



**2020/2021 SESSION
of the
BERMUDA HOUSE OF ASSEMBLY
OFFICIAL HANSARD REPORT**

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Virtual Sitzings

*Sittings 24 - 25 of the 2020/2021 Session
(pages 1877–2064 and INDEX)*

**Hon. Dennis P. Lister, Jr., JP, MP
Speaker**

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BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT
VIRTUAL SITTING
10 SEPTEMBER 2021****10:01 AM***Sitting Number 24 of the 2020/2021 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

The Speaker: Good morning, Members. The House is now live, and we will ask Ms. Beale to open with prayer.

Ms. Beale.

PRAYERS*[Prayers read by Ms. Kara Beale, Assistant Clerk]*

The Speaker: Thank you, Ms. Beale.
Members, the House is now in session.

CONFIRMATION OF MINUTES*[Minutes of 23 July 2021]*

The Speaker: The Minutes of July 23 have now been circulated. Are there any amendments or corrections to those Minutes?

Hon. N. H. Cole Simons: Yes, Mr. Speaker.

The Speaker: Opposition Leader.

Hon. N. H. Cole Simons: Mr. Speaker, as you know, there were irregularities on the motion to adjourn. And these irregularities resulted in various miscommunications and other issues. When the debate took place, it was perceived to be inequitable. And so we in the Opposition are asking if we can strike the reference to the motion to adjourn in regard to the National Sports Centre from the Minutes. Or we defer the Minutes until you and I can discuss it further.

The Speaker: Well, I am going to say that this is a conversation that needs to be had off-air. You and I need to arrange a time to have a conversation regarding this so that I can try and get a better understanding of what your view is on that. But I am going to speak to that particular sitting in a moment.

Hon. N. H. Cole Simons: So, in the interim may I ask if we could defer these Minutes?

The Speaker: I do not have a problem deferring it until we have that discussion.

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

The Speaker: Okay.

Any other amendments?

There are none. The Minutes have been deferred until the next sitting.

*[Minutes of 23 July 2021 deferred]***MESSAGES FROM THE GOVERNOR**

The Speaker: There are none.

**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING****MOTION TO ADJOURN 16 JULY 2021**

The Speaker: Members, I wanted to take this opportunity to address the last sitting that took place on the 23rd of July. But before I speak to the 23rd of July, I should speak to the 16th of July.

On the 16th of July, MP Cannonier rose on the motion to adjourn to speak to a matter in reference to the National Sports Centre. And I cautioned him in the fact that I did not have sight of the documents that he was referring to. And I asked him to make sure that at the earliest convenience I was provided with a copy of the documents to which he spoke.

The Member did so, and it was my intention once I had the documents in my hand to review the documents against the Hansard to balance off what was said against what was in the documentation. [It] took a period of time to go through the Hansard word-by-word to confirm that against the actual information that was provided in the documentation, which did not get done before the following sitting on [July] 23.

On [July] 23, I was not present in Parliament that day, as you all know; the Deputy Speaker was in the Chair for the day. There was a miscommunication, because on [July]16 (at the time that we were on the motion to adjourn), the Deputy Speaker was not present in the House because he was attending a family funeral. He missed the entire exchange of what took place that day. So, when he was in the Chair on [July] 23, he was unaware. And I have to take some responsibility for that because he was not apprised of

what took place at that time. Whenever I am not available, I brief him on the other matters of the day. They are normally the standard matters. But [on] that particular item, because I had not had a chance to review it yet, he did not get briefed on that.

So, when we were on the motion to adjourn and Members got up to speak to the matter, he was unaware of what took place the previous Friday. When it was brought to his attention by our staff, he then proceeded to say, *Look. I need to hold this off because I know this is a matter that the Speaker is dealing with.* So that is when he attempted to have that particular topic not spoken to any further.

Unfortunately, at that time MP Cannonier was on his feet, and [the Deputy Speaker] was asking him to just hold off until the Speaker had a chance to take his position on it. The unfortunate part is that they saw it from different perspectives, and the conversation continued when the Deputy Speaker was trying to have MP Cannonier cease at that time and just hold it off until I was back in the Chair. Resultingly, as you all know, MP Cannonier was asked to leave the Chamber, leave the sitting for that day.

I stress that it was just for that day. MP Cannonier is welcome to join us today. I have spoken with him and indicated that, even though he may have disagreed with the position of the Deputy, the Deputy was in the Chair, and he needed to honour the person who was in the Chair no matter who was in the Chair. And based on that, he is welcome to come back today provided he just give an apology for not acknowledging that the person in the Chair had control of the House, as I would expect any Member to recognise that whoever is in the Chair has control of the House.

So, for the record, MP Cannonier is welcome to join back in today. He understands that he will have to bring an apology for not honouring the Deputy Speaker as the person in charge of the House that day requesting him to cease.

And the other part is that the information that was spoken to on [July] 16, I have had a chance to do a full review of that against the information, the comments that were spoken to. I have had a full opportunity to review it all. And there was nothing in there that I would ask the MP Cannonier to withdraw, because all of his comments were based on questioning the information that he had in his hand and information that was in the air, so to speak, of what had gone on. At one point while he was on his feet, he had attempted to speak of individuals by name, and I stopped him from doing that because I did not think that was appropriate. But his comments as far as questioning, I did not see a problem as to having to withdraw any of that. So, he is welcome to come back in if he apologises.

Those are my comments, my announcements for today. We will move on.

MESSAGES FROM THE SENATE

The Speaker: There are none.

PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE

The Speaker: There are four papers today. The first is in the name of the Premier.
Premier.

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

The Speaker: Good morning.

PROCLAMATION PROPOSED TO BE MADE BY HER EXCELLENCY THE GOVERNOR—SECTION 4 OF THE PUBLIC HOLIDAYS ACT 1947

Hon. E. David Burt: Mr. Speaker, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Proclamation proposed to be made by Her Excellency the Governor in exercise of the power conferred on the Governor by section 4 of the Public Holidays Act 1947, enacted in accordance with the advice of the Cabinet declaring Monday the 18th day of October 2021 to be a public holiday.

The Speaker: Thank you, Premier.
The next is also in your name, Premier.

BERMUDA TOURISM AUTHORITY 2020 YEAR IN REVIEW

BERMUDA TOURISM AUTHORITY CONSOLIDATED FINANCIAL STATEMENTS FOR THE YEAR ENDED DECEMBER 31, 2020

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

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Bermuda Tourism Authority 2020 Year in Review report and the Bermuda Tourism Authority Consolidated Financial Statements for the year ended December 31, 2020.

The Speaker: Thank you.
The third one is yours as well, Premier.

Hon. E. David Burt: Mr. Speaker, I just did both.

The Speaker: Oh, okay. Thank you. You did them together, all right. And the final this morning as to Papers and Communications is the Public Health Extension from Minister Wilson.
Minister Wilson.

Hon. Kim N. Wilson: Good morning, Mr. Speaker.

The Speaker: Good morning.

PUBLIC HEALTH (COVID-19) EMERGENCY EXTENSION (NO. 5) ORDER 2021

Hon. Kim N. Wilson: Mr. Speaker, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Public Health (COVID-19) Emergency Extension (No. 5) Order 2021, proposed to be made by the Minister of Health in exercise of the powers conferred by section 107A of the Public Health Act 1949.

The Speaker: Thank you, Minister.

That brings us to a close of the Papers and Communications.

PETITIONS

The Speaker: There are none.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: We have eight Statements this morning. The first is in the name of the Premier.

Premier, would you like to present your Statement at this time?

Hon. E. David Burt: Yes, Mr. Speaker. Mr. Speaker, I just wanted to confirm that your honourable offices did receive a minor amendment that I had to make this morning, based on a late development.

The Speaker: Yes. Yes. All right.

Hon. E. David Burt: Thank you, very much

The Speaker: We have been updated.

UPDATE ON MOVING BEYOND THE PANDEMIC

Hon. E. David Burt: Thank you.

Mr. Speaker, when this Honourable House rose on the 23rd of July, the country eagerly anticipated Cup Match, witnessing the annual classic and enjoying this summer highlight with family and friends. We did that, Mr. Speaker, and we did so safely. The strict enforcement of practices adopted to keep us safe showed that we could adjust our lives to live with COVID-19 and enjoy different versions of traditional events and celebrations.

Mr. Speaker, since the Cup Match holiday, we have seen an increasingly casual and, in some cases, [an] almost cavalier approach to those very same

practices that have kept us safe since the declaration of the global pandemic in March 2020.

Mr. Speaker, just a little over three weeks ago, as case numbers began to rise, the Government announced new requirements for the use of SafeKey for indoor activities where masks are removed. Since that time, in a matter of weeks active cases have quadrupled to over 500 and there are now more than 20 residents in hospital, with five persons in the ICU. My colleague, the Honourable Minister of Health, set out in comments earlier this week how this outbreak has been fuelled by people ignoring the basics and going to work when unwell. The same must be said of a family in a business that failed to follow the traveller continuum on their return to Bermuda and caused a cluster in a school/camp setting.

There are many other examples of persons not following the rules that have been made to prevent the spread of this deadly virus. The culmination of this is what we have now—a wave most harshly affecting the unvaccinated, those who cannot be vaccinated due to age or medical condition, and those who to date have chosen not to be vaccinated.

Mr. Speaker, we now have community transmission. There are a significant number of cases under investigation, and the increased community testing continues to identify positive cases. In 2020 we would have been considering additional public health restrictions, a curfew or even another period of shelter in place. But, Mr. Speaker, it is not 2020. Sixty-six per cent of our population is fully vaccinated, and the data around this outbreak confirm that its scale and scope are being driven primarily by transmission from unvaccinated persons to other unvaccinated persons.

With our vaccination strategy validated by the protection against serious disease provided to vaccinated persons, we are not where we were in 2020 and not where we might have been with lower vaccination rates. Therefore, 2020's blanket measures that affect all persons and all businesses despite their compliance with the rules will not be immediately applied to this period in 2021. As long as we are able to properly manage the care of those who need medical attention generally and those persons with COVID-19, we have no need to revert to lockdowns and curfews; but, Mr. Speaker, these measures remain a possibility if we cannot take care of the sick in the community.

We must continue to adjust our lives to live with the coronavirus and not so interrupt our lives that we again cannot worship communally, dine out as a family or go to work to earn a living. The people of Bermuda, who by and large are following the rules, should not be subject to further interruption of their lives and livelihoods caused by persons who do not follow the precautions in place that will keep us all safe.

Mr. Speaker, since March of 2020 this Government has provided thousands of tests free of charge. Not one person in this country has paid for a

vaccination. The Government has not mandated testing save for participation in sports or in compliance with exemptions granted for large groups. The Government has not mandated vaccination for any resident, in spite of other similar jurisdictions doing so for work permit holders, frontline workers and public sector officers. This has been a study in the emphasis of personal choice, enhanced by public information and a constant encouragement to consult one's own doctor.

Mr. Speaker, the various Regulations implemented since March 2020 have been measured and indicative of an overarching aim of keeping this community, and in particular its most vulnerable citizens, safe. None of this has changed, Mr. Speaker, and none of this will change.

Mr. Speaker, this next phase of [moving beyond the pandemic](#) cannot have blanket Government intervention in the management of all areas of the economy, cultural life or casual interaction as its cornerstone. This next phase must have at its core a theme of personal responsibility. We must now take charge of our own interactions and act sensibly and safely. This means that if an event is for 20 people, then 20 it must be. This means that if we are in a setting where mask-wearing is mandated or strongly recommended, then you should wear a mask. This means that we cannot act like COVID-19 is a thing of the past and party like it is 2019. Mr. Speaker, the stage is set, the information is widely available, and we as a community know what we should and should not do in order to keep ourselves, our families and each other safe.

Mr. Speaker, save for changes to group sizes, the details of which will be confirmed by the Honourable Minister of Health later today, there are no major proposed changes to the existing public health regulations at this time because that which is in place, if properly followed, is enough to keep us safe. Therefore, there will be a redoubled effort to fully enforce the rules that are in place. Various elements of the public health enforcement teams will meet later today, and coming out of that discussion I expect to see broader enforcement of the existing regulations this weekend and beyond.

Large groups granted an exemption should expect to be visited and subjected to confirmation of the correct use of SafeKey and other conditions under which the exemption has been granted. Licensed premises and indoor bars and restaurants can expect the same. The enforcement will be broad, and my expectation is that it will also be fair. This is the only way that we will ease the growing pressure on the various elements of our health care system, which are stretched and strained.

Mr. Speaker, the current regulations provide the Minister of Health with the authority to close offending establishments. A recommendation is likely to be made to extend that power to a senior police officer

in keeping with previous practices under the former regulations. This power would be used sparingly, but the immediacy it affords will provide maximum protection in the event of an apparent breach.

Mr. Speaker, it should be clear that the Government desires a zero-tolerance approach from enforcement agencies. If a place that is required to have SafeKey has patrons present with no valid SafeKey, it should be closed for a period according to law. If a place is not collecting contact-tracing details as required, it too should be closed according to law. If an establishment requires staff to be masked and they are not masked, it too should be closed in accordance with the law. The Government has implemented a fixed penalty regime, and this too must be employed in the enforcement regime.

Mr. Speaker, before I close, I want to speak to the health care workers and the first responders of Bermuda. Mr. Speaker, our health care workers deserve better than what our residents are giving them. These dedicated men and women have been working flat-out for 17 months collecting test samples, running tests, collating statistics, sharing information, contact tracing, producing guidance, all while still taking care of responsibilities outside of work. These are our fellow citizens who have gone above and beyond, often putting themselves in harm's way. It is not fair to them to expect them to keep up the same pace and diligence when our residents are not following the rules and doing what is necessary to break the transmission of the coronavirus. The abuse that has been hurled in person from persons waiting to be tested, online to those conducting the tests, and by phone for those trying their best to deliver results is not acceptable.

In Bermuda we have become accustomed to results the same day, testing availability the same hour, and people going the extra mile to accommodate last-minute behaviour. Mr. Speaker, this Government will not heap more stress on our health care workers and ask them to do more when they barely have the energy to keep up with their current workload. I must ask all persons in this country to be patient while our health care workers deal with this surge; things will take longer than they normally do because those on the frontline are human. Mr. Speaker, I would sincerely hope that all Honourable Members will echo that sentiment because our health care workers in public health and in the hospital have gone above and beyond.

Mr. Speaker, for these last several months I have placed an emphasis on unity. Unity of purpose has led to the sight of homeporting cruise ships berthed at our ports. Unity of purpose has seen us welcome increased flights and leisure visitors. Unity of purpose has put people back to work and allowed them again to earn in support of themselves and their families. That same unity must now be converted into personal responsibility to preserve and grow what we have achieved. People are still getting sick; some are

unfortunately in the hospital and still others have sadly passed away. Now is not the time for us to act with wanton disregard and be resigned to a lockdown to solve a problem caused by that wanton disregard. As a country, we have been doing this for 17 months, and it is now time for each of us to adjust our behaviour, follow the rules and take personal responsibility to do our part to reverse the current trend and end this outbreak.

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Premier.

The second Statement this morning is in the name of the Deputy Premier.

Deputy Premier, would you like to present your Statement at this time?

Hon. Walter H. Roban: Yes, Mr. Speaker.

The Speaker: Go right ahead.

INVASIVE ALIEN SPECIES ACT 2021

Hon. Walter H. Roban: Good morning to you, and good morning to the listening public and colleagues in the House of Assembly.

Mr. Speaker, today I am tabling the Bill entitled the [Invasive Alien Species Act 2021](#), legislation that will greatly enhance the Island's biosecurity against the introduction and spread of pest species.

Mr. Speaker, invasive alien species are "plants, animals, pathogens and other organisms that are non-native to an ecosystem, and which may cause economic or environmental harm or adversely affect human health. In particular, they [negatively impact] local ecosystems and ecosystem functions through competition, predation, or transmission of pathogens . . ."

Mr. Speaker, I am pleased to announce that the tabling of this Bill is one watershed moment in the Government's efforts to mitigate the effects of climate change. More will be coming on the subject of climate change. Many believe that the impact of climate change will mainly be seen in rising tides and stronger hurricanes. The threat to our ecosystem is another risk that cannot be ignored.

Honourable Members will be aware that this year the United Kingdom serves as the President Nation of COP26 [26th UN Climate Change Conference of the Parties]. They have published five campaigns for avoiding dangerous climate change. One of these campaigns is entitled "Nature." Mr. Speaker, with your indulgence, I will quote sections from the UK's description of their Nature campaign.

The Speaker: Continue.

Hon. Walter H. Roban: Thank you.

"Humanity faces the twin threats of climate change and biodiversity loss which, together, are undermining nature's capacity to sustain healthy life, nutritious diets and national economies. The two are inextricably linked and need to be tackled together urgently, with equal ambition."

They go on to write, Mr. Speaker, "We will use our COP26 Presidency to build on the foundations laid at the 2019 UN Climate Action Summit, working with governments, businesses and civic organisations to raise ambition on tackling the drivers of climate change and biodiversity loss, mobilise financing to protect and restore critical ecosystems, and kick-start a just rural transition towards sustainable land use to benefit people, climate and nature."

Mr. Speaker, the departments in the Ministry of Home Affairs, particularly the Department of Environment and Natural Resources (DENR), are very focused on the protection of our delicate ecosystem. This Bill offers DENR, the department, greater powers to protect against further incursions of species that could threaten and indeed destroy our ecosystem. Unfortunately, modern global travel and [our] supply chain, while essential to Bermuda's economic survival, also makes the Island increasingly vulnerable to the introduction and proliferation of invasive species. New species have been and still are deliberately introduced to Bermuda with the best of intentions, including as pets, as food or for horticultural interest. They can also arrive unintentionally as hitchhikers on planes and boats. Regardless of how they arrive, some species have and undoubtedly will in the future adapt aggressively, spreading quickly in their new environment to our detriment, and so become invasive.

Mr. Speaker, I would like to illustrate the destructive impacts of invasive species with two telling examples. The first is on the island of Guam in the West Pacific. Unfortunately, they have a problem with the brown tree snake. Like our Island home, Guam has no natural predators against snakes. In the 1950s the brown tree snake arrived, likely as a hitchhiker in cargo planes from the adjacent Solomon Islands. Since that time it proliferated, spreading throughout the island, causing significant damage to the island's economy and ecology. As the name suggests, it is a gifted climber as well as a voracious predator.

In 2016 the US Department of Agriculture reported that (and I quote), "On Guam, the direct damages from brown tree snakes are clear. Only two of the 12 native forest bird species on the island remain, \$4 million is lost annually in productivity from snakes electrocuting themselves on power lines, and one out of every 1,000 emergency room visits results from a snake bite." It costs \$7 million per year to manage.

The second is closer to home. Our sister overseas territory, the Cayman Islands, has a major problem with the invasive green iguana. The green iguana can grow up to five feet long and 20 pounds in weight. With an average lifespan of 10 years, it can

lay up to 20 to 70 eggs per year. It is an excellent climber, swimmer and burrower. Apparently, it arrived in Cayman in the early 1990s as a pet. With no predators it quickly became a pest to crops, as well as fruiting and flowering trees. It damaged walls and walkways when digging burrows and caused power outages. Lastly, it was found to be a transmitter of salmonella, contaminating surfaces and water via its faeces.

To combat this problem the Caymanian Government initiated a programme in 2018 to eradicate the green iguana. As of January 2021, over 1,260,000 iguanas have been culled at a cost of [over] \$7 million. The lesson learned from these examples, Mr. Speaker, is that the earlier a problem can be detected, the more rapid an effective response can be made to hopefully reduce damage and mitigation costs of the problem. And we have our problems here, too, Mr. Speaker, I must say. That said, the best defence is not letting the problem get a foothold in the first place.

Mr. Speaker, unfortunately we have our own examples of species that have led to the destruction of our lands and certain endemic species. Casuarinas, which were brought in to replace cedar trees decimated in the 1940s blight are, together with the Brazil pepper trees, contributing to the destruction of our cliff faces, which is threatening homes and causing further coastal erosion. The Brazil pepper trees also contribute to the destruction of many of our mangroves.

If you are not aware, mangroves serve as nurseries for several young species of fish. Pacu fish, a relative of the piranha, was brought in for aquariums, but are then dumped into our wetlands such as Pitman's Pond in Somerset (which you should know very well, Mr. Speaker), Long Bay, and are now threatening our native plant and animal population. Some efforts are already underway to manage these species, but this good work can easily be undone as there is currently little legislation in place to control the breeding, selling and release of pests into the environment. Plants such as Casuarina, Indian laurel, pot-hos vine and umbrella tree are sold commercially. Animals such as the red-eared slider terrapin and the lionfish are still popular in the pet trade.

Mr. Speaker, this new legislation means to address this deficiency by providing a strong regulatory framework to (a) prevent the introduction of new invasive alien species; and (b) create controls to prevent the spread of any such species that have or do become established.

Mr. Speaker, recognising the significance of this Bill, the Government has just completed a month-long consultation seeking feedback from the public, using the online Citizens Forum, as well as direct requests to stakeholders such as pet stores, plant nurseries, landscape designers, veterinarians, government boards and environmental groups. The Government sought views on how to improve the proposed legislation, the licensing and permitting regime,

offences, penalties and the species listed in the Schedules.

Mr. Speaker, all submissions were considered, and consequently several modifications were made to the Bill, specifically to the powers, offences and Schedules. The result is an effective regime tailored to Bermuda's requirements.

Mr. Speaker, I want to emphasise that we are not intending to make criminals of persons who may have species that they are not even aware are growing in their garden. The Bill has been amended to clarify the language to focus on the import, breeding, sale and intentional propagation of prohibited and restricted species. At this juncture I would like to take the opportunity, Mr. Speaker, to extend my sincere gratitude to all those contributors who took the time to make submissions. Their feedback was invaluable.

Mr. Speaker, with that, I believe this serves as a good introduction to the Bill, and I look forward to the coming debate on the 24th [of September.]

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Deputy Premier.

The next Statement this morning is in the name of the Minister of Finance.

Minister Dickinson, would you like to present your Statement at this time?

Hon. Curtis L. Dickinson: If it pleases you, Mr. Speaker.

The Speaker: Go right ahead.

PROGRESS REPORT—CONDUCT FRAMEWORK FOR THE FINANCIAL SERVICES SECTOR

Hon. Curtis L. Dickinson: Mr. Speaker, the purpose of this Statement is to provide an update on the progress being made to enhance the [conduct framework for the financial services sector](#) in Bermuda. The enhanced framework is intended to further develop existing conduct requirements to create fairer outcomes for customers as they engage with the banking sector.

Mr. Speaker, the Government takes the view that the regulatory framework for financial institutions should be enhanced to provide additional requirements regarding the conduct of financial institutions and the protection of customers. The Government also takes the view that the [Bermuda Monetary] Authority [the Authority] in particular should adopt clear and consistent regulatory processes to achieve this objective.

Mr. Speaker, against this backdrop and in order to further enhance the financial services sector framework, the House is advised that the Authority does not have a specific power to enforce protection of customers using financial services offered by financial institutions. Although certain Acts make explicit note of the Authority's role in protecting clients and

potential clients of registrants, the relevant provisions of the Banks and Deposit Companies Act, as well as other relevant Acts, are primarily concerned with preventing breaches of law rather than focusing on fair outcomes for customers specifically.

Mr. Speaker, it is proposed to amend the Banks and Deposit Companies Act 1999 to provide a power for the Bermuda Monetary Authority to issue codes of conduct in relation to the manner in which an institution conducts deposit-taking business. It is also proposed that appropriate changes will subsequently be made to the customer-facing component of the regime, which will fall under the auspices of the Department of Consumer Affairs. Thus, matters relating to customer complaints will be overseen by the Department of Consumers Affairs [the Department]. Discussions between the Authority and the Department have commenced and will continue to be progressed to ensure that the overall regime achieves the objective of providing appropriate protections to the customer. As part of this work, there will also be amendments made to regulatory and other legislation, to allow for appropriate sharing of information.

Mr. Speaker, as previously noted, the Authority does not seek to resolve individual complaints, but will ensure that the financial institutions have the appropriate policies, processes and internal structures to treat their customers fairly, as well as a robust complaint-handling mechanism. The Authority will coordinate its efforts with the Department of Consumer Affairs to monitor breaches of conduct across each sector and to deal with noncompliant companies. They will also monitor how institutions are adhering to the market codes of conduct or practice.

Mr. Speaker, in view of this, the House is advised that the Authority has conducted a review of conduct standards set down by the following international standard-setting bodies:

- the Bank for International Settlements;
- the International Association of Insurance Supervisors;
- the International Organisation of Securities Commissions;
- the G20 High Level Principles on Financial Consumer Protection 2011; and
- the Organisation for Economic Co-operation and Development.

Mr. Speaker, the standards establish the actions that could be taken by supervisors to develop an effective conduct framework. Regarding general measures to safeguard the interests of both the consumer and an institution, Principle 1 of the G20 High Level Principles on Financial Consumer Protection 2011 provides that financial consumer protection should be an integral part of the legal, regulatory and statutory framework. Principle 1 also provides that such protection should also reflect the diversity of national circumstances and global market and regulatory developments within the financial sector.

Mr. Speaker, in this regard the House is advised that the Authority commenced a consultation process in August of 2020, concluding in April of 2021. The objective of this consultation was to gather views of the public on the Authority's long-term conduct agenda. Reference is made to the following consultation packages: the Bermuda Monetary Authority Discussion Paper entitled "A Conduct of Business Regulatory Framework for Bermuda," dated August 2020; and the Bermuda Monetary Authority Consultation Paper entitled "Proposal for a Conduct of Business Regulatory Regime," dated December 2020.

Mr. Speaker, the Authority's proposed approach to the supervision of conduct of business has been encapsulated by six high level principles, which are as follows:

1. The firm must ensure fair and equitable treatment of its customers.
2. The firm must have continuing regard for the interests of its customers in the conduct of its business.
3. The firm must ensure that communications with customers are fair, clear and not misleading.
4. The firm must ensure the protection of customer's assets against loss, fraud and misuse.
5. The firm must handle complaints and errors in a manner that is fair and expedient.
6. Where dealing with retail customers, the firm must ensure that individuals are aware of the responsibilities within the business relationship and have access to appropriate financial educational resources.

Mr. Speaker, the package was targeting a wide range of stakeholders, both the general public and relevant organisations and institutions. A stakeholder response letter was also published on the Authority's website in April of this year to address the queries raised during the consultation process.

Mr. Speaker, among the multi-layered results that can be extracted from stakeholders' replies, the most prominent areas of action include those related to scope, timing, and retail versus non-retail customers. Following is a summary encompassing the main findings of the consultation:

- As it relates to the application of the proposal, the Authority advised that the details will be incorporated into sector-specific codes of conduct. The Authority also advised that the codes will reflect the diversity of Bermuda's financial services market.
- With respect to timing and implementation, the Authority advised that it is intended that codes of conduct for the banking sector will be put in place before year end. Codes of conduct for the insurance sector will be amended to include the relevant provisions before year end. A transition period yet to be determined

will also be put in place to provide institutions with time to adjust to new requirements.

- As it relates to regulatory treatment of retail and non-retail customers, the Authority advised that the codes are intended to be proportionate to the nature of the customer and that individual implementation will be primarily focused on retail customers.
- And as it relates to cross-border scope, the Authority advised that the codes are intended to be applied in the same manner as all other provisions of the relevant framework. The Authority also accepts that an entity may comply with what they deem to be a higher standard required by a foreign jurisdiction.

Mr. Speaker, in that context the key amendments to the Banks and Deposit Companies Act 1999 are as follows:

- The Authority's statutory powers will be expanded to include protections for customers and the promotion of the fair treatment of financial services customers.
- The Authority's powers to obtain information will be expanded to include a power to obtain information and reports from a licensed institution regarding codes of conduct. It is also proposed to amend the relevant provision of the BDCA [Banks and Deposit Companies Act 1999, the Act] to include a power to obtain information and reports regarding the safeguarding of the interests of clients and potential clients of an institution.
- Minimum criteria for licensing are set down in the Second Schedule of the Act. The minimum criteria will be amended by including obligations to comply with codes of conduct.
- The Authority and the Ministry of Home Affairs will also agree additional changes to the framework to provide for information sharing between the Authority and the Department of Consumer Affairs.

Mr. Speaker, the House is also advised that the Authority carried out a review of relevant frameworks in other places and noted that, while some jurisdictions have separate supervisory authorities for prudential and conduct supervision, there are some [jurisdictions] where the same regulators also have responsibility for both prudential and conduct supervision. Given the scale of the Bermuda financial services market, it is feasible for the Authority to assume the conduct of business mandate alongside its prudential responsibilities.

Mr. Speaker, the Authority will initially incorporate conduct supervision within its supervisory units, and these units already have a strong working relationship with the financial services institutions and understand the business model of each sector. As the conduct supervisory framework matures, the Authority

aims to establish a dedicated unit devoted to conduct supervision.

Mr. Speaker, the Authority will soon issue the relevant draft Code of Conduct for consultation, and it is proposed to finalise the codes by year end 2021. In addition, the Authority has already met with financial institutions to discuss these matters. It is also proposed to put in place a suitable transition period to allow banks to come into full compliance. It is also agreed that the Authority will proceed with the code of conduct proposal in the first instance. Amendments to the consumer affairs regime will be assessed based on the outcomes of technical discussions already underway, together with the feedback received during the next phase of the consultation process.

Mr. Speaker, in closing I would highlight the importance of these proposed changes to the regulatory framework to ensure that there is even greater focus within this jurisdiction on matters relating to consumer protection in the financial services sector. This is consistent with this Government's commitment to a fairer and better Bermuda. In this regard, I wish to express my sincere thanks to the Authority, the Ministry of Finance, the Ministry of Home Affairs, together with the Ministry of Legal Affairs, for their assistance with the development of the framework.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement this morning is in the name of the Minister of Education.

Minister, would you like to present your Statement at this time?

Hon. Diallo V. S. Rabain: If it pleases you, Mr. Speaker. I am just waiting for my video to come on. I think it is up now.

The Speaker: You go right ahead, Minister.

THE IMPACT OF COVID-19 ON IN-SCHOOL LEARNING FOR CHILDREN

Hon. Diallo V. S. Rabain: Mr. Speaker, I rise today to share with my honourable colleagues and the community at large an update on the [impact of COVID-19](#) in our public and private schools.

Mr. Speaker, yesterday was the first day back to school for the Bermuda Public School System after the summer break. While we did everything within our power to return to in-school learning, circumstances out of our control pushed us to make the tough decision to start the school year with remote learning. This is less than ideal, and the announcement made this week (Tuesday) for a Thursday opening only added additional stress to our parents and guardians. And I wholeheartedly apologise for that. It is not lost on us the strain this creates to the broader public when par-

ents and guardians have to change their day-to-day plans with little notice.

Mr. Speaker, the public school system is not alone in making these difficult decisions. Only yesterday we saw Warwick Academy announce that their senior school will be transitioned to remote learning as of today. Saltus Grammar School announced they will open the school year for their middle and senior year students via remote. Bermuda Institute as well has made the difficult decision to go remote after only just opening in August. Like the public school system, the parents and guardians of both private schools were only afforded one to three days' notice. We certainly can appreciate and empathise with our parents and guardians while we endeavour to place the safety of all children and staff at the forefront.

Mr. Speaker, although remote learning is not ideal, I can confidently say that we are prepared. The donated Chromebooks have been distributed to all of our primary schools, P3, P4, P5 and P6 classes consisting of 1,349 students. The professional development that has taken place over the last year and more specifically this summer was explicitly done to take advantage of Google technology used by Chromebooks. While we had anticipated more professional training this school term, like everything else, we will pivot due to the impact of COVID-19 and work our way through. Again, I would like to thank the Hasso Plattner Foundation for their generous donation of this initial supply of Chromebooks. We are actively pursuing additional donors who will enable us to complete our desire to place a device in the hands of all primary and pre-school students.

Mr. Speaker, the best place for our children is in school because it allows their parents and guardians to get to work and reduce the stress of trying to work and moderate their online learning. Teachers also perform best when they have their students in their classrooms. In-school instruction allows teachers to form personal connections that help develop individual relationships with their students—relationships that are critical and that will lead to better educational outcomes for the students. The data show that this is the best environment for effective learning.

Mr. Speaker, the American Academy of Pediatrics can be quoted in their Recommendations for Opening Schools in Fall 2021 as saying (and I quote), "We need to prioritize getting children back into schools alongside their friends and their teachers—and we all play a role in making sure it happens safely. The pandemic has taken a heartbreaking toll on children, and it's not just their education that has suffered but their mental, emotional and physical health. Combining layers of protection that include vaccinations, masking and clean hands hygiene will make in-person learning safe and possible for everyone."

Now, Mr. Speaker, the Government has done a tremendous job of putting in a testing regime that is the envy of the world. These efforts have afforded our

people freedom of movement in relative safety that other countries do not enjoy. For our students we have worked just as hard. We have worked hard to put a saliva screening programme in place to screen our staff and students for possible infection regularly. We have hired more staff to clean and [we have] enhanced the cleaning protocols within our schools. Hand sanitisers, stickers on floors to show six-foot distances, signage and the like have been done. However, Mr. Speaker, this is all for nought if no one takes advantage or does what is required outside or inside of our schools.

Mr. Speaker, as of today just over 50 per cent of our students have consent from their parents to be part of the saliva screening programme. An even fewer percentage of staff have consented, although we continue to have staff test positive for COVID-19 resulting from close contacts with other infected persons. It can be easily observed that people, including children, are not wearing masks when required to do so, and at times highlighting on social media and the like when they can avoid using SafeKey to enter events and places that require them. I have even heard stories of events and locations that require SafeKey, yet not adhering to these rules. I cannot stress enough that we as a people must exercise a level of personal responsibility, particularly if we desire to have our children return to in-school learning in short order.

Mr. Speaker, our goal has always been and will continue to be one of using the data on hand to make decisions and guidelines in the interest of the safety and health for our students and staff. However, the policies within our school buildings will never be as effective as they can be if people outside of our school buildings are not responsible. To have safe schools, we as a community and as an island need to do our part. Be responsible, follow the guidelines, and do not put yourself in positions to be exposed to COVID-19. Remember, our individual irresponsible behaviours can profoundly affect others when exposed within a school, causing quarantines and closures. The education of our children is then put at risk.

Mr. Speaker, we are still reviewing the data for all schools to get them back to in-school learning as soon as possible. We are hopeful that we [will be] able to get some schools back to in-school learning as early as next week. However, several factors will have to be taken into account—such as country status, staff and substitute, and testing-result status—to make these decisions. While we cannot mandate anyone to be tested before returning to school or to participate in the saliva screening programme, we urge our staff, parents and guardians to consider doing so. We hope you are not just thinking of yourself, but we advise you to consider the effect your actions may have on others and our ability to get our children back into school.

Mr. Speaker, as I started this Statement, our children need to be and deserve to be in school for in-

school learning. We as adults must do our part to make this happen. I am asking all of Bermuda to do what is required to ensure our students, both in the public and private schools, can go to school, sit in class and learn.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement this morning is from Minister Furbert on behalf of the Ministry of Works and Engineering.

Minister Furbert, would you like to put your Statement?

FIFTH UPDATE ON THE STIMULUS PROGRAMME

Hon. Wayne L. Furbert: Thank you, Mr. Speaker.

Good morning, Mr. Speaker, and good morning, colleagues. I rise today to provide this Honourable House with the [fifth update on the Short-Term Stimulus Programme](#) that was launched by the substantive Minister of Public Works, Lt. Col. David Burch, on December 17, 2020, with a maximum budget value of [BMD]\$13,385,000, where small to medium-sized contractors were invited to participate in the opportunity to complete infrastructure projects around the Island.

Mr. Speaker, you will recall the programme was launched because it was determined there was an urgent need to provide stimulus to the local economy to retain and boost employment numbers in the wake of the economic downturn sparked by the COVID-19 pandemic. As a result, the Ministry of Public Works compiled a list of shovel-ready projects that are executable almost immediately. These projects are mostly infrastructure improvements and will not add further burden to government's operational expenses. The project's selection principles are to maximise the employment of the private sector while providing much-needed refreshing to some of the Island's neglected infrastructure.

Mr. Speaker, the guiding principle of this programme is to prioritise all companies that provide the most benefit per dollar spent while spreading the work among Bermudian-owned and -operated businesses. To ensure a fair and equitable allocation of the stimulus funding across the participating businesses, the Ministry maintains a register of approved contractors and awarded contracts to ensure that no one company monopolises the project list. Once a company obtains a project, they will be rotated to the bottom of the list to allow other companies an opportunity for work.

Mr. Speaker, I had the pleasure of attending Elbow Beach last Friday, September 3, to announce the completion of the first phase of one of these stimulus projects. The Elbow Beach public stair access was officially reopened last Friday after being washed away during Hurricane Teddy, which brushed by Bermuda on September 21, 2020. The first phase included replacing the old damaged wooden staircase with

a robust boulder-supported foundation and concrete stairs, which should withstand future hurricanes and storms for years to come. Phase 2 will include boulder revetment work immediately to the east and west of the new staircase access to protect the shoreline from erosion.

Mr. Speaker, the contract to complete this work was awarded to Smith Hauling and Excavating and was valued at \$199,954.94. The work commenced on May 17 this year, and I am happy to report that the project was completed on time and on budget by July 28. The project employed seven individuals, with three out of the seven previously unemployed.

Mr. Speaker, as of today there are 11 projects that are ongoing; 10 are completed, which is a total of 21 projects that are underway or completed. The 11 projects currently ongoing are as follows:

- Artemis Building B interior work, awarded to Integro Interiors Ltd.;
- New Plant Inspection Building at Botanical Gardens, awarded to Daniels Construction;
- Veranda repairs at Camden, awarded to Limestone Holdings Ltd.;
- Darrell's Wharf dock repairs, awarded to Kaissa Ltd.;
- Agriculture Service Centre engineering and design services, awarded to Brunel Ltd.;
- Quarry Carpentry Shop electrical design services, awarded to George-Hadley Ltd.;
- Judicial Department [DLBE] interior design and FFE [furniture, fixtures and equipment] services, awarded to Cooper Gardner;
- Artemis Building B wash-down area, awarded to Heart & Soul Construction;
- Wastewater Section landscaping project A–C, awarded to Unity - Edible Landscapes;
- Roadside vegetation removal, Vesey Street, awarded to Island Construction Services Ltd.; and
- Roadside vegetation removal, Ferry Road, awarded to Blue Rock Construction & Roofing.

The 10 completed projects are as follows:

- Elbow Beach public access stairs (as I mentioned earlier), [completed by Smith Hauling & Excavating];
- Molecular Diagnostic Laboratory, completed by Greymane;
- Roadside Fencing Project 5, Mullet Bay Road, St. George's, completed by Global Innovations;
- Artemis Building A loading dock repairs, completed by Next Level Development;
- Roadside Fencing 1, Smith's South Road, completed by Creative Exteriors Management Ltd.;
- Roadside Fencing 3, Government Hill, completed by Brown & Co.;

- Dock Maintenance Pack 2, completed by Triton Water Service;
- Dock Maintenance Pack 3, completed by Kaissa Ltd;
- Roadside Fencing [Project 2, Warwick Playground and Chaplin Bay], completed by A-Tec Contracting Services Ltd.; and
- Flatts Bridge handrail project, completed by Strike Force General Trucking.

Mr. Speaker, beyond these projects there are also several projects in the RFQ and evaluation phase, including the cleaning of the Pembroke Canal, removal of roadside vegetation, Quarry Slate Shelter and the Waste Water Section landscaping projects D–E.

Mr. Speaker, from a financial perspective, the stimulus programme to date has spent \$3,206,059.80, which represents 24 per cent of the total stimulus funds. And 19 out of 93 companies have been awarded contracts thus far. Mr. Speaker, the bottom line and perhaps of the utmost importance to the people of Bermuda is the numbers employed. While I await job figures from all of the contractors, I can confirm that, based on the numbers submitted thus far, the Economic Stimulus Programme has created at least 51 jobs, with 40 of them going to Bermudians. We are delighted with the progress made thus far from both the contractors and their employees.

Mr. Speaker, I think this is important. I am immensely proud—I am sure the Honourable Colonel Burch is likewise—of the entire team at the Ministry. They have all been working extremely hard on the initiative led by consultant [Project Manager], Mr. Robert Richardson, a young talented Bermudian who coordinated the work of all of those involved.

