. This Phase has taken on different shapes with different countries and regions and The Bahamas is no exception. As our economy is now opening up and operating in different ways, we must adjust as our continued vigilance and the increased vaccination numbers of our population, will determine the pace of our continued recovery.

This Budget is a courageous effort by the Government to not only address the COVID-19 Pandemic, but also to detail comprehensive policies to boost business expansion, development and growth in the country; improve governance, expand the business environment and improve the results of investment in education and the public health care system throughout our archipelago. This Budget includes targeted stimulus measures to re-ignite growth in the economy and the private sector which include:-

- Government Digitization-digital wallets for social welfare support, driver’s licence renewals, e-passport and cashless payments.

- Investment Reform-modernizing and digitizing its investment regime for Bahamian and Investment Authority.
- Ease of Doing Business-fast tracking its digital land registry and introducing new software at the Ministry of Public Works for the electronic submission of building permits.

Strong Legislative reform including the Public Procurement Bill, 2020, Public Debt Management Bill 2021, Public Financial Management Bill, 2021 and the Statistics Bill 2021 will be implemented during this budget cycle and will revolutionize and strengthen the governance of public financing in this country.

This 2021/2022 Budget debate takes place at a transitional and challenging time in our nation's history, but, we, as Bahamians have shown that we are a resilient and dynamic people who embrace change.

Throughout this pandemic, we have begun to change our habits, conform to the new norms, reinvent the way we work, and the Office of the Attorney-General is no exception. Consequently, this fiscal period will continue to focus on innovations to improve our efficiencies in the way we do business and the services that we offer to the public.

The Office of the Attorney-General

The world has changed and been transformed overnight in front of our eyes. 'Digitization' is the buzzword and contactless transactions are the norm. 98% of meetings are now done virtually, including all court hearings in the Court of Appeal. In all three branches of the Courts, i.e. Magistrates Courts, Supreme Courts and Court of Appeal, payments for all manner of

services can be done cashless by using a credit or debit card or using one of the electronic money providers.

The new Bail Management System to allow persons on bail to check in electronically will commence in July, 2021. The Industrial Tribunal will be launching and enhancing its e-filing with its new electronic connection to and integration with the Department of Labour.

A world transformed indeed and I am proud to state that the Office of the Attorney-General and Ministry of Legal Affairs has kept pace and been revolutionized right along with it.

Madam President,

Office of the Judiciary

The Judiciary commenced its court modernization and reform initiative referred to as COMRIN, prior to the onset of Covid-19. One of the main objectives of this initiative was to make the court processes more efficient through the greater use of technology thus transforming the courts into paperless courts. The initiatives include the following:-

- (i) the digitization of the court files;
- (ii) the implementation of the ICMS (Integrated Case Management System) in all of the Courts (Magistrates, Supreme Courts and the Court of Appeal) which will facilitate e-filing;

- (iii) the Bail Management system in the Magistrates and Supreme Court;
- (iv) the implementation of Digipay in New Providence in the Magistrates Courts, Supreme Court and the Court of Appeal;
- (v) the Court Automated Payment System (CAPS);
- (vi) the establishment of The Bahamas Judicial Education Institute (BJEI) and
- (vii) the recent appointment by the Judicial and Legal Service Commission (JLSC) of five (5) Judges and four (4) Magistrates all collectively contribute to the objective of increasing efficiencies and assisting with the reduction in the backlog of cases which will also contribute to this objective. It will also assist in greatly reducing the backlog of cases which can occur for a myriad of reasons which include the transport of files from the various registries to the judicial officers (where files are routinely misplaced in this movement). The increase of judicial officers will replace those who retired or who were elevated to a higher court.

Judiciary Digitization Unit

The Judiciary has established its own Digitization Unit which is expected to commence training in how to scan directly into the Integrated Case Management System (ICMS) in July, 2021. The Anchor Group (the vendor for the ICMS) will commence the training of the staff of this unit in early July, 2021. The unit itself will be responsible for scanning files post December, 2020 and any other files not scanned by ZCOM. The software

to be used by the unit is based on the ICMS, which will allow for significant cost savings to the Judiciary.

ZCOM - Digitization

Commercial and Public Law Division files

ZCOM commenced the scanning of files in the Supreme Court in early February, 2021.

To date all files from the commercial and public law divisions located in the Civil Registry have been scanned. From the Commercial Division 491,020 pages were digitized, and from Public Law 136,212 pages were digitized representing 1678 cases and 611 cases respectively. The only files from these divisions remaining to be scanned are those currently before Registrars and Judges. These files will be scanned once they are made available.

Probate Division

Scanning of Probate files have also commenced with 43,733 pages scanned to date. The next division to be scanned will be the Family Division followed by Appeals, Criminal and completion of files in the Civil Registry.

Magistrates Courts

The Judiciary is finalizing the scope of the files to be scanned in preparation for these courts.

Integrated Case Management System (ICMS)

The selected vendor, Anchor Group completed the work flow processes for each of the divisions of the court, including the Magistrates Court, Supreme Court and the Court of Appeal.

This phase is necessary for the configuration of the ICMS and will form the foundation of functionality. The commercial and public law files digitized will be uploaded into the ICMS in July, 2021. As each of the court files in the respective divisions are digitized they will be uploaded into the ICMS and rolled out. It is expected that the commercial and public law divisions will be operational on August 21, 2021. The complete database of case files maintained by the Court of Appeal will be accessible via the new software and will have advanced functionality for access via the cloud.

Bahamas Judicial Education Institute (BJEI)

The Judiciary has acquired space at Charlotte House for The Bahamas Judicial Education Institute where training for all staff and judicial officers will take place. The funds from the CSJP – IDB loan are being used to customize and furnish this space and procure equipment such as laptops, etc. It is expected that this will be completed by the end of July, 2021 for use for the training in the ICMS in particular and generally.

Court Automated Payment System (CAPS)

The training of all Magistrates Court staff including the Magistrates has been completed. Customers opting to use CAPS are currently being on-boarded into the system. The kiosk has been installed outside of the

Accounts department at the Magistrates Court. There are a few issues to resolve which have delayed the “go live” date however, it is expected that this will be resolved by the end of June, 2021 and, therefore, the system would be in operation in July, 2021.

DIGIPAY

Court users and customers of the Magistrates, Supreme Court in New Providence and Court of Appeal are now able to make payments by debit and credit card for:-

Court filing fees

- (i) Court ordered payments;
- (ii) Traffic tickets;
- (iii) Covid-19 fines;
- (iv) Other criminal fees; and
- (v) Child support payments

COURT OF APPEAL

Since the mid-year budget report, as previously stated the Court of Appeal has launched the DigiPay platform. Counsel and other court users have welcomed and happily embraced the added convenience of paying Court fees by cash, debit or credit card. The transaction is processed by a cashier and entered directly into the DigiPay platform. Thereafter, customers receive a SMS text notification which verifies receipt of payment. Albeit the revenue collected by the Supreme Court and Magistrates Court is significantly greater than the Court of Appeal, the third tier of the judiciary sufficiently appreciates this seamless and paperless process.

To this end, the Court has also been continuously engaged in the judiciary's digitization initiative. Specifically, the Court's team, which is led by a Justice of Appeal and the Court's Registrar, has been meeting tirelessly with various local and international stakeholders and the designers of the Sandbox platform. When completed later this year, that project will integrate all three (3) levels of The Bahamas judiciary.

The Court has also recently undergone an assessment of its IT infrastructure. The assessment has been a collaborative effort with the Court's internal IT specialist, Supreme Court IT specialist and the Department of Transformation and Digitization (DIT). It is anticipated that the court will shortly upgrade all of its computers and digital devices. Indeed we are most grateful to DTAD for the recent donation of 28 CPUS with keyboards received just last week.

The Court of Appeal already scans its court files. It is expected that ZOOM will only be required to export the scanned files into their system. This is being worked out with the vendor used by the Court of Appeal that stores the scanned files.