Mr. Speaker, I am equally proud to say that the Economic Stimulus Programme is an excellent example of the Public Works Ministry's commitment to advancing capital projects that keep our people employed while strengthening the infrastructure of our Island home.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement this morning is that in the name of the Minister of Health.

Minister, would you like to present your Statement at this time?

Hon. Kim N. Wilson: Yes, thank you. Good morning again, Mr. Speaker.

The Speaker: Good morning.

HEALTH INSURANCE AMENDMENT ACT 2021

Hon. Kim N. Wilson: Today I will be tabling in this House a Bill entitled the [Health Insurance Amendment Act 2021](#), which introduces amendments to the stand-

ard premium rate and enhanced benefits under the Health Insurance Plan [HIP] and FutureCare.

The Health Insurance Act 1970 [the Act] forms the cornerstone of our current national health insurance system, and, together with regulations made under the Act, it prescribes the minimum mandated package of health insurance for all. Specifically, the Standard Health Benefit [SHB] and Mutual Reinsurance Fund [MRF] make up the essential components of an insurance package that all employers must provide and all insurers must include in any policy.

Mr. Speaker, the SHB premium portion covers select diagnostic imaging out of the hospital (such as mammograms), select medical home care benefits (such as IV infusions) and select services that support home care. The Mutual Reinsurance Fund is a prescribed amount which each insurer pays into the pooled fund. It covers most local hospital-based care (both inpatient and outpatient services) and all insured persons' kidney care (which includes transplants, anti-rejection drugs, transplant coordination and education). In addition, Mr. Speaker, the Mutual Reinsurance Fund may provide funding for programmes that support health for those vulnerable individuals who are uninsured or underinsured. The premium for the mandated package comprising the SHB and MRF is referred to as the Standard Premium Rate (SPR).

Mr. Speaker, the SPR is generally calculated on the basis of the standard health benefit claims experience, the headcount of insured individuals, projected changes in fees and utilisation, and any benefit changes.

Mr. Speaker, I will pause here to further explain the role of the SPR. Honourable Members will recall the change to the SPR in 2019, which called for \$322 million to be transferred to the BHB [Bermuda Hospitals Board] in the form of a grant from the Government and a transfer from the MRF. The SPR also supports the Health Council, Chronic Disease Innovation Fund, full treatment for patients with kidney disease, the Enhanced Care Programme and Personal Home Care Programme. Additionally, it funds the administrative functions provided by the Health Insurance Department and provides subsidies to HIP and FutureCare.

In this last year, Mr. Speaker, the BHB has been particularly challenged in meeting its commitments due to shortfalls with respect to the funding commitment that it, in turn, requires to carry out its mandate. It has had significant additional expenses due to the pandemic (such as PPE and infection control costs), and at the same time it lost a substantial revenue stream due to the drop in visitors to the Island, which previously generated as much as \$8 million annually.

Mr. Speaker, the COVID-19 pandemic has upended many of the factors which previously informed the SPR. For a start, the number of insured adults in Bermuda has decreased. Mr. Speaker, for an

employment-based health insurance scheme, this is critical. Revenue targets for the SPR over the past two years were based on a reported 49,027 insured adults. That headcount is now reduced to 46,300 for calculation purposes (as of December 2020) but is reported to be a low 46,181 as recently as May 2021. The loss of insured adults due to unemployment or emigration is real. It impacts the revenue which supports the organisations, programmes and insurance funds that I just mentioned.

In addition, Mr. Speaker, with respect to utilisation, both HIP and FutureCare have experienced increases in sign-ups. The COVID-19 pandemic has altered the economy, with businesses contracting and downsizing. In the Ministry of Health we have seen businesses and individuals terminate their more expensive private health insurance policies and transfer their health care coverage to HIP. And as we all know, Bermuda has an ageing population, which naturally causes the burden on FutureCare to increase almost automatically.

Mr. Speaker, each insured HIP and FutureCare client premium is subsidised by the MRF. The HIP subsidy currently represents 28 per cent of the premium, and the FutureCare subsidy is at 47 per cent. As more businesses and residents join the plans, the increase in associated costs and volumes factors into the annual assessment of the SPR, HIP and FutureCare. In fact, HIP and FutureCare premiums have not increased since September 2015.

Mr. Speaker, a most important element of the regular assessment of the SPR and the HIP and FutureCare plans is a review of the benefits themselves in the context of our population's health needs. Mr. Speaker, as I have indicated to this House before, pharmaceutical intervention saves money and interrupts the costs and burden of disease progression. For seniors on FutureCare, the coverage for prescription drugs comes with a cap of \$2,000 a year. However, those residents on HIP must pay for all medications out of pocket. Enhanced prescription drug benefits for HIP and FutureCare clients are being proposed with this legislation.

Also, in assessing the benefits currently available, Mr. Speaker, we have identified maternity care and maternal health education as a gap in services for uninsured women. To ensure all children have an equal and healthy start to life, all uninsured women must have access to health care and education at this critical point in their lives and the lives of their unborn and newborn children.

Mr. Speaker, Bermuda's current market realities, including our headcount of insured individuals and changes in utilisation and benefits, cause the Ministry to propose amendments to the premiums of the SPR, HIP and FutureCare. These amendments are based on a re-estimate downward of the insured headcounts (to take into account the COVID-19 economic effect), a review of existing benefit coverage

and population health demands. Mr. Speaker, most important, the proposed benefits are supportive of enhanced public health and improved equitable access to critical services.

Mr. Speaker, the main changes proposed in the Bill tabled today I will outline now:

- There will be a \$45 increase in the standard premium rate, representing a 13.6 per cent increase. This will account for a new reduced insured headcount to ensure that the BHB revenue target is met. It will support continued treatment for kidney disease patients (the trend is an increase in dialysis patients of 10.0 to 15.0 per cent per year), and it will provide a new maternity care benefit for uninsured women, which will secure more equitable access regardless of income, insurance or social status;
- There will be a \$30 increase to the HIP premium, representing a 6.9 per cent increase. This will be accompanied by the introduction of a new prescription drug benefit covering 100.0 per cent of costs up to \$1,000 in a policy year; and
- There will be a \$30 increase in the FutureCare premium, representing a 6.0 per cent increase. This will be accompanied by an increase in the existing prescription drug benefit of \$1,000, taking it from \$2,000 to \$3,000 per year.

Mr. Speaker, this Government remains committed to providing a system of health care that results in a healthier and more productive community. It must be stated, though, that we are in a period of transition brought on by unanticipated and unexpected costs of this pandemic. Mr. Speaker, globally the pandemic has shone a bright light on health care and all of its many strengths. But it has also highlighted the weaknesses. It has highlighted that access to affordable high-quality health care is a basic human right and one that this Government is committed to seeing introduced for everyone.

Mr. Speaker, our work on universal health coverage will set a new path for strengthening our health system. This work is ongoing, and we anticipate that before the end of this year we will be setting out the steps we have agreed with stakeholders from across the system to start this journey afresh. The pandemic has provided us with a new opportunity to work shoulder to shoulder. We must now continue this positive collaboration and develop a health system that we can all be proud of. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement this morning is in the name of the Minister of Labour.

Minister, would you like to put your Statement?

Hon. Jason Hayward: Good morning, Mr. Speaker.

The Speaker: Good morning.

PROGRESSING IMMIGRATION REFORM: EXPANDING PRC'S FOR LONG-TERM RESIDENTS

Hon. Jason Hayward: Mr. Speaker, I rise before this Honourable House to inform you that today the Government will table the Bermuda Immigration and Protection Amendment Act 2021, which makes legislative amendments to advance comprehensive [immigration reform](#) by providing a process for long-term residents to apply for permanent residency in Bermuda.

Mr. Speaker, in the Progressive Labour Party's 2020 platform the Government committed to work with the bipartisan committee to complete comprehensive immigration reform dealing with the issue of long-term residents. Mr. Speaker, this Government seeks to make amendments to the Bermuda Immigration and Protection Act 1956 to secure permanency for long-term residents in Bermuda. These amendments are in alignment with the immigration reform strategic priority *to achieve a simplified, fair and modern immigration legislative framework*. As promised in the November 2020 Speech from the Throne that was announced to the Bermuda public, this Government is committed to making "revisions to the Bermuda Immigration & Protection Act 1956 that will advance comprehensive immigration reform by providing a framework for persons to obtain permanent residency in Bermuda."

Mr. Speaker, in 2016 the former Government attempted to introduce a pathway for certain persons to obtain a Permanent Residency Certificate and Bermudian status. This effort by the previous administration led to social unrest and was ultimately unsuccessful. It is within this context that this Government is acutely aware that matters of immigration must be handled carefully and with a nuanced approach that strikes a balance between the needs and aspirations of various groups within our community. That is why this PLP Government have committed ourselves to a bipartisan and consultative process to only advance changes that enjoy broad support and not ones that will cause rifts within our community due to lack of consultation and consensus.

This Government supports the view that persons who have contributed to our community for an extended period of time should have the opportunity to apply for permanent residency. To be clear, the Government's proposal is distinctly different from the former Government's Pathways to Status Plan, as there is no proposed or automatic pathway to obtain Bermudian status in the Bill I table today.

Mr. Speaker, this Government is well aware of the circumstances that allowed people to stay here for 20-plus years and instances where Bermudians were denied a genuine opportunity to compete for the jobs

of those individuals. The past injustices are acknowledged, and the Government will be revising the work permit policy to ensure they are not repeated in the future. As part of the strategic priorities previously outlined in this Honourable House, the Government is committed to strengthening enforcement of immigration laws and policies to ensure that Bermuda's immigration laws are adhered to and persons who break laws are held accountable.

This Government will always put its people first, and we have demonstrated by our actions that we are fully committed to protecting jobs for Bermudians. This is why the Government has placed a moratorium on new work permits of certain job categories to ensure that Bermudians have every opportunity to train and work in those positions.

Mr. Speaker, there is significant interest within the community regarding this legislation, and today I hope to assure the public that the Government understands the human aspects of this important subject. We understand that this is not simply about the passage of a piece of legislation amending the Act from 1956, but it relates to keeping families together who may be separated and creating a fair avenue to permanent residency in Bermuda.

Mr. Speaker, a real-life example of an individual whom this legislation will impact is a resident who moved to Bermuda in the late 1980s from the Caribbean at the age of 13 and lived with non-Bermudian parents who were on work permits. The resident attended high school in Bermuda and went on to join the Bermuda Police Service when eligible. They served in various mentoring and community capacities throughout Bermuda over the last 30 years. The resident was married to a Bermudian and subsequently was divorced and is the parent of a teenage Bermudian child. The resident holds a Certificate of Spousal Rights; however, under current immigration laws will have to leave Bermuda once their child turns 18 in a few short years.

Mr. Speaker, having known only Bermuda as their home over the past 34 years and having contributed to various businesses, community services and education, this resident will have to relocate and take all of the human capital that otherwise would have been contributed to Bermuda and move it to a new jurisdiction. More importantly, this resident will be separated from their Bermudian child and will no longer maintain the physical relationship that has been nurtured thus far. This legislation provides hope for this family. Mr. Speaker, the persons impacted by this change are of all colours, backgrounds and socioeconomic classes. This change will enable those individuals an opportunity to continually reside in Bermuda.

Mr. Speaker, this Government has taken the balanced approach needed to provide a simple and effective solution for long-term residents to obtain a

Permanent Resident Certificate in a fair and reasonable way. The change will effect the following:

- expand the eligibility criteria for the granting of PRCs to include any person who has been ordinarily resident in Bermuda for 20 years or more;
- expand the eligibility criteria for the granting of PRCs to include a non-Bermudian parent of a child with Bermudian status who has been ordinarily resident in Bermuda for 15 years or more; and
- expand upon the current provisions that allow the granting of PRCs to children born to second generation PRC holders who have been ordinarily resident in Bermuda.

Mr. Speaker, the Government's changes will provide a fairer and more consistent process of applying for a permanent residence certificate. Additionally, the policy proposals eliminate gender, racial and financial bias by giving equal opportunity for all long-term residents. The recommended time period required to grant Permanent Resident Certificates to individuals who have been ordinarily resident in Bermuda is very conservative. Approximately 96 per cent of the 200-plus countries in the world have significantly shorter residential requirements for permanent residency.

Mr. Speaker, in closing, the Government has recently released a Position Paper on Long-Term Residents to formally share the Government's position that I have described today. Although some may believe these proposals go too far, as I articulated in my opening statement this Government believes that the balanced approach to allowing certain long-term residents to apply for a Permanent Resident Certificate is simply the right thing to do.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister. The next Statement, Minister, is also yours. Would you like to present that one at this time?

TABLING OF THE FINANCIAL ASSISTANCE AMENDMENT ACT

Hon. Jason Hayward: Mr. Speaker, I rise today to announce to the Honourable House [the tabling of the Financial Assistance Amendment Act 2021](#) and the eventual tabling of the Financial Assistance Amendment Regulations 2021 as part of the Financial Assistance Reform Strategy. The Bill will be debated in this Honourable House following the normal procedure, and once it has been brought into force the Regulations will be made, as the Regulations are subject to the negative resolution procedure. The Regulations will come into operation when the Minister may appoint by notice in the *Gazette*.

Mr. Speaker, this Government is committed to improving the Financial Assistance system that cur-

rently helps those in the community who require financial support to meet their basic needs. Mr. Speaker, this reform strategy aims to chart a new course for Financial Assistance, making it a more lucid, effective and efficient system that places emphasis on transforming those who have been unable to participate fully in the productive economy and realise their potential.

There is a more vigorous motivation to move abled-bodied and abled-disabled recipients into employment opportunities as soon as possible to avoid long-term dependency on the system. The Financial Assistance Reform Strategy consists of four overarching aims and strives to (1) increase sustainability of the Financial Assistance programme; (2) strengthen the education, training, and employment services for Financial Assistance recipients; (3) encourage individuals and families to become financially independent; and (4) improve the programme to better support persons with disabilities.

Mr. Speaker, to execute the Financial Assistance Reform Strategy, legislative amendments will take place in two phases. This first set of legislative amendments includes the following:

1. Define a disabled person.
2. Require a disabled person to submit with their application for an award a medical opinion which confirms the nature and extent of the disability, the fact the disability impacts the person's ability to find or retain suitable employment and where possible the likelihood of the person's being able to work after a period of rehabilitation or treatment.
3. Where the medical condition of a disabled person receiving a financial assistance award has changed or is suspected to have changed since being granted the award, the director may request that the recipient provide another medical opinion.
4. Ensure that abled-bodied persons have Personal Employment Plans designed to place them on a pathway to employment and to promote successful performance outcomes. This is a collaborative exercise involving the Department of Workforce Development and other industry partners. There will be no deductions from their financial assistance award during the tenure of their agreement, which is not to extend beyond three years. This will allow them to build their assets and prepare to be self-sufficient by the end of the agreement term.
5. Expand the eligibility criteria for *abled-bodied persons* to include the completion of a Personal Employment Plan agreement within the first six months of submission.

Mr. Speaker, the new system will focus less on policing and administering rules and more on helping individuals access the services and support they

need. Personal Employment Plans will provide clients with a valuable employment-planning tool, promoting greater collaboration between clients and their case worker. It will also require taking action to address policies outside of the Financial Assistance system that impede progress toward achieving stable incomes and, more importantly, sustainable employment for financial assistance recipients.

It is our expectation that this approach will not only meet their basic needs, but also allow them to achieve a greater sense of personal and financial success. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister. We appreciate that.

Members, that brings us to a close of the Statement period for this morning. And we will now move on to the other items on the Orders for the Day.

REPORTS OF COMMITTEES

The Speaker: There are none.

The Speaker: Today is the second Friday of the month. And for the listening audience, on the second Friday of the month we include Premier's Questions under Question Period. So today we will start with the Premier's Questions at this point. And again, for the listening audience, the Premier's Questions is a 30-minute period where questions from Members are put directly to the Premier. And when that is finished, we will continue with the regular Question Period from today's Statements.

So, we now have 11:25 am. I am going to start the clock for a half hour.

PREMIER'S QUESTION TIME

The Speaker: Premier, the first question this morning to you is from the Opposition Leader.

Opposition Leader, would you like to put your question?

QUESTION 1: EFFICACY OF SAFEKEY

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

Mr. Speaker, my question to the Premier revolves around the efficacy of the SafeKey. A number of people have said they have a SafeKey but have never been tested. And given the rise of some vaccinated people catching the virus, there is concern that the SafeKey issue needs to be addressed given that those who are vaccinated are not tested on a regular basis at all.

Can the Premier speak to the concerns that these people have about the efficacy of the SafeKey and the fact that a number of SafeKey-holders have never been tested and may be silent carriers?

The Speaker: Mr. Premier.

Hon. E. David Burt: Thank you, Mr. Speaker. Mr. Speaker, I appreciate the question from the Honourable Opposition Leader, and it is a question that has been posed a lot of times.

And I think what is important, Mr. Speaker, is that we give context to the entire situation of which the country is facing. And I think that it is important to recognise that we have put a number of steps and measures in place, and it would be difficult when our testing capacity is stretched, as it currently is, to then seem to say that we need to test at additional test capacity.

The questions he has asked on behalf of others have also been asked and discussed internally. But what we have to do is balance all of the resources at play, so what will amount to the best (I would say) avenue for the Government to move forward. At this time there is no intention or desire to introduce tests for vaccinated persons in possession of a SafeKey. We outlined what the SafeKey programme was for and understood.

It is also important to recognise, Mr. Speaker, that nothing—nothing, save for a full-body space-suit—can prevent anyone from contracting any virus. That is just the nature of where viruses exist. What a vaccination does do is train your immune system so that if you are exposed to a small amount of virus, you can fight it off, so you do not get to the point of being contagious. There would be some vaccinated persons who would be contagious, but that would then get to the place where the public health measures are in place. If persons are doing what they are supposed to do as far as wearing a mask and not going out if they are feeling unwell—persons are checking—those are the precautions that can be taken.

There has to be a balance, Mr. Speaker. We do not have unlimited resources. It would be great if in this country we did have unlimited resources, but unfortunately, we do not. And we have to understand that our public health measures have to be guided in the way where we can make the best impact and handle things in the best possible light in light of our constrained resources that we have.

The Speaker: Thank you.

Supplementary, Opposition Leader?

SUPPLEMENTARY

Hon. N. H. Cole Simons: Yes.

Can the Premier also speak to the use of SafeKey for private family events—i.e., wakes, marriages, birthday parties—so that the community is clear as to [the] numbers that they have to limit themselves to and whether SafeKey would be required?

The Speaker: Premier.

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

Mr. Speaker, as I think was indicated by the Honourable Minister of Health when the announcements to the Public Health Regulations were made (I want to say on August 17) was that going forward that SafeKey is to be required for all large group exemptions. But I think that it is also important to note that with SafeKey, SafeKey can be used for private family functions which are not large groups. The large group limit is currently set at 50, as I indicated in my Ministerial Statement earlier. It is expected that the Minister of Health will announce revisions to that.

But even if you have 10 persons for a gathering at your home and you wanted to make sure that you were being safe, you can ask for SafeKey. And every single person can verify and check the status with a SafeKey. It is at verify.gov.bm. Persons can go to gov.bm/safekey to find out more information on that. And I think that it is important to understand and recognise that this is a tool that can be used for everyone.

One thing that I will say, Mr. Speaker, and it is very important because there are a number of persons who are confused when it comes to and in regard to SafeKey for contact-tracing purposes. Just like WeHealth [Bermuda app], SafeKey is completely anonymous, so there is no government server checking and recording where persons are and where people are checking in. That is not how it is developed. The app reads the QR code and says whether that QR code is valid or invalid. That is all it does. A person is not required to log in, provide any information for the use of it. It is something that is there. It is something that is open. And there are persons who are building apps on this to assist businesses.

The Speaker: Second supplementary?

Mr. Scott Pearman: Supplementary, Mr. Speaker.

The Speaker: No. Only the person asking the question is able to have a supplementary.

Mr. Scott Pearman: Noted. Thank you.

The Speaker: So, Opposition Leader, do you have a second supplementary?

Hon. N. H. Cole Simons: Not on that topic, no.

The Speaker: Would you like to go to your second question?

QUESTION 2: COVID-19 SPIKE, RESOURCES BEING MADE AVAILABLE TO THE HOSPITAL

Hon. N. H. Cole Simons: My second question is, With the current spike, can the Premier provide details on the resources that he is making available for the

ICU? And [can he] provide some comfort to this country that the Government is providing required resources so that our hospital is not over-stretched because of this spike? And can he share with us what resources have been made available to the hospital?

Hon. E. David Burt: I thank the Honourable Opposition Leader for his question.

There has been no change insofar as the resources which have been provided to the hospital. All of these matters have been detailed from the ramp-up that we did last year to prepare for the worst-possible-case scenario, Mr. Speaker. So we do have ICU capacity, which was expanded, flex-IC capacity that was expanded, additional oxygen that was procured, additional ventilators that were procured with the help of donations. So the hospital is well prepared.

The challenge of course of which we will have human resources, that is the challenge of which we are seeing throughout the world. That is a challenge which we are seeing throughout all of our health care systems. And you would have heard in my Ministerial Statement earlier that I have asked persons that they must be patient because there is stress and there is strain. And persons need rest. And the challenge, of course, because vaccinations have not been [mandatory in Bermuda is that] you will have [to deal] with persons who are in the hospital, and they have to manage those resources accordingly.

But what I would like to say is that I think that the hospital is doing a fantastic job, that they have been very transparent. But I think that also this week they have clearly set out in a number of interviews their financial position and the fact that they are challenged caring for the coronavirus. And the one thing I can say is that vaccinations are far less expensive to health care systems than treating COVID-19 patients. And if we are concerned about the impact of the overall spending on coronavirus, what it has, we can recognise and understand that the more COVID-19 patients are in hospital, the more that it will cost the overall health care system, the hospital, and the challenges of which they will have for all of us who have to pay health insurance for the hospital through the Health Insurance Act, which the Honourable Minister of Health just spoke to.

The Speaker: Thank you.

Supplementary, Opposition Leader?

Hon. N. H. Cole Simons: No, I have no supplementary.

The Speaker: Okay. Would you like to put your third question?

QUESTION 3: COVID-19, CRAFTING PUBLIC HEALTH MEASURES GOING FORWARD

Hon. N. H. Cole Simons: My third question is this: The Premier said in the previous Statement that, going forward, the community will have to live with this virus like we live with the flu and other viruses, and that it would be a way of life. Is the Ministry of Health crafting permanent guardrails that will help the community and support the community in adopting the protocols with the COVID-19, if we are going to state that it is going to be a way of life, so we will have the support and whatever work has been done if we are going to take this permanent posture?

The Speaker: Premier.

Hon. E. David Burt: Thank you, Mr. Speaker. Mr. Speaker, I thank the Opposition Leader for his question.

I think that it is important for us to recognise the basis of all public health intervention work is to prevent the health care system from becoming overwhelmed. And it is important to note that there are certain sections of our health care system which currently right now are overwhelmed. Those would certainly be insofar as the testing system with the rush of people getting tested. And the hospital, of course, is experiencing a surge. The hospital does have excess capacity which will handle COVID-19 patients and are having to go back to their COVID-19 plans. But that is the basis of our public health measures inside of a pandemic.

The fact is, Mr. Speaker, if more persons get vaccinated—and thankfully, the majority of persons who were seriously affected by the coronavirus, our senior citizens, [have complied], and over 80 per cent of that population in this country have been vaccinated. I think the numbers might be closer to 85 per cent. That has helped to relieve pressure on our health care system. But the most important thing of which we have to understand, Mr. Speaker, is that yes, we are going to have to live with the coronavirus just as we live with other viruses.

And there are many countries around the world who have zero-tolerance approaches, who changed their zero-tolerance approach because they recognised that it could not be sustainable in the face of increasing deadly variants.

What is important is to answer a point inside of the question of which the Opposition Leader asked. Yes, the Ministry of Health is putting out guardrails. But it is clear, Mr. Speaker, we all know what we have to do. It is about wearing masks, keeping social distance, proper hand hygiene and staying home if you are not well. Those are the basics. And once those basics are followed, then the country is in a good stead. And that reduces transmission. [These are] the basics that work for all variants; [these are] the basics that work for all respiratory illnesses that can be transmitted through droplets or through the air.

And so, from that perspective, Mr. Speaker, the guardrails are there. We understand what is a safe place. But what is most vital is that people take the actions and steps to protect themselves. When I gave a speech, a national address in April, I said that persons can do their part by getting vaccinated. And if you choose not to get vaccinated, you can do your part by making sure that you observe public health measures.

We do have a spike, Mr. Speaker. Our health care systems are strained, Mr. Speaker. It is vital that each and every single one of us, and all leaders, enforce the position to those persons with whom we serve to say that it is time to make sure that we adjust our behaviours to make sure that we bring an end to this surge. But the fact is, Mr. Speaker, the coronavirus will be with us. And it is vital that we understand how to live and to cope. It cannot be blanket restrictions every single time that, in my opinion, Mr. Speaker, punish the vast majority of persons who are doing the right thing. That is the reason why we have spoken to the matter for the need for enhanced enforcement. Those matters are continuing.

And as I indicated in my Statement earlier today, there is a meeting later today which we expect will result in robust enforcement activity this weekend. And all businesses are on notice that we must adopt the zero-tolerance approach because it is part of not following what has been laid out that has gotten us here.

The Speaker: Do you have a supplementary, Opposition Leader?

Hon. N. H. Cole Simons: No, Mr. Speaker. I am done. Thank you.

The Speaker: Okay, Opposition Leader. You have asked your three questions.

The next Member who has indicated that they have a question for you, Premier, is MP Tyrrell.

MP Tyrrell, would you like to put your question?

Mr. Neville S. Tyrrell: Good morning, Mr. Speaker and colleagues. Thank you for that. My video should be coming up shortly.

The Speaker: Okay.

QUESTION 1: SUCCESS OF CURRENT TOURISM SEASON

Mr. Neville S. Tyrrell: Yes. Premier, changing direction, with our peak tourism season coming to a close, would you say that Bermuda has had a successful tourism season?

Hon. E. David Burt: Mr. Speaker, may I answer?

The Speaker: Yes. Continue.

Hon. E. David Burt: Mr. Speaker, I thank the Honourable Member for his question, and I would say that certainly we have had a better tourism season than some would have expected last year. Certainly, given the current circumstances where our top feeder market, the United States, is struggling to get the coronavirus under control, and the fact that we are certainly seeing some of the challenges and some of the pushback on our protocols which we put in place for visitors, I would say that what we have done is remarkable.

We have seen new hotels open. Some hotels have seen numbers that are nearing 2019 numbers. This of course would be impacted by the closure of the Fairmont Southampton, but it is also a benefit for the . . . well, not a benefit, but it is showing that the other existing hotels are able to hold their own.

In addition to that, the fact that the Ministry of Transport has been able to work to have cruise ships homeporting here has certainly been a success. And also the cruise visitors, fully vaccinated cruisers, assuming—and I think there have been some who have arrived on Island this week. And certainly, when it [comes] to going forward regarding airlift there is positive news, Mr. Speaker. American Airlines just announced that they will be restarting their daily service from Philadelphia on November 18, which is something that I know a lot of persons were looking for, and certainly continuing their daily service throughout the winter. And weekly Miami service will return on November 20.

We certainly have good news from Canada, and certainly with their high vaccination rates, that is something that we certainly welcome. And we are continuing to make sure that we enhance our tourism service from the United Kingdom for fully vaccinated travellers.

So, Mr. Speaker, I will say that it has been a success. And I want to say hats-off to all of the tourism workers, but not just the tourism workers—all of the workers inside of the Ministry of Health, who support tourism, the persons who process the travel authorisations, do the tests and make sure that we can keep persons employed in tourism, which is vital for this country's survival.

The Speaker: Thank you.

Supplementary?

Mr. Neville S. Tyrrell: No follow-up, Mr. Speaker. Thank you.

The Speaker: Thank you.

Mr. Vance Campbell: Mr. Speaker.

The Speaker: Hello.

Mr. Vance Campbell: Yes, Mr. Speaker. I was just wondering if you have me in your queue.

The Speaker: No, no. No, no. No, no, no, no. No, no. No supplementaries. The only person who has supplementaries is the person asking the question.

Mr. Vance Campbell: No, Mr. Speaker. I am just making sure you have me in line to ask a question.

The Speaker: I have a list of all Members who were provided by the Whips from either party. If you are on the Whip's list, you are on my list. Okay? If you are not on the Whip's list, you are not on my list. All right?

The next Member who is down for asking questions is MP Dunkley.

MP Dunkley, would you like to put your question to the Premier?

QUESTION 1: COVID-19 GOVERNMENT UPDATES AND PRESS CONFERENCES

Hon. Michael H. Dunkley: Thank you, Mr. Speaker, and good morning to colleagues.

Honourable Premier, a question that has been asked to me numerous times over the past couple of days is, As we have seen the fourth spike take place shortly after Cup Match and you have ceased doing regular updates, press conferences, will you consider having more regular updates and press conferences and not just releasing figures at night when most people have turned down?

The Speaker: Premier.

Hon. E. David Burt: Well, Mr. Speaker, I thank the Honourable Member for his question. I think the Minister of Health provided a very comprehensive update last week, Wednesday. And I know the Ministry of Health is committed to continuing to keep the public informed through technical updates and other matters. So I think that is important. But I think what is also important is that the country, as we position ourselves to live with the coronavirus and move beyond the pandemic, that we have to focus on the other matters of government. And that is what I am trying to turn and to focus my attention on.

We have an economic recovery plan that we have to implement. There are things that we must make sure that we execute for the well-being of this country. And I have every confidence that the Minister of Health and the technical teams at the Ministry of Health can relay the information and relay the policy which is necessary to keep the public informed.

The Speaker: Supplementary?

Hon. Michael H. Dunkley: Second question, Mr. Speaker.

The Speaker: You only get one question.

Hon. Michael H. Dunkley: Supplementary question then.

The Speaker: You have one question. When an Honourable Member asks a question, they have a single question and two supplementaries. So, if you would like to, you can ask a supplementary. If you have no more supplementaries, then we will move on.

Hon. Michael H. Dunkley: It is actually a supplementary, Mr. Speaker.

The Speaker: Put your supplementary.

SUPPLEMENTARIES

Hon. Michael H. Dunkley: I thank the Premier for taking this into consideration. In the Premier's Statement the Premier said something along the lines, "As long as we are able to properly manage the care for those who need medical attention generally and those persons with COVID-19, we have no need to revert to lockdowns and curfew . . ." Earlier in his Statement the Honourable Premier said that there were now more than 20 residents in hospital. That is double since the earlier release this week. And information coming to me says that the hospital has been very busy.

To the Honourable Premier, how close is the hospital to a position where we might have to consider lockdowns and curfews? In other words, how much capacity is left in the hospital in light of the drastic increase just over the last week?

The Speaker: Premier.

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

Mr. Speaker, the question of how close . . . the hospital does have excess capacity. The Bermuda Hospitals Board does also have additional capacity at the custom-built Lamb Fogg [Urgent Care Centre] in St. David's as well. So the Bermuda Hospitals Board, we ran through our commitment for preparedness. We have to recognise and understand that at the beginning of this pandemic when it was not understood how widespread asymptomatic transmission of this virus was, we were planning for the hospitalisation of 100 persons.

So, it is key to recognise and understand where we are. The hospital will indicate to us when they are stressed and strained. I think what is most important to understand, MP Dunkley, and I think what is most important for the public to understand is that the hospitalisations which we are seeing now are not due to actions which took place today. They are due to actions which may have taken place two or three weeks ago. So a lockdown today is not going to stop

the increase of hospitalisations, or curfew today is not going to stop the increase of hospitalisations. It is not going to stop those various things of stress.

What is going to stop that stress is for all of us to adopt the public health measures, make sure that we are doing what is necessary to stop transmission of this virus and ensure that more persons get vaccinated. And as time goes, that stress and pressure will be released.

It is telling to see, Mr. Speaker, however. And this is very unfortunate, because we are suffering from a pandemic of the unvaccinated. That element. It is my understanding that there is only one person who is in the hospital who has been fully vaccinated. All of the rest are unvaccinated. And that is what we are seeing across the world. This is preventable. These things do not need to happen. And I would strongly encourage individuals and persons to speak to their doctor and get protected. This is the Delta variant today, and it may be something else in the future. And it is vital that we are doing that type of work.

So I understand the perspective, where the Honourable Member was asking the question. These are the discussions that we are having internally, Mr. Speaker. But it is important that as a country we must recognise and understand that the best way to make sure that we can continue to live with the coronavirus, which is just a reality of life, is, number one, speaking to our friends and families and our doctors to make sure that more persons protect themselves against hospitalisation. And number two, observing the public health measures which are there to keep us safe. If we do those things, the country will be okay.

The Speaker: Second supplementary?

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

The Honourable Premier is preaching to the converted on that point, and I fully support that. But the situation is changing quickly.

The Speaker: Your question?

Hon. Michael H. Dunkley: Second supplementary.

Can the Honourable Premier inform the Honourable House if the hospital recommended curfews or a lockdown at this point?

Hon. E. David Burt: It is not for the hospital to recommend public health policy. That comes from the Ministry of Health.

The Speaker: Okay. Thank you.

The next Member who has indicated a question for the Premier is MP Adams.

MP Adams, would you like to put your questions at this point?

Mr. Jache Adams: Good morning, Mr. Speaker.

The Speaker: Good morning.

QUESTION 1: SAFEKEY, ADDITIONAL STEPS FOR PROTECTION

Mr. Jache Adams: Just adjusting my camera here.

Mr. Speaker, just to piggyback on the Opposition Leader's question in recognition of the wider use of SafeKey and the continued rise of cases, would the Honourable Premier share with this Honourable House any additional steps that businesses can take to protect their establishments?

Hon. E. David Burt: Mr. Speaker, may I answer?

The Speaker: Yes. Go right ahead, Premier.

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

Mr. Speaker, I thank the Honourable Member for his question, and I think one of the most important things which must be recognised is that it is essential that businesses do whatever they can to protect their business. And I think the best thing to do is to ensure that they are using SafeKey properly. Unfortunately, what we have seen are businesses that are just looking at QR codes, checking expiration dates and admitting persons. And that is not the way that SafeKey was designed.

SafeKey, like we will become more and more accustomed to with the expansion of cryptocurrency and other types of things use a QR code, a QR code is a secure code that can be scanned by a mobile device. And it is vital the businesses ensure that they check if their patrons' SafeKeys are valid by scanning them, using verify.gov.bm, which can be accessed on any mobile phone or any tablet.

And what is also vital is that they must check the patron's ID to ensure that the SafeKey is being used by the appropriate person. The last thing that a business wants is someone who might borrow a SafeKey from someone, or ask their friend to send them a SafeKey, or one of their friends may be vaccinated and they may not be, and they have not been tested to go to an establishment, especially in a time when we community transmission. So it is vital that the SafeKey is scanned on verify.gov.bm and it is confirmed as valid, and the ID is checked.

And the other thing that businesses can do is just make sure that you are going back to basics. Ensure that staff wear masks. Ensure that patrons are wearing masks when they are required to do so. Make sure that you have hand sanitiser in place at the door. And ensure that if people are unwell, that you are not admitting them to your establishment.

You know, there is the view that, businesses may say, *Hey, oh well, that's money I'm turning away.* The last thing you want is for you entire business to

be closed for 14 days. And that is what we are seeing happening across the country.

So, this goes back to personal responsibility and business responsibility. Businesses may want to go further than what the Government has stated and mandated. Other businesses may want to implement those certain things. The Government has given persons the tool in order to keep themselves safe and to understand how they can have safe interactions. And I encourage the country and businesses to go ahead and do whatever they feel is necessary to keep their businesses safe.

The Speaker: Thank you.

Would you like a supplementary?

Mr. Jache Adams: No supplementary. Thank you.

The Speaker: Okay. Thank you.

Premier, the next Member who has a question for you is MP Jackson.

MP Jackson would you like to put your question?

QUESTION 1: COVID-19 TRAVEL AUTHORISATION FORM

Ms. Susan E. Jackson: Yes. Good morning, Mr. Speaker, and good morning, Premier.

My question is around technology. I am just wondering if the Premier would provide his position on advancements and improvements that can be made to improve the service of the hotline, the travel authorisation app, the long lines at the Perot [Post Office] traveller COVID-19 testing site, et cetera. And I must thank all of the human capital that is providing support.

My curiosity is [in finding out] what is being done to advance and improve the technology or the processes to make these more consumer-friendly and efficient.

The Speaker: Thank you.

Premier.

Hon. E. David Burt: I thank the Honourable Member for her question, Mr. Speaker.

And I just want to touch on the various items that she had said because I think she said travel authorisation testing, and there may be one other point which I may not have written down. Insofar as what is taking place on the travel authorisation side, Mr. Speaker, there certainly have been increases and improvements in the technology there. One of the most important improvements is . . . what was causing the challenge for the line is when an incomplete application was submitted. Persons needed to call to correct and update that.

But over a month ago, I do believe that the update was rolled out that if incomplete information was submitted, individuals did not have to call the hotline. And they could go ahead and just click the link and update their information and go ahead and submit that information there. I know that is one technology upgrade that has been made. And I know that the teams are consistently working on trying to make the process certainly more efficient.

What I would say also is that I know that you would recognise that we rolled out 1-800 numbers to make sure that our toll-free numbers [were accessible to] our visitors or persons calling from overseas [who] were having difficulty there.

I think there needs to certainly be more education. As being someone who travelled recently to the United States, I understand how difficult it is to get a test in the United States before you return back to the country. And that is something that causes a lot of stress. So we are going to make sure that we provide an additional reminder of education on how persons can access these services online in the US.

We were speaking about making it more efficient insofar as testing here in Bermuda. Mr. Speaker, I was just going to be a little bit more blunt than I normally am. In Bermuda we are incredibly spoiled. And I say that because we have had an outstanding response to the coronavirus. In other countries people have to drive miles to get tested and spend many hours waiting in extremely long lines. The system at Perot, though sometimes lines get long, is an incredibly efficient testing system. They have things that are pre-printed, they have times when appointments are given, persons can go through there. The lines are long, but the lines are efficient.

And the challenge, I have to say, Mr. Speaker, is that we are doing more. We have extended to visitors and large hotels where we are allowing persons to be tested at hotels. But some of those resources may have to be deployed for schools. And as we are seeing our tourism season, you know, [go] past the peak, there will be the redeployment of resources to focus on places where they are. But what I would say is that I think that, just as the Honourable Member paid homage to the teams that are doing the work, I think that they are doing an incredible amount of work.

And though the lines sometimes can get long, I think that we should recognise that what we have here is still universally praised by visitors because they have been to other places and other jurisdictions, and they recognise that the waits that we have here are nothing compared to the waits that people have in other places accessing those services.

So, I think we should not just compare it to or have the view that we want something right now; we should not have to wait in line. We need to view it and compare it to the fact that what we are doing is an appropriate use of resources. And we are continuing the work to try to make it more and more efficient and

make sure that we deploy the resources in the best way possible.

The Speaker: Thank you.

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

The Speaker: You had a supplementary question?

Ms. Susan E. Jackson: Yes, Mr. Speaker, I do.

The Speaker: Put your supplementary.

SUPPLEMENTARY

Ms. Susan E. Jackson: Yes. I just wanted to focus in on the travel authorisation form for a moment, as it causes so much angst for returning residents. And I personally have seen people, tourists, visitors wanting to get to the Island and are unable to board a flight because the travel authorisation is not exact.

My question to the Premier is this: If and when a person or a family has submitted the travel authorisation information, and has paid the \$75 per person, is there any way that this technology can verify that a person is allowed to then get on the plane?

[Timer chimes]

The Speaker: Member, Member. Let me pause you for a minute. I trust that you would be able to hear the alarm going off beside me indicating that the 30 minutes for the Premier's Questions has come to a close.

So, I will ask that we end the Premier's Question Period at this time. And now we will start the 60 minutes for the regular Question Period related to either written questions or the Statements from this morning. And with that said, I believe we have one set of written questions this morning to be responded to orally. They are from MP Dunkley to Minister Ming.

MP Dunkley, would you like to put your question to the Minister?

QUESTION PERIOD

QUESTION 1: CCTV CAMERAS NOT WORKING

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

To the Honourable Minister: Will the Honourable Minister please confirm to this Honourable House the total number of CCTV cameras funded by the Government which are monitored and maintained by the Bermuda Police Service that are currently not working, for any reason?

Hon. Renee Ming: Good morning, Mr. Speaker and listening audience, and good morning, Member.

Mr. Speaker, on this line I just want to ask your guidance in particular on this question. There are some sensitivities around providing this answer and putting it in a public space. And I just want to know from your guidance perspective, is this something that I can agree with the Member to provide to him in confidence?

The Speaker: Member, the Minister is indicating that because of the sensitivity of the question, for security purposes it is probably best that the answer is not provided in a public space. But she is prepared to provide it to you privately under the guidance that you keep it out of the public space. Is that acceptable?

Hon. Michael H. Dunkley: Mr. Speaker, if that is what you wish, that is acceptable to me.

The Speaker: Okay. We will ensure that the Minister gets the answer to you privately.

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

The Speaker: And I would ask all Members to respect the sensitivity of that answer. And I do not have a problem with you, MP, sharing it with your colleagues. But I would ask that everybody respect the sensitivity and keep it out of the public space.

Hon. Michael H. Dunkley: Yes, Mr. Speaker. I appreciate it. I look forward to hearing from the Minister.

I just would make a brief comment. Often in the press it is [reported] that cameras were not working. And I just would like to make a note of that.

The Speaker: Thank you. Put your second question.

QUESTION 1: CCTV CAMERA SYSTEM MAINTENANCE BUDGET

Hon. Michael H. Dunkley: Second question: Will the Honourable Minister please inform this Honourable House the total amount budgeted in the current financial year to support system maintenance and system upgrades to the CCTV system?

Hon. Renee Ming: Surely. The BPS [Bermuda Police Service] budget is \$750,000 in total for CCTV monitoring, maintenance and cameras.

The Speaker: Supplementary? You are muted.

Hon. Renee Ming: You are muted.

SUPPLEMENTARY

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

The Minister did say for maintenance and cameras. How much is going to be spent on maintenance? And what is the amount for the spend on new cameras purchased?

Hon. Renee Ming: We have not purchased any new cameras at this stage. And so far, we have spent, I believe it was approximately \$76,000 on some maintenance that we did.

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

The Speaker: Second supplementary?

Hon. Michael H. Dunkley: No, Mr. Speaker. Third question.

The Speaker: Third question. Go right ahead.

QUESTION 3: CCTV SYSTEM, EXPANSION PLAN FOR BROADER USE

Hon. Michael H. Dunkley: Will the Honourable Minister please inform this Honourable House what the long-term plan and strategy are for the use of technology throughout the CCTV system by expansion for broader use?

Hon. Renee Ming: The intention is, subject to our budget in the next financial year, to replace the existing system with a more modern CCTV system. A project team has been identified which is currently engaged in refining the needs for the next reiteration, including software; investment opportunities for licence plate recognition; speed detection; red light cameras; parking enforcement, both fixed and mobile; vehicle registration enforcement; arrest monitoring; ShotSpotter technology; and general and analytical capabilities.

The Speaker: Thank you.
Supplementary?

SUPPLEMENTARY

Hon. Michael H. Dunkley: Thank you, Mr. Speaker for the Honourable Minister's answer. That is what I was looking at with the expansion or broader use.

The Minister did say for the next financial year, I believe, that this would be looked at. Is there a date when the Government would like to see the implementation of this broader technology?

Hon. Renee Ming: Member, our hope is to have the RFP out for early 2022 and to be able to implement the system as soon as possible from that date. The research has been going on now for a few months, actually. And I am pleased with what they have come

back with so far. So it is definitely a project that we are progressing.

The Speaker: Thank you.
Second supplemental?

Hon. Michael H. Dunkley: No, Mr. Speaker. I appreciate the answer to those questions, and I look forward to talking to the Minister about the first question asked.

The Speaker: Yes. Thank you.

Hon. Renee Ming: Thank you, Mr. Speaker.

The Speaker: Members, that brings to a close the written questions for today. So we will move on to the questions on the Statements that were given this morning.

The first Statement this morning was by the Premier in reference to moving beyond the pandemic. And, Premier, you have one Member who has indicated he has a question for you. That is MP Dunkley.

MP, would you like to put your question now?

Hon. Michael H. Dunkley: Mr. Speaker, I asked that question generally during the Premier's Question Time.

The Speaker: Oh, okay. All right. So we will pass on that.

The second Statement this morning was that of the Deputy Premier.

Deputy Premier, you have Members who have indicated they have questions for you.

And Opposition Leader, would you like to put your question now?

QUESTION 1: INVASIVE ALIEN SPECIES ACT 2021

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

My question is to the Minister of Home Affairs in regard to the invasive alien species. Is there a programme to secure and collect invasive animals which are in our canals and mangroves? One knows that there are a number of turtles in our canals. What are we doing to manage those invasive species and other animals that have been released in the wild?

The Speaker: Minister. Minister.

[No audible response]

The Speaker: Is the Deputy Premier at his—

Hon. Walter H. Roban: I am sorry.

The Speaker: Oh, okay.

Hon. Walter H. Roban: Mr. Speaker, I did not realise you were calling me. Sorry.

The Speaker: Yes.

Hon. Walter H. Roban: Was there a question for me? I totally missed it.

The Speaker: The Opposition Leader put a question to you in reference to your invasive species Statement this morning.

Hon. Walter H. Roban: Yes.

The Speaker: Opposition Leader, would you like just to repeat the question?

Hon. N. H. Cole Simons: Yes. Can the Minister share with the public what programmes he has in place to eliminate those invasive animals—i.e., turtles in the canals, at mangroves, other animals—that have been released into the wild? What type of programmes do we have in place to mitigate that risk to our ecosystem?

Hon. Walter H. Roban: Thank you. The Opposition Leader's voice [sounds] very distant, but I did catch the question, Mr. Speaker. So I will answer.

Those are programmes that we will develop [with] even further clarity once the legislation is in place. But there are a number of invasive [species] programmes that we are already operating that are ongoing, and I will just list those. Those are related to the lionfish, feral chickens of course, feral pigeons and feral crows. And we have ongoing management efforts in these areas, including with the terrapin turtle that he mentioned, to have much more attention in our nature reserves and to ensure that . . . unfortunately, those are species that we as humans are putting into that environment.

So people need to more responsible that when they buy their pets, Mr. Speaker, that when they get tired of those pets they do not just discard their responsibility and put them into the environment. Because that is why these species that the Opposition Leader mentioned are there, not because of anything the Government is not doing, but because people buy them as pets and then throw them into the canals and other places.

So, we are very vigilant on developing programmes to be more effective with that. The upcoming legislation will help with that and ensure that we not only protect the Island generally but specifically [give] attention so that we can ensure protections of our reserves and natural places.

Hon. N. H. Cole Simons: Supplemental.

The Speaker: Supplementary? Yes, put your supplementary.

SUPPLEMENTARY

Hon. N. H. Cole Simons: Has the Government considered being a depository for owners who wish to get rid of their pets—i.e., they are leaving our Island, or people who do not want to have a turtle anymore. Have we considered putting together a depository for those animals so they would not release them into the wild? And I mean, we can euthanise them after. But if we go on a public relations campaign saying, *If you want to get rid of your animals, the Ministry of the Environment will be a depository for them and we will either euthanise them or house them elsewhere.*

Hon. Walter H. Roban: I do believe I got the gist of the question, Mr. Speaker. As I said, the Opposition Leader's voice is very distant, but I do think I got it.

The answer is yes. If somebody wants to discard an animal that they maybe have and they do not want to dispose of it to the environment, they can bring it to the [Ministry of the] Environment, either the department, or of course they can take it to the aquarium. Many people do that already. And to make sure that any animal they find or that they do not want to be let out into the environment is properly cared for. So people can do that now.

But we can perhaps structure a clearer message around that so that the public knows.

Hon. N. H. Cole Simons: Yes. Yes.

Hon. Walter H. Roban: So, they can. You know, people bring animals to the aquarium all the time that they find in the environment so that they can care for them, which are not even normal species of Bermuda. So, we can certainly handle that, Mr. Speaker.

Hon. N. H. Cole Simons: Thank you very much. No further questions.

The Speaker: Is there a supplementary?

Hon. N. H. Cole Simons: No.

Ms. Susan E. Jackson: Oh, yes. Mr. Speaker, I have a quick supplementary.

The Speaker: Yes, MP Jackson.

SUPPLEMENTARY

Ms. Susan E. Jackson: Yes. Thank you.

I am just wondering if the Minister has or is incorporating into the legislation anything around bringing back and increasing the population of certain species that have since been decreased, such as our

land crabs, which were super popular with fishermen, et cetera.

Hon. Walter H. Roban: Mr. Speaker, the answer is that there are a number of things that we are doing to replenish species that are a challenge in Bermuda. I would prefer to deal with that in more detail when the legislation is debated. But the answer in short is yes.

Ms. Susan E. Jackson: Thank you.

The Speaker: Thank you.
Further supplementary?

Ms. Susan E. Jackson: Not from me.

The Speaker: Okay. Opposition Leader, do you have another supplementary?

Hon. N. H. Cole Simons: No. I am fine, thank you.

The Speaker: Thank you.

Minister, the next MP who has indicated they have questions for you on that Statement is MP Pearman.

MP Pearman, would you like to put your question?

Mr. Scott Pearman: Thank you, Mr. Speaker.
Minister, in your Statement to the House—

Hon. Walter H. Roban: We cannot see the Honourable Member, Mr. Speaker.

[Inaudible conversation]

Hon. Walter H. Roban: Oh, I am sorry. He is the same room with the other Members. Sorry.

The Speaker: Yes, yes, at the Opposition office there.

Hon. Walter H. Roban: Yes. Okay. Sorry.

Mr. Scott Pearman: Can you hear me, Minister?

Hon. Walter H. Roban: Yes.

QUESTION 1: INVASIVE ALIEN SPECIES ACT 2021

Mr. Scott Pearman: Excellent.

In your Statement on invasive alien species in the new Bill that you propose to pass, you stated to the Honourable House that you want to emphasise that “we are not intending to make criminals of persons who may have species that they are not even aware are growing in their garden.”

Minister, are you aware that the Bill that you tabled today does contain criminal penalties at clause 29, including two years in prison?

Hon. Walter H. Roban: Of course I know. But again, the Honourable Member is asking a question that would be more suitable to be discussed during the debate. The answer is, yes I know that that is there. But it is clear by my Ministerial Statement. No one will be criminalised for anything that they already have in their garden, which they have innocently planted or perhaps just found this out there due to nature. Simple.

Mr. Scott Pearman: Supplementary, Mr. Speaker.

The Speaker: I understand you want to—

Hon. Walter H. Roban: Mr. Speaker, the Honourable Member looks like he is going to—

[Crosstalk]

The Speaker: Minister. Minister. There will be a full debate on what this legislation entails. So, Member, when you ask a question, do not sort of anticipate the debate. But I will allow you to ask the question under guided conditions.

SUPPLEMENTARY

Mr. Scott Pearman: Thank you, Mr. Speaker. Obviously, I am asking questions about a Ministerial Statement given this morning to the House, assuring the House and the public that he is not intending to make criminals of persons. And the Bill actually would make criminals of persons.

So supplementary, Mr. Speaker, would be, Will the Minister consider civil penalties instead of criminal penalties for this Bill?

Hon. Walter H. Roban: I think, Mr. Speaker, that is a question that should come up during the debate, with all due respect. I mean—

[Crosstalk]

Mr. Scott Pearman: Minister, I am asking you if you are prepared to change it. And I am giving you fore-warning two weeks before the debate.

Hon. Walter H. Roban: That is getting into debate on the Bill now, Mr. Speaker.

The Speaker: Member and Minister. No, no, no. I will step in here. Member and Minister, I gave a guideline that we did not want to anticipate the debate. The Member has put out his concern. And, Minister, I would just ask you to anticipate that it will be part of

the debate, and whatever response you have you could prepare for the debate. So you have been fortunate to have been given a pre-warning of at least something that will come up in the debate.

Hon. Walter H. Roban: Fine.

The Speaker: Okay. Thank you.

Hon. Walter H. Roban: I anticipate. That is my answer. I anticipate.

Mr. Scott Pearman: Mr. Speaker, thank you.

The Speaker: No problem.
MP Pearman, do you have any further?

Mr. Scott Pearman: No further supplementaries, Mr. Speaker. Thank you.

The Speaker: No further? Okay.

We will move on. The next Statement this morning that there are questions for is by the Minister of Finance.

Minister of Finance, the Opposition Leader would like to put a question regarding your Statement this morning.

Opposition Leader.

QUESTION 1: PROGRESS REPORT—CONDUCT FRAMEWORK FOR THE FINANCIAL SERVICES SECTOR

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

First of all, in principle I agree with what the Minister of Finance is proposing, in principle. Anything to protect the consumer I think is worth examining and exploring. My question to him is from a corporate point of view. Most companies have a code of conduct in place already. Is he proposing that we possibly would consider one of the agencies, the BMA [Bermuda Monetary Authority] or the Consumer Affairs agency, to review and sign off on these codes of conduct so that they meet the standards prescribed by the new legislation or by what Government would be comfortable with?

Hon. Curtis L. Dickinson: Mr. Speaker, as I mentioned in my Statement, the Authority has done quite a bit of extensive work in looking at conduct frameworks that have been set out by a number of international standard-setting bodies. Pages 3 and 4 of my Statement refer to five bodies that the Authority has sought to look at their work. While I appreciate that some companies may have standards of their own, I think it is appropriate for some sort of regulatory body to set a minimum standard to ensure that there is some degree of consistency by financial institutions as they go

about conducting themselves in providing business and public services to customers in Bermuda.

I would say that the notion of a conduct authority is not new to the world. In fact, I can recall three or four years ago—four years ago in my position as an executive at one of the local banks—I forecasted that Bermuda would see the day when a conduct authority would be in place, because the trend at the time was that conduct authorities were being introduced in a number of places around the world. I am of the view that conduct—that the regulation goes around the world either clockwise or counterclockwise, but it always goes around the world. It is just a matter of time before it was seen here in Bermuda.

I did not forecast that I would be the Minister responsible for introducing such a regime. But we are where we are, and I think that this is a net/net good thing for both institutions and for their customers. I am of the view that a more informed customer is one who is better for companies. And so my hope is that this framework and this regime will result in the closing of the gap that currently exists between the knowledge of the institution and the knowledge of their consumers.

The Speaker: Thank you.

Is there a supplementary?

Hon. N. H. Cole Simons: I have a second question.

The Speaker: Second question? Put your second question.

QUESTION 2: PROGRESS REPORT—CONDUCT FRAMEWORK FOR THE FINANCIAL SERVICES SECTOR

Hon. N. H. Cole Simons: As the Minister of Finance knows, most companies have a complaints management programme. They also have a complaints register. And you will also know that most financial institutions are audited and they audit the protocols for the management and administration of complaints.

Can the Minister confirm how this would fit in in his programme? Or will it be separate and distinct from his recommended programme? Or will there be any overlap in the programme?

The Speaker: Minister. Go ahead.

Hon. Curtis L. Dickinson: Mr. Speaker, as I mentioned in my previous answer, the objective here is to set a standard. And while I appreciate that a number of different organisations may have different levels of reporting and ways of dealing with complaints, the intention here is to set a minimum standard for which companies can certainly operate at levels above. My expectation is that some of the material that they currently produce for their own purposes and also proba-

bly for the regulator, because today there are certain codes already inherent, resident in legislation and in the BMA's regime. But this is intended to formalise codes of conduct across the financial services industry in Bermuda. And inasmuch as it is complementary or additive to existing things that are in place today at the individual company level, the better.

Hon. N. H. Cole Simons: Okay.

The Speaker: Thank you. No further questions?

Hon. N. H. Cole Simons: No further questions. Thank you.

The Speaker: Thank you.

That is the last question for you, Minister.

The next Statement this morning that has questions is the Statement from Minister Furbert.

Minister Furbert, you have two Members who have indicated they have questions for you. The first is MP Pearman.

MP Pearman, would you like to put your question?

QUESTION 1: FIFTH UPDATE ON THE STIMULUS PROGRAMME

Mr. Scott Pearman: Thank you, Mr. Speaker. Thank you, Minister.

Minister, in your Statement to the House today you spoke about the stimulus project in fixing the stairs at Elbow Beach at the public access point to the tune of some \$200,000. How does the Ministry or the relevant decision-maker decide what is a normal Works & Engineering project and what is something that gets outsourced to a third party as part of this stimulus programme?

The Speaker: Minister.

Hon. Wayne L. Furbert: Thank you, Mr. Pearman, Member.

I believe that the smaller the projects are. That is where the stimulus comes in because we can get it done very quickly. There are some major projects that have to be done, and those ones are more [onerous] and go out for RFQs or RFPs. So they are very small. We are trying to get this thing to be quick and nimble and get things done very quickly.

The Speaker: Thank you.
Supplementary?

SUPPLEMENTARIES

Mr. Scott Pearman: Yes, supplementary, Mr. Speaker. Thank you.

Minister, does that mean that Works & Engineering will now be freed up to do more public works projects, if work they would otherwise do is being outsourced to third parties?

Hon. Wayne L. Furbert: Well, not necessarily. So you have Works & Engineering still doing some of the projects that they have to do. And those things that we need done much more quickly and the work that Works & Engineering staff is doing is still working doing their day-to-day work.

I use this example as far as the vegetation cutting. As you may be aware, the Parks have been working within the schools to get all of that work being done over the last couple of weeks. But there is a lot more work that still has got to be done, like at St. David's and St. George's throughout Bermuda that we are trying to hire small construction, medium-size and even some larger ones to get some of that work done. So we want to be getting this done as quickly as possible. And that is why a stimulus can work to get the work done.

Mr. Scott Pearman: Thank you.
Second supplementary, Mr. Speaker?

The Speaker: Yes. Go ahead with your second.

Mr. Scott Pearman: Thank you.
Minister, does this mean that the money for this stimulus programme is coming out of the Works & Engineering budget, or is it coming from somewhere else?

Hon. Wayne L. Furbert: Out of Works & Engineering.

Mr. Scott Pearman: Is it anticipated that this will be a budgetary extension or not?

Hon. Wayne L. Furbert: No. No.

Mr. Scott Pearman: Thank you, Mr. Speaker.

The Speaker: Any further questions?
No further questions. Okay.
The second Member, Minister, who has question for you is the Opposition Whip. Opposition Whip, would you like to put your question?

QUESTION 1: FIFTH UPDATE ON THE STIMULUS PROGRAMME

Mr. Jarion Richardson: Yes. Thank you, Mr. Speaker, and I thank the Honourable Minister.

When will the Honourable Minister be able to inform this House of the full number of jobs that have been provided to date? I know that he provided some as it related to one specific project. But not all of the numbers were provided, I thought.

The Speaker: Minister.

Hon. Wayne L. Furbert: I believe I mentioned all. Let me see. Or let me just check for you, Honourable Member. If not, I can get back to you with that information. I thought we listed a total. Hold on. Yes, the Economic Stimulus Programme has created at least 51 jobs, and 40 of them are going to Bermudians.

The Speaker: Supplementary?

SUPPLEMENTARY

Mr. Jarion Richardson: I would. Thank you, Mr. Speaker.

As it relates to the total unemployment rate that we have seen recently, is there a success metric for determining that the Economic Stimulus Programme is contributing to the macroeconomy? Has that been determined by the Government?

Hon. Wayne L. Furbert: Statistics have not been run on that. But we will continue to strive to ensure that Bermudians get back to work. With that \$3 million, we want to increase that rapidly and get people back out to work. Hence why the team is meeting, as a matter of fact this afternoon, to make things happen even faster.

Mr. Jarion Richardson: Those are all my questions, Mr. Speaker. Thank you.

The Speaker: Thank you, Opposition Whip.
Minister, that concludes the questions for you.

Hon. Wayne L. Furbert: Thank you, Mr. Speaker.

The Speaker: The next Statement this morning that has questions is the Statement from the Minister of Health regarding the Health Insurance Amendment. And the first MP who has indicated he has questions is MP Pearman.

MP Pearman, would you like to put your question at this time?

QUESTION 1: HEALTH INSURANCE AMENDMENT ACT 2021

Mr. Scott Pearman: Thank you, Mr. Speaker. Thank you, Minister.

Minister, on page 7 of your Statement, you spoke to a \$30 increase in the HIP premium and a \$30 increase in the FutureCare premium. For the benefit of the listening audience, is that a \$30 increase per month on the HIP payment or a \$30 increase per year on the HIP payment, and likewise on the FutureCare payment?

Hon. Kim N. Wilson: Mr. Speaker, that represents a \$30 per month increase for HIP and a \$30 per month increase for FutureCare, which will equate to a further \$1,000 of drug benefits for FutureCare, which will take it from \$2,000 to \$3,000 per annum; and a \$1,000 drug benefit for HIP patients, which takes it from zero to \$1,000. Currently, HIP does not have any drug benefits.

The Speaker: Supplementary?

Mr. Scott Pearman: No supplementary. Thank you, Mr. Speaker.

The Speaker: Second question?

Ms. Susan E. Jackson: Mr. Speaker, I have a supplementary.

The Speaker: Supplementary from MP Jackson. Put your supplementary.

SUPPLEMENTARY

Ms. Susan E. Jackson: Yes, thank you.

Good morning, Minister. Just a quick question. Given the fact that the premiums are increasing on a monthly basis, is there any capacity for no-claims discount or benefits for those, especially those on FutureCare, that if they are not claiming, that they may be able to get some sort of reduced or discount or something? I mean, because the costs are getting so high.

[Inaudible interjection]

Ms. Susan E. Jackson: You are on mute.

The Speaker: Minister, I think your microphone is muted. We see your mouth moving but did not hear you.

Hon. Kim N. Wilson: I am sorry. Yes, I am sorry.

I thank the Honourable Member for that question. The Honourable Member would probably recall that when it comes to the HIP policies and the FutureCare policies, they are all pooled, which allows for us to have competitive advantage with respect to the costing of services, overseas, locally, as well as with respect to drug benefits. So they are all pooled, and that is why we are allowed to have a cost savings.

In addition to that, as I previously mentioned, the HIP and FutureCare are heavily subsidised by everyone else who pays into the insurance pool. So the reality is that because of the pooling of those particular clients in those particular policies, they would not be able to have those no-cost benefits, so to speak, because they are heavily subsidised. And the pooling is what generates the benefits that they have

and the cost savings that HIP and FutureCare clients are awarded.

The Speaker: Supplementary?

Ms. Susan E. Jackson: No supplementary. Thank you.

The Speaker: Okay. Thank you.

Mr. Scott Pearman: My second question, Mr. Speaker?

The Speaker: MP Pearman, would you like to put a second question now?

QUESTION 2: HEALTH INSURANCE AMENDMENT ACT 2021

Mr. Scott Pearman: Yes, thank you.

Now going back to page 5 of your Statement, Minister, in the top paragraph, given the increase in the premiums for HIP and FutureCare, will the subsidy percentages identified by you in your Statement to the House change or not?

The Speaker: Minister.

Hon. Kim N. Wilson: I do not have that information offhand, but I believe that this is part of the calculation with respect to the MRF. So the amount that is being proposed that is in the Bill, it includes what the MRF transfer will be, which includes a further transfer to help continue the subsidy for HIP and FutureCare. So that is part of the calculation as conducted by the actuaries.

The Speaker: Thank you.

Supplementary or new question?

Mr. Scott Pearman: Supplementary, Mr. Speaker.

The Speaker: Put your supplementary.

SUPPLEMENTARY

Mr. Scott Pearman: Minister, just so we are clear because that was some complicated language, even though those third-party recipients will be paying more in premium, the Government is not proposing to either decrease or increase its subsidy level; is that correct?

Hon. Kim N. Wilson: That is correct. Part of the actuary exercise will be discussed, obviously, in a couple of weeks when we debate this. But part of the actuarial exercise included what would be the increase of premiums to include the benefits that we have spoken about as well as transfer to the MRF, because the

transfer to the MRF is what helps to keep the subsidy of FutureCare and HIP as it is.

So, there is a higher transfer to the MRF to ensure that the subsidy portion that is paid for by the Government for HIP and FutureCare remains the same.

Mr. Scott Pearman: Thank you, Minister. Thank you, Mr. Speaker. No further questions.

The Speaker: Okay. Thank you.

And, Minister, the next MP who has questions for you is MP Dunkley.

MP Dunkley, would you like to put your question?

QUESTION 1: HEALTH INSURANCE AMENDMENT ACT 2021

Hon. Michael H. Dunkley: Thank you, Mr. Speaker, and good afternoon to the Honourable Minister.

Honourable Minister, you mentioned the actuaries. Did the Government follow the recommendations of the actuaries in regard to the increase in fees?

Hon. Kim N. Wilson: Mr. Speaker, there were a number of options that the Government considered with respect to the increase of fees. Part of those options included what type of benefits. As you can appreciate, when you increase a benefit, then you have to increase the cost associated with those benefits. So, all of those options were heavily discussed and considered by the Government. And the option that was chosen was to increase the fees so that we could have prescription drug benefits for HIP and FutureCare.

Mr. Speaker, when we did the almost seven or eight months of consultation leading up to the health financing reform, one of the biggest refrains that we heard from members of the public was an increase of FutureCare drug benefits, as well as persons who were on HIP who had no drug benefits. So we are addressing that with respect to this particular increase. And the other benefit—and I am sure that colleagues will share in the importance of this—relates to the 130-some-odd persons who give birth every year who are uninsured. And this will allow them to ensure that they have the best maternal health education, as well as the provision of the services that are required for giving birth, and that their children also get a good head start at life. Thank you, Mr. Speaker.

The Speaker: Supplementary?

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

The Speaker: Go ahead.

SUPPLEMENTARIES

Hon. Michael H. Dunkley: The Honourable Minister mentioned on page 4 of the Statement that the headcount has been reduced over the past two years from people paying in, from 49,000 to just over 46,000 [people]. Does the Honourable Minister think that this trend will continue?

The Speaker: Minister.

Hon. Kim N. Wilson: I thank the Honourable Member for that question. And I have to answer it by saying that is a very good question. I would not have any knowledge as to whether or not that trend would continue. I cannot offer any comment on that, I am afraid.

The Speaker: Okay. Supplementary?

Hon. Michael H. Dunkley: Yes, supplementary.

The Speaker: Go ahead.

Hon. Michael H. Dunkley: Well, if we assume that it will continue, what will be done to address the situation?

Hon. Kim N. Wilson: Mr. Speaker, that is somewhat of an arbitrary question. I cannot necessarily answer a question that I do not know whether or not that would actually materialise. Obviously, if our headcount continues to be reduced, then those with circumstances, as I have said before, would affect the transfers into to the MRF, we would have to address that accordingly. But I do not have a crystal ball and I cannot anticipate what will happen tomorrow insofar as the headcount of our population, as stated at page 4 of the Statement, I am afraid.

The Speaker: Okay. Another question? You have had your two supplementaries. This would be your second question.

QUESTION 2: HEALTH INSURANCE AMENDMENT ACT 2021

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

That is a matter that needs to be addressed because it is alarming.

So, the second question, Mr. Speaker, is, With another double-digit increase in health insurance premiums and a smaller increase of 6 per cent to those on HIP and FutureCare—those who can least afford to pay it—what is the Government actually doing to reduce this spiralling, drastic increase of health care costs?

Hon. Kim N. Wilson: Mr. Speaker, I thank the Honourable Member for that question.

As I stated in the Statement, we remain committed to ensuring that we provide a system of health care that results in a healthier and more productive community, as well as that is accessible to all. Unfortunately, we have seen our numbers increase with respect to persons who are either uninsured or underinsured. And part of the Bermuda Health Plan that the Government is committed to under the universal health care system will address that. And as I said in the Statement, we have been re-engaged.

Unfortunately, we have had a delay called COVID-19. And we are now still continuing those meetings with our stakeholders and members of the community to assist. And we are confident that by the end of this year we will be able to provide further information to Honourable Members and members of the public as to the progress we are making. But the Government is still committed to universal health care through the adoption of the Bermuda Health Plan.

The Speaker: Supplementary?

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

The Speaker: Put your supplementary.

SUPPLEMENTARIES

Hon. Michael H. Dunkley: Mr. Speaker, I was looking for some concrete steps to take place. But the Minister did mention the introduction of universal health care. How will the introduction of universal health care decrease the burdensome cost of health insurance that everyone is paying in Bermuda?

The Speaker: Minister, yes.

Hon. Kim N. Wilson: Mr. Speaker, as we have spoken about in this House before, the introduction of universal health coverage will assist drastically with respect to our health care costs. We have a very, very high health spend, almost . . . and we may be number 11. No, it is more than that. We have one of the highest health spends per capita of the industrialised countries. And unfortunately, that is not sustainable.

Part of our way of addressing that, Mr. Speaker, was to look at the way that we finance our health coverage, which is why you will recall two years ago we introduced the single-payer system so that we can help to pool our resources and allow for a more equitable distribution as to what we are paying for with respect to our health care. And it also will allow for us to provide more coverage for primary care. It does not make sense for us to not address primary care when we have seen persons who are, regrettably, suffering from chronic diseases. We know that our health out-

comes are very poor, unfortunately, in this country. So we need to make sure that we have sufficient resources available to address providing for more preventative and primary care.

The Bermuda Health Plan seeks to address that, seeks to look at prevention, seeks to look at an integrative model which will also provide cost savings, and cost savings then are passed on to the consumer, as well as to allow for better outcomes, which is our ultimate objective, Mr. Speaker.

[Inaudible interjection]

The Speaker: Thank you.

Is there a supplementary?

Hon. Michael H. Dunkley: Yes, Mr. Speaker. I assume that that microphone is not closed.

The Speaker: Put your supplementary.

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

The Speaker: Members, Members. I know you all are looking at the clock. We are gone past the 12:30. After this question for this Statement, we will break for lunch and come back and do the questions to the remaining two Statements.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker. Supplementary then, and I will be finished on this end.

Mr. Speaker, does the Honourable Minister expect then that with the answer on what Government's plan is to reduce health care costs, which I am not certainly accepting at this point in time, but does Government believe that they can have some success next year and we will not see these alarming double-digit increases in the health care costs this time next year when we have to address the situation again?

Hon. Kim N. Wilson: Mr. Speaker, as I indicated in the Statement, the HIP and FutureCare . . . these have not been increased since 2015. We know that, unfortunately, we have an ageing population. We have a demographic that regrettably suffers from a high percentage of chronic illnesses. All of those factors do cause an increase in utilisation. So those are things that are realities. We are certain that once we are taking steps to roll out our universal health coverage, we will be able to arrest some of the chronic conditions that we are seeing that are costing us more money.

Unfortunately, again, Mr. Speaker, technology, advanced medical technology also comes with a cost. So the reality is, you know, we are unhealthy and we know that there are commitments that the Government has made with respect to universal health coverage. We are devoted and committed to that. And again I do anticipate that we will see and

hear more about this by the end of the year, and certainly we will be able to advance the universal health coverage, as it is a Throne Speech objective by the Government, Mr. Speaker.

The Speaker: Thank you, Minister.
No further supplementaries?

Hon. Michael H. Dunkley: I would like to, but I think I have used them, Mr. Speaker.

The Speaker: Yes. There are no further.

[Laughter]

The Speaker: With that, Members, I am stopping the clock right now. There is a little over 18 minutes left for the Question Period. But we will resume with the last two Statements when we come back because there are Members who have indicated they have questions for the remaining two Statements.

So, Premier, if you acknowledge the lunch period now, we will break for lunch.

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

Mr. Speaker, I move that this Honourable House now adjourn for lunch and return at 2:00 pm.

The Speaker: Thank you.
Any objections?
No objections.
Members, we adjourn for lunch at this moment. Thank you.

Proceedings suspended at 12:39 pm

Proceedings resumed at 2:00 pm

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

The Speaker: Good afternoon, Members. It is now 2:00 pm and we will resume this afternoon's debate. The House is now in session.

QUESTION PERIOD

[Continuation thereof]

The Speaker: Members, when we broke for lunch we were still on the Question and Answer Period on the statements this morning. We had two Statements remaining on the Order Paper for which Members had questions. They are both on Statements by the Minister of Labour, so we will begin there.

And there is 18 minutes and 20 seconds left on the clock for the Question Period.

Minister Hayward, in reference to your statement this morning on the Immigration Reform, the Opposition Whip has a question for you.

Opposition Whip, would you like to put your question now?

QUESTION 1: PROGRESSING IMMIGRATION REFORM: EXPANDING PRCs FOR LONG-TERM RESIDENTS

Mr. Jarion Richardson: I would, thank you, Mr. Speaker, and thank you, Honourable Minister for your Statement.

Would the Honourable Minister be able to inform us whether the state of the economy influences his decision-making regarding immigration?

The Speaker: Minister?

Hon. Jason Hayward: The primary driver behind this policy was work that was previously done that identified the issues facing long-term residents as a problem.

I would say that part of immigration solutions can benefit the economy overall, but that was not the driving factor of the policy change.

The Speaker: Thank you, Minister.
Do you have a supplementary?

SUPPLEMENTARY

Mr. Jarion Richardson: I do, thank you, Mr. Speaker.
Would the Honourable Minister inform us what is the state of the economy or is there a specific economic metric that you would use that would allow an immigration pathway to full rights, including residency, work, participation in elections?

The Speaker: Minister.

Hon. Jason Hayward: Mr. Speaker, I believe the question transcends my Statement. The Member is asking about economic metrics. My Statement today was pertaining to progressing immigration reform as it pertains to long-term residents.

The Speaker: Member, the Minister is indicating that the line of question that you are presenting was not contained in context of the statement this morning and the question should draw from the context of what was in the Statement that was presented.

Mr. Jarion Richardson: Thank you, Mr. Speaker.
I have a second question.

The Speaker: Go right ahead.

QUESTION 2: PROGRESSING IMMIGRATION REFORM: EXPANDING PRCs FOR LONG-TERM RESIDENTS

Mr. Jarion Richardson: My second question is, the Minister had mentioned bipartisan committee at page 2, to which committee is he referring?

The Speaker: Minister.

Hon. Jason Hayward: Mr. Speaker, the Progressive Labour Party Government committed to working on comprehensive immigration reform in a bipartisan way. The Government did invite the Opposition to provide names of representatives to be part of a bipartisan committee. The names that were presented were: Michael Dunkley and Ben Smith. Thereafter, I, as Minister, received communication from the Opposition Leader to say that they were withdrawing those individuals from participating on the Bipartisan Immigration Reform Committee.

So, we did continue with the Committee. The other members of the Progressive Labour Party that were featured on the Committee [remained], but there is no bipartisan committee because the Opposition declined the offer to participate in those conversations.

The Speaker: Okay. Supplementary?

SUPPLEMENTARIES

Mr. Jarion Richardson: I would seek clarification. So, the Ministerial Statement about it being bipartisan was inaccurate? Or does it refer to . . . I can change it to does it refer to the previous iteration of the bipartisan committee under the then Honourable Minister Caines?

Hon. Jason Hayward: So, the Statement as it pertains to the bipartisan committee is referenced from the party platform and that was a desire that we do things in a bipartisan nature as it pertains to immigration.

Mr. Jarion Richardson: Thank you.

The Speaker: Any further questions?

Mr. Jarion Richardson: Yes, sir, supplementary.

The Speaker: Supplementary, okay.

Mr. Jarion Richardson: The work of a number of working groups . . . their considerations have been presented as part of these reforms. Will the work of that Reform Committee be presented? Or will just the results of it be presented as in this Ministerial Statement and as in the legislative reform or will they issue their own report?

Hon. Jason Hayward: The work of the Immigration Reform Working Group, that information has already

been made public as it pertains to the work that this Committee has done.

The other committee acts more as an advisory group to the Ministry of Immigration rather than an independent group that will submit an independent report. So, their feedback will be contained in any report that the Ministry provides.

The Speaker: Any further question?

Mr. Jarion Richardson: Yes, supplemental. For the avoidance of doubt then, there is, in fact . . . yes, Mr. Speaker?

The Speaker: That is your second supplemental on that one.

Mr. Jarion Richardson: Okay.

The Speaker: So, you can put a third question.

Mr. Jarion Richardson: I do not have a third question on this topic. Thank you, Mr. Speaker.

The Speaker: Okay.

Minister, that was the only Member who had a question for you on that Statement, however, the same Member has a question for you on your Statement in reference to financial assistance.

Opposition Whip, would you like to put your question to the Minister?

QUESTION 1: THE TABLING OF THE FINANCIAL ASSISTANCE AMENDMENT ACT

Mr. Jarion Richardson: Yes, thank you, Mr. Speaker.

Would the Honourable Minister let us know . . . at one point he described in his Statement that medical opinions of medical professionals would be requested as part of determining if a person is disabled and, therefore, eligible for an award under financial assistance. It sounds like the Statement says that a medical professional will be required to outline the potential for a person to work. Is that, in fact, Minister, what this policy is saying, that the medical professional will be opining on the ability of a person to work?

The Speaker: Minister.

Hon. Jason Hayward: That is correct, Mr. Speaker.

Disabilities vary. Some persons who have disabilities still have the ability to participate in the workforce, and what we are asking is that this be identified from a doctor's standpoint so that we can provide the employment services to assist those individuals who have the ability to work to get gainful employment.

The Speaker: Supplementary?

Mr. Jarion Richardson: Yes, thank you, Mr. Speaker.

The Speaker: Yes.

SUPPLEMENTARIES

Mr. Jarion Richardson: In the case where a job can be performed, even though a person is disabled in another way, is the medical professional expected to distinguish or make his opinions specific to the job that the person is seeking? I am just trying to get some clarity around what exactly this medical professional will be attesting to.

Hon. Jason Hayward: Mr. Speaker, I believe the Statement makes it clear that the medical professional will give an opinion on the scope of work that can be done by the disabled individual.

The Speaker: Supplementary?

Mr. Jarion Richardson: I do, thank you, Mr. Speaker.

The Speaker: Okay.

Mr. Jarion Richardson: Mr. Speaker, have the various medical industry bodies—medical representative bodies—been consulted in developing this process?

Hon. Jason Hayward: Mr. Speaker, what I will say to that is that this has already been in practice with the Department of Financial Assistance. What we are doing is placing it in the law. But it was a matter of policy all this time and there has been feedback provided by medical professionals for the recipients that are currently on financial assistance that are disabled that indicates whether one would have the ability to work.

It is important to note that some persons are temporarily disabled and that is important information for the Department of Financial Assistance to determine whether or not somebody continues to get a disability award after any type of treatment or rehabilitation work has been done.

The Speaker: Okay.

You have had two supplementaries on that. Do you have a second question?

QUESTION 2: THE TABLING OF THE FINANCIAL ASSISTANCE AMENDMENT ACT

Mr. Jarion Richardson: I do, thank you, Mr. Speaker.

Mr. Speaker, in his Statement the Honourable Minister spoke about a three-year period . . . a three-year-long agreement with Workforce Development. And I do not remember the exact wording he used, but it was the agreement that will see the development of that person who is seeking counselling from Workforce Development. And I was not sure if the

three years matched the length of the award. I know that financial assistance is given in awards and those awards have certain periods. And [regarding] the three-year development process, I was not sure that this mirrored the award period. If the Honourable Minister could confirm that the two are, in fact, married up?

The Speaker: Okay. Minister.

Hon. Jason Hayward: Mr. Speaker, the two are not married up. The personal employment plan period is set for a period of three years.

The Member would know that we came to this Honourable House and passed a Bill which extended financial assistance from five years to seven years. So, the maximum amount of time one can receive an award as an able-bodied individual, for a low-income earner, is for seven years. However, what we do not want is to get to a point where somebody has completed their seven years and is not . . . does not have the skill sets so that they can be independent and economically free in our society and, as a result, what we want to do is put a period of time where that person is actively engaged in a personal employment plan so that we can guarantee some level of success for that individual.

The Speaker: Supplementary?

Mr. Jarion Richardson: I do, Mr. Speaker.

The Speaker: Put your supplementary.

SUPPLEMENTARY

Mr. Jarion Richardson: Does this three-year agreement period with Workforce Development contain any kind of accountabilities or consequences for non-compliance with the development plan?