Since the mid-year budget report, the Assistant Registrar's post has been created. That position is expected to be shortly advertised by the Judicial and Legal Services Commission (JLSC) and filled by a suitably qualified judicial field aspirant. Indeed, this move is in keeping with the judiciary's evolution and intent to maximize its productivity.

To this end, the Court recently published *Practice Direction No. 1 of 2021*. The aforesaid Practice Direction modifies the Court's protocols and procedures with special emphasis on remote hearings and electronic submissions. It is also anticipated that with the introduction of the Sandbox initiative, electronic filings will shortly become a new reality.

Bahamas Industrial Tribunal to Launch Pioneering New Services

The Industrial Tribunal has announced the launch of two new services to more seamlessly integrate with the Department of Labour and to provide court date notifications and reminders via email or text messaging.

In pursuance of the Industrial Tribunal's commitment to providing access to justice, The Bahamas Industrial Tribunal has announced the successful implementation of two new facilities that will result in more timely and effective service to its social partners and Bahamians seeking redress before the Tribunal.

Refers – Records and Electronic Files e-Routing System

The Tribunal has implemented a new Records and Electronic Files e-Routing System (REFERS), for receiving Certificates of Referral from the Department of Labour via the Folio e- filing platform. In simple terms, this means that the Department of Labour will no longer have to forward the Minister's Certificate of Referrals to the Industrial Tribunal by ordinary post or messenger. The new service saves time, cuts expenses and provides a secure medium to transmit documents to the Industrial Tribunal. The result

is greater efficiency in processing certificates; enhanced security for the Tribunal's social partners; and less frustration for the parties.

The cooperation between the Department of Labour and the Industrial Tribunal in this initiative is to be commended as it has led to this success and has greatly benefited both institutions. More importantly, it will provide timely and tangible benefits for the people of the Commonwealth of The Bahamas.

The Department of Labour can now forward certified referrals via the Tribunal's REFERS systems that integrate seamlessly with their Folio e-filing system. Now, matters can be referred to the Tribunal immediately, rather than having to wait for a batch of matters to be compiled before delivery to the Industrial Tribunal on an ad hoc basis.

The REFERS system automatically tracks and tabulates Referrals by the Minister, sends notices and generates reports for the Tribunal and the Department of Labour to better maintain sight of the effectiveness of their operations.

A major benefit of the new system is its integration with the Tribunal's Case Management System, Attaché. The registry can now electronically peruse Referral Certificate(s) and decide if documents are in order to cause the creation of a new case file and ready for assignment to a Judge.

SPANS – Secure Personalized Alerts and Notification System

In this new budget cycle, the Industrial Tribunal intends to introduce,

as a part of its smart courts initiative to facilitate virtual adjudication hearings, an updated feature to further enhance and improve access to justice for applicants and respondents. In another first for any Bahamian court, the Industrial Tribunal will soon be launching a service it is calling Secure Personalized Alerts and Notification System or SPANS.

The new service will provide a simplified and more personalized way to communicate with parties to an action using automated SMS text notifications and email. It will be implemented across all of the four courts at the Industrial Tribunal – the three courts in New Providence and the court in the Northern Region.

This will reduce the burdensome responsibility of court staff trying to locate members of the public who are parties to an action in the Industrial Tribunal, to advise them of their court dates. This process is time-consuming, costly, fraught with uncertainties and frustrating to court officers and litigants alike.

Subscribers to the new service will be immediately notified of court dates, room or session changes, as well as upcoming court date reminders in advance of the court date. SPANS will personally inform users by reminding the registrants on their mobile phone and by email of the date and time of their upcoming virtual adjudication hearing at the Industrial Tribunal. This means that the Tribunal's Process Server will no longer have to physically travel to serve an applicant or respondent a piece of paper just so

that they can be made aware of the date and time of their virtual hearing before the Tribunal.