Hon. Jason Hayward: Mr. Speaker, the amendments that are going to be made to the Financial Assistance Act makes this a mandatory requirement. As a result of it being a mandatory requirement in law, persons will not be receiving any benefit from financial assistance if they determine that they do not want to participate in the plan.

The Speaker: Supplementary?

Mr. Jarion Richardson: I have none.

Thank you, Mr. Speaker.

Thank you, Honourable Minister.

The Speaker: No third question?

Thank you, Member.

Members, that brings us to a close of the Question Period for today.

We will now move on to the next item on the Order Paper, which is the Congratulatory and Obituary Speeches.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: Does any Member wish to make a contribution?

Mr. Vance Campbell: Mr. Speaker.

The Speaker: Yes, I hear . . . Is that MP Wade? MP Campbell.

MP Campbell, you have your three minutes.

Mr. Vance Campbell: Thank you, Mr. Speaker.

Mr. Speaker, I would like congratulatory remarks to be sent to one of my constituents, 19-year-old Bermudian biomedical engineer student, Kameron Young, daughter of Angela Young and granddaughter of Kenyetta Young. Over the summer she successfully completed a virtual internship in Spanish with Nediari, a small technology company based in Medellin, Colombia, whose primary focus is designing and manufacturing services or special tools and ground support equipment for the aeronautical industry. She has been described by Nediari as one of the most outstanding interns that they have ever had. And she worked with a team to develop an augmented reality app that showcases a 3-D model and included descriptions of its components and helped to create the app in both English and Spanish.

Mr. Speaker, I am sure you will agree that she is definitely a young Bermudian to watch for the future.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Campbell.

Does any other Member wish to make a contribution?

Mr. Jason Wade: Mr. Speaker

The Speaker: MP Wade.

Mr. Jason Wade: Thank you, Mr. Speaker.

The Speaker: You have your three minutes.

Mr. Jason Wade: Thank you, Mr. Speaker.

Mr. Speaker, I just want to send an early Birthday shout-out to one of my constituents, Ms. Dulcie Zuill, who is 102 on Monday. Kelly Zuill, one of my constituents as well, one of my advisors you could say during the run-up to the last election, and I have become very close. I got a chance to see Ms. Zuill on the run-up to it. And to make it to 102 years old is an absolutely amazing accomplishment. So, I just wanted

to make sure that I put that on the record and to make sure that we get a letter sent out to her wishing her a happy 102nd birthday this coming Monday.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Wade.

Does any other Member wish to make a contribution?

Hon. W. Lawrence Scott: Mr. Speaker.

The Speaker: Minister, Minister Scott.

Hon. W. Lawrence Scott: Yes, sir.

The Speaker: You have got your three minutes.

Hon. W. Lawrence Scott: Thank you, Mr. Speaker.

I would like a letter of congratulations sent out to three individuals: Omar Dill, Malik Robinson and Oral Barnett. These are three young Bermudians who have completed both formal and on-the-job training to become our most recent qualified air traffic controllers. They attended a 14-week overseas training programme at the Global ATS in Gloucestershire England with the UK Civil Aviation Authority approved training syllabus.

Ms. Lovitta F. Foggo: Associate me, please.

Thank you.

Hon. W. Lawrence Scott: I associate the Chairperson of the Bermuda Airport Authority, MP Lovitta Foggo and also the Government Whip, Scott Simmons.

Mr. Scott Simmons: Thank you, Minister.

Hon. W. Lawrence Scott: And the syllabus included both a theoretical and simulator-based practical training. And for me this is exciting because I did sit in another seat at the time that they were initially onboarded and to, once again, be able to say that we are now going into the second generation of Bermudian air traffic controllers, with the first generation being Patricia Peets and the gentleman . . . I do not mean to forget his name . . . I want to say Burgess, but no, sorry, but this is the second generation of Bermudian air traffic controllers. And so, this is once again providing and continuing to blaze a trail for Bermudians in the aviation industry. But once again, I congratulate them and, once again, make sure that everybody is aware.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister Scott.

Does any other Member wish to make a contribution at this time?

Mrs. Ianthia Simmons-Wade: I would like to associate myself with the remarks of Minister Scott, especially since Malik is my younger cousin.

Thank you.

The Speaker: Okay, MP Simmons-Wade.

Mr. Neville S. Tyrrell: Mr. Speaker.

The Speaker: MP Tyrrell.

Mr. Neville S. Tyrrell: Thank you, Mr. Speaker—

The Speaker: You have your three minutes.

Mr. Neville S. Tyrrell: —and good afternoon all.

Thank you very much.

Mr. Speaker, on a sad note, I ask that letters of condolence be sent to the family of Ms. Clara Jones, a previous constituent of mine from Bulkhead Drive, who passed recently. Ms. Jones was very popular in the area and, in fact, was always very accommodating with me whenever I came around to canvass in the area. I found her and her brother-in-law, Clark Jones, to be very supportive of me in that area. And so, I would ask if condolences could be sent to her family. I know two of the daughters, Eulene and Lionette, but the rest of the family as well.

On a more brighter note, Mr. Speaker, I ask that a letter of congratulations be sent to a group calling themselves the JVC Group. They are actually the Jones Village Committee, who yearly put on a back-to-school event at the playground which exists between Jones Village and Rocklands Estate. They have done it, certainly for the last three years, and it is getting bigger and bigger.

I would certainly like to call out the Committee names, there are only eight of them: Mr. Robert Bean, Jeron Tucker, Jairzinho Cooper, Deuntay Darrell, Rodney Marshall, Juanita Simmons, Ronald Bowen and Riassa Showers. And I ask, again, that congratulations be sent to them.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Tyrrell.

Does any other Member wish to make a contribution?

Ms. Lovitta F. Foggo: Yes, Mr. Speaker.

The Speaker: MP Foggo, you have your three minutes.

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

Again, I would like to be associated with the [congratulatory remarks about the] three young gentleman who have been recently called as air traffic controllers. They have acquitted themselves extremely well and have done Bermuda proud and are a tes-

tament to the fact that, particularly, the Bermuda Airport Authority is determined to ensure that Bermudians make their way in the world of aviation, and the government at large as well.

Mr. Speaker, I would also like to give congratulations to young LeiLanni Nesbeth who is . . . well, she is already a constituent of mine as well as a relative. She continues to prove herself in the sporting world and I think accolades are well deserved for her sporting efforts.

Mr. Speaker, I would like to express condolences [to the family of] the late Miss—and we called her “Pam”—Pace. While Pam Pace only enjoyed 70-plus years, a septuagenarian, she nonetheless was considered a matriarch of the St. David’s community, a very kind and loving person who saw fit to eventually become a member of the PLP group, and in her earlier years was a member of the UBP group. But even while she stood as an opponent on the political field, she continuously treated me with kindness and respect and applauded the efforts for constituency 3 in terms of what they did under the PLP banner to help the St. David’s community. She will be sorely missed by her family and I would just want to point out that James Pace, who is well-known in the government community and also is an employee of the National Sports Centre, is her son. And Ms. Tanya Minors, a long-term employee, I think, of the Bank of Butterfield, is her daughter. She also . . . Renall Caisey, Damita (who lives overseas), and two other children whose names escape me right now, but I am sure I will remember once I end my conversation right now.

[Timer chimes]

The Speaker: MP Foggo, the alarm that signifies . . . that signals that your three minutes are up.

Ms. Lovitta F. Foggo: Mr. Speaker, I think you only gave me one minute.

The Speaker: Well, that was a long one minute then. Thank you for your contribution.

Ms. Lovitta F. Foggo: So I say thank you, Mr. Speaker.

The Speaker: Does any other Member wish to make a contribution at this time?

Mr. Christopher Famous: Mr. Speaker.

The Speaker: That sounds like MP Famous?

Mr. Christopher Famous: Yes, Mr. Speaker, can you see me?

The Speaker: I see you are wearing red today.

Mr. Christopher Famous: What does it say, Mr. Speaker? I am sorry, let me help you. Manchester United.

The Speaker: Wrong team.

Mr. Christopher Famous: Mr. Speaker—

The Speaker: You have got the wrong team. If you said “City” you might have had some encouragement from me.

Mr. Christopher Famous: Oh, you finally like blue and blue.

The Speaker: Only for City. I figured I would say that just to get you excited. But go ahead, sir.

Mr. Christopher Famous: Mr. Speaker, I want to give a round of thanks and appreciation to the hundreds of staff over the last 18 months who have been taking swab tests, administering vaccinations, helping out down at the hospital . . . I should not say “helping out,” but helping those in need at the hospital because without them our healthcare system would have collapsed. And during this fourth wave, as the Premier said, I just want Bermudians to be considerate that these persons have been working 12-hour shifts, they have not seen their families for the most part, and without them we would not be in the position that we are in.

Mr. Speaker, on a sad note, I would like to give condolences to the [INAUDIBLE] family for the loss of Mr. Shawn Outerbridge, a young man only a year older than myself, he and I, he was a year ahead of me in school, he went to Warwick Academy and then to American International College. He was a player on the same team as me at [INAUDIBLE], he was a father of two and he was an ambassador and also an IT specialist. And it is a shock to the family.

Hon. Walter H. Roban: Please associate me. Thank you very much.

Mr. Christopher Famous: I just wanted to give condolences to the [INAUDIBLE] and Devonshire community and Loyal Hill.

Thank you, Mr. Speaker.

Ms. Susan E. Jackson: Mr. Speaker.

Hon. Walter H. Roban: Yes, Mr. Speaker.

Hon. N. H. Cole Simons: No, Mr. Speaker.

Hon. Walter H. Roban: Mr. Speaker.
I cannot hear you, Mr. Speaker.

The Clerk: Mr. Speaker, you are muted.

The Speaker: Okay.

I was still muted, gentlemen, sorry about that.

Deputy Premier, are you trying to make your contribution at this time?

Hon. Walter H. Roban: Yes, a very short one, Mr. Speaker, thank you very much.

The Speaker: Go right ahead.

Hon. Walter H. Roban: I wish to be associated with the condolences given by the Honourable Member who sits in constituency 11. I have known Mr. Shawn Outerbridge for a considerable number of years. I know he is a member of the family connected with MP Weeks. I believe his beautiful wife, Cindy, has a family relation with the departed Mr. Outerbridge. But I have known Mr. Outerbridge since school days as well. I saw him mere days before his passing. And it was shocking to hear a few days ago that he had passed because, like MP Famous, we are in a similar age group and it is always distressing to hear of our peers suddenly passing away. I know he leaves a family, children, and loved ones who will miss him. But I am very shocked by his passing and so wish to be associated with the condolences to him.

Thank you, Mr. Speaker.

Hon. N. H. Cole Simons: Mr. Speaker.

The Speaker: Thank you, Deputy.

Hon. N. H. Cole Simons: Mr. Speaker.

The Speaker: I am trying to catch the voice for the next person.

Hon. N. H. Cole Simons: Opposition Leader.

The Speaker: Oh, Opposition Leader, yes, you have your three minutes.

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

I want to associate myself with the comments made in regard to the air traffic controllers.

I would like to send condolences to the family of the late Livingston Tuzo. He was a renowned educator, he was a friend of mine, we went to Purvis together, and we went to school overseas together. Mr. Tuzo had a commitment to education and development of young people and the development of teachers. He was headmaster at Victor Scott and headmaster at West End Primary for 15 years. He also was chairman of the Association of School Principals. He had a very fruitful educational career. He was a role model to many teachers and principals. So, Bermuda’s educational community was saddened by his passing and we would just like to pass on our condo-

lences to his wife, Shirley, and his sons Shannon and Shaun.

I would like to also send condolences to the family of Allen [INAUDIBLE], a young man who grew up with me at South Shore Road in Warwick. He was tourism investor. He worked . . . he left school at 16 and worked in the hotel industry at the Elbow Beach Hotel. He remained there for 30 years before converting over to become a taxi driver. He had a gift of gab, [while] interacting with hotel guests and Bermuda's tourists. He was truly a tourism investor, always had something to say, always cheerful and did a good job in representing Bermuda and her people to our guests.

I want to also send condolences to the family of Loren Harvey of St George's. He was [INAUDIBLE] and he lives over by St. George's Cricket Club. A true, true son of the soil; a hard-working young man. And I would like to pass on condolences to his brothers and sisters.

I would like to also send condolences to the family of Joan Pimentel. She recently passed away. [INAUDIBLE] and I worked with her for many, many years in the Bank of Bermuda and she taught me a lot in the banking retail side. She was well-respected by the executive of the bank and her clients. She will be sorely missed by the Pimentel family and I wish her husband, Freddy, and her son, Wayne, and his wife, Sharon, my condolences on behalf of the House and the rest of us.

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Opposition Leader.

Does any other Member wish to make a contribution?

Ms. Susan E. Jackson: Yes, Mr. Speaker.

The Speaker: MP Jackson, you have your three minutes.

Ms. Susan E. Jackson: Thank you.

I just wanted to take a few moments to send condolences to the family and friends of Charla Furbert. She I first met in the Auditor General's Office some years ago where she was instrumental in introducing me to the workings of the Office of the Auditor General. And she was certainly committed to the parliamentary committees that rely on the Auditor General's Office for resources and information and education on financial matters pertaining—

Ms. Lovitta F. Foggo: Can you associate me, please? Thank you.

Ms. Susan E. Jackson: Yes, absolutely.

I believe that we should associate the entire House because it is the resource and the commitment of individuals like Charla Furbert that really help us to

understand the workings of government and, in particular, the most important area of finance. And so, I just really would like to send out my condolences, appreciation for the life of Charla Furbert, and the time that I was able to spend with her and to learn more about finances and auditing. She was certainly a delight and an educational resource par excellence.

Thank you . . . and very kind.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Jackson.

I think, yes, it is fitting that the whole House should be associated with those remarks of condolence because for those of us who have sat on the finance house committees over the past years would have had direct association with her and we did always find her to be extremely helpful and informative for those on the committees. So, yes, the House should be associated with that.

Does any other Member wish to make a contribution at this time?

Any other Member?

Hon. Derrick V. Burgess, Sr.: Yes.

The Speaker: Deputy Speaker.

Hon. Derrick V. Burgess, Sr.: Yes, thank you, Mr. Speaker.

The Speaker: You have your three minutes. Go right ahead.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, I would like to be associated with the remarks concerning Ms. Young, who happens to be a blood cousin of mine and, as you probably know, she is the only grandchild of BIU stalwart Kenyetta Young.

Mr. Speaker, I would like this House to send condolences to the family of Ms. Yvonne Outerbridge of Harlem, Bailey's Bay. Ms. Outerbridge was a stalwart when it came to supporting her cricket team Bailey's Bay and she and her sisters made their support known by their presence. She will be sorely missed by her children Antoine and Jeanne, grandchildren and other family members.

Also, Mr. Speaker, I would like to also send condolences to the family of Ivan (Bunny) Fubler who was funeralised a couple of weeks ago. Mr. Fubler was a long-term employee at the BIU before he retired and certainly a well-known figure in Hamilton Parish. And I am sure he will be sorely missed by his wife, Joy, children and other family members.

Thank you, Mr. Speaker.

The Speaker: Thank you, Deputy Speaker.

Does any other Member wish to make a contribution?

Any other Member?

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

The Speaker: Yes. MP—is that MP Dunkley?

Hon. Michael H. Dunkley: Dunkley.

The Speaker: You have your three minutes.

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

I would like to be associated with the condolences to Shawn Outerbridge and his family on his recent and very sudden passing. I saw him just a couple of days before he passed when I was visiting a constituent to celebrate their 99th birthday. And I must admit that I was shocked to learn of his passing earlier this week.

I would also like the Honourable House to send condolences to the family of Samuel Rudolph Mills, one of my constituents who lived down on the North Shore at Ocean's Bay Close. Mr. Mills was a man who I enjoyed visiting because he said little, but when he spoke it was volumes, and I appreciated his comments whenever we had the opportunity to visit.

Mr. Speaker, and a third condolence, I would like this Honourable House to send condolences to Jose De Couto. He was a gentleman that I knew for probably 35, 40 years. He was actually the operations manager at Dunkley's Dairy. He died suddenly last month. And everyone called him "Superman" because no job was too big, and no task was too tough for him to take on. But he was stricken by a severe illness and passed rather quickly at the young age of 53. To his wife and family, our deepest condolences. He will be sorely missed. The man who never had any bad thing to say about people and at the core of his existence was his faith in the Lord and he carried that right to the end on his deathbed. So, condolences to the family.

Mr. Speaker, thank you for the opportunity to speak today.

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution?

Any other Member?

Hon. E. David Burt: Mr. Speaker.

The Speaker: Premier, you have your three minutes.

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

Mr. Speaker, I would just like to ask this Honourable House to extend condolences to the family and friends of my late constituent Mr. Walter Welch, who passed away in his 54th year this month. Our thoughts and prayers are certainly with his wife, ShaeVonne Welch, his children, Evans and Ean

Welch, and certainly his extended family during this time of mourning. To lose someone at such a young age is certainly a challenge and thoughts, of course, must be with his young children and wife at this time.

On the same measure, Mr. Speaker, I would like to associate myself with the condolences given by the Honourable Member for constituency 11 and associated already with the Deputy Premier of constituency 15, for the passing of Mr. Shawn Outerbridge. Shawn Outerbridge and I met each other in 2003 when I first returned to Bermuda as we are both IT consultants by trade and profession. And I know that between the work that we did with IT, for his support for Bermuda's Progressive Labour Party, he actually served as a branch chair for one of our branches, and it was without question an honour to serve with him in the party capacity and to work with him in the IT capacity. His loss is certainly felt by many—at a young age, a relatively young age—and I just want to extend my condolences to his family and his children. And I ask the House to certainly send a letter of condolence to his family on his untimely passing.

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Premier.

Does any other Member wish to make a contribution at this time?

No other Member?

Mr. Michael A. Weeks: Yes, Mr. Speaker.

The Speaker: MP Weeks, you have your three minutes.

Mr. Michael A. Weeks: Thank you, Mr. Speaker.

You see I got my name sorted out.

The Speaker: Yes, yes.

Mr. Michael A. Weeks: Thank you.

Mr. Speaker, I would like to start off by asking to be associated with the comments for Shawn Outerbridge. He was a good friend of mine. He and I met in the army a while back in the Regiment. So much so he became godfather to one of my sons. His passing, though untimely, takes getting used to, Mr. Speaker, because he had so much to offer the community. He was a good family man, a good community man. So, my heart goes out to his family, his son, his daughter, and his siblings, Mr. Speaker.

Mr. Speaker, I would also like to be associated with the remarks for Mrs. Marilyn Outerbridge if they have already been brought to the House, Mr. Speaker.

The Speaker: It has not been done yet, but go ahead.

Mr. Michael A. Weeks: Okay. I would like to ask that the House, Mr. Speaker, recognise and bring and

send condolences to the family of Marilyn Outerbridge.

The Speaker: Mm-hmm.

Mr. Michael A. Weeks: She was not in my constituency, but she was right on the border, so, we considered each other to be in the same community.

Mr. Speaker, we had . . . she was a very spiritual woman and when I first became an MP, she actually summoned me to her house, her home, and we sat there and we talked about my responsibility in the community and what I should be doing and how I should be there to help. Unbeknownst to us that, as our relationship developed, we both had something else in common, I ended up losing my son in December 2012 and Ms. Outerbridge and her neighbour, Ms. Nicole Fox, lost their sons in a heinous crime up on Happy Valley, Mr. Speaker. So, that made . . . that really solidified our relationships as we comforted each other. And Ms. Outerbridge had this spiritual side and was always trying to be there to help us, you know, get through whatever. So, as a community woman she is going to be sorely missed, Mr. Speaker, because she was there for everyone as everyone's advisor and guide.

So, with those words, Mr. Speaker, I want to thank you.

The Speaker: Thank you, MP Weeks.

MP Weeks, in the comments you just made for Ms. Outerbridge, I thought you may have mentioned a few years back, in your younger years, when she was a familiar face on the Berkeley Hill Road.

Mr. Michael A. Weeks: Yes, Mr. Speaker, yes.

The Speaker: Yes, yes, she used to feed us our lunch. We got lunch from her back in the day.

Mr. Michael A. Weeks: Yes, yes, yes, I remember that, but I was trying to get my three minutes in.

The Speaker: All right, yes, I know her from way back in those days, how's that?

Mr. Michael A. Weeks: Same here, same here, Mr. Speaker.

The Speaker: Thank you.

Mr. Michael A. Weeks: Yes.

The Speaker: Does any other Member wish to make a contribution at this time?

Mrs. Ianthia Simmons-Wade: Yes, Mr. Speaker.

The Speaker: Yes, MP Simmons-Wade.

Mrs. Ianthia Simmons-Wade: Yes, Mr. Speaker, I would like to extend my condolences to the family of the late Dennis Joaquin. He was a constituent of mine. He worked for BELCO for many, many years. But most recently he has been known for the murals that he has painted on his walls in Warwick. And what he has also done, along with his co-worker, they have gone to various nursing homes and rest homes and have been doing art therapy with our seniors. He was a very gifted artist. He was also a graphic designer. He also was a master puppeteer as well as the fact that he was a musician and designed games. He was artistic and he will be a great miss to our seniors.

Thank you.

The Speaker: Thank you, MP Simmons-Wade.

Does any other Member wish to make a contribution at this time?

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

The Speaker: Yes, MP Swan.

Mr. Hubert (Kim) Swan: Good day, Mr. Speaker.

The Speaker: You have your three minutes.

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

It would be remiss of me not to offer congratulations to St. George's Cricket Club for ensuring that we celebrated our most iconic holiday this year. The end result was not what we had planned for, Mr. Speaker, so, for that I want to offer, somewhat tongue in cheek, congratulations to all my Somerset family and friends of which I include your mom, Mr. Speaker. We all know she hales from Somerset. That disappointment was somewhat sort of made a little bit more palatable this last week when that same St. George's Cricket Club are now celebrating as league champions, but until we go to open cricket we will be the champions of playing across the line. That is a story for a different subject.

The Speaker: Yes.

Mr. Hubert (Kim) Swan: But congratulations to St. George's on winning the league and congratulations to Somerset on winning the cup and congratulations to all concerned for putting on the Cup Match Classic.

On a sadder note, I would like to be associated with the condolences sent out to the Harvey family, a very close-knit family indeed, from Slip Road, on the passing of brother Loren who had passed on recently, and to Mrs. Harvey and Tommy and all the family, my sincere condolences to them.

To the Francis family down there who have lost quite a number of family members of recent. Kingsley [INAUDIBLE] Francis whose daughter was a Member of this Honourable House and the other place

as well, Mr. Speaker. Sister Minors' father passed on and his family is a very large family in St. George's. His cousin, [Calvin Reginald] "Spryer" Hodsoil passed on recently as well.

In addition, Bill Caisey, the iconic musician has passed on. The great goalkeeper, Sheldon Bradshaw, has gone on to the great reward with the goalkeepers in the sky. And Mr. George Daniels, Mr. Speaker, another iconic St. Georgian from down on Cut Road. I know Minister Ming and MP Foggo would want to be associated with those condolences going out to the St. George's family passings, Mr. Speaker.

Thank you.

The Speaker: Thank you, MP Swan.

Does any other Member wish to make a contribution at this time?

Any other Member?

No other Member?

Before we move on, I would just like to start where MP Swan just ended and add my condolences to the those expressed for the Bradshaw family. As a Somerset boy I remember very well how efficient Mr. Bradshaw was as a goalkeeper for the Silver City in the day. And I would also like to be associated with the remarks that he gave to the Caisey family on the passing of Mr. Bill Caisey.

I would like to add three other—all condolences, unfortunately—remarks this morning, each for constituents of mine who have passed very recently in the last few days.

Firstly, to the family of the late Gracelyn Guishard of the Riley family in Somerset. Ms. Guishard was the matron of the family and was very community minded. She was one of those who was always helpful and willing to assist in things that we were doing in the community and she was always helpful, encouraging, and kept you abreast of what was going on in the community.

The second is condolences to the family of Theresa Grant who passed recently as well. And those in the Sandys community will know that Ms. Grant was of the Douglas family in Somerset, and the Douglas family has some long deep roots associated with the political movements there in Somerset as well Ms. Guishard there and their presence was always strongly felt and will be missed, not only by each of these families but the community that they served as well.

And the last that I would like to do is one that is very close to me and, yes, my constituent, but also a sister-in-law of mine. And I just want to publicly take the opportunity to express to her daughter, husband, her grandchildren, her brother the loss that has affected our family and the Sandys community in that Donna Showers had been a long-term administrative assistant there at West End [Primary]. And not only has the family been affected, but all those children who have passed through West End [Primary] over the

years and their families and the community in general have been touched by her sudden passing that shocked the whole community in that we were just . . . it was totally something that we could not ever have imagined that would happen. But we are blessed in the support that has been given to the family on her passing. And I thank those who have expressed that on behalf of the family. But I would like it to be noted publicly for those listening that we appreciate that support that has been shown.

With those remarks said, I would like to move on.

MATTERS OF PRIVILEGE

The Speaker: There are none.

PERSONAL EXPLANATIONS

The Speaker: There are none.

NOTICE OF MOTIONS FOR THE ADJOURNMENT OF THE HOUSE ON MATTERS OF URGENT PUBLIC IMPORTANCE

The Speaker: There are none.

INTRODUCTION OF BILLS

GOVERNMENT BILLS

The Speaker: There are six Bills to be introduced today. The first is in the name of the Deputy Premier.

Deputy Premier, would you like to introduce your Bill at this time?

FIRST READING

INVASIVE ALIEN SPECIES ACT 2021

Hon. Walter H. Roban: Yes, Mr. Speaker, good afternoon.

The Speaker: Good afternoon.

Hon. Walter H. Roban: Mr. Speaker, I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: Invasive Alien Species Act 2021.

Thank you very much.

The Speaker: Thank you, Deputy.

The next item is in the name of the Minister of Finance.

Minister of Finance.

FIRST READING

SEGREGATED ACCOUNTS COMPANIES AMENDMENT ACT 2021

Hon. Curtis L. Dickinson: Mr. Speaker, I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: Segregated Accounts Companies Amendment Act 2021.

Thank you, Mr. Speaker.

The Speaker: Thank you.

The next item is in the name of the Minister of Health.
Minister.

FIRST READING

HEALTH INSURANCE AMENDMENT ACT 2021

Hon. Kim N. Wilson: Mr. Speaker, I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: Health Insurance Amendment Act 2021.

The Speaker: The next item is in the name of the Minister of Transport.
Minister.

FIRST READING

MOTOR CAR (LIVERIES) AMENDMENT ACT 2021

Hon. W. Lawrence Scott: Yes, good day, Mr. Speaker.

I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: Motor Car (Liveries) Amendment Act 2021.

The Speaker: Thank you.

And the next two items are in the name of the Minister of Labour.
Minister, would you like to present your items?

FIRST READINGS

BERMUDA IMMIGRATION AND PROTECTION AMENDMENT ACT 2021

FINANCIAL ASSISTANCE AMENDMENT ACT 2021

Hon. Jason Hayward: Good afternoon, Mr. Speaker.

I am introducing the following Bills for their first reading so that they may be placed on the Order Paper for the next day of meeting: Bermuda Immigra-

tion and Protection Amendment Act 2021; Financial Assistance Amendment Act 2021.

The Speaker: Thank you.

That brings us to the close of the Bills that are to be introduced today.

NOTICE OF MOTIONS

The Speaker: There are none.

ORDERS OF THE DAY

The Speaker: The first item to be debated today on the Orders of the Day is the second reading of the Gaming Amendment Act 2021 in the name of the Premier.

Premier.

Hon. E. David Burt: Mr. Speaker, can you give me 15 seconds, please?

The Speaker: Yes, okay.

[Pause]

The Speaker: For those in the listening audience, we are still in session. The Premier is just making an adjustment before he starts the debate on the first item for debate this afternoon.

And Premier, are you ready?

Hon. E. David Burt: Mr. Speaker, my sincere apologies.

The Speaker: For the listening audience, we are going to do the Gaming Amendment Act 2021 and the Premier will present the item at this moment.

Hon. E. David Burt: Thank you and apologies again, Mr. Speaker.

Mr. Speaker, I move that the Bill entitled the Gaming Amendment Act 2021 be now read the second time.

The Speaker: Are there any objections?

There are none.

Continue on, Premier.

BILL

SECOND READING

GAMING AMENDMENT ACT 2021

Hon. E. David Burt: Mr. Speaker, I am pleased to introduce to this Honourable House for its second reading the Gaming Amendment Act 2021.

Mr. Speaker, the intent of these minor amendments is to reduce any perception of conflict of possible interest between members of the Commission and the Government and to expressly affirm the independence of the Commission.

Mr. Speaker, the broader context for these amendments is the issue of banking and the proceeds of gaming and the processing of gaming transactions by local banks. The ability to do so is dependent on the willingness and support of related correspondent banks to allow for the movement of funds in and out of Bermuda. Extensive dialogue on the subject has been had between various stakeholders, the Government, the local banks and the Commission. It has been proposed by one local banking institution that in order to gain support of a correspondent bank clarification of and changes to the current legislation as proposed could assist.

Mr. Speaker, it is, therefore, recommended that the disqualification provisions of the Bill be clarified to express that a sitting Member of the Legislature is disqualified from being a member of the Commission. It can be inferred from the current statutory provisions that this conclusion was intended, and this was the basis upon which successive Governments have always acted. However, further clarification will serve to put this matter beyond doubt in line with the Bermuda Monetary Authority Act.

In addition, Mr. Speaker, an amendment is provided to the provisions by which any member of the Commission can be removed. The current language is that any member may be removed where he is “unable or unwilling” to perform his duties. That language is mirrored in a number of other public Acts. However, it is proposed that the language be changed to match the language of the Bermuda Monetary Authority Act to enable any commission member to be removed where he is “unable or unfit” to perform the required duties.

Mr. Speaker, the Commission has been consulted and has no objection to these proposals.

Mr. Speaker, while not specifically covered in this Bill, I seek your leave for some latitude to provide an update related to the wider and topical issue of gaming for Bermuda.

Earlier this year this Honourable House was notified that Hotelco Bermuda Holding Ltd. (known locally as St. Regis) had entered into the final stages of making an operational casino in Bermuda a reality and that, as the holder of a provisional casino licence, the company had submitted a formal application for a full casino licence. The required suitability review of the applicant was well underway by the Commission, extensive due diligence in respect of every substantive aspect of the application’s honesty and integrity, associates, ownership interests, governance, operational and financial controls to ensure that only good characters are permitted to enter the Bermuda market and to establish a healthy compliance culture. It was

signalled at that time that the results of the review would be submitted to the Board of the Commission for a final decision on the issuance of the casino licence later this summer.

Mr. Speaker, I can advise this Honourable House that the Commission held a meeting on Tuesday, the 24th of August, at which the application for a casino licence was considered. The applicant was invited to and did make submissions to the Commission in support of the application. The next steps are now being considered and I remain confident that we will see a casino in Bermuda this year.

Mr. Speaker, I can also advise Honourable Members that a technology and compliance officer has been successfully recruited to the Commission. The officer will have the responsibility for the internal technical stability and efficacy of the Commission for ensuring that gaming equipment and games approved by the Commission are, in fact, in use in licensed premises, and initiating compliance procedures in the event of breaches of statutory provisions or Commission standards. The regulation unit within the Commission is now fully staffed and ready to supervise.

Mr. Speaker, as I commend this Bill for the consideration of this House, this is yet another step taken to realise the goal of gaming for Bermuda. This has been a long road, but the leadership of the Commission has moved with efficiency and purpose to ensure that a properly regulated gaming operation will support the latest addition to our tourism product and is just another example of this Government executing on our economic recovery plan.

Thank you, Mr. Speaker.

The Speaker: Thank you, Premier.

Does any other Member wish to make a contribution at this time?

Hon. N. H. Cole Simons: Yes, Mr. Speaker, thank you.

The Speaker: Opposition Leader, you have the floor.

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

I am satisfied with the progress being made. I note the Premier’s comments in regard to a prohibition of MPs from being on the Board, and I am satisfied in the transparency that he provided when he indicated that the correspondent banks of our local banking—and I declare my interest first, sorry—the correspondent banks of a local institution are working with the Government in setting standards as to the independence of the Authority. I am aware that they have, in essence, asked the Bermuda Gaming Commission to be similarly modelled after the BMA and they wanted no political influence whatsoever. So, the Premier did say that they are comfortable with this amendment in having no MPs on the Commission, so I support that.

But my question to the Premier is, what other criteria have they asked for that has not been addressed or is to be addressed at this point in time to make the gaming industry more attractive to the correspondent banks so that they will be comfortable in assuming the business that Bermuda has in regard to this new industry?

The other issue that I would like . . . we note that we made an amendment earlier this year when we moved the purview of the Commission from one of our ministries to the Commission itself. Again, that was a recommendation provided by the correspondent bank. So, I know that we are moving in a direction that will work for some of our international correspondent banks.

So, I applaud the Government for developing that relationship and trying to do whatever it can to progress this industry.

I think the further question that I have is . . . at one point the Premier was talking continuously about “cashless” gaming. And I asked one of the provisional licensees if they could provide more details on cashless gaming. They could not provide more details. So, can the Premier provide his concept of what cashless gaming would look like? Or if we secure the approval of the correspondent banks, will we have traditional gaming? Will that change the model that we have at this point in time?

So, can the Premier provide further edification and clarification on the model of gaming that we will have here in Bermuda? Will it be a blend of cashless gaming, or will it be traditional cash gaming or what? So, if he can provide more details on that for us.

The other issue that I would like to speak to is the issue of the Commissioners where they substitute “unwilling” for “unfit.” I find this very interesting, and I would like to know why we are substituting “unwilling” and “unfit” because they are two different connotations. Unwilling, someone could be on the Board and not carrying their weight or not making any contribution and so they are unwilling to make a substantive contribution to regulating our gaming industry. Unfit is a different issue altogether. You are either incapable or you got ill or you cannot attend any meetings. I accept that as unfit because you could be missing meetings because you may be ill or other commitments. But unwilling is an interesting word and to substitute unfit for unwilling is very interesting and questionable. So, I would ask the Premier to provide a further clarification as to why they used this language.

In regard to the provisional licensees, we are on a journey, they have been on a journey, they have made substantive investment in gaming and in preparing an infrastructure for gaming in their organisations. As you will appreciate, and I can sympathise with you, this has been a long, long, long journey. These companies have invested in infrastructure that supports gaming in their institutions and, at this point in time, these investments are dead investments that are

providing no return. What type of assurance can we or the Government can give to the hoteliers, like Hotelco and the Hamilton Princess, that we, in fact, will have our gaming infrastructure from a regulatory point of view in place by the end of the year and that we can begin to issue final licences so that the two provisional licensees may move to the next level and start to do business? As I said, they have dead capital overseas, with equipment at the docks, equipment in storage, and this is an expensive undertaking, and they cannot even bring the equipment to Bermuda to set up their infrastructure because that also is illegal.

So, Mr. Speaker, I invite the Premier to provide us with some type of indication as to when we will finally be in a position to provide final licences to developers and hotel owners in this country.

Thank you, Mr. Speaker.

The Speaker: Thank you, Opposition Leader.

Does any other Member wish to make a contribution at this time?

Any other Member?

Mr. Hubert (Kim) Swan: Mr. Speaker.

The Speaker: MP Swan, you have the floor.

Mr. Hubert (Kim) Swan: Thank you, Mr. Speaker.

The Opposition Leader started off on a good note when he indicated his support for the intent of the Bill and some of the initiatives that he articulated. And then, in somewhat typical fashion, he slipped away into the line of the great critic. And I would just like to say, if there is ever an area in Bermuda where it is needed to measure twice or thrice and cut once, it certainly would be here. I was doing some spring cleaning not too long ago and I saw . . . I came across a whole bunch of petitions that had signatures that were garnered where people had varying opinions in the country on this very subject matter. And I am reminded that the Opposition Leader would have presided over some five years, and many of those in a Cabinet that put forward these initiatives and sort of sat on its hands in some regard in this very space.

So, if it is anywhere where I believe that the hotels, and particularly Hotelco in St. George's and others, should take some comfort in knowing that in this space where we must measure twice and cut once that this Government is doing its best to make sure that we can enhance the product that they have.

And I say that because, Mr. Speaker, during that time when, you know, when I was gauging the public and constituents, I conducted my own poll on this very matter. You can check the *Bermuda Sun* online, you can still find some of the information, and where I was pleasantly surprised that more than 60 per cent of persons out there in this community supported this initiative, which was somewhat different

than opinions that many of us may have held about this very subject.

I was reminded, Mr. Speaker, that the very cruise ships that we have not seen a great deal of that we are seeing a few more up in Dockyard. You would have seen two over the last week; the Viking and then a regular caller starting make its way back to Bermuda. They have in their midst a product and it is called gaming. And they have a mechanism by which they can translate those funds that they get back through the banking institutions. We out here, in the middle of the Atlantic, certainly have to do our due diligence as I know is being done in this space, Mr. Speaker, to make sure that we are doing so in a way that does not jeopardise or compromise . . . and I do know the Honourable Member Opposition Leader knows that space very well because he declared his interest that this is a space in which he derives his living and is in very fact his trade.

And so, from that point of view, Mr. Speaker, I feel confident that the efforts that are being made to provide independence for the Commission, the efforts that are being made to make the necessary arrangements through the banking institutions, are being done so to expedite these measures for the best interests of Bermuda. Because I know all of us that sit in this Honourable Chamber—virtually or otherwise—want what is best for this country, especially economically. And it is high time that we certainly offer more solutions rather than criticisms.

And so, in the space of banking if there is anything out there, someone who lives and works in that space could suggest [how] to make matters [happen] more speedily as they are suggesting, I suggest a call or a WhatsApp to the Finance Minister, or the Premier in this case, to help make that such a reality, Mr. Speaker.

We in the tourism industry need to have products that are going to enhance what we offer. And we know that casino gaming is not the be-all and end-all. But those companies, such as the cruise ships, that we depend on, have it as part of their product. In more states than not they are forming a major feature of options for people who are in that particular space of tourism, Mr. Speaker. And we are going to be no different.

And so, from that I look forward to . . . in St. George's and any other hotel institution in Bermuda that is looking to have this particular [amenity] included, I look forward to us having that product provided and the necessary banking protocols in place sooner rather than later. But in doing so, make sure that the i's are dotted and the t's are crossed as we are doing, as has been advocated in this particular Amendment Act.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP, for your contribution.

Does any other Member wish to make a contribution at this time?

Any other Member?

Hon. E. David Burt: I [can] close, Mr. Speaker.

The Speaker: No other Member?

Premier, would you like to wrap up your matter here?

Hon. E. David Burt: Sure, I can—

The Speaker: Go right ahead.

Hon. E. David Burt: —Mr. Speaker.

Thank you very much, I am grateful for the support of Honourable Members around this. There were a few questions which I will endeavour to do my best to answer.

I believe there was a question about cruise ship gaming proceeds, which are not banked in Bermuda and so, I think, that is something that is key, so that would not be the apples-to-apples comparison. Cruise ships, of course, are banked where their home [port] is and so, in regulating licence, whatever fashion they are so, those particular proceeds would not be banked in Bermuda. And just like cruise ships and casinos are an amenity for cruise ship passengers, it is the same thing that we want casinos to be in Bermuda, an amenity to visitors.

In regard to, I think, a broader matter, there was a question which the Opposition Leader asked. And the Opposition Leader asked when can the Premier say that we will have a casino in Bermuda? Here is the one thing, Mr. Speaker. The one thing that I have learned in this job is that you cannot make promises or pledges on matters that you do not control. And the Government does not control the issuing of casino licences. Part of the reason we are making sure that we are here is to make sure that our correspondent banks are comfortable with what is taking place and understand completely and clearly what is going on.

So, I cannot give the Opposition Leader the assurance which he is looking for. As he knows, as someone who works inside of a regulated industry, we do not speak on matters that are dealing with a regulated industry. It is my hope, desire, expectation still that we will have a casino operating in this country before the end of the year. That is my hope, desire, and expectation, and the Government is doing everything towards that regard. As I said, casino gaming is part of our economic recovery plan, it is the reason why we brought multiple Bills here, the reason why we continue to engage with the correspondent banks and other things, to try to make sure that we can bring this matter across the finish line.

And, as you would know, Mr. Speaker, there have been copious amounts of work to clean up the

[Casino] Gaming Act 2014 to actually make it fit for purpose for a modern gaming infrastructure.