The new alerts and notifications system will revolutionize court business and the Industrial Tribunal will be the first court in The Bahamas and region to implement this type of communication module which will result in more efficiency at the Industrial Tribunal.

The new SPANS system is being launched at a time when the workload of the Industrial Tribunal has more than doubled over the past 14 months. The Tribunal's workload increase has been triggered by the rise in employment issues stemming from the impact of COVID-19 pandemic on the labour sector and on industrial relations.

In facing the challenges, the Tribunal has had to accelerate its digitization plans and reshape traditional approaches and mindsets to technology and service quality. Thankfully, the Industrial Tribunal and indeed, the Government of The Bahamas, has been able to rely upon our ongoing collaboration with APEX – the Caribbean Agency for Justice Solutions. The Bahamas is a signatory member of the Caribbean agency.

APEX has provided the technology and expertise to enable the Tribunal to not only function in trying times, but to excel. APEX has exceeded its reputation as an enabler of Caribbean court excellence. The Bahamas is proud to be a signatory member of the unique and highly relevant Caribbean agency.

The two new services being implemented by The Bahamas Industrial Tribunal will significantly reduce the cost of doing business at the Tribunal and benefit Bahamian workers and persons doing business in The Bahamas. These services are another first for courts in The Bahamas and are the latest addition in a series of innovations being pioneered at the Tribunal as part of a larger initiative to improve the quality of service being offered to Bahamians.

Office of the Director of Public Prosecutions

The mission of the Office of the Director of Public Prosecutions is to excel in delivering efficient and prosecutorial service. In this vein, as at June, 2021, the ODPP realized the following achievements under its programmes of Criminal Prosecutions Services and Management Support Services:-

Criminal Prosecutions Services Programme

Police Consultations: Although Covid19 has impacted the operations, the ODPP continues to render consultations to the Royal Bahamas Police Force ("RBPF"). Throughout the Lockdowns, prosecutors were available on call, to guide the investigators. The turnaround time for police files submitted for consultations and guidance is 12-24 hours. A 12 month Rota comprised of senior prosecutors is available to the police, along with the telephone

contacts to ensure the smooth running of the consultation process so that Consultation officers met their target at 100% rate.

Arraignments

The ODPP resumed participation in arraignments in the Supreme Court in October 2020. This exercise continues each first and third Friday, with a view of reducing the backlog.

Along with the Office of the Judiciary and Court of Appeal, the ODPP has learnt to perform all of its functions virtually/electronically.

Case Management

Given the challenges posed by the COVID-19 pandemic, Case Management has been conducted virtually before most courts. We commend the Judiciary and the Bar for embracing the use of IT platforms in handling case management. This has relieved Counsel of the burden of carrying suit cases full of files to court.

Plea Agreements

There have been a number of concluded plea agreements. This has significantly contributed to the backlog; and has also saved the Crown resources.

Prosecutions before the Supreme Court

Owing to the Covid-19 pandemic the jury trials stopped in March, 2020 were resumed in November, 2020. From January, 2020 to June, 2021, there were 129 convictions, 29 acquittals and the issuance of 49 Nolles Prosequis. The conviction rate, in the circumstances, is at 83%. There were other delays as trials were adversely impacted by some Counsel testing positive for Covid-19. This interrupted operations, as the affected officers and colleagues were required to abide by the Ministry of Health protocols.

Appeals

Appeals have been prosecuted and defended virtually via the Zoom platform. Prosecutors have been able to effectively operate remotely. Submissions and bundles have been submitted both electronically and in hard copies. Appeals have been impacted by delays in some cases especially, where the Crown is not duly served, within the requisite time, to enable a response in a timely manner.

Management Support Services Programme

Witness Care and Victim Support: Upon the resumption of jury trials and in-person hearings before the Magistrates' courts, the Witness Care (Victim Support) officers had to re-engage with witnesses and victims of crime. This posed a challenge because of the obvious features and consequences of the Covid-19 pandemic. To mitigate this challenge, the Office established a witness/victim lounge. The purpose of this lounge is to

ensure that witnesses/victims have a relaxing environment and are refreshed before going to court. This is important for vulnerable witnesses and victims especially women, children, witnesses from abroad, and seniors.