So, I cannot and will not give any promises or pledges to the Opposition Leader because this is not a circumstance that we control. The decision on a licence is not in the hands of the Government, but it is solely in the discretion of an independent commission. And the only time that a provisional licence was given by a Government was when the former Government conferred one inside of legislation, which, at that time, we said was something that posed a particular challenge.

And so, there certainly are matters which we are trying to make sure we do this right so that we can get casino gaming as an amenity for our tourism product over the line.

But I also believe there was a question regarding cashless gaming and non. Cashless gaming versus cash is a negotiation and the issue is between the operator and the bank and that really comes down, again, to the issues of the correspondent banking relationships. So, that is not something that is either mandated or specified by the Government of Bermuda. What the Government of Bermuda will do is work to state whatever regulatory changes may or may not be required in order to satisfy whatever the banking partner needs to be in place.

So, I believe that our regulations and our legislative framework can cover cashless, cash, and whatever, but it is up for the regulators . . . not the regulators, for the *operators* to work with their banking partners, and that is a negotiation between the operator and the bank.

I cannot necessarily go into those specific details. This is, without question, a regulated business. There are walls between the regulator and the Government. Our job is to understand what is necessarily required and to make any legislative changes, and the Bermuda [Casino] Gaming [Commission] is there to make sure to implement the Bill and they are doing their due diligence to make sure that all i's are dotted, and all t's are crossed so this matter can get across the line.

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

The Speaker: Thank you, Premier.
Deputy Speaker.

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

House in Committee at 3:16 pm

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

COMMITTEE ON BILL

GAMING AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled the [Gaming Amendment Act 2021](#).

Premier, the Honourable David Burt, you have the floor.

Hon. E. David Burt: Thank you very much, Mr. Chairman.

Mr. Chairman, I would like to move clauses 1 and 2.

The Chairman: Continue.

Hon. E. David Burt: Thank you very much, Mr. Chairman.

Mr. Chairman, clause 1 provides the citation for the Bill.

Clause 2 amends Schedule 1 paragraphs 2A and 7 of the Act. Paragraph 2A is amended by replacing “unwilling” with “unfit” to perform duties as a reason for the revocation of a member’s appointment to the Bermuda Casino Gaming Commission [BCGC]. Paragraph 7 is amended to provide, expressly, that a member of the Legislature is disqualified from being a member of the Bermuda Casino Gaming Commission.

As I move that, Mr. Chairman, I do note that there was a question from the Opposition Leader speaking specifically to the language that was stated inside of this clause and I thought it would be more proper to deal with that matter while we were in Committee versus dealing with the general principles of the Bill.

As I had indicated in my Statement, the Government . . . this language, “unable” and “unwilling,” the language “unable” and “unfit” is found in many different enactments, public Acts. The Attorney General’s Chambers more often now uses “unwilling.” And you will find those in later Bills. There are earlier Bills which have “unfit.” Either way, what we had said is that in this particular case and instance there could be matters of interpretation that certain people can have, and to make sure that the correspondent banks, they know a framework that they were okay with, that was certainly in regard to the language which was said in the Bermuda Monetary Authority Act, so we have just adjusted this to make sure that it matched the Bermuda Monetary Authority Act.

The Chairman: Thank you, Mr. Premier.
Are there any further speakers?

Hon. N. H. Cole Simons: No, Mr. Chairman, I am satisfied with the Premier’s comments.

The Chairman: Thank you, Honourable Opposition Leader, Mr. Cole Simons.

Premier, do you want to move this Bill?

Hon. E. David Burt: Certainly, Mr. Chairman.

Mr. Chairman, I move that clauses 1 and 2 be approved.

The Chairman: It has been moved that clauses 1 and 2 be approved.

Are there any objections to that?

There appear to be none.

[Motion carried: Clauses 1 and 2 passed.]

Hon. E. David Burt: Thank you then, Mr. Chairman.

Mr. Chairman, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Are there any objections to that?

There appear to be none.

The preamble is approved.

Hon. E. David Burt: Thank you, Mr. Chairman.

I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Are there any objections to that?

There appear to be none.

The Bill will be reported to the House as printed.

Mr. Speaker.

[Motion carried: The Gaming Amendment Act 2021 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 3:20 pm

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

REPORT OF COMMITTEE

GAMING AMENDMENT ACT 2021

The Speaker: Thank you, Deputy.

Members, are there any objections to the Bill entitled the Gaming Amendment Act 2021 being reported to the House as printed?

There are none.

The Bill has been reported as printed.

Now, that brings us on to the next item on the Order Paper for this afternoon, the Incorporated Segregated Accounts Companies Amendment Act 2021 in the name of the Minister of Finance.

Minister.

Hon. N. H. Cole Simons: Mr. Speaker, it is my understanding that is carried forward.

Hon. E. David Burt: Yes, that is carried over, Mr. Speaker. My apologies.

The Speaker: Oh, I am sorry.

Okay, the next is the Human Rights Amendment Act 2021. My apologies. The second reading of the Human Rights Amendment Act 2021 would be the item to be debated at this time, and this is in the name of the Minister for Social Development, Seniors and Human Rights.

Minister Furbert, would you like to present your matter at this time?

Hon. Tinee Furbert: Yes.

Mr. Speaker, I move that the Bill entitled the Human Rights Amendment Act 2021 be now read a second time.

The Speaker: Are there any objections?

There are no objections.

Continue, Minister.

BILL

SECOND READING

HUMAN RIGHTS AMENDMENT ACT 2021

Hon. Tinee Furbert: Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to lead the debate today on the Bill entitled the Human Rights Amendment Act 2021.

Mr. Speaker, the Human Rights Commission is Bermuda's National Human Rights Institution and the statutory body charged with the promotion and protection of human rights in Bermuda. The office of the Human Rights Commission is within one of the independent non-ministry departments and stands alongside the other independent offices within Bermuda. The Commission receives a budget allocation from the Legislature and is administratively accountable to the Minister with responsibility for Human Rights, the Minister of Social Development and Seniors.

Mr. Speaker, the Commission's vision is a community that honours and protects human rights for all. As it relates to the provisions of the services to the public, the Commission's function, amongst other things, include: to promote efficiency in the administration of human rights tribunals; to inform the Government of human rights matters, inclusive of those that require the development of policies designed to expand human rights protections; to influence and support the development of Bermuda's human rights laws and policies; and to act independently in accordance with the Commission's statutory duties; and to

continue to strengthen the Commission's ability to function with such independence.

Mr. Speaker, I would like to now draw your attention to the Human Rights Amendment Act 2021.

Mr. Speaker, the intent of the Human Rights Amendment Act 2021 is to strengthen the independence of the Human Rights Tribunal. The Legislature should be familiar with many elements of this Bill as it shares similarities to the Trade Union and Labour Relations (Consolidation) Act [2021]. However, it has been tailored to the needs of Bermuda's human rights framework, the Human Rights Tribunal.

Mr. Speaker, in addition to enhancing the Human Rights Tribunal's independence, the Bill seeks to define who is eligible to sit on a Tribunal, who should appoint members to the Tribunal from those who are eligible, and how many members a tribunal should have.

Mr. Speaker, the independent Selection and Appointment Committee is responsible for the recruitment and appointment of the Human Rights Commissioners to serve as members of the Human Rights Commission. This Bill proposes to utilise the independence of this Selection and Appointment Committee by extending their functions to include the recruitment and appointment of members of the public to serve on a panel as members of the Human Rights Tribunal.

Mr. Speaker, the Bill establishes the Human Rights Tribunal and designates a Tribunal as being "responsible for hearing human rights complaints." Furthermore, Schedule 3 of the Act provides for the appointment and constitution of the panel of members who will serve on the Tribunal and provides for the proceedings before the Tribunal.

Mr. Speaker, the members of the Human Rights Tribunal will *not* be members of the Human Rights Commission and shall not be subject to the direction or control of any person or authority. In furtherance of the increased independence of the Human Rights Tribunal that this Bill seeks to bring, a person who has been appointed as a Human Rights Commissioner under this Act is not eligible to be appointed as a member of the Tribunal unless a period of more than two years has elapsed since they completed their service.

Mr. Speaker, the Bill has maintained sections 9, 10, 12 and 13 of the Commissions of Inquiry Act 1935 within section 19 of the principal Act. However, the spirit of the formerly referenced sections 8 (to regulate their own proceedings) and 11 (witness to obey summons) now appear directly in the principal Act.

Mr. Speaker, the Bill provides the Human Rights Tribunal with the power to hear and determine any matter in the absence of any party who has been duly summoned to appear before the Tribunal and to give all such directions and do all such things that are necessary for the hearing and determination of a matter before the Tribunal.

Mr. Speaker, the Bill provides the Human Rights Tribunal with the power to obtain information or particulars as the Tribunal may specify. Where required, persons to attend before the Tribunal to give evidence. Furthermore, the Bill establishes an enforcement mechanism by making it an offence to fail to furnish particulars, to fail to attend before the Tribunal in compliance with a requirement, or to refuse to take an oath, and to refuse to produce a document, or fail to give evidence in compliance with such requirement of the Tribunal.

Mr. Speaker, the Bill seeks to provide greater consideration to the parties that appear before the Tribunal by making provision for the Tribunal to determine whether to exclude the public, where necessary or desirable, to protect the privacy of parties to a hearing.

Mr. Speaker, the Bill seeks to make it a requirement for the Human Rights Tribunal Panel Chairman to submit a report on decisions and awards made by the Tribunal from time to time and, at least, once in each calendar year. It is envisioned that this will form part of the annual report published by the Human Rights Commission.

Mr. Speaker, the Bill establishes that members of the Tribunal shall be granted immunity as enjoyed by the magistrates in the exercise of their jurisdiction.

Mr. Speaker, the Bill seeks to remove all previous board of inquiry references remaining within the Act and stipulates that where an appeal is filed in accordance with the Act, it shall act as a stay of any order of Tribunal.

Mr. Speaker, the Bill prescribes that the Selection and Appointment Committee shall appoint a panel of at least 12 persons and not more than 15 persons to serve as members of the Tribunal. The Selection and Appointment Committee will be responsible for appointing a maximum of six barristers and attorneys of not less than five years' standing, and a maximum of nine persons with such experience and interest and understanding or knowledge of human rights law or human rights issues. Furthermore, the Selection and Appointment Committee shall appoint from a panel a Chairman (referred to as the panel Chairman), and a Deputy Chairman (referred to as the panel Deputy Chairman), who shall hold office for a period of three years and may be reappointed from time to time for a like period.

Mr. Speaker, the Bill has prescribed the qualifications of the panel Chairman or panel Deputy Chairman as being a barrister, an attorney of at least five years' standing, and being knowledgeable of the human rights law. For the purpose of determining any human rights complaint which has been referred to a Human Rights Tribunal by the Executive Officer for adjudication, the panel Chairman shall select from the panel members a chairman and two other members.

However, the Chairman of the Tribunal must be a barrister or an attorney of at least five years' standing.

Mr. Speaker, to put in motion and plan for continuity with the Human Rights Tribunal, while the Bill sets out that the panel shall hold office for a period of three years, the initial members of the panel shall be appointed with at least one member being for a term of two years and at least one member being for a term of three years. This will permit for the Selection and Appointment Committee to stagger the appointments of initial members. Further, members of the panel may be reappointed for any term not exceeding three years.

Mr. Speaker, where a panel member is absent from Bermuda or becomes incapacitated for any reason, the Bill seeks to permit for the Selection and Appointment Committee to appoint a person to act in place of that member.

Mr. Speaker, the funding for the Human Rights Tribunal will continue to be paid from the funds allocated to the Human Rights Commission [HRC] from the Legislature.

Mr. Speaker, as soon as practicable, after a matter is referred to the Tribunal, it shall hold a hearing and give all parties or their representatives full opportunity to present evidence on oath and make submissions. The Human Rights Commission is not required to participate in the Tribunal's hearings but may do so to represent the public interest and to give evidence or make arguments before the Tribunal regarding discrimination complaints and human rights laws in Bermuda. Any interested parties may, with leave of the Tribunal, intervene in a hearing on any terms and conditions that the Tribunal considers appropriate.

Mr. Speaker, the Bill seeks to require for the Tribunal to submit a decision containing their findings to the parties and the Executive Officer within 30 days of the conclusion of the hearing.

Mr. Speaker, as there are currently matters referred to a Human Rights Tribunal, this Bill proposes that any complaints which commenced before the Human Rights Tribunal but have not concluded shall be continued before the Tribunal under the principal Act as amended by this Act.

Mr. Speaker, the passing of this Bill will allow for the adjudication of complaints that have been referred to the Human Rights Tribunal.

Mr. Speaker, in conclusion, I now invite all Honourable Members to raise questions at this time prior to going into Committee.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

Ms. Susan E. Jackson: Yes, Mr. Speaker, I would like to have a few words.

The Speaker: MP Jackson, you have the floor.

Ms. Susan E. Jackson: Thank you, Mr. Speaker. And I thank the Minister today for having a second reading of this Bill. And I certainly would like to share the fact that the Opposition in general are most favourable about this Bill and I personally am in favour of this Bill.

As I was reading through and reflecting, I recall back in 1981 when the Human Rights Act was first tabled and debated in the past, that the Bermuda community was really taking their social conscience and making a firm commitment to this Island as far as human rights are concerned. And I must acknowledge today that as my father, Albert Jackson, was the first Chairman of the Human Rights Commission, that this was very much a part of our family conversation back in the early 1980s and the late 1970s, because my father took this Human Rights Act and the Human Rights Commission seriously.

I can remember my father Albert and [my mother] Louise Jackson sitting around the table, examining the Bill, and thinking of and discussing scenarios and just making sure that there was a full understanding—at least within our home and with my father as the first Chairman of the Human Rights Commission—to make sure that we had a very full-some understanding of the Human Rights Act and that we would do all that we could as a family to make sure that best practices were carried out.

So, today, the day after my father's birthday, I consider this to be a true evolution of human rights in Bermuda, because it is really showing how that pebble that gets dropped in the stream creates rings that expand out into infinity. And to see that the Human Rights Commission is now reaching yet another level of integrity, that it is reaching another level of independence and best practice, is a good thing for Bermuda. And I am glad that we have come this far.

Certainly, I am aware and the community is aware that we have had a huge education in human rights in Bermuda, at least in the present day. We have had human rights amendments, the "two words and a comma" back in 2013; we have had same-sex marriage, which has challenged the Human Rights Act; we have had more recently some human rights questioning not only around the concerns of the movement of Black Lives Matter, but also, we have seen even through COVID-19 that people are examining their human rights, and [when necessary they are] challenging. And that is what the Human Rights Act, to me at least, is all about.

We should be able to become more aware of protecting what we feel are our human rights, and if we feel that our human rights are being violated, that we speak up and we can go to a reliable resource to get the information and to resolve any disputes that we may have. And the Human Rights Commission, as an organisation, is certainly fulfilling their mandate and

their commitment to the community to carry that out and to improve on a regular basis.

But we do have to continue the education, Mr. Speaker. It is very important that, as a Government, we take responsibility. This is a fundamental right of people in Bermuda and we must ensure that they are always kept aware of their rights, that the education of the Human Rights Commission and how to approach the Human Rights Commission, what kinds of questions to ask, what kinds of resources to inquire and seek help and assistance with, is all about this organisation. And as a Government, we must continue to have those conversations, we must continue to educate each generation as they grow to make sure that everyone has a full understanding and actively participates in the process.

And because of this education, Mr. Speaker, we are noticing that there are increases in activity, and the Human Rights Commission is seeing, what I would consider to be for Bermuda, record numbers of what are considered complaints to the Human Rights Commission. And the Human Rights Commission is doing a great job in assisting people, providing resources, making referrals, so that people can understand more of what and how to deal with their complaints. But I can also see that with that increased demand for information from the community that the Human Rights Commission does put itself in a position where it is now time to create an addition.

The fact that the Tribunal and the mechanisms for a Human Rights Tribunal are now being discussed, debated, and passed in the House today, is just showing how we are becoming more sophisticated in our approach and how the Human Rights Commission is gaining greater relevance in our community. And that is a very good sign. And, of course, would it not be wonderful if we did not have any complaints, but that is not the reality. And so, the more resources we can provide to our community, the better our chances are of making sure that everyone receives the best and right ability to live their lives in as much . . . in all equality.

So, Mr. Speaker, the Tribunal. There are a couple of questions that I have for the Minister. One is that, yes, the budgeting for the Human Rights Commission is coming out of the Legislature. I am just curious, with the addition of the Tribunal that has quite a few members, I believe there is something like nine lawyers and then nine people . . . no, six lawyers and nine that have experience in human rights. How will the remuneration be adjusted? Is that is going to be . . . if there are three people on a panel, is that payment going to those three people? Or, if you are appointed to the Tribunal, does that automatically put you on a stipend? And will the Human Rights Commission will have the budgetary flexibility to accommodate costs that are associated with the Human Rights Tribunal?

Another question that came up for the Minister, if she may be able to address it, is the participation of the media in any of the Tribunal hearings. So, there is mention within the amendment Act that is being debated today that the media, if they are going to be present, that there are stipulations that need to be made to make sure that the information that they may report on is accurate and is in an appropriate context, et cetera. And I am just curious how that is going to be managed and whether there are going to be any additional criteria put in place in order to measure whether the information coming from the media is accurate. I am not quite sure how that is going to work and whether we may be able to get some more information on that.

In closing, Mr. Speaker, I really do not have any other questions or comments in debate and I look forward to asking additional questions in Committee.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Jackson.

Does any other Member wish to make a contribution at this time?

Ms. Lovitta F. Foggo: Yes, Mr. Speaker.

Mrs. Ianthia Simmons-Wade: Yes, Mr. Speaker.

The Speaker: MP Foggo, you have the floor.

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

It gives me great pleasure to be able to speak in support of the legislation that the Minister is bringing today. While I will echo some of the sentiments shared by the person who just spoke to the amendments that are coming forward, I definitely want to point out that in establishing this Tribunal, it is, in fact, a move in the right direction. I think many of us have heard over the years people lamenting about the fact that they felt that their taking issues to the Human Rights Commission that, perhaps, those who had oversight of the issues—

[Crosstalk]

Ms. Lovitta F. Foggo: —did not appreciate the issues as they were brought before them or did not have the capacity, I guess, to make the right decisions. Many of us realise that quite a few . . . Mr. Speaker, can you mute your microphone, please?

[Crosstalk]

Ms. Lovitta F. Foggo: Mr. Speaker, can you mute your microphone?

The legalities that pertain to many of the issues that were brought before the Human Rights [Commission] were not necessarily understood from a legal capacity. And so, while I will not say that, per-

haps whatever decisions were rendered were not the right decisions, what I will say is that with this new constitution of a Tribunal with at least six of the, I think, 12 people in total that it may consist of, that at least six of them being barristers with years of experience and others being well-versed in human rights, I believe it will encourage confidence in the public when they find themselves in a situation where they believe they have to take something to be addressed from the Human Rights Tribunal. They will feel confident that, indeed, that Tribunal has the capacity to be able to understand the issues before them and to make a decision that hopefully the persons will believe were the right decisions, whether they find those decisions in their favour or otherwise.

Having sat in a different place, Mr. Speaker, I can say that while many in the public think that the issues brought to the Human Rights Commission are . . . have enjoyed a high percentage of emotive issues, such as same-sex marriage, sexuality and the like, my understanding and my intelligence is that most of the issues tend to be work-related of some type or another. And so, when I sat in a different place, I saw more than 90 per cent of the issues being work-related and they did touch on legal aspects.

And then we had a Commission where there was not sufficient expertise there and persons, after having their case heard, I guess did not enjoy the outcome, or it was generally believed that while you . . . there has always been a lawyer that has sat on the Commission. It still was generally believed that too little was understood by the Commissioners in order for them to make a more informed decision. And, therefore, it had an outcome that was aligned with the issue in the first place.

So, Mr. Speaker, by having, as I said, six lawyers there and you have something that definitely is steeped with legalities, they are able to siphon through the legal aspects of that case in a more objective way so that people do not also apply their own thoughts and feelings and in having a more objective approach the right outcomes can pertain or can be obtained.

And so, Mr. Speaker, I think this is definitely indicative of a Government that has said that they are going to be responsive to the needs of the people. And I think this legislation that has been brought here today is demonstrative of that. And I think it takes into account the many allegations, the many comments, the many concerns that have been shared around how the Human Rights [Commission] has conducted themselves.

The fact that this Tribunal will sit as an independent Tribunal and will not be allowed to be influenced by those who are either under the employ of the Human Rights Commission directly or by the Commission itself, is definitely a move in the right direction and definitely says to our people that we take your concerns seriously, we want to make certain that

we address your concerns, and give it the due diligence it deserves and that we are determined to ensure that we address your concerns in a proper and responsive manner so that the outcomes enjoyed are ones that can be respected, accepted, and understood as having had the best attention given to them when persons find themselves having to be before a Tribunal. And by ensuring that we give this Tribunal teeth in this legislation, people will understand that this is an important situation, and it is not one that they can turn their nose up at and it is not one that they can walk away from. It is, indeed, one that when Tribunal members call them to come and sit before them that they must answer to, otherwise they face consequences.

And I think that the Bermudian public will respond to this in a very positive way because I think this goes far in addressing the noise that has said that the Human Rights Commission has no teeth, they do not know what they are doing, they do not care, or they kowtow to the political party of the day. All of those sorts of allegations have been made in the past, Mr. Speaker. And today, we have amendments that are being brought to take, if you will, the politics out of it, to put professionals there that will have the ability and capacity to treat each situation before them from an informed point of view and, in so doing—and you have heard me say this several times now—and in so doing, assure those that come before them for their assistance and help that they have addressed this matter in the proper way and that the outcomes that come from whatever Tribunals that take place are ones that they can feel assured have addressed all of their concerns appropriately.

So, with those comments, Mr. Speaker, I gladly give up my microphone.

The Speaker: Thank you, MP Foggo.

Does any other Member wish to make a contribution at this time?

Mrs. Ianthia Simmons-Wade: Yes, Mr. Speaker, Ianthia Simmons-Wade.

The Speaker: MP Simmons-Wade, yes, you have the floor.

Mrs. Ianthia Simmons-Wade: Mr. Speaker, for those individuals who are listening today who do not have a true understanding of the role and the responsibility of the Human Rights Tribunal, it is important to know and understand this is very similar to a court. So, I echo the sentiments in terms of the need to have qualified individuals who can understand the process.

This amendment, on the other hand, has created the level of independence that is needed. As was stated, the members of the Tribunal no longer can be Commissioners, they are truly, truly independent. In regard to the protection, I will repeat this, I did not

hear it mentioned, but the protection is against discrimination as it relates to race, sex, sexual orientation, religion, family status, place of origin, disability, and marital status. It is important to know, as a member of, I would say as a citizen of Bermuda, you can be protected for any discrimination that occurs to you or any harassment, be it on the jobsite or anywhere else.

I will say, as the Chairman of the Ageing Well Committee, that I will continue to advocate that age be included in regard to discrimination. By 2036, as you are aware, 33 per cent of our population will be seniors. This will be one of the greatest challenges that this country will have. As the population ages, discrimination will occur with our seniors. And I think we have a duty to protect our seniors as well as one of the groups that fall under the Human Rights Act.

So, I give my support to this amendment to the legislation. And I afford the opportunity to anyone who feels that they have been harassed or discriminated against, to come forward and know that this independent body will hear your case and make a decision based on having qualified individuals.

And the last thing I want to say, very often we say this does not happen to us, but I am sure at some point and some time in most of our lives (or family members) there have been situations where you felt a significant amount of discrimination. Some of these individuals have decided to go forward, some of them have not. But this affords the opportunity for people who now understand the process, understand the role and understand that this amendment was designed to protect you and give you an opportunity to speak up, that you are now in a position, as a citizen of this country, to use this legislation to your advantage.

I do support this legislation.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Simmons-Wade.

Does any other Member wish to make a contribution at this time?

Mr. Scott Pearman: Thank you, Mr. Speaker, MP Pearman.

The Speaker: MP Pearman, you have the floor.

Mr. Scott Pearman: Thank you, Mr. Speaker.

My colleague, the learned Ms. Susan Jackson, has already spoken in depth to the Bill, so I will just add a few bits and bobs.

But let me start by agreeing with the previous speaker from the other side of the aisle, MP Simmons-Wade. It is always important to step back and actually look at what a Bill is doing because sometimes we hear in this House lots of hyperbole and spin about what a Bill is actually doing. And I just would like to agree with the previous speaker as to what this Bill is actually doing.

This Bill is about the independence of the Human Rights Tribunal as separate from and distinct from the Human Rights Commission. And what it is doing is creating a Tribunal. There were previous tribunals under the primary Act, Mr. Speaker, so it is not new to have a Tribunal. It is about the selection process and the composition of the Tribunal and to put them aside from the Commissioners themselves. And the reason for that, of course, is that no one should ever stand as judge in their own cause because they are often unable to divide within themselves to create an ethical wall. And so, whilst the Human Rights Commission and the Commissioners perform a very noble function in being advocates for human rights in Bermuda, it would be wrong—and it is wrong and I am pleased it is being fixed—for them to also be the judge who then determines their own advocacy.

And so, this is an important separation, an important ethical wall, and as the former speaker MP Simmons-Wade observed, the Tribunal will now have more quasi-court functions and powers. So, it is about the powers of the Tribunal which are now being enhanced. And in my respectful opinion, that is a very good thing.

Likewise, let me agree, Mr. Speaker, with one of the other previous speakers from across the aisle, MP Foggo. She observed that this assists in taking the politics out of these sorts of decision-makers, and I entirely agree. And that is something that the OBA has consistently advocated in politics in Bermuda generally, which is to take the politics out of issues where we can, such as tourism, education and now, in this instance, human rights. And so, I am very proud that we are supporting this change.

As to the change itself, I would be interested to hear confirmation from the Minister, I did not hear it in her opening, but my understanding was that these changes are, in fact, emanating from the Human Rights Commission itself who quite properly recognised that this was a needed change. Perhaps my understanding is wrong, but I would be grateful if the Minister could confirm if this is, in fact, something that has been brought forward from or with the support of the HRC. I believe it has.

My second question that I would invite the Minister to address is the Bill itself and where it came from, whether this is language that has been incorporated from some other jurisdiction, or whether this is Bermuda-made language afresh and to what extent the HRC has had input into it.

So, I would be grateful if the Minister could address those two questions in the debate.

Now, having said that, let me part company with one of the earlier speakers who said that many people criticised the Human Rights Commission in the past. People are all entitled to their opinions, and that is what a democracy is all about. But in my respectful opinion, the Human Rights Commission to date has done great things and, perhaps, it has not had all the

powers that it wishes it could have had and, perhaps, now the Tribunal will be more empowered to ensure that justice is not only done but is seen to be done. But I think it would be wrong to be critical of the Human Rights Commission to date simply because they have had a more straight-jacketed position. And so, I, for one, would commend the people who labour tirelessly at the Human Rights Commission. In my experience the people who become Commissioners do so because they have a deep and profound passion for human rights, and they are trying to advance the causes of justice. So, I, for one, will not be critical of them.

Mr. Speaker, just on the composition, we have heard from MP Jackson the question as to why so many of them, and how the payment structure will be done. There are a few questions that I would also like to raise with the Minister in Committee, but as they are more drafting questions, I will deal with them there.

But the last point—and this is a question for the Minister—is a matter upon which MP Jackson has already touched, and that was the position in relation to the attendance of the media and what they are entitled to report on. And this is clause [8 of the Bill, on page 4, new section] 19C(2). I am just curious, I think at this stage, to know from the Minister where that came from because it is a little bit odd to see statutes dictating to the media of what they can and cannot do. That is something . . . anyway, I am just curious where it comes from. I am not being critical of it at this stage; but I would just be curious to know what the thinking is behind it. I mean, what it prescribes for the media is of course what the media would say they always already do, which is to present a fair and accurate report, in any event. But I am just curious where that came from and why it has been included.

So, Mr. Speaker, with those brief observations, I thank the Minister for bringing this Bill forward. I join with my Opposition colleagues in supporting this Bill, save for a few bits and bobs that I will raise in Committee. Thank you.

The Speaker: Thank you, MP Pearman.

Does any other Member wish to make a contribution at this time?

No other Member?

Minister.

Hon. Tinee Furbert: Thank you, Mr. Speaker.

The Speaker: Yes, you can do a wrap up and then take us to Committee.

Hon. Tinee Furbert: Thank you, Mr. Speaker.

I move that the Bill be committed.

The Speaker: Okay.

The Deputy is going to be called on to Chair the meeting in Committee, but on his behalf, let me just indicate that he—

Hon. Tinee Furbert: Mr. Speaker.

The Speaker: —like other Members, have had some challenges today with the Internet and his camera is probably going to be off during this [meeting] so that he can keep a strong enough Internet—

Hon. Tinee Furbert: Mr. Speaker, apologies . . . (I don't know if he can hear me.)

Hon. Derrick V. Burgess, Sr.: Yes, I hear you.

The Speaker: Oh.

Hon. Derrick V. Burgess, Sr.: Yes, I am here.

Hon. Tinee Furbert: Mr. Speaker, I apologise. In my newness on the first Bill, but I would like to speak to some of the questions that were asked in the debate.

The Speaker: Okay. Go right . . . Well, let me finish what I was saying so when we get there it is understood.

Hon. Tinee Furbert: Sure.

The Speaker: The Deputy when he takes the Chair, probably will keep his camera off because of the technical challenge right now, in trying to keep his bandwidth strength so that he doesn't lose his connection while he is in the Chair. Okay? So, Members just bear with us during that period.

Minister, you can go ahead.

Hon. Tinee Furbert: Thank you, Mr. Speaker.

I would just like to thank all of the MPs who have spoken capably in support of this Bill today. I want to thank MP Susan Jackson, with her familiarity of the Bill and her family history with the Human Rights Commission, for her comments today, as well as MP Lovitta Foggo, one of the former Ministers of the Human Rights Commission, and MP Ianthia [Simmons-]Wade. Thank you. As well as MP Pearman. I just want to thank you for speaking to the importance of the Human Rights Commission and understanding what this Bill is trying to do as far as provide for an empowerment and composition of the Human Rights Tribunal. It is very important, yes, that the Commission remain independent from the actual Tribunal. I think it will create a level of fairness and comfort with that independent ability.

I just want to touch on some of the questions that did come about [that] MP Jackson did mention in regard to education with the Human Rights Commission. The Human Rights Commission is very, very

involved in our community with sharing what their objectives are. Anyone can reach out to the friendly office of the Human Rights Commission so that they can get more information about their roles and responsibilities. Also, if anyone in the public is listening, the Human Rights Act, and now the amendment Act, will soon be available on Bermuda Laws. So, that is that connection to the public as far as understanding the roles and responsibilities of the Human Rights Commission.

There was a question that came up in regard to the budgeting. Will this amendment affect the budgeting of the Human Rights Commission? I just want to point out that there is no budgeting impact prior to the amendment, including Tribunal, there was a board of inquiry. The board of inquiry was carrying cases at that time and so the fee structure is still the same.

Just so that persons are aware, the Chairman receives \$300 per half day and \$600 for a full day—that is the Chairman. And the panel member will receive \$250 [per] half day and \$500 [per] full day. This is not a change. This is what was in place prior. So, I just wanted to speak to that as far as remuneration.

As far as the media is concerned, and thank you for speaking to that, recognising that information that is shared in a Tribunal can be very sensitive and private and it is initially. If it is something of public interest both parties involved in the actual Tribunal have to consent to any sort of media involvement. And while it would be difficult to try to tell the media what to write, the media is governed by the Media Council [of Bermuda] as it relates to accuracy. So, that framework is already there in regard to how the media should be reporting on the outcome or the conclusion of the actual Tribunal.

There was a question or comment in regard to age discrimination within the Human Rights Act and although we are not making any amendments to include the strengthening of age discrimination, that is coming, MP Ianthia [Simmons-]Wade. We are looking to hopefully make changes around that in the near future.

I just wanting to confirm, MP Pearman had a question in regard to the involvement of the Human Rights Commission, that, yes, the Human Rights Commission was heavily involved with the policy direction and policy recommendation. It was a policy recommendation that we strengthen the Human Rights Tribunal and so, definitely, it was a policy recommendation.

There was also a question in regard to, I guess, models that we were using in regard to the composition of the Tribunal. I had mentioned in my brief that direction was also [received] and we were guided by the Trade Union and Labour Relations (Consolidation) Act [2021] which has a long history of managing Tribunals.

So, I believe I have answered all of the questions, Mr. Speaker. Oh, there was one more question and that was in regard to the number of panel members. The reason that there is that number that was outlined in the brief and that is outlined in the amendment is because there has to be a certain amount of people to be able to draw on should conflicts of interests arise, and also [because of] the volume of cases that occur or that may be sent to the Tribunal, so there needs to be a good pool of people to be able to draw from for an actual Tribunal.

That wraps up the questions and I just thank everyone, again, for their support. Thank you, Mr. Speaker.

The Speaker: Okay. And you can now move us into Committee.

Hon. Tinee Furbert: Thank you. I move that the Bill be committed.

The Speaker: Thank you, Minister.
Deputy Speaker.

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

House in Committee at 4:09 pm

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

COMMITTEE ON BILL

HUMAN RIGHTS AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Human Rights Amendment Act 2021](#).

Minister Furbert, you have the floor.

Hon. Tinee Furbert: Mr. Chairman, with your leave I would like to move clauses 1 through 12.

The Chairman: Continue.

Hon. Tinee Furbert: Mr. Chairman, the Bill amends the Human Rights Act 1981 (the “principal Act”) to make provision for the Human Rights Tribunal (the “Tribunal”) and other associated matters.

Clause 1 provides the citation for the Bill.

Clause 2 amends section [2] of the principal Act to replace the definition of “Tribunal” to refer to the Tribunal established under section 17A.

Clause 3 [*sic*] amends section 13B of the principal Act to add, as a function of the Selection and Appointment Committee, the responsibility for inviting applications to serve on the panel as a member of the Tribunal.

Clause 4 *[sic]* amends section 14D to delete the words “board of inquiry” and insert the words “the Tribunal” in subsection (8), to allow a code of practice issued by the Commission under this section to be admissible in evidence in any proceedings before the Tribunal.

Clause 5 *[sic]* repeals and replaces section 17A of the principal Act to provide for the Tribunal to be responsible for hearing complaints. Subsection (2) gives effect to Schedule 3 with respect to the appointment and constitution of the panel of members who will serve on the Tribunal and provides for the proceedings before the Tribunal.

Clause 6 *[sic]* repeals and replaces section 19 of the principal Act to apply sections 9, 10, 12 and 13 of the Commissions of Inquiry Act 1935 to proceedings held before the Tribunal.

Clause 7 *[sic]* inserts new sections 19A to 19E into the principal Act.

1. Section 19A provides the power for the Tribunal to hear and determine any matter in absence of any party summoned to appear. To give all direction as necessary for the hearing and determination of a matter before the Tribunal;
2. Section 19B provides the power for the Tribunal to obtain information or particulars as the Tribunal may specify or require a person to attend before the Tribunal to give evidence. Subsection (2) makes it an offence to fail to furnish particulars, to fail to attend before the Tribunal in compliance with a requirement, to refuse to take an oath, and to refuse to produce a document or to fail to give evidence in compliance with any such requirement of the Tribunal under subsection (1).
3. Section 19[C] makes provision for the Tribunal to determine whether to exclude the public where necessary or desirable to protect the privacy of parties to a hearing.
4. Section 19D requires the panel Chairman to submit a report on decisions and awards made by the Tribunal from time to time and at least once in each calendar year.
5. Section 19[E] establishes that the members of the Tribunal shall be granted immunity as is enjoyed by magistrates in the exercise of their jurisdiction.

Clause 8 *[sic]* amends section 21 of the principal Act to provide for the lodging of an appeal to act as a stay of any order of the Tribunal.

Clause 9 *[sic]* amends section 22 of the principal Act to remove the reference to “a board of inquiry” and substitute “the Tribunal” in subsection (3) in order to make it an offence for any person to contravene any provision of an order made upon him by the Tribunal under Part III of the Act. The punishment on

summary conviction of an offence under subsection (3) is a fine of \$5,000 for an individual or \$25,000 for a corporation, trade union, employers’ organisation or employment agency.

Clause 10 *[sic]* gets us back to Schedule 3 which provides for the appointment and constitution of the panel of members who will serve on the Tribunal and the proceedings before the Tribunal.

Clause 11 *[sic]* makes transitional provisions.

Clause 12 *[sic]* provides for commencement.

The Chairman: Thank you, Minister.

Are there any other speakers?

Mr. Scott Pearman: Mr. Chairman, it is MP Pearman.

The Chairman: Mr. Pearman, you have the floor.

Mr. Scott Pearman: Mr. Chairman, this is our third time lucky in as many sittings. And I am sorry, I am not doing this on purpose, but again the Bill that we have been provided appears to differ from the Bill from which the Minister is working.

The Chairman: Yes.

Mr. Scott Pearman: I do not know why. What seems to be the case is that the Minister is identifying as clauses one fewer than we have, suggesting either that we have a more recent version of the Bill with an additional clause inserted or that she has the more recent version of the Bill with one of the clauses omitted. But if we—

The Chairman: Yes. Just one second, Mr. Pearman. Just one second. I, too, have that same Bill that you have.

Mr. Scott Pearman: Thank you, Mr. Chairman.

The Chairman: Could you clear that up, Minister?

Hon. Tinee Furbert: Mr. Chairman, could you give me one minute?

The Chairman: Okay.

Hon. Tinee Furbert: I will take a look. Sorry about that.

[Pause]

The Chairman: Minister, are you . . . have you got it?

Hon. Tinee Furbert: Mr. Chairman, I do note what clause yourself and MP Pearman are referring to.

The Chairman: Yes.

Hon. Tinee Furbert: There are 13 clauses. The 13th clause is the commencement of the Act.

The Chairman: Yes. But you . . . that is what I have on my paper, but you said clause 12 provides for the commencement, and every other one was one less.

I mean, there was no change in the wording or anything. I read the same words that you are reading. It is just the numbers.

Hon. Tinee Furbert: It is the numbers, right.

The Chairman: Yes, so, it looks like just . . . and I think I picked it up right back there around clause 7 when I noticed a difference.

[Inaudible interjection]

The Chairman: When it was clause 7, you said clause 6 and I just thought that you just missed the number.

Hon. Tinee Furbert: Let me just . . .

The Chairman: Yes.

[Pause]

The Chairman: On your Bill you have the last clause as 13?

Hon. Tinee Furbert: I see it now, Mr. Chairman.

The Chairman: Okay.

Hon. Tinee Furbert: On my paper it actually misses clause 4, which is actually supposed to be amending section 13B of the principal Act to add as a—

The Chairman: Yes.

Hon. Tinee Furbert: —as a function of the Selection and Appointment Committee.

The Chairman: Okay.

Hon. Tinee Furbert: So that is actually missed. It is supposed to be clause 4. And clause 5—

The Chairman: Mm-hmm, amends section 14D.

Hon. Tinee Furbert: Yes.

The Chairman: Okay. Well, I think we can continue. We are just mindful of the numbers on that.

Thank you, Mr. Pearman. Do you want to continue?

Mr. Scott Pearman: Yes. As I understand it then, Mr. Chairman, you and I have the same version.

The Chairman: Yes.

Mr. Scott Pearman: And that is the correct version. And the Minister's brief version omitted clause 4—

The Chairman: Yes.

Mr. Scott Pearman: —relating to the amendment to section 13B, but that was an error, and we should presume that the document you have, Mr. Chairman, and the document that we have is correct and is the Bill that will be for debate and for publication.

The Chairman: Correct.

Hon. Tinee Furbert: Yes, Mr. Chairman, I would confirm that as well.

Mr. Scott Pearman: Great. In which case I will use the numbering here, and if the Honourable Minister would simply add one number to what I say, or if it is not clear, I will read the heading as well to try to make it more clear.

My first question, Mr. Chairman, with your leave—

The Chairman: Yes.

Mr. Scott Pearman: —relates to clause 7 of the Bill and that is on page 2. And that is the clause which repeals and replaces section 19 of the principal Act.

What it is doing is removing a clause in the principal Act, the 1981 Human Rights Act, relating to the procedures of Tribunals. And that clause in the principal Act, section 19 in the principal Act, relates to various sanctions of the Commissions of Inquiry Act which were incorporated into the principal Act.

I note that section 8 used to be a power to the Tribunal by reason of section 19 of the principal Act. And section 8 has now been dropped as a power. And I am just curious, if the Minister can assist, why the power that the Tribunal or board of inquiry used to have by reason of section 8 of the [Commissions of Inquiry Act 1935](#) is being dropped.

Thank you, Mr. Chairman. I hope my question is clear.

The Chairman: Thank you, Mr. Pearman. Minister.

Hon. Tinee Furbert: Mr. Chairman, please give me one second.

The Chairman: Go ahead. Mm-hmm.

[Crosstalk]

Hon. Tinee Furbert: Thank you, Mr. Chairman.

Thank you, MP Pearman for noting that. There is now a Schedule in Schedule 3 at [paragraph] 24 with the removal of sections 8 and 11 from the Commissions of Inquiry Act. We now have Schedule 3, [paragraph] 24, and we also have [new] section 19B, which actually there is no need to have any more sections 8 and 11 because it is covered already in the Amendment Act under Schedule 3 [paragraph] 24 and section 19B.

Mr. Scott Pearman: Section 19B. Thank you, Minister. Thank you, Mr. Chairman.

The Chairman: Any further speakers?

Mr. Scott Pearman: Yes, Mr. Chairman.

The Chairman: Continue, Mr. Pearman.

Mr. Scott Pearman: This would now be under our clause 8, which is the clause inserting [new] sections 19A through to 19E. And the question is at page 3 in relation to the proposed insertion of clause 19B. And it is underneath subsection (1), so it is [new section] 19B(1) and it is talking about the powers of the Tribunal. And it says at the bottom there, the Tribunal “shall not be bound by any rule of evidence in civil or criminal proceedings.”

And then I am just curious why that decision was taken. Why would the rules of evidence that would normally apply in other areas not be applicable here? Is there some thinking behind that?

Hon. Tinee Furbert: Mr. Chairman, can you give me a minute?

The Chairman: Yes, yes.

Hon. Tinee Furbert: Thank you.

[Pause]

Hon. Tinee Furbert: Mr. Chairman, I am just wanting to ask if MP Pearman has any other questions while we . . .

Mr. Scott Pearman: Sure. I am happy to move on, Mr. Chairman, with your leave.

The Chairman: Yes. Continue.

Mr. Scott Pearman: I have a further question there at new [section] 19B under subsection (2).

Subsection (2) says, “No person shall— (a) without reasonable excuse fail to furnish particulars in compliance with a requirement under subsection (1).” Right?

[New section 19B,] subsection (1) above, if you look at it, subsection (1)(b), talks about a power of discovery for the Tribunal where they are required to furnish particulars, under [paragraph] (a), and they are required to produce documents under [paragraph] (b). But if you look at [subsection] (2) there are only a couple of items under [subsection] (2)(a) [INAUDIBLE] particulars. Documents only appear at [subsection] (2)(c) and it only applies to documents under [subsection] (2)(c), “when in attendance before the Tribunal . . .”

So, I was just curious why someone would be obliged to furnish particulars whether or not they are before the Tribunal, but would only be obliged to provide documents when in attendance before the Tribunal. It seems to me that one would want to give the Tribunal the power to compel them not only to provide particulars but also to provide documents regardless of whether they attend. Anyway, I just raise that as a second query on this point.

Mr. Chairman, should I just progress through as we go—

The Chairman: Yes. You can.

Mr. Scott Pearman: My next question is at [new section] 19C on page 4, and that was the bit about the press.

The Honourable Minister referenced the Media Council [of Bermuda] in her response in the debate. I am just curious whether or not the Media Council [of Bermuda] been consulted about [new section] 19C. So I would be grateful if that could be identified because the Honourable Minister was quite right in identifying in this section that [new section] 19C(1) requires the consent of both parties to be in private. However, at the end of the Bill there is also a general power at clause [8] for the Tribunal to exclude the public regardless of the party’s consent. So I was just curious whether or not this clause . . . and I appreciate this clause probably came from the Human Rights Council itself. I am not sure. But is this something that the Media Council [of Bermuda] has been consulted on?

My next question, Mr. Chairman, with your leave . . .

The Chairman: Yes.

Mr. Scott Pearman: Under [new section] 19E, at the bottom of page 4, and it is going to give various immunities to members of the Tribunal, being those enjoyed by magistrates. I was just wondering if a couple of practical examples could be given as to what that means in practice.

Hon. Tinee Furbert: I’m sorry, MP Pearman. I did not catch that question.

Mr. Scott Pearman: Okay. I will repeat it.

Hon. Tinee Furbert: Okay. Thank you.

Mr. Scott Pearman: We are still under my clause 8, and we are on page 4, and we are at the last of the new 19s, [new section] 19E. I believe you said it was the fifth insertion. And it is the one about immunities. And it says that members of the Tribunal shall enjoy such immunities as are enjoyed by magistrates. And I was just wondering if some examples could be given as to what that means, because one does not immediately know what immunities that would be.

Over the page, Mr. Chairman, with your leave, I don't know [INAUDIBLE]—

The Chairman: Yes.

Mr. Scott Pearman: —all the clauses in the Bill all at once, Mr. Chairman, or should I stop at a particular clause?

The Chairman: Well, Minister, are you comfortable with MP Pearman continuing with the questions?

Hon. Tinee Furbert: Yes, Mr. Chairman.

The Chairman: Okay.

Continue, Mr. Pearman.

Mr. Scott Pearman: Thank you, Minister. Thank you, Mr. Chairman.

The next question arises under our clause 11, which is on page 5 of the Bill, and that is inserting Schedule 3. The Schedule you referred to earlier.

It inserts a very long Schedule 3. And my question is on the third page of that insertion, page 7 of the Bill. It is the new [paragraph] 15 of the insertion at the bottom, under the heading “Assessors.” And it says that the “Chairman of the Tribunal may, if he thinks fit, summon to the assistance of the Tribunal any person of skill and experience in the matter . . . willing to assist the Tribunal as an assessor.” And I note that the Minister has already addressed the payment levels for members of the panel, the Chairman and the two lay members. I'm just curious whether any provision will be made for payment of assessors.

And my final question, Minister, and Mr. Chairman, is on the last page of the Bill.

The Chairman: Yes.

Mr. Scott Pearman: It is under my clause 11. Sorry, it is page 8 of the Bill, before the Explanatory Memorandum.

The Chairman: Yes.

Mr. Scott Pearman: And it is clause 23.

And clause 23 requires the Tribunal to provide a decision in relation to the complaint containing the Tribunal's findings to the parties and to the Executive Officer within 30 days of the conclusion of the hearing. And I have two points arising from this. First, it was MP Jackson's point. And she was curious why the decision wouldn't be a written decision. Presumably, it is intended to be a written decision, and, if so, would it be advantageous to add the word “written” before “decision.”

And my question on this point is, knowing the legal system as I do, and having participated in boards of inquiry [with the] HRC and other tribunals, I was a little surprised to see 30 days being the deadline for a decision. I believe (I may be wrong, and I stand to be corrected) the courts have six to eight weeks to produce decisions. I would respectfully suggest, and I am sure that any future Chairman of the Tribunal would appreciate, if perhaps 30 days would be six weeks or even 60 days, in terms of the realistic nature of the job that these individuals would have to do to produce decisions. Indeed, I can pray and aid our Chairman, who I know sits from time to time as a chairman in another place, and he too may agree that 30 days is an awfully tight timetable to assess all the evidence, to type it up, to share it with members to get their response back and to get it out to the parties.

And those are my questions for the Minister. Thank you, Mr. Chairman. I am sorry to deal with them all at once like this. Hopefully we clarified the confusion—

The Chairman: That's fine.

Mr. Scott Pearman: —on the clauses. Thank you, sir. Thank you, Minister.

The Chairman: Thank you, Mr. Pearman.
Minister.

[Pause]

Hon. Tinee Furbert: Thank you, Mr. Chairman.

The Chairman: Yes, thank you. Continue.

Hon. Tinee Furbert: I am going to answer some of the questions that were posed.

The Chairman: Mm-hmm. Yes.

Hon. Tinee Furbert: Thank you, Mr. Chairman.
In regard to the . . . I think it is clause 8.

The Chairman: Mm-hmm.

Hon. Tinee Furbert: And the questions around whether or not it shall be “bound by any rule of evi-

dence in civil or criminal proceedings.” I just wanted to mention, as I mentioned in my brief, Mr. Chairman, that these clauses were . . . sorry, the Tribunal was based off of the . . . guided by the Trade Union [and Labour Relations] (Consolidation) Act and so this is where the recommendations are coming from.

The Chairman: Okay.

Hon. Tinee Furbert: Again, clause 8 in regard to . . . there was questioning around [if there was any] consultation [with] the Media Council [of Bermuda], Mr. Chairman. There was no consultation [with] the Media Council. I do not understand why that would be a question as the Media Council in itself is guided by its own standards of practice and so if anyone is feeling as though their reporting has inaccuracies, the Media Council is there for the public to be able to use them to make sure that the media is reporting accurate information and stories. So the Media Council is really just there as an authoritative body who would assist the public in making sure that the media is reporting accurately.

There was a question again on clause 8, [new section] 19E on immunity.

The Chairman: Right. He asked for examples that the magistrates enjoy.

Hon. Tinee Furbert: Mr. Chairman, the immunities are [for] not being sued in a personal capacity, but they are still able to appeal the decision. So not being sued, that is why the immunity is there, not being sued in a personal capacity.

The Chairman: Okay.

Hon. Tinee Furbert: There was a question in regard to whether or not there would be a fee of the assessors in Schedule 3 [paragraph] 15.

The Chairman: Yes.

Hon. Tinee Furbert: The fee. And yes, if anyone is called in, they are at the same fee schedule of a Tribunal member.

The Chairman: Okay.

Hon. Tinee Furbert: And in proceedings, again, Schedule 3 [sic], I believe there was a question in regard—

The Chairman: [That was] 23. It was about the 30-days.

Hon. Tinee Furbert: About whether or not there was a written decision. And so, yes, there will be a written

decision. Any decision that is made to the Executive Officer is a written decision.

And then there was a question in regard to the 30 days.

The Chairman: Yes.

Hon. Tinee Furbert: Keeping in mind that a magistrate . . . that is their job. That is their full-time job. Persons who participate in a Tribunal are persons who give of their time. The reason for 30 days is so that this information can get in in a timely manner. And the longer you have something going on, particularly for persons for which this is not their full-time job, memory can fade and so the 30 days is ample time to be able to get back a decision. I am sure the public would appreciate that as well.

The Chairman: Okay.

Any further speakers?

Mr. Scott Pearman: Nothing further from MP Jackson or myself, Mr. Chairman. Thank you.

The Chairman: Okay.

Minister, there appears to be no further speakers. Do you want to move the Bill, move the clauses?

Hon. Tinee Furbert: Thank you, Mr. Chairman.

I now move that clauses 1 through 13 be approved.

The Chairman: It has been moved that clauses 1 through 13 be approved.

Are there any objections?

There appear to be none.

Approved.

[Motion carried: Clauses 1 through 13 passed.]

Hon. Tinee Furbert: I now move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Inaudible interjections]

The Chairman: Now, do the Schedule. You have a Schedule there. Schedule 3.

[Inaudible interjections]

Hon. Tinee Furbert: I now move that the Schedule be approved.

The Chairman: It has been moved that the Schedule be approved.

Are there any objections?
There appear to be none.
Approved.

[Motion carried: The Schedule passed.]

Hon. Tinee Furbert: Thank you, Mr. Chairman.

I now move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Are there any objections to that?
There appear to be none.
The Bill will be reported to the House as printed.

[Motion carried: The Human Rights Amendment Act 2021 was considered by a Committee of the whole House and passed without amendment.]

The Chairman: Mr. Speaker.

Thank you, Minister. Thank you.

House resumed at 4:38 pm

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

REPORT OF COMMITTEE

HUMAN RIGHTS AMENDMENT ACT 2021

The Speaker: Thank you, Deputy.

Members, are there any objections to the Bill entitled the Human Rights Amendment Act 2021 being reported to the House as printed?

There are no objections.
The Bill has been reported as printed.
That brings us to a close of that item for today.

We will now move on to the next and final item on the Order Paper for today which is the second reading of the Marine and Ports Services Amendment Act 2021 in the name of the Minister of Transport.

Minister, would you like to present your item at this time?

Hon. W. Lawrence Scott: Yes, Mr. Speaker.

Mr. Speaker, I move that the Bill entitled the Marine and Ports Services Amendment Act 2021 be now read the second time.

The Speaker: Are there any objections to that?

There are no objections.
Continue, Minister.

BILL

SECOND READING

MARINE AND PORTS SERVICES AMENDMENT ACT 2021

Hon. W. Lawrence Scott: Mr. Speaker, the purpose of my statement today is to introduce a Bill designed to amend the Marine and Ports Services Act 2021 to provide for pilotage dues, payment of fees and associated matters related to pilotage.

Mr. Speaker, the Marine and Ports [Services] Act 2021 was approved by the Legislature in February 2021. However, certain sections of the Act have not come into operation yet because they are aligned with new operational responsibilities required for the III Code audit. For example, the investigations, insurance for commercial boat operators and other related provisions. Some of these required a policy framework and others required training and consultation with a stakeholder. Therefore, some of the provisions of the [Marine Board Act 1962](#) are still in operation.

Mr. Speaker, recently it was discovered that provisions for the exemption of pleasure crafts under a specified length from compulsory pilotage, pilotage services and pilotage dues were needed in the new Act. This is being addressed in the Bill proposed today. In the meanwhile, pilotage dues continue to be collected under the provision of the Marine Board Act 1962.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

Mr. Scott Pearman: Thank you, Mr. Speaker. MP Pearman.

The Speaker: MP, you have floor.

Mr. Scott Pearman: Thank you, Mr. Speaker, and my thanks to the Minister.

Mr. Speaker, I had the opportunity to . . . and I am grateful for having had the opportunity to discuss the proposed Bill with the Minister, and indeed, his PS. And so, I really do not have all that much to say about it. Much of this is an updating process. Most of the elements here relating to pilotage are being inserted by this amendment Act into the Marine and Ports Services Act 2021 which came before this Honourable House back in around, I think, February, or thereabouts. It was certainly the early part of this year.

We may remember the Bill because it really was quite a sizeable Bill, a sizeable updating by the Ministry of the law relating to Marine and Ports in relation to the audit that the Honourable Minister referred to. I understand that the audit has now been pushed

back to the later part of this year or possibly even the early part of next year.

Whilst on the face of it this amendment Act may seem to a casual reader that it is doing things that are new, that would be a misreading of the Bill. And I am grateful to the PS who pointed my attention in the direction of the 1962 Marine Board Act and the sections in that Act relating to pilotage and pilotage dues. So these inserted sections that are going into the primary Act from earlier this year, are effectively sections of our law that already exist in the Marine Board Act 1962. So these are not new. These are just, effectively, a tidying up in housekeeping exercise.

I have one or two questions for the Minister in Committee, but I would just raise two or three points in debate, overarching points. The first point is that this Bill at clause 2 seeks to create in the primary legislation a new definition of the term "pleasure craft" and the meaning of "pleasure craft." It will now mean a vessel which at the time of its arrival is being used for private recreational purposes. And it is unfortunate because there is already in our law, in the [Passenger Ships and Other Vessels Act] 1972 Act, a definition of "pleasure craft" which differs from that definition.

Now, the PS and Minister have explained to me why that is, but I would just observe that it is slightly confusing and dangerous to have two different terms defining two different Acts in two different ways. And my respectful suggestion is that this amendment Act could in fact amend the 1972 Act so that the definitions in both Acts are the same. And that would probably save someone time and money in paying lawyers to argue the point as to which definition should trump which.

That rather nerdy, technical legal point aside, there is another overarching question that I have for the Minister. It will be seen from this Bill that some of it . . . [nothing in this amendment provides for] paying our pilots, our Bermudian pilots who go onto vessels that come to and leave from Bermuda. And all of it is readily understandable. If someone gets stuck as a pilot on a vessel and the vessel leaves Bermuda and for reasons of bad weather or some other reason the pilot cannot get off, it is perfectly right and proper (I would say, and our law does say) that that person should be compensated, should be given accommodation and should be returned from whatever port he or she, the Bermudian pilot, may end up at. If you end up in Florida because the hurricane prevented you from getting off the boat, having piloted it safely off the Island, you should be properly compensated, not only for your time at sea, but also to get back to Bermuda. So, I mean, much of it is perfectly common sense and rational.

One query that did come up in the discussions of the Bill on our side was, What is the plan the Government has if, as we now face a pandemic, a pilot gets onto a vessel in Bermuda and has COVID-19, and there is a COVID-19 exposure?

I will just pose that question to the Minister in addition to my question about the two different definitions between this amendment Bill and the original 1972 Act. Beyond those two overarching questions, much of this Bill is a tidying up exercise. It is driven, as the Minister and PS have told me, by the audit and that is entirely understandable.

The other thing, just by way of interest, is that this Bill also seeks to deal with superyachts that come to our Island. Mr. Speaker, you will be aware that both this Government and the previous one have been pressing to try to make Bermuda a more attractive jurisdiction for superyachts. And the former Minister of Tourism of this Government put a lot of effort into it, and the previous OBA Government put a lot of effort into it. And so I would just point out that there is an exemption here for pleasure crafts of less than 50 metres. For those of us who think in feet, 50 metres is 164 feet. And I thought to myself, *Well, that is pretty large.*

But I took a quick trip to Google, Mr. Speaker, and I was shocked to see that in fact that is not necessarily the biggest superyacht these days. Superyachts can be up to 60 metres in length and indeed so big are these things getting that they created a whole 'nother category which are called mega yachts. And those are boats that are over 60 metres in length which can be over 200 feet. So, I just share that little bit of homework with the House. It is astounding how big these things are getting. And let us hope that more and more of them do come to our shores and that Bermuda pilots guide them safely in and guide them safely out with their knowledge and expertise of the local waters.

Thank you to the Minister for bringing this Bill, and thank you, Mr. Speaker.

The Speaker: Thank you, MP Pearman.

Does any other Member wish to make a contribution at this time?

Mr. Neville S. Tyrrell: Mr. Speaker.

The Speaker: Yes. MP Tyrrell.

Mr. Neville S. Tyrrell: Thank you, Mr. Speaker. Thank you for the opportunity to speak on the Marine and Ports Services Amendment Act 2021.

Let me say that I am happy to support the Minister on what I would describe as common-sense amendments which surely will bring Bermuda more in line with the 21st century marine activities. So it certainly gets my support there, especially when I note some new wording that does clarify crafts less than 50 metres who take part in ocean races. And I will give you an example: GP Sailing class. So at least it brings them into the picture. This is something new for Bermuda not requiring compulsory pilotage services.

Another point that I wanted to speak to, Mr. Speaker, is that the amendments are now aligned with the operational responsibilities that will be required for the upcoming III Code audits that will be taking place, and there is a lot of work actually going into that. So I commend the Minister and his officers for attempting that. So as the Opposition appeared to accept the amendments on face value, I would say I certainly support and lend my support to the Minister. Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution?

None.

Minister.

Hon. W. Lawrence Scott: Thank you, Mr. Speaker.

Mr. Speaker, the Shadow Minister did bring up . . . and I will address the two questions that he did bring up.

One, when he talked about COVID-19 exposure. The main thing is that we adhere to all the COVID-19 protocols, guidance and mitigation policies to reduce the risk of transmission by as much as possible. And I do believe that . . . not to get into too much detail, but I do recall that we had an incident early last year, where . . . all the mitigating factors and everything that we have done is in the public domain, so I do not want to repeat something that is already in the public domain.

But when it goes on to his second question about the 50 metres versus the 60 metres, the reason that we picked 50 metres versus 60 metres is that when you get your marine pilot licence, it is done under the Standards of Training, Certification and Watchkeeping [for Seafarers], meaning the STCW licence. And that will certify our pilots on vessels up to 50 metres. And so the fact that we know that those marine pilots coming in with these size yachts, already have a licence that prepares them, trains them, has them qualified to handle such vessels on waters similar to ours, we believe that they have the qualifications. And that is where the 50 metres came in. Unfortunately, the 50 metres does not cover the Shadow Minister's mega yacht that he has, but it does cover others.

But also he did bring up an interesting point when it comes to the definition and how the definition changes. So the definition, just for those who are listening in, is based off of the . . . the definition is specific to the purpose of the legislation. And no two pieces of legislation are exactly alike. Therefore, it is prudent for us to ensure that the definition is geared to what we want the legislation to do.

So, for example, the 2010 Customs Traveller Declaration Notice will define a "pleasure craft" as "a vessel which at the time of its arrival in Bermuda is being used for private recreational purposes." But yet

in the Passenger Ships and Other Vessels Act 1972 it will include, at the time of arrival being used for private recreational purposes, but it does not include superyachts. Therefore, the fact that this Bill, the Marine and Ports Services Amendment Act [2021] is to include superyachts and mega yachts, we need to make sure that this is included in the definition. So I just hope that this helps to clear things up.

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

The Speaker: Thank you, Minister.
Deputy.

Hon. Derrick V. Burgess, Sr.: Yes, Mr. Speaker.

The Speaker: You have the Chair.

House in Committee at 4:53 pm

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

COMMITTEE ON BILL

MARINE AND PORTS SERVICES AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Marine and Ports Services Amendment Act 2021](#).

I am going to ask MP Foggo to take over for me at this point.

Minister Foggo.

Ms. Lovitta F. Foggo: I am here, Mr. Chairman.

The Chairman: Thank you.

[Ms. Lovitta F. Foggo, Chairman]

The Chairman: Minister, can you continue, please.

Hon. W. Lawrence Scott: Thank you, very much.

Madam Chairman, the purpose of the Bill is to amend the Marine and Ports Services Act 2021 (the "principal Act") to make provision for pilotage dues derived from Part [III] of the Marine Board Act 1962 and to provide for other associated matters.

Madam Chairman, I would like to move clauses 1 through 6.

The Chairman: It has been moved that clauses 1 through 6 be dealt with.

Are there any objections?

Approved. Continue.

Hon. W. Lawrence Scott: Thank you, Madam Chairman.

Clause 1 is the short title of the Bill to be introduced as Marine and Ports Services Amendment Act 2021.

Clause 2 of the Bill amends section 2 of the principal Act to add a definition of “pleasure craft” for the purposes of describing a type of ship declared to be excepted from compulsory pilotage under section 30.

Clause 3 of the Bill amends section 30 of the principal Act to repeal and replace subsection (4)(f) to refer to pleasure craft of less than 50 metres in length as vessels that are excepted from compulsory pilotage.

Clause 4 of the Bill inserts new sections 32A to 32G into the principal Act.

- Section 32A provides for the master of a ship not to allow pilotage by any person other than a qualified pilot within territorial waters.
- Section 32B makes it an offence for a master of a ship or any other person liable to pay pilotage dues to make or offer a payment to a pilot except as provided in the principal Act.
- Section 32C provides for all ships that use the services of a pilot to be liable for pilotage dues.
- Section 32D provides for increased pilotage dues where a pilot is detained on board a ship. The increased dues will be due where (a) on an outward or inward bound ship, a pilot is obliged to anchor for more than three hours; (b) a ship, whether outward bound or inward bound, is detained by order of the master, owner, consignee or agent for more than three hours; or (c) an outward bound ship does not proceed to sea within three hours after the time appointed for sailing.
- Section 32E makes provision for a pilot detained in quarantine on a ship to be provided with provisions and accommodation similar to those supplied to officers of the ship.
- Section 32F makes provision for a pilot carried to sea due to weather or otherwise against his will to be supplied by the master, with similar provisions and accommodation to those supplied to the officers of such ship, at the ship’s expense.
- Section 32G provides for the master, owner and consignee of a ship, and the agent reporting, entering, or clearing of such ship, to be jointly and severally liable for pilotage dues owed by the ship.

Clause 5 of the Bill amends section 80 of the principal Act. Paragraph (a) prescribes that a penalty shall be due and owing for the late payment of pilotage dues pursuant to section 32C and for the late

payment of increased pilotage dues pursuant to section 32D. Paragraph (b) inserts a new subsection (4) that provides that a penalty levied for light tolls and pilotage dues constitutes a maritime lien under section 28 and that light tolls and pilotage dues are recovered by the procedure prescribed under section 79.

Clause 6 provides for the Act to come into operation on a date appointed by the Minister by notice published in the *Gazette*.

The Chairman: Thank you, Minister.

Are there any Members who wish to speak to the clauses?

Mr. Scott Pearman: Thank you, Madam Chairman. MP Pearman.

The Chairman: Will that be MP Pearman?

Mr. Scott Pearman: That’s right, Madam Chairman.

The Chairman: Okay, MP Pearman, you have the floor.

Mr. Scott Pearman: Thank you, very much.

Thank you, Minister, and thank you for your response in the debate in respect of clause 2 which is the definitional issue. Again, I would just emphasise that having two terms defined differently in two different Acts is an unhelpful thing, and the way to correct it would be just to add to the end of the definition “and for the purposes of this Act only, shall include superyachts.” But I leave it there and I leave it with you to take under advisement as you see fit.

Clause 3, please, the 50 metres. So as I understand the explanation, if there is a pleasure craft which now includes superyachts less than 50 metres, then pilotage will not be required. If it is in excess of 50 metres then either pilotage will be required or there will be necessity to apply under section 30 of the primary Act for a licence. Have I correctly understood that, Minister?

Hon. W. Lawrence Scott: That is correct. It has been slotted in from the principal Act.

Mr. Scott Pearman: Right. And then all the other bits on pilotage that have been inserted, [sections] 32A to 32G, all come from the previous Act and therefore there are some questions that I did have that I would have put if these had been new laws. But I suppose if they have been on the books since 1962, it is not fair to trouble you.

Can I just put one final one, though? Which is on page 3 of the Bill, this is where a pilot is carried to sea, and it is [section] 32F, which is the previous section 68 under the [Marine Board] Act 1962. And under [section] 32F(2) [of the Marine and Ports Services Amendment Act 2021], it says, “The pilot shall be enti-

tled to receive his salary at the same monthly rate as he is entitled to receive from the Consolidated Fund during his enforced absence from and until his return to Bermuda by the quickest route, and the reasonable expense of his return to Bermuda from the port or place at which he is landed, or shall leave.”

That makes perfect sense to me. It just was not clear to me from whom the pilot would be so entitled. I note that in other places in the Bill these are things that are the ship’s expense. Is that an entitlement that arises at the ship’s expense? Or is it clear on that?

Hon. W. Lawrence Scott: No, that would be at the ship’s expense, of the owner of the ship’s expense.

Mr. Scott Pearman: At the equivalent rate, as the Consolidated Fund would have otherwise paid the pilot?

Hon. W. Lawrence Scott: That is correct.

Mr. Scott Pearman: Okay. Thank you, Minister. Those are my questions. That is all I have.

The Chairman: Thank you, MP Pearman.

Are there any other Members who wish to speak to the clauses?

There being no other Member—

[Inaudible interjection]

The Chairman: Minister.

Hon. W. Lawrence Scott: Thank you, Madam Chairman.

I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

There is no objection, so move on, Minister.

Hon. W. Lawrence Scott: I move that the Bill be reported to the House as printed.

The Chairman: It has been moved—

The Deputy Clerk: Madam Chairman, would you have the Minister move the clauses first?

The Chairman: I was going to get to that. Thank you, [Mr. Somner]. I appreciate that.

Please move the clauses.

Hon. W. Lawrence Scott: Sorry about that. Thank you, very much.

I move that the clauses be approved.

[Crosstalk]

Hon. W. Lawrence Scott: Yes. I move that clauses 1 through 6 be approved.

The Chairman: Are there any objections?

[Motion carried: Clauses 1 through 6 passed.]

The Chairman: Is there a Schedule to be moved, Minister?

Hon. W. Lawrence Scott: No, there are no Schedules.

The Chairman: Okay. Continue, Minister.

Hon. W. Lawrence Scott: I move that the preamble be approved.

The Chairman: We already did that.

[Crosstalk]

The Chairman: It has been moved that the preamble be approved.

Hon. W. Lawrence Scott: I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Are there any objections?

There being no objections . . .

[Motion carried: The Marine and Ports Services Amendment Act 2021 was considered by a Committee of the whole House and passed without amendment.]

The Chairman: Mr. Speaker.

House resumed at 5:03 pm

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

REPORT OF COMMITTEE

MARINE AND PORTS SERVICES AMENDMENT ACT 2021

The Speaker: Thank you, Madam Chairman.

Members, are there any objections to the Marine and Ports Services Amendment Act 2021 being reported to the House as printed?

There are none.

The [Bill] has been reported as printed.

Members, that brings us to a close of the items on the Order Paper for today. The only thing left to do at this point is the third readings, and I am going to call on the Minister Furbert to do her third reading.

Ms. Furbert.

Hon. Tinee Furbert: Thank you, Mr. Speaker.

The Speaker: Yes.

SUSPENSION OF STANDING ORDER 21

Hon. Tinee Furbert: I am going to move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Human Rights Amendment Act 2021 be now read for the third time by its title only.

The Speaker: Are there any objections?
There are no objections.
Continue, Minister.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

HUMAN RIGHTS AMENDMENT ACT 2021

Hon. Tinee Furbert: I move that the Bill be now read a third time by its title only and passed.

The Speaker: Members, the Bill has been read a third time by its title only and it is now passed.
Thank you, Minister.

[Motion carried: The Human Rights Amendment Act 2021 was read a third time and passed.]

The Speaker: Minister Scott.

Hon. W. Lawrence Scott: Yes, Mr. Speaker.

The Speaker: It is time for you to do your third reading.

SUSPENSION OF STANDING ORDER 21

Hon. W. Lawrence Scott: Thank you.
Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Marine and Ports Services Amendment Act 2021 be now read for the third time by its title only.

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

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

MARINE AND PORTS SERVICES AMENDMENT ACT 2021

Hon. W. Lawrence Scott: I move that the Bill be now read a third time by its title only and passed.

The Speaker: Members, the Bill has been read a third time by its title only and it is now passed.
Thank you.

[Motion carried: The Marine and Ports Services Amendment Act 2021 was read a third time and passed.]

The Speaker: Mr. Premier, would you like to move us to . . . I should acknowledge that the Premier's matter will have its third reading at the next sitting.

So Mr. Premier, would you like to move us to the next item on the Order Paper?

ADJOURNMENT

Hon. E. David Burt: I can do so, Mr. Speaker.
Mr. Speaker, I move that this Honourable House do now adjourn until Friday, September 24.

The Speaker: Thank you, Mr. Premier.
Does any Member wish to speak to this matter?

Mr. Christopher Famous: Mr. Speaker.

The Speaker: Sounds like the MP from down in Devonshire. MP—

Mr. Christopher Famous: Mr. Speaker.

The Speaker: MP Famous—

[Crosstalk]

The Speaker: You have your 20 minutes. Go right ahead.

HONOURABLE SPEAKER'S FOURTH ANNIVERSARY

Mr. Christopher Famous: Mr. Speaker, first let me start by saying that today marks the fourth anniversary of us calling you "Mr. Speaker." It may have slipped some people's mind, but it didn't slip my mind. So *Happy Anniversary, Mr. Speaker.*

The Speaker: All right. Comes with a cake?

Mr. Christopher Famous: I beg your pardon?

The Speaker: Does it come with a cake?

Mr. Christopher Famous: Yes, well, . . .

The Speaker: Red and blue, right?

Mr. Christopher Famous: I bringing it up there the next Cup Match.

[Laughter]

The Speaker: Go right ahead.

COVID-19, BRINGING OUT THE BEST AND THE WORST

Mr. Christopher Famous: Mr. Speaker, I do not like to quote English people, but today I am. There is a saying, “It was the best of times, it was the worst of times.” But let me start with the best of times, Mr. Speaker. Let me start by thanking the frontline workers on the war against COVID-19 and all its variants; those who have taken hundreds of thousands of test swabs for the last 18 months around the Island; those who have administered tens of thousands of vaccines to Bermudian residents; those working 12-hour shifts at MDL [Molecular Diagnostic Laboratory] and other laboratories to give people the results that they need; those who are manning the COVID-19 hotlines; and those who are dealing with thousands of TA[F] approval application forms every week. Those working in the hospital as ailing people are brought in; those working in the emergency ward, those working in the ICU, and yes, even those who are consoling the families who have lost loved ones.

As I said earlier, Mr. Speaker, without them our health care system would collapse, and we would be in a position that we would never want to be in. So in the midst of what is clearly our fourth wave, it is incumbent that we continue to thank these persons, [and] be patient when asking for our results. Don’t expect it the next day or the same day. And most important, all of us, even [those of] us in this Honourable House even if it’s virtual, do what you have to do to not overload their workload. Mr. Speaker, truly, they are the best of the best of what Bermuda has to offer during a worldwide crisis.

Now, Mr. Speaker, on to the worst. We have seen some of the worst that Bermuda has to offer during this crisis. The name-calling on Facebook from both sides, those who are vaccinated and those who are not vaccinated, that is the worst. We are used to being divided along racial lines, economic lines, Cup Match lines, and now we find ourselves divided along vaccinated and unvaccinated lines. And that is the worst, Mr. Speaker. No one wakes up saying, *I wish to catch a disease that may kill me*. And no one should be criticised for taking something to protect themselves from possibly dying.

Mr. Speaker, it is one thing when individuals make choices for their own personal health. We have to respect that. But when people interject politics into what is a life-threatening disease, that is the worst of the worst.

Mr. Speaker, allow me to quote something from the Deputy Speaker’s favourite journal, the ¹*Royal Gazette*. The decision to begin the public school year virtually is leaving parents “scrambling.” Shadow Minister of Education Ben Smith said. He added “This decision could have been taken last week to give parents a little more time.”

Mr. Smith said, and I quote, Mr. Speaker, ²“Today, public schools opened its doors virtually for the new academic year. It was abysmal for the Department of Education to inform parents of this just 48 hours ago. It is simply unacceptable.”

Mr. Speaker, I spent all my life in the public school system and I have always known the Department of Education to look out for the health or the welfare of the people, the children. No different from the private school education. Mr. Speaker, private schools closed their doors, or went remote, with 48-hours’ notice. Yet, somehow the OBA finds a way to attack the public education system. It is okay for the private education system to protect their children, but it is not okay for the public education system to protect their children.

We did not tell Hurricane Larry, *Hey, Larry, can you come on the day that we were supposed to open school*. We didn’t tell COVID-19 and Delta to say, *Hey, can you spike up on the week that we are supposed to open school, because we don’t really want to open school? So, any comment saying, Oh, can you all come on Thursday?* These things are beyond the control of anyone. Yet somehow the OBA, through their spokesperson, finds a way to attack the Ministry of Education. Indeed, Mr. Speaker, the worst of times.

Mr. Speaker, it gets worse. May I quote once again? The One Bermuda Alliance has criticised David Burt, the Premier, for being on holiday during this week’s industrial action over labour laws by the Bermuda Industrial Union. That was from the Leader of the Opposition, Honourable Cole Simons, from constituency 8. Mr. Speaker, let’s be clear. Our Premier is a young man who has a young family that has endured a lot for the last 18 months. He took them on vacation—a well-deserved vacation. Yet somehow it is now our fault that he was on vacation [when] this issue flared up. An issue, I would say, Mr. Speaker, that was being handled by the Deputy Premier of this country, the Honourable Walter Roban; an issue that was handled by the Honourable Minister of Labour, Jason P. Hayward; an issue that was handled by the caucus, the Cabinet, the party itself.

¹ *Royal Gazette* 9 September 2021

² *Bernews*, 9 September 2021

Let me declare right now, Mr. Speaker. I am a card-carrying union man. I have always been one. So, it was not nice to see what happened last week. But I can assure the OBA that this family issue between the PLP and the BIU is going to be settled, and it is going to be settled between us as a family. We do not need them interfering in our family business. They are not wanted. We will handle our business and we will sort this out. Let no one be confused. United we stand, Mr. Speaker.

But for them, the OBA, they would like to prey on the public's mind and try to say, *Oh, look, David Burt is taking a vacation while the country is going down the drain. Oh, he doesn't really care about you. He is taking his kids on a well-deserved vacation.* Mr. Speaker, again, the worst of the worst.

Let's go further, Mr. Speaker. OBA candidate, want-to-be candidate, one-time Senator, Vic Ball, and other political figures have actively taken part in several protests against COVID-19 mitigation measures in this country. On the 29th of June, Vic Ball, Karen Magnum, and others down [at the] Cabinet, were protesting against the Government and gave them this ultimatum: End the public health emergency orders. Suspend all new travel entry regulations and stop all PCR [Polymerase Chain Reaction] checks. I could be wrong, Mr. Speaker, but PCR tests are a global standard to check to see who is or who isn't positive or negative with COVID-19. In other words, it helps countries prevent lockdowns.

On May 5, Mr. Ball wrote this: ³“[T]his . . . Government has taken a position that the vaccine is the only way forward. This stance is putting them at odds with a significant segment of the population. The PLP tell us that the vaccine is unquestionably good for everyone and the country.”

Mr. Speaker, again, four years ago when this party got sworn in, we did not know there was going to be a worldwide crisis coming to us. When you became Speaker, you didn't know you were going to have to preside upon the Emergency Health Orders one after another. We are doing the best that we can. And science shows that the vaccine, while not perfect, has helped to stem deaths. But yet the OBA with the Vic Balls are telling people, *Don't worry about that.*

Mr. Speaker, it gets worse. The Bermuda Freedom Alliance [BFA] on July 15 tells Bermudians, *Don't wear masks anymore. We don't need a mask.* They were down at East Broadway the other day saying, *Hey, we don't need SafeKey.* But guess what? [INAUDIBLE] says, *Hey, you need SafeKey because things are getting bad.*

Mr. Speaker, if Bermudians had listened to the [INAUDIBLE], they would be in the same position as some states down in the south who listened to Donald Trump. Mr. Speaker, it is one thing when you are saying something political for the sake of politics,

but when you are going to mix politics with people's health, that is the worst of the worst. And that is what we have seen from the OBA. That is what we have seen from the BFA.

Mr. Speaker, earlier this year we witnessed a COVID-19 spike that killed 21 Bermudians. We have unfortunately seen two deaths in the last two weeks. This Government has pledged to the people that we will do all that we can to save lives, even if it is unpopular, we will do it. But, no, the OBA wants to prey on people's minds, prey on their fears, and try to separate reality from fiction.

Mr. Speaker, I am going to end with this quote. “But in any society, leaders who aren't willing to make sacrifice aren't really leaders, they're opportunists, and opportunists rarely have the common good in mind.”

Mr. Speaker, we have some opportunists amongst us who are willing to play God and put our people's lives in danger for political purposes. That, Mr. Speaker, is the worst of the worst.

Again, I thank those who have been on the front lines for saving this country from medical doom.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Any other Member?

Any other Member?

Any other Member?

No other Member? Consider the House closed.

Members, have a good weekend.

[At 5:20 pm, the House stood adjourned until 10:00 am, Friday, 24 September 2021.]

³ *Bernews*, 5 May 2021

BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT
VIRTUAL SITTING
24 SEPTEMBER 2021
10:00 AM***Sitting Number 25 of the 2020/2021 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

The Speaker: Good morning, Members. It now time to begin today's session.

Ms. Beale, would you lead us in prayers?

PRAYERS*[Prayers read by Ms. Kara Beale, Assistant Clerk]*

The Speaker: Thank you, Ms. Beale.
Members, the House is now in session.

CONFIRMATION OF MINUTES*[Minutes of 23 July and 10 September 2021]*

The Speaker: The Minutes of the 23rd of July, which the Opposition had asked last week for us to defer, will stand as printed. There are no other requests on that, so they will stand as printed.

The Minutes of [September] 10, 2021, are there any amendments or omissions that need to be made to those Minutes?

There are none. The Minutes will stand as printed.

*[Minutes of 23 July and 10 September 2021 confirmed]***MESSAGES FROM THE GOVERNOR**

The Speaker: There are none.

**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING****APOLOGIES**

The Speaker: I have been informed that two Members will be absent today, Honourable Member Jamahl Simmons; and Honourable Minister Rabain, the Minister of Education, will also be absent today.