Swift Justice

The Swift Justice meetings were also impacted by the pandemic, as the different stakeholders institutions were affected. It should be noted that one of the key actors Ms. Janet Hall from the Public Hospitals Authority passed on. The Swift Justice meetings, which also resumed in November, 2020, are now held virtually via the Webex platform. This has also reduced expenses of prioritizing multiple hard copies, as documents are distributed in electronic form. Most importantly, the Freeport Team is able to participate in the virtual meetings and can follow up on their cases more efficiently.

Training and Capacity Building

Between 17th–19th May, 2021, ODPP conducted a 3-day training for Immigration Officers on immigration crimes, prosecutions, and related issues. This is an effort to build capacity of other agencies, whose mandate impacts the criminal justice system.

Website

The development of the ODPP website is being briskly pursued

with the technical support and assistance of DTAD. It is in its final stages of development as a test run was done at the beginning of May, 2021. It is expected to be launched in the first quarter of the 2021 fiscal year, and will contribute to public awareness of what the ODPP does.

Challenges and Plans to Improve Performance

The ODPP continues to operate under several challenges, including legislative and resource (Human and financial) gaps. In spite of the challenges, as stated earlier the ODPP has maintained an **83%** conviction rate. The challenges include the lack of adequate human resources, lack of reliable transport and lack of an adequate Witness Protection law and programmes which affect prosecutions.

It should be noted that due to more attractive offerings in the public and private sector, there has been a high level of attrition of staff in the Office of the Director of Public Prosecutions. The Office has recently lost three (3) senior prosecutors to the Judiciary. Make no mistake about it, the ODPP proudly embraces the fact that its 'stock' is coveted, and its Attorneys are able to spread their wings. It is particularly noteworthy, that almost half of the judicial appointments were from the ODPP! Nevertheless, it has placed an added strain on our prosecutorial team.

It is envisaged that at least 12 new prosecutors will be recruited during the 2021/2022 budget year to augment the current team to service any new criminal courts at the Supreme Court with the current numbers. It is, therefore, critical that resources and the necessary support be appropriately rendered to facilitate the fast tracking of this process.

CFATF / FATF

During the past fiscal year several legislative amendments were made to bolster the financial services regime including:-

Financial Sector Legislative Amendments

- i) Financial & Corporate Service Providers Act, 2020 – modernizes the regulation of non-bank financial and corporate services in The Bahamas, addressing any remaining gaps as per FATF recommendations.
- ii) Financial & Corporate Service Providers Regulations, 2020.
- iii) Digital Assets and Registered Exchanges Act, 2020 – regulates the issuance, sale, and trade of digital assets in or from within The Bahamas.
- iv) Banks & Trust Companies Regulation Act, 2020 – consolidates and modernizes the law regulating banks and trust companies.
- v) The Central Bank of The Bahamas Act, 2020 – consolidates and modernizes the law governing the Central Bank of The Bahamas.
- vi) The Register of Beneficial Ownership (Amendment) Act, 2020 – clarifies the definition of ‘beneficial owner’ and the obligations of legal entities and registered agents for the purposes of the Act.
- vii) Insurance (Amendment) Act 2021 – provides for the Insurance Commission to give express permission for changes in beneficial ownership and senior management of licensees and registrants.
- viii) Financial Transaction Reporting (Amendment) Regulations, 2021–provides for a threshold of one thousand dollars for customer due diligence by digital service providers when carrying out occasional transactions (single or linked).

FATF onsite Review

The Bahamas' onsite review (a prerequisite to the country being released from the FATF Grey-list), occurred during 11th – 12th November, 2020 at the Warwick Hotel, Paradise Island. OAG hosted a team of four FATF experts onsite and five additional team members via electronic media.

The On-site visit involved a full review of the implementation and effectiveness of all of the reform measures implemented by The Bahamas over the past several years; in-person discussions and questioning of Authorities, which oversee the operations of the financial services and non-banking service providers, law enforcement, prosecutorial and international cooperation; as well as dialoguing with private sector service providers.

The post onsite FATF Review Assessment was circulated to the Global Network for commentary. As no negative remarks were received by the FATF Secretariat, on 18th December, 2020, the FATF posted a press release as an appendix to the Compliance Report advising that The Bahamas had been delisted from the Grey-list.

The OAG's Compliance Unit – established in March, 2020, in conjunction with the Registrar General's Department, the Unit has taken aggressive steps to register the 1200 plus NPOs in the first quarter of 2021. To-date some 700 NPOs have been registered. More than 150 of the NPOs

have been risk assessed for terrorist financing with an exercise ongoing to complete the assessments of the remaining 550.

The National AML/CFT/CFP Risk Assessment (NRA) – An update to the 2015/2016 National Risk Assessment commenced in February, 2021 and is ongoing. The Group of Financial Services Regulators secured a risk assessment expert to carryout a risk assessment of the financial and non-bank financial services sector as an integral portion of the NRA. The OAG Compliance Unit has engaged the World Bank to assist with the risk assessment of the NPOs. An introductory/preparatory workshop was held by the World Bank experts on 10th May, 2021 with all stakeholders that will be assisting in the exercise. The update to the NRA is scheduled to be completed before end of summer, 2021.

BOSSS

As of 15th September, 2019, 100 of the largest Registered Agents for companies and exempted limited liability partnerships were onboarded into The **Beneficial Ownership Secure Search System**. Phases I – IV have now been completed at the end of May, 2021 with 167 small and medium sized Registered Agents being onboarded. To-date we have 43,687 entities, entered into the BOSSs with 45,813 beneficial ownership entries. We have issued sanction letters to 11 Registered Agents and 10 to Companies without Registered Agents that are in non-compliance with the Register of Beneficial Ownership Act provisions.

On 21st May, 2021, The Bahamas submitted to the CFATF a rerating

application for its compliance with 10 FATF Recommendations scored 'Partially Compliant' in its 2017 published CFATF Mutual Evaluation Report. This will be The Bahamas' second re-rating application. The first was submitted in May, 2018 and the country was successful in securing favourable re-ratings of "Largely Compliant and Compliant" ratings for 12 Recommendations previously scored "Partially Compliant". It is expected that this current application will again be successful in gaining favourable ratings, improving the country's current score of 30 Compliant and Largely Compliant ratings.

EU AML Blacklist

The Bahamas continued to engage with its EU partners over the year with 12 fruitful and productive Zoom meetings with EU officials from Germany, Italy, Hungary, Spain, the Czech Republic, Cyprus, Belgium, Malta, Netherlands, etc.

We have also had interactions with the DG FISMA- (European Commission, Director-General for Financial Stability, Financial Services and Capital Markets Union) Committee reviewing our compliance with Anti-Money Laundering Standards. Over the last 12 months, we have received two (2) draft assessments and have responded with additional information and documents and have engaged the Committee in a Zoom Meeting with The Bahamas EU Ambassador. We are currently awaiting further communication from the Committee regarding our last submission of responses to DG FISMA on 15th May, 2021.

In the next twelve months, the Office of Attorney-General will:-

- a) pursue vigorously the DG FISMA Committee to seek de-listing from the EU AML Blacklist;
- b) complete the update to the 2015/2016 National AML/CFT/CFP Risk Assessment by end of Summer, 2021;
- c) continue to upgrade legislation in-line with international best practices;
- d) regulators will continue to fine tune onsite and offsite surveillance programmes disrupted by COVID-19 to produce hybrid solutions;
- e) in 2022, preparations will commence for the FATF Round Five Mutual Evaluations and we will fine tune the components of our implementation plan to comply with FATF 11 Immediate Outcomes and to ensure that technical compliance is maintained in at least 38 'Compliant and Largely Compliant' ratings.
- f) ensure that engagement with the financial and non-bank financial sector providers remain at a high level – Regulatory briefings and forums, workshops, Seminars, FIU meetings with stakeholders, etc.
- g) ensure training and capacity building opportunities are given to the stakeholders involved in the AML/CFT/CFP legal, enforcement and regulatory regimes.