MESSAGES FROM THE SENATE

The Speaker: There are none.

**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: Yes, this morning we have a series of Papers and Communications. And the first is in the name of the Deputy Premier.

Deputy Premier, would you like to present your matter at this moment?

Hon. Walter H. Roban: Yes, Mr. Speaker. Thank you, very much, and good morning to everyone.

The Speaker: Good morning.

**REGULATORY AUTHORITY OF BERMUDA
ANNUAL REPORT FOR 2018–2019**

Hon. Walter H. Roban: Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Regulatory Authority of Bermuda Annual Report for 2018–2019.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Deputy.
Minister of Finance, would you care to present your matter at this time?

[No audible response]

The Speaker: Minister?
We will move on.
The next is in the name of Minister Furbert.
Minister Tinee Furbert, would you like to present your paper?

**ADOPTION OF CHILDREN (APPROVED
JURISDICTIONS) ORDER 2021**

Hon. Tinee Furbert: Yes. Good morning, Mr. Speaker.

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Adoption of Children (Approved Jurisdictions) Order 2021, made by the Minister responsible for Child and Family Services in exercise of the power conferred by section 46 of the Adoption of Children Act 2006. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next communication this morning is in the name of Minister Furbert as well, Minister and spokesman for Youth and Sport.

BERMUDA SPORT ANTI-DOPING AUTHORITY ANNUAL REPORT 2021

Hon. Tinee Furbert: Thank you, Mr. Speaker. Thank you.

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Bermuda Sport Anti-Doping Authority Annual Report 2021. Thank you, Mr. Speaker.

The Speaker: Thank you. And you are also acting on behalf of the next one as well. Would you like to present the one on behalf of the Minister of Education?

BERMUDA EDUCATION COUNCIL (EXEMPTIONS) (2021 TO 2022 SCHOOL YEAR) ORDER 2021

Hon. Tinee Furbert: Thank you, Mr. Speaker.

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Bermuda Educators Council (Exemptions) (2021 to 2022 School Year) Order 2021.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

This brings us to an end of the Papers and Communications to the House this morning.

PETITIONS

The Speaker: There are none.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: This morning we have five such Statements. The first is in the name of Minister Furbert, Minister for the Cabinet Office.

Minister Furbert, would you like to present your Statement at this time?

[Pause]

The Speaker: Minister, we see you, but we do not hear you.

Hon. Wayne L. Furbert: Do you hear me now, Mr. Speaker?

The Speaker: Yes, Minister. Go right ahead.

BERMUDA POST OFFICE

Hon. Wayne L. Furbert: Thank you. Mr. Speaker, I rise to speak on the current status of the [Bermuda Post Office](#) [BPO], as well as the progress the BPO is making to modernise their services. Mr. Speaker, the BPO's strategic objective to increase revenues via technology, in an expanding e-commerce, logistics and parcel market, remains on target and a reality. For example, the department's online shopping platform, [MyBermudaPost](#), powered by [MyUS](#), is set to be implemented via a soft launch by September 30, with an official start date in mid-October.

Mr. Speaker, this new service will allow Bermuda Post Office customers the ability to purchase goods and merchandise in the USA (and hopefully the UK within three to six months) and have those items delivered locally through the Bermuda Post Office's logistical network of sub-offices. Or they can be delivered directly to local residences and businesses via an expanded courier and home delivery service.

Mr. Speaker, local entrepreneurs, e-tailers and businesses will be provided with an affordable local last-mile logistic service. With increased BPO marketing and advertising efforts, the BPO will be better positioned to capitalise on the opportunity to be more competitive, efficient and sustainable.

Mr. Speaker, the Bermuda Post Office remains compliant with the Universal Postal Union's (UPU) standards, requirements and covenants regarding the transport and processing of mail. This also includes the mandate to accept and send ITMATT (item attribute) data, or data that is used to communicate all mail data and information to destination postal administrations. The receiving and sending of ITMATT data will help the BPO to gain efficiencies in the customs declaration process, allow the BPO to preclear in-bound mail items and provide a greater sense of control, security and accountability to meet local standards and Revenue Act requirements as an agent for Customs.

Mr. Speaker, recipients of incoming parcel and packages mail will receive an email or SMS message from the Bermuda Post Office asking if they would like to provide an electronic invoice for the pre-clearance of their goods. Bermuda Post Office customers can also choose their delivery option—residence, business or any location of their choice—and the Bermuda Post Office will deliver accordingly.

Customs duty can be paid online. If the customer wishes to do so, they can ignore the SMS or email message and their package will go to their sub-office location and a collection notice will be delivered as per normal procedures.

Mr. Speaker, as previously communicated, the current service and processing fee is to be increased to \$10 to help cover BPO's processing and administration of inbound mail items, to provide customers with an advice of arrival, and to complete and

confirm Bermuda Customs Declaration [BCD] forms. Delivery to any physical address in Bermuda is free.

Mr. Speaker, it is anticipated that the Bermuda Post Office's philatelic website will be operational by September 30, 2021. The website will allow [philatelic] account holders and visitors to the site the ability to order stamp collections, and to manage standing orders and top-ups to their accounts for stamp releases of their choice for local and international delivery.

Mr. Speaker, additional enhancements in technology include the introduction of touch screen kiosks at the General Post Office [GPO] and all sub-offices in 2022, with the potential introduction of public and free Wi-Fi at the General Post Office. These initiatives are expected to improve customer service and the customer's experience via increased foot traffic and potential increased revenues as Post Office products and services are [cross] sold.

Mr. Speaker, included in BPO's future vision for the next six months is the implementation of additional value-added services such as Drop-and-Deliver. This particular service will enable local e-commerce vendors who do not have a delivery network the option of dropping off their mail items to the Bermuda Post Office for delivery locally. Conversely, they can arrange for the Post Office to pick up from their place of business. Local post rates apply, with a \$5 fee per delivery item.

Mr. Speaker, another service the BPO will be introducing is a one-size, one-price mailbox for outgoing international parcel mail. Business customers in Hamilton who want their Post Office box mail to be delivered can do so as well.

Mr. Speaker, improving the Bermuda Post Office's appearance is also one of our objectives. Post Office locations will be refreshed; staff uniforms will be updated; and a renewed focus on customer service and positive customer service experiences will be a predominant goal.

The Bermuda Post Office expects to make legislative amendments to the Post Office Act 1900, the Post Office Regulations 1933 and the Post Office (Departmental Administration) Regulations 1933 to reflect changes in service, product offerings and future objectives. These amendments will facilitate increased logistic and online services, as well as increase efficiencies and enhance the overall customer experience when using the Bermuda Post Office's wide range of services.

Mr. Speaker, the Bermuda Post Office is a service provider and one of only a handful of government departments that can compete with local and international businesses in the same market. However, the Post Office public services are free, and to help balance the Post Office financially, a postal rate increase in April 2022 is necessary, coupled with aforementioned service and product improvements.

Mr. Speaker, the Bermuda Post Office has made improvements in their business plan, technolo-

gy and infrastructure to make the department more competitive, with a new proposed organisation chart and a leadership vision for success. Significant progress is being made to upgrade job descriptions, along with staff training and development being emphasised to help achieve BPO's vision and future operational and staffing needs.

The Bermuda Post Office, which is now led by new Postmaster General Sam Brangman Jr., with the support of the BPO's senior management team, remains committed to success. Mr. Speaker, the objectives, goals and initiatives of the Bermuda Post Office for 2021/22 and the future are to remain vision-forward, innovative and customer-focused, and to have a sustainable postal service. Post Office staff remain hardworking and dedicated despite the adverse COVID-19 impact on delivery of services.

Mr. Speaker, I hasten to commend Mr. Brangman, his senior management team and all of the BPO's employees for the stellar service they continue to provide to the community. I am very optimistic that this service will improve immensely as we implement these innovative upgrades and new products for the public.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Minister who has a Statement for this morning is the Minister of Health.

Minister, would you like to put your Statement this morning?

Hon. Kim N. Wilson: Yes, thank you. Good morning, Mr. Speaker.

The Speaker: Good morning. Go right ahead.

UPDATE ON BORDER CONTROLS—QUARANTINE (COVID-19) (NO. 3) ORDER 2020

Hon. Kim N. Wilson: Mr. Speaker and Honourable Members, as this Honourable House will recall, a 14-day quarantine in a government-approved facility for unvaccinated travellers came into effect on the 20th of June with an end date of the 30th of September 2021. The purpose of the 14-day quarantine is to curtail the movement of unvaccinated, recently arrived travellers to the Island. The incubation period for [COVID-19](#) is between two and fourteen days, and that sets the quarantine period.

Mr. Speaker, after an outbreak of COVID-19 in March and April of this year, Bermuda enjoyed a relatively calm early and mid-

[No audio]

Hon. Kim N. Wilson: —of COVID-19 fuelled by a coronavirus *variant of concern*—the Delta strain. It is highly transmissible, and its symptoms are very easily

confused with a summer cold or allergies. As a result, we find ourselves in the midst of an outbreak where local transmission of the disease far outweighs the incidence of the disease among travellers.

Mr. Speaker, this does not mean we can relax our border controls. However, the reality remains that the virus which causes the disease COVID-19 arrives in Bermuda via travellers. As we grapple with the current outbreak, we cannot lose sight of the need to keep our borders strong. Therefore, the 14-day quarantine requirement for unvaccinated travellers will remain in place, but they will be expected to quarantine at home after the 30th of September.

Mr. Speaker, to ensure unvaccinated air arrivals are not in any of the quarantine hotels by the 30th of September 2021, the last of the unvaccinated travellers to check in will do so tomorrow, Saturday, the 25th of September. Unvaccinated travellers arriving on Sunday, the 26th of September, will access a new process when applying for their travel authorisation, and those travellers will be expected to quarantine at home.

Mr. Speaker, please note there will be no changes to the travel authorisation or protocols followed by vaccinated travellers—and the majority of our travellers now are vaccinated.

Mr. Speaker, the travellers who undergo the 14-day quarantine will be fitted with an electronic monitoring device and a red wristband. They will be required to remain at their accommodation for the full period. The only tests they must have are the arrival test and their day-14 test. As part of the travel authorisation application, the traveller must declare that he or she can quarantine at home alone. Any and all of the household members must quarantine as well. The only exception will be for those with a medical certificate—this is unchanged from the current situation for medical travel.

There will be some unvaccinated residents who travel but cannot quarantine alone and whose household members cannot quarantine with them. In those cases, the travellers must stay in a paid accommodation. There will be no specific *quarantine hotels*, but the travellers will be monitored in the accommodation of their choosing as if they were at home.

Mr. Speaker, for the avoidance of doubt, all unvaccinated visitors to the Island—and this does appear to be a small, curious tourism niche—must quarantine for 14 days in a paid accommodation. Also, all those residents who arrive on Island without a travel authorisation and cannot quarantine at home alone must quarantine in a paid accommodation as well. It may be that for those unvaccinated travellers, their household members will later agree to quarantine with them, in which case the traveller can check out of the accommodation and complete the 14-day quarantine at home.

As is the case now, Mr. Speaker, household members who quarantine with a traveller will be fitted with a red wristband. The wristband must be worn until the entire household tests out on day 14 with a negative test result.

Mr. Speaker, I am reminded that at the beginning of this marathon of a global pandemic, our main measure of success was that we would not overwhelm our health system. At this point, unfortunately, we are not succeeding. Residents, frontline workers, Ministry staff, the third sector, local businesses, international business—all of us—we have to work hard and work together in this fight against COVID-19. The marathon is not yet over.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement this morning is in the name of the Minister of National Security.

Minister Ming, would you like to present your Statement?

Hon. Derrick V. Burgess, Sr.: Mr. Speaker. Mr. Speaker, before you continue.

The Speaker: Yes, yes.

Hon. Derrick V. Burgess, Sr.: We do not have any copies of the Statements.

The Speaker: Okay. They were not put up on Share-Point?

An Hon. Member: Yes. They are. They are available.

Hon. Derrick V. Burgess, Sr.: I did not see any. I looked and looked. No problem; I will look again.

The Speaker: That's strange.

Ms. Susan E. Jackson: And try refreshing your page. There is a little circle at the top where the webpage address is. If you circle that, it will refresh.

Hon. Derrick V. Burgess, Sr.: All right. Thank you, , I appreciate that.

The Speaker: Deputy, if that does not work out for you, let me know and I will have Mr. Lamb try to sort you out, okay?

Hon. Derrick V. Burgess, Sr.: Okay. Thank you.

The Speaker: Thank you, Members, for the assistance in providing some direction where we could help the Deputy at this time. I appreciate it.

Minister Ming, would you like to make your presentation?

DISASTER VICTIM IDENTIFICATION TRAINING

Hon. Renee Ming: Yes. Good morning, Mr. Speaker and listening audience.

Mr. Speaker, I rise this morning to inform this Honourable House that during the week of August 30, 2021, a number of Bermuda agencies received training in [disaster victim identification](#), known as DVI.

Mr. Speaker, as a direct result of the Air Crash Incident Training conducted in January of 2019, a gap was realised that Bermuda and all the other Overseas Territories have in disaster victim identification. To assist, the National Disaster Coordinator approached the Foreign Commonwealth and Development Office with an application for this DVI training to be delivered across the Overseas Territories.

Mr. Speaker, the DVI process is an internationally recognised sequence of activities that has been developed over several years. It has been tested in large-scale disasters in many regions across the world and has proven to be a reliable method by which victim data in the form of post-mortem material can be matched against missing person data. The aim of this matching process is to positively identify human remains.

Mr. Speaker, Bermuda was lucky to receive two instructors, Mr. Howard Way (OBE) and Police Superintendent Pete Sparks (QPM), from the Disaster Victim Identification Team, which is part of the National Police Coordination Centre and sits under the National Police Chiefs Council. Mr. Speaker, they trained 15 students, 12 police officers and 3 regiment soldiers, who received three full days of training as on-the-ground practitioners in managing any victims, scene preservation and evidence.

On Friday, September 3, four hours of training was delivered to the various commanders of the agencies who would be involved, and staff with specialist roles that are touchpoints for the scene investigators. This included the Deputy Governor, Permanent Secretary of the Ministry of National Security, Police Commanders, Regiment Commanders, Coast Guard Commander, Fire Commanders, Bermuda Hospitals Board, Mass Casualty Team Commander, INTERPOL Officer, Family Liaison Officers, Property Management Team, Police Training Centre, Police Doctor, Chief Dental Officer, Pathologists, Morgue Manager, Coroners Officer, Crown Counsel, Diplomatic Counsels, Safety and Health Managers, Public Information Officers, Bermuda Red Cross, Bermuda Civil Aviation Authority, Bermuda Airport Authority and Skyport Corporation. The coordination of the training was completed by the Disaster Risk Reduction and Mitigation [DRRM] Team, which sits under the Ministry of National Security and the Emergency Measures Organisation.

Mr. Speaker, over the last 40 years there have, unfortunately, been many incidents around the world that have involved loss of life on a large scale.

These have included air crashes, industrial explosions, fires, acts of terrorism, as well as other types of incidents including natural disasters such as hurricanes and tsunamis. Fortunately, these incidents are rare, but this does not mean that we should not be prepared. After each of these incidents an inquiry [did] take place, which has resulted in many recommendations being made.

Mr. Speaker, these inquiries have shaped disaster victim identification into a discipline which follows the recommendations made, and includes:

- the provision to be honest and, as far as possible, provide accurate information at all times and at every stage to the families and friends of the victims;
- be respectful to the deceased and to the bereaved;
- have a sympathetic and caring approach; and
- act professionally and diligently to avoid mistaken identification.

Mr. Speaker, INTERPOL has mandated that one of the most important requirements for victim identification is the application of international standards, which aims to promote a consistent and widely understood approach, especially in multinational DVI operations.

Mr. Speaker, I would like to thank both Howard Way and Pete Sparks for providing their expert advice based on many years of experience, and also [thank] the Foreign and Commonwealth Development Office for sponsoring this training.

Mr. Speaker, the Disaster Risk Reduction and Mitigation Team are now crafting a DVI response plan which will outline Bermuda's coordinated multi-agency response should an incident ever occur that requires a DVI response in Bermuda. Mr. Speaker, the work of the DRRM Team is important in ensuring that Bermuda is prepared for any large-scale disaster. I will continue to update this Honourable House on this work and the important work of all of the departments and units within the Ministry of National Security.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement this morning is that of the Minister of Transport. However, Members, I am going to seek your indulgence because the Member has asked that we defer that for the moment as there are issues right now that he may wish to include, depending on the outcome. And he wanted to defer the Statement until that matter is addressed so that he can give you the best and most updated Statement. So we will ask that that be deferred until later in the day, with your indulgence.

So bypassing that Statement, the next Statement is in the name of Minister Tinee Furbert.

Minister, would you like to present your Statement at this time?

Hon. Tinee Furbert: Good morning. Thank you, Mr. Speaker.

The Speaker: Good morning. Go right ahead.

INTERCOUNTRY ADOPTIONS APPROVED JURISDICTIONS

Hon. Tinee Furbert: Mr. Speaker, I rise today to address an issue related to [intercountry adoptions](#) that will approve two jurisdictions, namely Jamaica and Trinidad and Tobago, which is in response to requests from prospective applicants who are desirous of adopting children native to Jamaica and Trinidad and Tobago.

Mr. Speaker, one may ask, *What is an approved jurisdiction?* Our adoption legislation gives guidelines on what is considered an approved jurisdiction. According to the Adoption of Children Act 2006, Part 5 Overseas Adoptions, sections 46 and 47, approval by the court can only be granted if a child brought to Bermuda is from an *approved jurisdiction*. An “approved jurisdiction,” as outlined in section 46(2)(a) and (b), is [defined as follows]:

- a country that is a party to the Hague Convention and is not on the restricted list; or
- a jurisdiction that is designated by the Minister as an *approved jurisdiction* by order published in the *Gazette* and is not a country on the restricted list.

Jamaica and Trinidad and Tobago are not a party to the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and they are not on the restricted list. Jamaica and Trinidad and Tobago are identified as a connected party, as both are in the process of becoming a party to the Hague Convention, as they have signed, ratified and acceded to one or more of the conventions. The Department of Child and Family Services requested that the Minister exercise her legislative powers under section 46 of the Adoption of Children Act 2006, which gives effect to overseas adoption otherwise known as “intercountry adoption.”

Mr. Speaker, with Ministerial approval by way of an Order entitled Adoption of Children (Approved Jurisdictions) Order 2021, dated and operative on the 22nd of September 2021, when meeting the prerequisites, prospective applicants will now be able to proceed with their intercountry adoption applications in Jamaica and Trinidad and Tobago. Prospective applicants having met all of the conditions for a successful intercountry adoption from the said countries will allow adopted children to acquire Bermudian status effective from the date of the adoption, as set out in section 16(2)(a) of the Bermuda Immigration and Protection Act 1956.

Mr. Speaker, section 4 of the Adoption of Children Act 2006 designates the Director of Child and Family Services with the responsibility for the

administration of adoptions in Bermuda. This obligation includes potential adoptions of both domestic and overseas children by prospective adoptive parents who fulfil the legislative requirements set out in the aforementioned Act.

Mr. Speaker, the legislation and adoption procedures of the local authorities in Jamaica and Trinidad and Tobago have been reviewed, with the inclusion of a comparative analysis of child safeguards that are in place to uphold the well-being of the child as well as the rights of birth parents during the adoption process.

Mr. Speaker, I would like to share statistics of the Department of Child and Family Services [adoption services] for calendar year 2020, which provides the following overview: 37 cases that are inclusive of 21 consultations, of which 17 were local adoptions and 4 concerned overseas adoptions. For the purposes of the DCFS adoption services, such consultations provide an opportunity for persons seeking advice regarding the feasibility of local or overseas adoptions; there were 16 open cases/applicants ready to start the application process, 9 of which were local adoptions and 7 pertained to overseas adoptions.

Mr. Speaker, Bermuda has not acceded to the Hague Adoption Convention and is classified as “other.” As a result of this classification, Bermuda, along with the other said jurisdictions, must rely on their local legislation as opposed to international authority for the process of intercountry adoptions to take effect. This process is reflected in local legislation under section 46 of the Act, which authorises the Minister with responsibility for Child and Family Services to make an order that is subject to the negative resolution procedure designating any other jurisdiction. Subsequently, the order is gazetted approving the jurisdiction. If a designated jurisdiction becomes a “restricted county,” that jurisdiction ceases to be an approved jurisdiction and the process discussed will no longer apply.

Mr. Speaker, I would like to take this opportunity to remind persons who are interested in adopting children, either it be locally or from another jurisdiction, to be mindful this is a lifelong commitment to a child. Once an adoption is formalised, there is no turning back. You are now recognised in law as the legal parent(s) of the child until they are an adult. As the named legal parent, one has legal rights and responsibilities known as “parental responsibility.” Such responsibilities must be upheld—for example, [including] but not limited to the following:

- providing a home for the child;
- protecting, providing for needs and maintaining the child;
- choosing and providing for the child's education; and
- ensuring proper emotional and physical health needs and health care.

Mr. Speaker, I encourage potential applicants seeking to adopt to prepare to do their research, discuss their concerns with the Department of Child and Family Services and recognise beforehand the rewards and the various challenges and changes that a child brings to one's existing lifestyle.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

That brings us to an end of the Statements for this morning. We now move on to the next item on the Order Paper.

REPORTS OF COMMITTEES

The Speaker: We have a report this morning from the Public Accounts Committee. And the Opposition Leader will present that report.

Opposition Leader, would you like to make your report at this time?

PARLIAMENTARY STANDING COMMITTEE REPORT ON PUBLIC ACCOUNTS—BERMUDA TOURISM AUTHORITY 2021 RECOVERY PLANS

Hon. N. H. Cole Simons: Mr. Speaker, under the provisions of Standing Order 34(c)(iii) of the House of Assembly, I hereby submit for the information of the Honourable House of Assembly the [Report](#) of the Parliamentary Standing Committee on Public Accounts on Bermuda Tourism Authority 2021 Recovery Plans. The PAC [Public Accounts Committee] requested this report before the Ministry of Finance for consideration and response on the recommendations they advised the committee.

Thank you, Mr. Speaker.

The Speaker: Thank you, Members.

Members, it is not indicated on the Order Paper at the moment, but there was an additional item that we were hoping would have been here for this morning. It is being worked on. If it is resolved, I am going to seek your indulgence later in the day to have that report tabled as well. Thank you.

QUESTION PERIOD

The Speaker: There are Members who have indicated they have questions for Statements this morning. There are no written questions, so we will move right through to the questions from Statements.

The first question this morning is to Minister Furbert regarding your Statement on the Post Office, and that is from MP Jackson.

MP Jackson, would you like to present your question at this point?

QUESTION 1: BERMUDA POST OFFICE

Ms. Susan E. Jackson: Good morning, Mr. Speaker, and thank you. Thank you, Minister, for giving us an update on the Post Office.

My question to this Minister, though, is the costs associated. So I am wondering if you might be able to provide us with an estimated amount of money that will be budgeted or spent on this new initiative of courier services, et cetera?

Hon. Wayne L. Furbert: Well, I can tell you right now we are not expecting any additional increases in expenses. But what we are expecting is an increase in revenue of somewhere between \$800,000 to \$1 million a year.

The Speaker: Supplementary?

Ms. Susan E. Jackson: No supplementary on that. I do have a second question.

The Speaker: Put your second question.

QUESTION 2: BERMUDA POST OFFICE

Ms. Susan E. Jackson: Yes. Minister, I am just wondering if you might be able to share how the instructions will be shared with customers? I just can appreciate through the Statement that you provided that there will be a number of instructions that customers will have to follow in order to receive their goods. And I am wondering how you are going to share that with the public, given the fact that it can become complicated?

Hon. Wayne L. Furbert: I am not clear on what is your question. But I can tell you right now that we have a soft launch next week with some of the staff just to make sure that everything is ironed out. But then afterward, going forward, a media blitz as far as a promotion, a DCI over the YouTube, or whatever it is. But we will get the information out there to make sure how the actual work—as a matter of fact, maybe some Bermudians are actually on the [MyUS.com](#) system, and [MyBermudaPost.bm](#) does not work much differently. So I hope that clarifies and answers your question.

The Speaker: Are there any further supplementaries or a third question?

Your microphone is not on.

Ms. Susan E. Jackson: No further supplementary questions. We will just see how the communications roll out.

The Speaker: Okay. Thank you.

Minister, that is the end of the questions for your Statement.

Mr. Jarion Richardson: Sorry, Mr. Speaker. I have a question.

The Speaker: MP, I may have overlooked your submission there. Yes. Yes. Okay. I did overlook yours. Opposition Whip, put your question.

QUESTION 1: BERMUDA POST OFFICE

Mr. Jarion Richardson: Thank you, Mr. Speaker. Thank you, Honourable Minister.

Would the Honourable Minister please inform this Honourable House when he anticipates tabling the legislative amendments as mentioned on page 6?

Hon. Wayne L. Furbert: Well, we hope to release it as soon as possible. The team is working on that. As you notice, some of the information has to do with increases that do not take effect until the actual budget next year.

The Speaker: Supplementary or new question?

Mr. Jarion Richardson: Supplementary, Mr. Speaker.

The Speaker: Go ahead.

SUPPLEMENTARY

Mr. Jarion Richardson: Do you anticipate any problems with rollouts, given that it seems we need to have legislative amendments, but actually those might come after the rollouts? Do you anticipate any hurdles or problems with rolling out this new proposed system?

Hon. Wayne L. Furbert: There are always challenges that come about. We are doing all we can to mitigate those problems. And if the problem comes, we will take it on and make sure that things work properly.

The Speaker: Further supplementary or a new question?

Mr. Jarion Richardson: New question, Mr. Speaker.

The Speaker: Go right ahead.

QUESTION 2: BERMUDA POST OFFICE

Mr. Jarion Richardson: Would the Honourable Minister inform this Honourable House, you mentioned a \$10 processing fee. Will that fee be the only increase, especially given legislative amendments might be made to . . . which may reflect other fee increases?

Thank you, Mr. Speaker.

Hon. Wayne L. Furbert: There could be, but I can tell you right now for delivery of these services around the Island will be much cheaper than [those that] the current courier services are providing. We are hoping to increase the delivery [to be] as fast as or faster than the current systems. But I can tell you right now, the fee or the charge would be much cheaper than the courier service.

Members may not be aware that the total cost for over 30 years has cost the Post Office over \$124 million. It was running somewhere between \$6 million and \$5 million a year in losses. And in early years it was much higher than that. And so we have had to take some actions to change the concept. But, you know, many people may not be [aware], but you are aware that the Post Office has changed over the years. And now it is time for us to take some action with this.

The Speaker: Thank you. Further questions?

Mr. Jarion Richardson: Supplementary, please, Mr. Speaker.

The Speaker: Supplementary, yes.

SUPPLEMENTARY

Mr. Jarion Richardson: As it relates to this increase in revenue and increase in services, will there be any increase in full-time equivalents in the Post Office to provide these new services?

Hon. Wayne L. Furbert: We do not anticipate that. We will [utilise] as much efficiency as possible to make sure the services provided are as [they are] currently.

Mr. Jarion Richardson: Thank you, Mr. Speaker. Thank you, Minister.

The Speaker: Thank you.

Minister, that is the last question for you this morning.

We now move on to the Minister of Health.

Minister of Health, MP Dunkley has indicated that he has a question for you.

MP Dunkley, would you like to put your question?

QUESTION 1: UPDATE ON BORDER CONTROLS—QUARANTINE (COVID-19) (NO. 3) ORDER 2020

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

To the Honourable Minister: Thank you for the Statement. And the One Bermuda Alliance supports this change; in fact, we called for it from the beginning.

Question to the Honourable Minister: What made the decision to have the change where unvaccinated travellers could now quarantine at home rather than in a paid facility?

The Speaker: Minister.

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

Mr. Speaker, as the Government has indicated previously when we first rolled out the mandatory quarantine for unvaccinated travellers, we did so at a time where we thought we could best protect the borders. Recognising that we have almost 66 per cent of our population immunised at this point, we felt that it was an appropriate time for us to roll back these mandatory quaran—

[No audio]

The Speaker: Minister, your voice faded out. We did not hear you. Your audio faded out.

Hon. Kim N. Wilson: Okay.

The Speaker: Just repeat that last line.

Hon. Kim N. Wilson: Okay. We had always announced when we rolled out this particular initiative that it would not be forever and that we would judge the continuation and the discontinuation of the quarantine hotel facility based on such factors as the immunisation rate. Thank you, Mr. Speaker.

The Speaker: Supplementary?

Hon. Michael H. Dunkley: Second question, Mr. Speaker.

The Speaker: Second question. Go ahead.

QUESTION 2: UPDATE ON BORDER CONTROLS— QUARANTINE (COVID-19) (NO. 3) ORDER 2020

Hon. Michael H. Dunkley: Thank you.

Honourable Minister, can you please provide statistics on the number of people who have been in paid quarantine? There has not been an update on that for some weeks now.

Hon. Kim N. Wilson: Mr. Speaker, I would not have that information. However, I would invite the Honourable Member to speak to the honourable colleague of mine, Minister Ming, to provide that information as the quarantine facilities were being run by National Security. But I will undertake to speak to my honourable

colleague to get that information and provide it to the Honourable Member.

The question was the number of persons in hotel quarantine?

Hon. Michael H. Dunkley: In paid quarantine. Minister, what I will do is I will send you and Minister Ming a message directly with the question.

Hon. Kim N. Wilson: Okay. Thank you.

Hon. Michael H. Dunkley: Thank you. I appreciate that.

That is it, Mr. Speaker. Thank you.

The Speaker: Thank you.

Minister Wilson, that is the end of the questions for you this morning.

Mr. Scott Pearman: I have questions.

The Speaker: MP Pearman.

Mr. Scott Pearman: Yes. I am in the chat.

The Speaker: A late one in the chat there. Okay. I just see it now. All right.

Mr. Scott Pearman: *Better late than never*, as they say, Mr. Speaker.

The Speaker: Yes, you snuck in under the wire.

Mr. Scott Pearman: There we go.

Hon. Kim N. Wilson: They also say, *If you snooze, you lose*, MP Pearman.

[Laughter]

Mr. Scott Pearman: I am not snoozing, Minister. I am awake, wide awake.

The Speaker: Put your question.

QUESTION 1: UPDATE ON BORDER CONTROLS— QUARANTINE (COVID-19) (NO. 3) ORDER 2020

Mr. Scott Pearman: Thank you.

Will the Minister kindly . . . on page 3 of your Statement to the Honourable House today, you indicated that there is going to be a new process (this is at the top of the page), a new process for unvaccinated travellers applying for their travel authorisation under the new scheme. Could the Honourable and Learned Minister kindly share with this Honourable House a little bit more information about what that new process will entail?

Hon. Kim N. Wilson: Thank you, Mr. Speaker, and thank you, honourable and learned friend, for that question.

Effectively, the unvaccinated travellers arriving after [September] 26 will access the process, meaning the quarantine facilities. Those persons . . . you will recall that the quarantine hotel ends on the 30th of September. So therefore, persons arriving on the 26th under the current regulations will quarantine in a facility for four days. And then the final 10 days, you do so at your home if you are able to because you live alone. So in essence, those persons who are arriving on the 26th so that we can make a timeline of midnight the 29th of September, those persons will be able to quarantine at their own accommodations subject to if they live alone. If they do not live alone, then they will have to quarantine at a facility such as an Airbnb or another facility where they are alone.

So the new process is effectively the transition to the quarantine at home. But those individuals are still under the old regulations, which would have required mandatory quarantine in a facility.

Mr. Scott Pearman: Thank you, Mr. Speaker. Supplementary?

The Speaker: Yes. Put your supplementary.

SUPPLEMENTARIES

Mr. Scott Pearman: Thank you, Mr. Speaker.

Minister, will the exemptions that previously applied currently apply to unvaccinated travellers? There are certain excepted categories that you will be aware of. I think there are now three. There were previously seven. Will those continue to apply under this new regime?

Hon. Kim N. Wilson: Yes, they will. Those exemptions will continue to apply. Thank you.

Mr. Scott Pearman: Thank you.
Supplementary, Mr. Speaker?

The Speaker: Yes. Put your second supplementary.

Mr. Scott Pearman: Minister, will the position regarding minor children still remain the same for these travellers, notwithstanding the change in the process?

Hon. Kim N. Wilson: Sorry, I am not 100 per cent—

Mr. Scott Pearman: Page 2, parents travelling with children. Or will the rule relating to children remain the same?

Hon. Kim N. Wilson: All of the exemptions will still be applicable. The only substantial difference to what we are now from the 3rd of September moving forward is

that individuals will not be required to quarantine in a government-approved facility. They will be able to select their place, either at home if they can quarantine alone and/or their family members agree to quarantine; or alternatively they can stay in an Airbnb or another accommodation. But it will not be a government facility.

Mr. Scott Pearman: Thank you. That is my only question, Mr. Speaker. Thank you.

The Speaker: Thank you.

Minister Wilson, that now closes the questions for you.

The next Statement that has questions this morning is the Statement from Minister Tinee Furbert.

Minister Furbert, the Opposition Leader would like to put a question to you.

QUESTION 1: INTERCOUNTRY ADOPTIONS APPROVED JURISDICTIONS

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

My question is on the topic of adoption. Mr. Speaker, as we know, over the years Bermuda's demographic tapestry, or population tapestry, is ever evolving. And we have people in Bermuda from Africa, Sri Lanka, Eastern Europe, Asia and other countries, and countries who are not possibly subscribing to the Hague Convention like Angola, possibly, or Zimbabwe or Chad.

Now we have people living in Bermuda who may have a PRC and who were originally from those countries. And so my question to the Minister is, Does this apply to citizens of Bermuda or PRCs of Bermuda, or a combination of both?

The Speaker: Minister.

Hon. Tinee Furbert: Sure. Thank you, Mr. Speaker. Thank you, Opposition Leader.

As far as the Adoption Act is concerned, a country that is party to the Hague Convention and is not on the restricted list has the ability for persons to be adopted from. So a country—I am sorry. I cannot remember one of the countries that you named, Sri Lanka—

Hon. N. H. Cole Simons: Angola or Zimbabwe or Chad.

Hon. Tinee Furbert: So Sri Lanka, let us use Sri Lanka for example. If they are part of the Hague Convention and are not on the restricted list, then adoption can occur. However, if they are not part of the Hague Convention and are on the restricted list, then it is something that we would have to include as an approved jurisdiction.

Hon. N. H. Cole Simons: Okay.

Hon. Tinee Furbert: So at this present time, Opposition Leader, we have approved jurisdictions in which we have perspective adoptions. Four of those include Jamaica and Trinidad and Tobago.

Hon. N. H. Cole Simons: Okay. So I am just looking down the road at the big picture, knowing that the demographic diversity in our population—

The Speaker: Opposition Leader, is there a new question or a supplementary?

Hon. N. H. Cole Simons: I have a supplementary.

The Speaker: You can put your supplementary.

SUPPLEMENTARY

Hon. N. H. Cole Simons: My supplemental is, Does this apply to PRCs, viewing that we have extended the benefits for PRCs? Or does it apply to just Bermuda citizens? And if it just Bermudians and not PRCs, can you explain why?

Hon. Tinee Furbert: Sure. It is not just Bermudians. This can apply to relatives and non-relatives. They still have to go through the immigration procedure as well for applying for Bermudian status. So this is just one step that someone would have to cross within the courts to assist with adoption. But, no, it is not. They would still have to go through the immigration procedure.

Hon. N. H. Cole Simons: Okay. I accept that.
So if I am a PRC—

The Speaker: New question or supplementary?

Hon. N. H. Cole Simons: New question.

The Speaker: Okay.

QUESTION 2: INTERCOUNTRY ADOPTIONS APPROVED JURISDICTIONS

Hon. N. H. Cole Simons: If I am a PRC and I have three children, one is here now and two are in Angola (hypothetically). Because I am a PRC, am I restricted from adopting the other two from Angola? Or will I be able to do so with my new PRC status?

Hon. Tinee Furbert: Mr. Speaker, I cannot answer that question because every case is individual. And it really depends on—there are so many pieces to an adoption procedure that it is hard just to answer that question generically. And so I would say that if anyone is looking to adopt from [Angola], they reach out to the

Department of Child and Family Services so that they can provide them with more information in regard to a proposed adoption.

Hon. N. H. Cole Simons: Okay. Supplemental.

The Speaker: Supplementary. Put your supplementary.

SUPPLEMENTARY

Hon. N. H. Cole Simons: Let us put the countries aside. The simple question is, Can PRCs adopt children in Bermuda or from overseas? Can PRCs adopt children from overseas?

Hon. Tinee Furbert: I cannot answer that question right now, Mr. Speaker. It is the same question that has been asked, and I have already answered the question, Mr. Speaker.

The Speaker: Opposition Leader, you tried to get a response [in] many different ways. But the Minister has indicated that the answer is not readily available at this moment.

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

The Speaker: Okay, thank you. Any further questions?

Hon. N. H. Cole Simons: No. I have no further questions.

The Speaker: Okay. Thank you.

Members, that brings us to a close of the question-and-answer period for this morning.

We will move on to the next item on the Order Paper.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: Would any Member wish to speak to this?

Hon. Derrick V. Burgess, Sr.: Yes, Mr. Speaker.

The Speaker: Deputy Speaker.

Hon. Derrick V. Burgess, Sr.: Yes, Mr. Speaker.

Mr. Speaker, I would like for the House to send condolences to the family of Maxwell Loren “Chick” Furbert, who passed. He came from a strong Furbert family in Bailey’s Bay. He leaves to mourn his daughter, Betty-Anne, and probably most of you would know his older brother, Dean Furbert, a popular educator in Bermuda.

Also, Mr. Speaker, I would like to send condolences out to the family of Arthur “Cracker” Outerbridge and Mildred Outerbridge. These are sister and brother who passed this week. Many would know Cracker Outerbridge—that is what he was known as, Cracker Outerbridge. He was a member, a playing member of the Bailey’s Bay Cricket team, which consistently had been for decades one of the best six teams in Bermuda.

And his sister, Mildred Outerbridge, is the mother of Marshalle Outerbridge Augustus; Denton Outerbridge; Stephen Outerbridge, former—his last job in Government was Director of the PTD [Public Transportation Department]; and another brother, Ken Outerbridge, who also played cricket for the Bailey’s Bay.

These folks will be sorely missed by the family and the community alike. Thank you, Mr. Speaker.

The Speaker: Thank you, Deputy.

Would any other Member wish to participate at this point?

Hon. W. Lawrence Scott: Mr. Speaker.

The Speaker: Yes. Minister Scott, go ahead.

Hon. W. Lawrence Scott: Yes, Mr. Speaker.

I am actually rising on behalf of my colleague in constituency 26 to ask this Honourable House to send condolences to the families and friends of those recently passed constituents of his, Mr. Orlando Burch of Jones Village, who was tragically killed in a road traffic accident. Special condolences to his mother and brother, Marinda and Willard Burch.

Mr. Allen Trott of Spice Hill Road, a former corrections officer—special condolences to his sister Joy Trott.

And Ms. Christian Belboda, of Bulkhead Drive, a young lady who had a promising opportunity in the law profession. Special condolences to her parents, Chris and Simone Belboda.

May the deceased rest in peace, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Member wish to make a contribution at this time?

Mr. Vance Campbell: Yes, Mr. Speaker.

The Speaker: Honourable Member Campbell, you have your three minutes.

Mr. Vance Campbell: Thank you, Mr. Speaker.

Mr. Speaker, I would like the House to send condolences to the family and friends of the late Mr. Rudolf “Rudy” Duane Fubler. He leaves behind a wife and two children. Once again, Mr. Speaker, the communities of Devonshire and Smith’s are rocked by the

loss of a member of this community. He was a relatively young man, a family man, a good man and a genuine individual, and a constituent of mine. And I will miss the fact that whenever I went by his house, he and his wife were prepared to engage in healthy debate on the issues that affected and mattered to them and their families. So he will be missed, and I would like condolences to be sent out on behalf of the family.

Lastly, Mr. Speaker, I would like to extend condolences to MP Weeks and his family on the loss of his brother, Sensei Tyrone Christopher Weeks.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Campbell.

Does any other Member wish to make a contribution at this time?

Some Hon. Members: Mr. Speaker.

The Speaker: MP—I hear two voices.