The above plans will positively impact the revival in the financial and non-bank financial sectors as being delisted from the FATF Grey List followed by being delisted from the EU AML Blacklist will make the jurisdiction more attractive to maintaining the financial centre business it has already and attracting new business as the ease of doing business in The Bahamas will improve. This will positively impact employment and result in Government tax collection increases as Vat volumes increase, financial services taxes increase (stamp tax, international funds transfer taxes,

business license fees volumes increases and related increase in other taxes – NIB and customs.

The Office of the Attorney-General continues to train and engage its stakeholders to ensure that all persons are kept abreast of the issues and work together to keep the jurisdiction attractive for new business and protected from money laundering, terrorist financing and proliferation financing. **I now turn to the:-**

Freedom of Information Office

It is with great pleasure that we can announce that the Freedom of Information Office is now established. On May 3, Retired Justice Keith Thompson was appointed as the nation's first Information Commissioner and on May 6, former Assistant Director of Legal Affairs, Mr. Shane Miller was appointed as the nation's first Deputy Information Commissioner.

Since May 3, the Commissioners have been busily involved in the process of organizing and setting up The Unit as required by the Freedom of Information Act.

The Unit along with the Department of Transformation and Digitization (DTAD), and in conjunction with the Inter-American Development Bank (IDB) through phase 3 of its \$30 Million Dollar loan programme is in the process of selecting a Consultant through IDB procurement procedures. The said selection process is near the end and a consultant charged with preparing a roadmap for the roll out of the Freedom of Information regime will be announced shortly.

Colleagues should also note that the Unit has set specific goals to accomplish by December 31, 2021, some of which include the following:-

- Roll out of social media platforms. To encourage public awareness the Unit has established Twitter, Facebook and Instagram accounts which are updated daily.
- Onboard the Consultant and develop a strategy and roadmap for the roll out of the Freedom of Information regime.
- Work with The Bahamas Chamber of Commerce to implement a Logo/Jingle competition for High School aged students in The Bahamas including the Simpson Penn and Willimae Pratt schools.
- Identify and assess, along with the relevant Government agencies, the Government's "Readiness" in terms of Information and IT capabilities for an efficient rollout of FOI.
- With the advice of the Consultant, prepare and finalize draft Regulations.
- Also with advice from the Consultant begin preparing a training curriculum, inclusive of town hall meetings to educate and promote Freedom of Information/Access to Information to the general public as well as Information Managers.
- Liaise with the Department of Archives on best practices in records management.

Madam President, it is crucial to note that the full roll out of the Freedom of Information regime is a process that must be undertaken in stages as much preparation has to be done, especially in terms of assessing the records management capabilities of the Public Service agencies that fall

within the ambit of the Statute and the General Government “Readiness” (the Information Technology capabilities). Thus, it is envisaged that key Ministries will be identified early as Pilot agencies to test and evaluate the delivery of information under the Act.

The Registrar General’s Department

The COVID-19 Pandemic has significantly impacted the Department in that the entire Department had to be closed on one occasion and more than once various sections within the Department were closed. Over the past year, we lost 2 staff members, as a result of COVID-19, Mr. Hubert Ferguson and Mr. Wellington Smith. The Registrar General’s Department, despite these challenges continues to improve and embrace new initiatives.

Most significantly the systemic upgrade of the Corporate Registry in the Registrar General’s Department is in its initial stages. Unfortunately, due to COVID-19, the finalization of the contract with BRAC was delayed. While we have managed to execute the contract within this budget period, we are almost a year behind schedule. Nevertheless, we are excited as we are now able to proceed. It is anticipated that the upgraded Corporate Registry would be completed by the end of 2022. Some of the features of the proposed new system are as follows:-

- It will allow for bulk payments to be made for up to 250 companies at one time;
- A registered agent will be able to obtain a list of companies under its remit in an easily accessible format that it is also exportable;

- A registered Agent will be able to obtain customizable and standard reports on any company
- A notification feature will provide automatic notifications for payments prior to the imposition of penalties and fees;
- The platform for use by Financial and Corporate Service Providers (FCSPs) will assist them in the day to day management of their companies, while also allowing management to audit the work out-line.

This will not only increase the efficiency of the Registrar General's Department, it will also have a positive impact on the ease of doing business in The Bahamas.

In this upcoming year, etc. we are also looking forward to a closer and more meaningful relationship with The Bahamas Financial Services Board commencing with a collaborative workshop being held on Friday of this week specifically geared to enhancing "the client experience at the Companies Department at RGD." We are most appreciative of their interest, recommendations, their concrete actions and the partnership that is developing as we all do our part to facilitate the ease of doing business in The Bahamas.

Hacking

In light of the Hacking that took place in 2019, the Registrar General's Department has upgraded both hardware and operating systems. The Department in conjunction with the Department of Transformation and

Digitization is in the process of completing the security roll out to ensure that no future breaches can occur. The target date is 31st December, 2021.

Digitization Programme

- (1) The Registrar General's Department was one of the pilot agencies chosen to participate in The Bahamas Government's Digital Transformation Initiative.
- (2) It began in New Providence in July, 2020 and has since expanded to Grand Bahama in May, 2021 along with the islands of Exuma and Eleuthera.
- (3) Bahamians are now able to apply online for copies of their birth and marriage certificates, as well as death certificates for their loved ones.
- (4) To date the following requests have been received online and processed by RGD:-

Birth certificates- Nassau-236

Grand Bahama-8

Exuma-1

Eleuthera-1

Marriage certificates- Nassau-75

Grand Bahama- 4

Exuma-1

Death certificates- Nassau-28

Grand Bahama-2

Plans are envisaged to offer these services to the entire Bahamas. These new systems will greatly enhance the service delivery of the Registrar

General's Department to its corporate and individual customers, domestic and international as well as accelerate our recovery and growth.

Madam President

In concluding, challenging situations bring out the best in people. Solidarity, unprecedented collaboration and new ways of thinking will help us emerge stronger and smarter from this pandemic.

The Bahamas owes an immense debt to those who served and continue to serve on the frontlines. To the health care workers, essential workers and volunteers, we thank you.

I also wish to congratulate the visionaries and pioneers in the Administration of Justice and Officials in the Office of the Attorney-General,

- i) Sir Brian Moree, Chief Justice for his ongoing transformation of the Supreme and Magistrates Courts;
- ii) our Attorneys both in the Department of Legal Affairs and the Office of the Director of Public Prosecutions who have so ably adjusted to working from home and attending trials by virtual means;
- b) Dame Anita Allen, the Law Commissioner, and DLR Tina Roye as well the team of drafts persons in Law Reform who have been working tirelessly, night and day, not only to keep up with the Emergency Orders, but concurrently all the drafting demands of other Ministries;
- iii) President Indira Francis and her team, who have once again introduced new upgrades to the technology at the Tribunal. I would also wish to pay special tribute to Mrs. Marilyn Meeres, Vice President of the Tribunal, who is presently on pre-retirement leave having served for 25 years as a jurist for our country;

- iv) I would be remiss if I did not mention our six (6) Public Defenders and their support team who are doing a yeoman's job in rendering services to the prisoners and others who cannot afford legal representation;
- v) The Registrar General Department's staff who have been under so much pressure to render daily service to the public during COVID and who have risen to the occasion;
- vi) our janitorial team led by Ms. Christine Johnson, an excellent, dedicated employee. They bravely came to the office periodically during the lockdown to ensure that our premises at the Ministry were kept clean and free from mold;
- vii) last but not least, I must commend all of the administrative staff who provide the ancillary services on which the Attorneys rely. I have a wonderful team for which I am truly grateful.