Mr. Dennis Lister III: It’s MP Lister.

The Speaker: MP Lister, you have your three minutes.

Mr. Dennis Lister III: Thank you, Mr. Speaker. I will not take that long.

I would also like to associate myself with the condolences sent from Minister Scott on behalf of MP Tyrrell, to the family of Ms. Christian Belboda. I would just like add a few comments. She was a friend of mine I had known going back for over 10 years, also a colleague of mine. And I was very sad when I found out. And because she was a young person, Mr. Speaker, I believe she was only 29 years old. So I was very sad when I found out about her passing, Mr. Speaker. It really shook me. And also her mother, who is also a colleague of mine, I can only feel what the family is going through. So I would just like to associate my comments to the condolences sent to the family of Ms. Christian Belboda. Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

Would any other Member wish to make a contribution at this time?

Ms. Lovitta F. Foggo: Yes, Mr. Speaker.

The Speaker: That sounds like MP Foggo.

Ms. Lovitta F. Foggo: Yes, it is, Mr. Speaker.

The Speaker: MP Foggo, you have your three minutes.

Ms. Lovitta F. Foggo: Yes, Mr. Speaker.

Firstly, I would be associated with the condolences for MP Weeks, most heartfelt indeed.

I would like to express condolences to the community of St. David's for the loss of Mr. Julio who was very kind, calm-spirited gentleman who married a St. David's Islander and became a part of that community, lived there for many, many decades. He recently and suddenly, I think due to a major heart attack, lost his life. And he is going to be sorely missed by his family and his friends. Please, condolences to the family, to Mrs. Julio.

Secondly, St. George's has lost a very young member, Mr. Ross Dowling. Mr. Ross Dowling's roots come from my neighbourhood, Old Maid's Lane. His father grew up on Old Maid's Lane. Ross grew up in the community of St. George's, mostly out of the Wellington—

An Hon. Member: Please associate me with those condolences.

An Hon. Member: Associate me as well, please.

Ms. Lovitta F. Foggo: I would like to associate—yes.

The Speaker: All of these Members would actually be associated with you.

Ms. Lovitta F. Foggo: Yes, they are. And I had every intention of doing so, Mr. Speaker.

Ross, you know, what can I say? A very young man. He is the uncle to one of our Cup Match players, Macai Simmons. And he is seen as someone in his study who always supported all of his family members in all of their endeavours. And all I can say about Ross, another gentle giant, if you will, very calm-natured, very personable, rather quiet, too, someone who's passing is going to be a major loss to his family. He was the only son of his family. He has two sisters, and he leaves behind his mother as well, and many other family members. And it is a great loss for St. George's, especially when we see young people who are definitely gone too soon. So, Mr. Speaker, on that note, I say good morning to the House and thank you.

The Speaker: Thank you, Member.

Does any other Member wish to make a contribution at this time?

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

The Speaker: Go right ahead.

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

Mr. Speaker, I would ask this Honourable House to send condolences to the family of Mike Marshall, who passed away recently, to his son and the rest of the family. Most people would know Mr. Mar-

shall as an entrepreneur who stepped outside the box quite often and took on challenges. And he will be sadly missed by his son and his family.

Also, Mr. Speaker, condolences to Judy Simons and her family with the passing of Campbell Simons, former police officer who served with distinction for many, many years and also a great sportsman. I recall many times, Mr. Speaker, as a youngster growing up watching the likes of Mr. Simons playing out on the cricket field.

Mr. Hubert (Kim) E. Swan: Associate me, please Honourable Member. Thank you.

Hon. Michael H. Dunkley: I associate the Honourable Member Kim Swan, from constituency 2.

I remember watching Campbell Simons and the players of that generation who left a big footprint on the way I started to play cricket and continue to play cricket. And I thank the former Speaker of the House, the Honourable Randolph Horton, for what I thought was a very good tribute to him last week.

Finally, Mr. Speaker, heartfelt condolences to the family of Ann Santucci and especially her daughter, Donna. Ms. Santucci was 99. I had the pleasure to attend her birthday celebration a few weeks ago and listen to family and friends just talk about her life through hospitality for many years at the Waterlot Inn. Many people remember her from there. She lived a good and rewarding life, had many friends. And right up to the end, she still enjoyed the quality of life. And it is with great regret that I heard that she passed away a few days ago. So, condolences to her daughter and the family. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Hon. N. H. Cole Simons: Yes, Mr. Speaker.

The Speaker: Opposition Leader, you have your three minutes.

Hon. N. H. Cole Simons: Mr. Speaker, I would like to send condolences to the family of Marcia Woolridge-Allwood. She was the daughter of the late Jim Woolridge. She recently passed. As you all know, Ms. Woolridge always was one of the cornerstones of the BMA [Bermuda Monetary Authority]. She was responsible for supervising Bermuda's bank deposit companies, trusts, investment businesses, fund administrators, corporate services providers and the money services businesses. She also chaired the Authority's Internal Assessment and Licensing Committee, and she represented the BMA at many, many regulatory meetings.

She was the consummate professional, a warm person, a warm friend. It came as a shock to me

that she had passed, and it made me re-assess what is important in life. Marcia is survived by her daughter, Tiffany; her mother, Mrs. Jim Woolridge; and her sister, Annarita Marion. So I would like to pass on my condolences to the Woolridge family, and Tiffany in particular.

Hon. Michael H. Dunkley: Mr. Speaker, I would like to be associated, too, please.

Ms. Susan E. Jackson: Please associate me.

The Speaker: Yes. The other Members will be associated.

Ms. Susan E. Jackson: Thank you.

Hon. N. H. Cole Simons: I would like to also associate myself with the comments made in regard to Campbell Simons. As you know, he was a police superintendent. He was in the police force for 38 years. He was a keen sportsperson. He was catcher at Somerset Cricket Club. He was a gentle giant, a man with a kind spirit and a man with a cool, measured mind.

Hon. Derrick V. Burgess, Sr.: Associate me with your remarks, Cole.

Hon. N. H. Cole Simons: I would like to associate with the comments made in regard to Cracker Outerbridge. I knew him well. He used to do work around our family house. And I would like to associate myself with the comments made in regard to Tyrone Weeks, my friend Michael Weeks's brother.

And [condolences to the family of] Joan De-lores Pimentel. She was a constituent of mine. I worked with her for many, many years at the Bank of Bermuda. Again, a very kind person, a lively person. She enjoyed life, and I wish her husband, Fred, and her son support during these very, very difficult times.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Mrs. Ianthia Simmons-Wade: Yes, Mr. Speaker.

The Speaker: MP Simmons-Wade, you have your three minutes.

Mrs. Ianthia Simmons-Wade: Yes. Good morning, everyone.

I would like to express my condolences to the family of the late Duane Gibbons, a young man who lived in my constituency who tragically lost his life.

I would also like to associate myself with the remarks of Michael Weeks on Campbell Simons, and

also Marcia Woolridge-Allwood, who was a classmate of mine at Berkeley Institute. Thank you, Mr. Speaker.

The Speaker: Thank you.

Does any other Member wish to make a contribution?

Hon. Renee Ming: Yes, Mr. Speaker.

The Speaker: Minister Ming, you have your three minutes.

Hon. Renee Ming: Thank you. Good morning.

Mr. Speaker, first of all I would like to be associated with the comments for Christian Belboda and former superintendent Campbell Simons as well.

I would also like to send prayers and thoughts to the family of Dorothy Nisbett, long serving member with the Royal Bermuda Regiment. And also Hubert—well, most of us knew him as Allen—Trott, a member of the Department of Corrections. And also to the family of Frankie Pearman.

Mr. Speaker, I ask to be associated with the comments for Ross Dowling, but it would be amiss of me not to say that I grew up in Wellington before I moved into the downtown area. And we are part of that Wellington backroads group. “Rossy,” which is what we called him, his sister Rosette and his sister Ramona. I definitely want his family to know that they are in our thoughts and prayers at this time because he will truly be a miss to his St. George's community, St. George's Cricket Club and just all around, period. His family knows that we are thinking about them at this time and that we are praying and holding them up.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other member wish to make a contribution?

Hon. Tinee Furbert: Mr. Speaker.

The Speaker: Yes. Minister Furbert, go right ahead.

Hon. Tinee Furbert: Thank you, Mr. Speaker.

I would like to send condolences to the Outerbridge family. (Apologies if someone has already mentioned.) But Arthur [“Cracker”] Randolph Outerbridge, as well as Mildred Alberta Outerbridge, were actually brother and sister who—

[Inaudible interjection]

Hon. Tinee Furbert: They have lost their lives four days apart. I want to send my condolences, particularly to Claudine Crockwell, one of my constituents, who is the sister of both Arthur and Mildred, and to Stephen and Sonya Outerbridge, whose mother was Mildred. So I want to send condolences out to the entire

family, who have been affected by the passing of Mr. Arthur Outerbridge and Ms. Mildred Outerbridge. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution?

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

The Speaker: Yes. Honourable Member—

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

The Speaker: Honourable Member Swan. I did not catch your voice at first. You must be way down East End. Honourable Member Swan, you have your three minutes.

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

It is indeed a very sad time for many families grieving. I would like to send condolences to all grieving, bereaved families out there this morning. Mr. Speaker, you pick up the newspaper and you see many families are hurting from losses, especially those affected by the pandemic.

Mr. Speaker, on a personal note, Ross Dowling was someone who was a St. Georgian's St. Georgian. He was a St. Georgian boy through and through. St. George's Boys Forever. And to my colleagues who, we get together in our weekly chats to talk about everything pertaining to American football and everything else that might be on the order of the day emanating from that, I express condolences on their behalf.

The family of Campbell Simons, an iconic cricketer and footballer, and a policeman who served with my father, who grew up in the same community as my father, Mr. Speaker. I am sure you would know better than me how sad people are from that community by his passing.

Mr. Speaker, Arthur "Cracker" Outerbridge and Mildred Outerbridge, their family are like—Denton Outerbridge was like a brother to me growing up in golf. And Cracker Outerbridge, I knew him as a great golfer. The Honourable Member talked about his cricket, but I knew him as a really outstanding Bailey's Bay golfer, of which there were many who came out of that community, Mr. Speaker. And I just am saddened by that double-whammy passing that this family has to endure at this time. And my prayers are with them from my family to theirs, Mr. Speaker.

Thank you.

The Speaker: Thank you, Member.

Does any other Member wish to make a contribution?

Hon. Wayne L. Furbert: Yes, Mr. Speaker.

The Speaker: Minister Furbert, you have your three minutes.

Hon. Wayne L. Furbert: Thank you, Mr. Speaker.

I would like to be associated with the remarks in regard to Mr. Campbell Simons; my cousin, Maxwell Furbert; also my cousin, Mary Roseanna Furbert.

And of course my classmate, Marcia Woolridge-Allwood. She and I attended Francis Patton together. As a matter of fact, we used to compete against each other in math. It was myself, Marcia Woolridge-Allwood, and the current Permanent Secretary of Education, Valerie Robinson-James. She was a fine lady. I know she worked hard here at the BMA. I would like to send condolences to her family. She was also my neighbour and my constituent here in Hamilton Parish. And we will miss her for her service, too. Thank you.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

No other Member? Any other Member?

Now, before we move on—

Hon. E. David Burt: Mr. Speaker.

The Speaker: Yes.

Hon. E. David Burt: Good morning, Mr. Speaker. My sincere apologies, Mr. Speaker.

I would like to be associated with the condolences that have been extended to the family and friends of Sensai Weeks, certainly to our honourable colleague, MP Michael Weeks, and certainly to Ms. Belinda Cyrus, who as we all know is a long-serving manager for the Progressive Labour Party. And certainly thoughts and prayers for his wife, Wendy Weeks; his children, Shane and Christopher; and the extended family during this time of mourning. I just wanted to make sure, Mr. Speaker, that I could be associated with those remarks.

Mr. Speaker, I also want [to express] a congratulatory matter. I certainly want—

[Inaudible interjections]

Hon. E. David Burt: On a congratulatory matter, Mr. Speaker, I would certainly like to be associated with the congratulations to our Under-20 Women's National Football Team. Certainly their progress on the field is something to be applauded. They topped Group A with a perfect record. And to Coach Robinson and the entire team, I look forward to supporting them in the next round.

The Speaker: Thank you.

Are there any further Members wish to make a contribution at this time? No further Members.

Before we move on, I would just like to add my voice to some of the condolences for today. First let me start with those who have touched close to us here. And I say that [because] our own Sergeant Allen, here in the House, lost his father this week. And I would like to express condolences to his family for the loss of his father, Mr. Eugene Wilkerson. Many would know he used to operate the Rocket Cycles and was well known for the work he did on working on the bikes and keeping them well-tuned and in shape. So, condolences from us to the family, and particularly Sergeant Allen here in the Legislature.

I would like to also be associated with the comments that have been expressed to the family on behalf of the loss of Campbell Simons. Much has already been said, but as a Somerset boy, it is only fitting that I add my voice to that as well in that he was an outstanding player for the Somerset team, Cup Match Captain, and he held, I think, the record at one point for the longest opening bat stand—I cannot remember the number. But he and Kenny Cann were two who put on that partnership at that time. But I have always known Mr. Campbell. I have had policemen close to me and my family. So I must associate Mr. Campbell through their contact. He was just always a nice all-around guy, outstanding in his work and his profession, outstanding in his sport, and just a nice, nice fellow. So my condolences go out to the family, his wife Judy and sympathies over to them at this time.

Touching closer to home, I just want to acknowledge family members who have passed recently. You know, back in the day, everybody was aunts and uncles. I have lost two such persons in recent times. “Sis” Simmons, and I have to say *Aunt Sis* because that is what I have always known her as. She was a cousin and it was *Aunt Sis* to me. And so my condolences go out to Uncle Ephy (Ephraim), to Kent and Beth and their families. And they know that our thoughts and prayers are with them at this time.

And to Uncle Jack, Jack Fraser, Jack Harcourt Fraser, one of the last of the Dockyard apprentices. And we all know the contribution that the Dockyard apprentices made to this Island. Uncle Jack was one of those young men back many, many years ago who had the opportunity to go off and be an apprentice. He passed this week, and we would like to express our condolences to his wife, Oriel, to Angela and Andrew, on the passing of their husband and father.

With those few remarks we will move on. Thank you, Members.

MATTERS OF PRIVILEGE

The Speaker: There are none listed for this morning.

PERSONAL EXPLANATIONS

The Speaker: We have two Members who would like to use this opportunity to express remarks.

I am going to call on MP Tyrrell first.
MP Tyrrell, you have the floor.

Mr. Neville S. Tyrrell: Good morning, Mr. Speaker and colleagues.

The Speaker: Good morning.

Mr. Neville S. Tyrrell: Thank you.

Mr. Speaker, I rise under Standing Order 11(4) and with your permission offer a personal explanation. May I proceed?

The Speaker: Yes. Continue.

MOTION TO ADJOURN 23 JULY 2021—APOLOGY

Mr. Neville S. Tyrrell: Mr. Speaker, during our sitting of the 23rd of July, on motion to adjourn, I made various comments that were in response to comments made by the Opposition. Mr. Speaker, as I am unable to un-speak those comments, out of respect for your office and as instructed by you, I apologise to the Chair for any breach that *may* have occurred. And I ask that those comments made by me during motion to adjourn on the 23rd of July be retracted.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member. And your remarks are deeply appreciated.

And I trust that all Members appreciate the personal explanation was done sincerely.
MP Famous.

Mr. Christopher Famous: Good morning, Mr. Speaker. Can you hear me?

The Speaker: Yes, sir.

MOTION TO ADJOURN 23 JULY 2021—APOLOGY

Mr. Christopher Famous: Good morning, Mr. Speaker.

Mr. Speaker, out of an over-abundance of respect for you and your office, I rise under Standing Order 11(4) to offer a personal explanation on my remarks made on the motion to adjourn on the 23rd of July of this year. For the record, Mr. Speaker, again out of abundance of respect for you and your office, I retract my statements on that day.

My apologies to the Chair for any breaches that may have inadvertently occurred. Thank you, Mr. Speaker.

The Speaker: Again, thank you, MP [Famous], for your personal explanation.

Members, again I trust that you appreciate the sincerity with which the Members have offered their explanations.

And we look to move forward to the next item on the Order Paper.

NOTICE OF MOTIONS FOR THE ADJOURNMENT OF THE HOUSE ON MATTERS OF URGENT PUBLIC IMPORTANCE

The Speaker: There are none.

INTRODUCTION OF BILLS

GOVERNMENT BILLS

The Speaker: There are no Bills to be introduced.

So, being that there are no Bills to be introduced at this time, I am going to seek the indulgence of the House to allow us to go back to the Papers and Communications this morning. At the time the Minister of Finance was not available to introduce that particular item listed under his name.

He is now available, and we will call on the Minister to introduce that matter at this time.

Thank you for your indulgence, Members.

PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE

[Recommitted]

FINANCIAL INTELLIGENCE AGENCY AUDITED FINANCIAL STATEMENTS

Hon. Curtis L. Dickinson: Thank you, Mr. Speaker.

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Financial Intelligence Agency Audited Financial Statements for the Years Ended March 31, 2018; March 31, 2019; and March 31, 2020.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Members, that now brings us to the Orders of the Day. As I am checking the participants who are present on the chat here, Members who are present today, I note that MP Cannonier just entered the Chamber.

MP Cannonier, you have to be called on if you would like to remain in these Chambers today. You have the floor to do what is required of you to do, considering that at your last attendance in this Chamber, you were asked to remove yourself.

Mr. L. Craig Cannonier: Thank you, Mr. Speaker. I hope that you are able to hear me.

The Speaker: Yes.

PERSONAL EXPLANATIONS

[Recommitted]

MOTION TO ADJOURN 23 JULY 2021—APOLOGY

Mr. L. Craig Cannonier: I do appreciate the sentiments of the last two Members in their personal explanations, and I also would like to offer my apologies to the Deputy Speaker. It was unfortunate that it took place the way that it did, of his not understanding or knowing the details—

The Speaker: No, no, just apologise to the Chair. You do not have to make that type of remark towards the Deputy. Just apologise.

Mr. L. Craig Cannonier: Yes. Well, I hope that there will be opportunity for me, Mr. Speaker, to continue to flesh this out as I give my apologies; because it is still concerning to me that I was removed from the House. But I do apologise.

The Speaker: And this is not just for you, MP Cannonier; it is for all Members:

Whether you agree or disagree with a ruling of whoever is in the Chair, whether it is the Speaker, the Deputy or a Chairman at any time, that person controls the House. That person has the final say. That person is the one whom every Member needs to respect when they are sitting in the Chair, and abide by the request of whoever is sitting in the Chair at that time.

I thank you for your apology.

ORDERS OF THE DAY

The Speaker: We now move on to Orders of the Day. Members, the first order that is going to be dealt with today is the second reading of the Health Insurance Amendment Act 2021, in the name of the Minister of Health.

Minister, would you like to present your matter at this time?

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

Mr. Speaker, I move that the Bill entitled the Health Insurance Amendment Act 2021 be now read for the second time.

The Speaker: Are there any objections to that?

There are none.

Continue, Minister.

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

Mr. Speaker, as you are aware, I tabled the Health Insurance Amendment Act 2021, which introduces amendments to the standard premium rate and enhanced benefit under the Health Insurance Plan and FutureCare, and a maternal benefit for our—

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, may I just ask the Minister to pause? It is very difficult to hear.

The Speaker: Just pause one second. The MP has a question.

Deputy.

Hon. Derrick V. Burgess, Sr.: Minister, it is very difficult to hear you. I do not know if you can turn up [the volume]. I have my tablet turned up as high as I can go, but I am straining to hear you.

The Speaker: Minister, the Deputy is indicating that he has a problem hearing your audio. If you can get closer to your microphone or just turn up the audio a bit.

Hon. Kim N. Wilson: Testing. Is that better?

The Speaker: Deputy, is that better for you?

Hon. Kim N. Wilson: Is that better, Deputy?

Hon. Derrick V. Burgess, Sr.: It is a little better. I am still struggling, but—

[Inaudible interjections]

Hon. Kim N. Wilson: Okay. This is as high as it will go. Is this better, Deputy?

Hon. Derrick V. Burgess, Sr.: Okay, yes. That is a little better. Thank you. Thank you very much.

The Speaker: Just a reminder, when we get to Committee, the Deputy will need to be able to clearly understand what is going on.

Hon. Kim N. Wilson: Certainly.

The Speaker: Okay. Proceed. Proceed, Minister.

BILL

SECOND READING

HEALTH INSURANCE AMENDMENT ACT 2021

Hon. Kim N. Wilson: Mr. Speaker, as you are aware, I tabled the Health Insurance Amendment Act 2021, which introduces amendments to the Standard Premi-

um Rate and enhanced benefits under the Health Insurance Plan (or HIP), and FutureCare, and a maternal benefit for our vulnerable women.

The Health Insurance Act 1970 (hereinafter, Mr. Speaker, I will refer to that as “the Act”) contains the foundation of our current National Health Insurance System, and in conjunction with the associated regulations, the minimal mandated health insurance package is prescribed. The mandated package consists mainly of the Standard Health Benefit (and I will call that the SHB) and the Mutual Reinsurance Fund (and hereinafter, I will refer to that, Mr. Speaker, as the MRF). Both components form the fundamental base of an insurance package that all employers must provide and all insurers must include in any policy.

The premium for the mandated package is called the Standard Premium Rate. It is comprised of the Standard Health Benefit (or SHB) component and the Mutual Reinsurance Fund component. Mr. Speaker, the SHB component covers select diagnostic imaging at a hospital, such as a mammogram; select medical home care benefits, such as IV infusions; and select services that support home care.

Mr. Speaker, the MRF is a prescribed amount which each insurer pays into a pooled fund. It covers most local hospital-based care, such as inpatient and outpatient services; all insured persons’ kidney care, which includes transplant anti-rejection drugs, and transplant coordination and education; in addition, the MRF may provide funding for programmes that support health for those vulnerable individuals who are underinsured or uninsured.

Mr. Speaker, the SHB and MRF (collectively, the SPR) are generally reviewed and calculated on the following:

- prior claims experience;
- the insured population’s headcount;
- anticipated utilisation and fee increases; and
- any changes in benefits.

Mr. Speaker, it would be remiss of me not to further explain how critical the role of the SPR is to the sustainability of our health system. In July 2019, the Bermuda Hospitals Board’s fee-for-service model was abolished and remodelled to a fixed-budget model. The new model would provide for \$322 million to be transferred to the BHB by way of a government grant and subsidy, plus a transfer from the MRF portion of the SPR. Additionally, other elements critical to the health system, such as the Bermuda Health Council, full treatment for patients with kidney diseases, the personal home care programme, the chronic disease innovation fund and the enhanced care programme are funded by way of the MRF portion of the SPR. Furthermore, Mr. Speaker, funds are allocated within the SPR to subsidise HIP and FutureCare, and to support the Health Insurance Department’s administrative functions.

Mr. Speaker, all of the aforementioned components of the health system supported by the SPR

are of critical significance to the people of Bermuda. However, it is no secret that BHB, a main pillar of the community, has been impacted in a major way by the events in the last 21 months. The pandemic has brought substantial pressure to bear on BHB, creating unanticipated expenses such as for personal protective equipment and infection control costs, whilst realising a revenue reduction due to the reduction to the insured headcount and the recent decrease in visitors to the Island.

It must be noted, Mr. Speaker, BHB has endeavoured to take robust cost-saving measures to mitigate the downward pressures of the health system, inclusive of increasing utilisation in the current pandemic. They have delivered \$30 million in savings over the past two years, whilst maintaining access to health care, without compromising quality of care. Despite improved financial performance, BHB's cash position continued to be pressured and was reduced to \$45 million at the end of 2019/20.

Bermuda, Mr. Speaker, like the rest of the world, finds itself in an unprecedented position in the fight against COVID-19. BHB, as a health care provider of first and last resort, has played a key role in this battle and will continue with any subsequent outbreak. Unfortunately and despite the success it has delivered of savings in each of the last three fiscal years, BHB's financial position is not secure. Its cash at hand, often referred to as a "reserve," has proved to be vital in securing supplies for the entire country in this time of national emergency.

Mr. Speaker, the increase in the SPR does not fully provide BHB with sufficient funding to sustain their operation. A rigorous review of all options available to support BHB was undertaken to ensure the SPR, and ultimately the insurer, would not endure the entire funding requirement on its shoulders. A portion of the BHB funding needs will be subsidised by the collection of the travel authorisation fees. Government will allocate \$11.1 million of travel authorisation fees to BHB. This allocation removes approximately \$23 per month of the cost of the SPR. This equates to savings of \$276 per year for the insured.

Mr. Speaker, though the COVID-19 pandemic has revealed the many strengths of the health system, it has also derailed the SPR. Bermuda, like the rest of the world, saw and continues to see this 100-year pandemic cause unspeakable damage to the community in various forms. The increase of the unemployed and ultimately an increase in the uninsured has devastated many countries, Bermuda included.

Mr. Speaker, the SPR is an employment-based health insurance scheme. Therefore, the fewer there are who are employed, the less SPR collects and the less funding there is to support the health system, which includes the organisations, programmes and insurance funds that I mentioned previously. The SPR was calculated on a reported 49,027 insured adults over the past two years. The reduced head-

count of 46,300 is the estimate used for calculation purposes as of December 2020. But as recently as May 2021, it is reported to be 46,181.

Mr. Speaker, in addition to unemployment and emigration, there are companies and persons unable to afford higher-priced insurance products, and therefore both HIP and FutureCare have experienced increases in policy purchases, which creates an increase in utilisation. This transfer to alternative policies has no impact on the headcount, but is an indicator that the pandemic has forced entities and individuals to economise.

FutureCare continues to see the pressures of an ageing population, which will impact utilisation and cost. Mr. Speaker, the MRF component of the SPR and annual government capital injections provide a subsidised amount to HIP and FutureCare client premiums to continue to ensure that the premiums can remain well below the market rate. A full 28 per cent of the HIP premiums and 47 per cent of the FutureCare premiums are all subsidised. In real terms, the HIP premium is currently \$429.24. However, \$166.07 per client per month is subsidised, and the FutureCare premium is currently \$500.14, and [of that] \$435.17 per client per month is subsidised.

Without these subsidies, Mr. Speaker, the real cost of the premium for HIP would be \$595.31, and the real cost of the premium for FutureCare would be \$935.31. Additionally, the downscaling and migration of businesses and residents to HIP and FutureCare increases utilisation, administration, and ultimately costs to HIP, FutureCare and the SPR. It has been six years (namely 2015) since HIP and FutureCare have endured an increase to the premiums during a period other expenses have increased.

Mr. Speaker, whilst utilisation increases, the needs of the population also increase. Therefore the benefits needed are regularly reviewed and assessed. Mr. Speaker, evidence supports pharmaceutical interventions as an important part of prevention of disease progression, which is a direct link to cost savings. Both FutureCare and HIP clients will receive increased and new pharmaceutical benefits, respectively. The FutureCare annual amount of \$2,000 per person per year for prescription drug caps will increase, and HIP will receive a newly allocated prescription drug benefit per annum. The new and enhanced benefit to HIP is ideal for those entities struggling due to the pandemic and ultimately transferring their insurance policy to HIP. They now can be assured of having a prescription benefit for their employees.

I also wish to remind members of the public that part of the 2017 PLP election platform indicated that we as a Government would increase the prescription drug benefits for seniors on FutureCare. Both HIP and FutureCare prescription drug benefits are 100 per cent covered for the annual amount and unlike various other policies that cover a portion or percentage of the prescription. Just as importantly, Mr. Speaker, we all

know the uninsured and underinsured mothers-to-be are underserved during a critical part of life development. I cannot [overstate] the need for every child to be given the best possible start to achieve a fruitful life. And the inability of mothers-to-be to having access to basic maternity care and maternal health education severely reduces an unborn child's chances of ultimately becoming a productive citizen and enjoying some of life's rewards.

Approximately 100 out of 500 babies are born each year to women [who] have no insurance. Lack of health insurance is a barrier to accessing the necessary care especially when pregnant. For too many of these women, the first time they meet with an OB/GYN is in the hospital when they are ready to deliver. Low birthweight, mental health events and deaths are higher in mothers and children who do not get the standards of care for prenatal and postnatal care from these doctors and their teams.

Every dollar spent on perinatal care saves \$1.60 to \$5.19 in hospitalisation costs for mothers and babies. This is a return of at least 160 per cent for each dollar invested in our families. Research shows that a lack of prenatal care is associated with a 40 per cent increase in the risk of neonatal deaths overall and a doubling of the risk among women delivering at or after 36 weeks gestation. Additional studies estimate that the cost of lifetime custodial care of low birthweight babies is as much as \$1 million per child in 2021 dollars.

These neonatal risks have been rising in Bermuda recently. To ensure all children have an equal and healthy start to life, all uninsured and underinsured women must have access to health care and education at this critical point in their lives and the lives of their unborn and newborn children.

Mr. Speaker, I reiterate that Bermuda's current market realities are real and present. If we do nothing, we could see a collapsed health system in the near future. All of the aforementioned indicators which are impacted by the pandemic, such as the reduced insured headcount, the migration of struggling companies and individuals to the HIP and FutureCare programmes, the increase in utilisation, the benefit needs of HIP and FutureCare clients, and the underinsured and uninsured women requiring maternity benefits cause the Ministry to propose amendments to the premiums of SPR, HIP and FutureCare.

Mr. Speaker, the proposed benefits are in line with Public Health's core values such as enhanced equitable access to critical services and care. Mr. Speaker, as I stated during tabling, the amendments are as follows: There will be a \$45 increase in the standard premium rate, which represents a 13.6 per cent increase. This will account for a new reduced insured headcount to ensure the BHB revenue targets are met. It will support continued treatment for kidney disease patients and the trends of an increase in dialysis patients of 10 [per cent] to 15 per cent per year.

And, Mr. Speaker, it will provide some new maternity care benefits for uninsured and underinsured women, which will secure more equitable access regardless of income, insurance or social status.

There will be a \$30 increase in the HIP premium, representing a 6.9 per cent increase. This will be accompanied by the introduction of a new prescription drug benefit, covering 100 per cent of costs up to \$1,000 in a policy year. There will be a \$30 increase in the FutureCare premium, representing a 6 per cent increase. This will be accompanied by an increase in the existing prescription drug fund benefit of \$1,000, taking it from \$2,000 per year to \$3,000 per year.

Mr. Speaker, since January 2020 the health system has been tested by the pandemic, and its strengths and abilities have gleamed steadily throughout the last 21 months. However, as we are not an exception to the rest of the world, the changes have also exposed areas requiring improvement. There has never been a greater need for health care. But because of this, there has also never been a greater pressure on our health care system than now. The Government's commitment to accessible, affordable high-quality health care as a basic human right has not wavered. And the pandemic ensures the Government's continued emphasis on this exact philosophy.

Mr. Speaker, it must be acknowledged that we are in a period of transition brought on by an unanticipated and unexpected cost of the pandemic. Mr. Speaker, integrated health care and universal health coverage remain priorities for the Government, and the changes introduced today now support the direction of travel for strengthening our health system. This work is ongoing. And as mentioned in this Chamber before, we anticipate that before the end of the year we will be setting out the steps we have agreed with stakeholders from across the system to pick up the baton to re-ignite this journey afresh.

Again, Mr. Speaker, the pandemic has highlighted our strengths, but it has also exposed segments in the health system which we can use as opportunities to build on with our partners. Mr. Speaker, we must all commit to working collaboratively as one in a positive light to develop a health system that we can all be proud of so that no one person or entity is left behind.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

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

The Speaker: Yes. MP Dunkley, you have the floor.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker. I thank the Honourable Minister for her overview of this legislation that we debate today, the Health Insurance Amendment Act 2021.

We in the One Bermuda Alliance, we look forward for some progress from the Government in regard to changes in health care as the PLP has promised for a number of years now. And we look forward to hearing updates on that. We look forward to learning of the consultation that is taking place, and we look forward to understanding the progress that is going to take place.

But before we even get there, Mr. Speaker—and that progress has taken some time. There have been a lot of promise and little action. Seems to be sidelined for various reasons, and I can understand through COVID-19 there will be some challenges in dealing with issues that were previously on your plate because COVID-19 has taken a lot of attention of the Ministry of Health. And I want to thank the Ministry and the Minister and everyone involved in health care for their assiduous attention to the challenges we have faced over the past 18, 19 months.

But as we debate this legislation here today, Mr. Speaker, I have to say that the One Bermuda Alliance is very concerned about this amendment here today. And I will outline a number of reasons why.

First, Mr. Speaker, clearly what is happening here today is we are seeing an increase in taxation on the working men and women of this country with premiums going up by 13.6 per cent. That is significant. And that is an increase in taxation. In addition, we see an increase for those who can least afford it, those who are paying into HIP and FutureCare. There is an increase of about 6 per cent on their premiums. So everyone is going to feel the brunt of this increase, not only to keep our health care system afloat—to plug the holes in the dam, I guess, Mr. Speaker, would be another way to say it. But as soon as you plug one hole, it seems that other holes open up in the health care system and we have to plug those.

But not only to plug those holes, but—as the Government has seen in their deliberations—to increase some benefits along the way, which are laudable in themselves, Mr. Speaker. But in the time that we face in the middle of a pandemic when the economy is struggling, and when the economy was struggling before COVID-19, we are increasing taxation on people. And many people are struggling as it is, Mr. Speaker. And that is one thing that we need to consider when you look at this Bill.

Everyone needs health insurance. Everyone requires health insurance. We are thankful that we have the ability when we get ill, when we get sick, we turn our attention to the health care professionals in our community and have them help us deal with our challenges.

Now, Mr. Speaker, against the backdrop of that, as we consider increasing premiums on people, I

have a real issue, and my colleagues support me in this regard. It is that as a businessman when I put that hat on, anytime we look at costs and revenues, you want to take a look at the most accurate pictures you have. You want to take a look at the most recent understanding of your finances so you can make up-to-date decisions on what is going on.

But, Mr. Speaker, that is not the case here today. We are unable to do that here today with the Health Insurance Amendment Act 2021 because reports that we would naturally look at, such as Bermuda Health Council reports, are tardy. The latest ones are not available. So you cannot look at figures that are very recent whatsoever.

And just as important, but more important as the Minister mentioned in a brief overview of what is taking place at the hospital, the annual reports for the BHB are not available up to date, Mr. Speaker. This is simply unacceptable. I said it already and I will say it again. We understand the challenges that everyone is going through. But in any discussion in the world, in any boardroom in the world, Mr. Speaker, when you come in to discuss a financial situation, especially if you are going to increase fees or premiums, those sitting around the table are going to demand accurate information, not based on reports that are a couple of years old. They are going to demand accurate information.

And it is more critical in this case because we are talking about health care, insurance premiums that have risen at an alarming rate over the past couple of years, and we see that continue.

So here we are today. We are asked to sit down and deliberate, and we do not have accurate information. But we do hear dribs and drabs, Mr. Speaker, just like we learned during the Budget Debate. And we hear it again today that the cash reserves at the hospital at the end of the financial year 2019/20 (and that financial year is the end of March) were down to \$45 million. Well, the questioning at that time was, What was the current position of the cash at hand at the hospital? And now I would have to believe, Mr. Speaker, that since the financial year 2020/21 has ended, and it would not be probably . . . it is not prudent to ask for accounts for them because they probably have not been audited yet. But surely the cash position is available.

And I think it would be important for us to know today, as we are asked today to look at this Bill and to give our approval for it and to comment on it, what the current cash position at the end of the year 2021 was at the hospital? Because the Minister went on, in talking about the cash position at the hospital, to say that the hospital will not be fully supported with sufficient funding by these increasing premiums. [The Minister] went on to say that the travel authorisation fee, partial of that will go to the BHB. And I believe (if I heard the Minister correctly) it was an extra \$11 million, Mr. Speaker.

This is a startling announcement in my view because it is again an increase in taxation, albeit on travellers, Mr. Speaker. But now we are taking money from a travel authorisation [TA] that was set up, as the Government has said previously, to cover the cost of the significant testing we are doing on the Island. And now we are passing some of that [money from the] fee on to the Bermuda Hospitals Board, Mr. Speaker. So I am assuming now that the TA is never going to disappear, because if it was to disappear, we would have to find funding for the hospital. Because they are short now, so we are dipping into another kitty to take funding for the hospital.

This is the very serious situation we face, especially when we as Members of the Opposition, and maybe the Government backbenchers are comfortable with the position and not asking questions. And I look forward to hearing what they say later in this debate. But we in the Opposition are very uncomfortable approving this legislation here today without knowing the full facts.

Now, we also know that everyone has the right to good health insurance; we accept that. But when we come to this Honourable Chamber, the people's house, we would expect to get information that is more accurate than we are facing today. Because when you look at the numbers, they are scary. They are certainly very scary. And with the lack of progress that is taking place, and when the Minister talks about increased utilisation driving up costs, when benefits have been assessed and we are passing on premiums to cover future benefits, when we are covering the uninsured and when there are fewer payees in the system, that is why we are in this position.

But let us not forget also, Mr. Speaker, and I think COVID-19 has highlighted this in some extent as well, we are generally an unhealthy society. We have a high percentage of obesity in our community. We have an extremely high percentage of diabetes in our community. And we are living longer, so we have more seniors in our community who are looking for more economically feasible ways to cover their insurance as they retire and move on from premiums that are paid jointly from themselves and from employers.

So we face a dark tunnel, Mr. Speaker. Today when we are going to try to get through to see some light at the end of the tunnel, we are going to increase the premiums significantly on people without information to even understand exactly where we stand on that.

I thank the Minister for the [Ministerial] Statement that was given two weeks ago when this Health Insurance Amendment Act 2021 was tabled and which provided an overview. In that Statement the Minister did highlight the significant decrease in those paying into the insurance pot, from 49,000 people to about just over 46,000 people. The Minister did say it was because of unemployment and emigration. Those are two very real and concerning facts. The unem-

ployment portion of it, I am sure, has been ramped up over the past six months or so from those most recent figures because the economy is still struggling. And with the fourth spike [in COVID-19 cases] that we are in at the present time, Mr. Speaker, I am sure there are more people who are facing unemployment than at the same time last year.

The emigration question is one that we need to drill down on, Mr. Speaker. Quite simply, if people are leaving the Island, not only does it impact the health insurance premiums that are available to cover good insurance for all of us, but it impacts payments into the whole economic pie of Bermuda, Mr. Speaker. And that 49,000 to 46,000 is a significant drop over a short period of time. I think it would behoove us to take a look at how we reverse that trend, because if that trend is not reversed it will mean that costs will continue to climb at an alarming [rate], and we will not be able to pay for those increased costs.

Mr. Speaker, it has been noted in conversations about health care that people are going away from more comprehensive health insurance such as the employer schemes that you get through your business. And some employers might even be scaling back some of the comprehensive nature of the insurance policies to allow for decreased costs. And I think it is important to comment on that fact, Mr. Speaker, simply because while in the short term it might mean less is taken out of a paycheque or paid by the employer for health insurance, in the longer term it means that there are fewer benefits available. And it means that as we as a society live our lives and have health issues that arise, fewer of those are going to be covered by insurance and it will have to come out of our pocket or be paid for in another way. And that is concerning.

So we need to be in a position where we stop putting our finger in the dam of health insurance and have some comprehensive changes to allow us to improve that position, because it is not a pretty picture where we stand today.

Mr. Speaker, another concern that has not been factored in as we have talked about utilisation of resources, and the Minister did mention that in the Statement and that has been a common theme of discussion as we talk about health care, is the fact that we have seen insurance companies now starting to control providers, health care providers. And that is a real concern for the simple fact that it could lead to more utilisation of health care. It could lead to costs being controlled and raised in ways that are unacceptable, Mr. Speaker. And that is something that we in the One Bermuda Alliance have talked about for some time.

So, Mr. Speaker, I would like to hear what the Honourable Minister has to—

[No audio]

The Speaker: MP Dunkley, we have lost your audio.

Hon. Michael H. Dunkley: —when we had the opportunity to—

The Speaker: Okay.

Hon. Michael H. Dunkley: Mr. Speaker, when we had the opportunity to question the Honourable Minister for her Statement in the House two weeks ago one of the questions that was raised by myself and colleagues was for a better understanding of what the actuaries might have suggested as far as health care costs are concerned. Some years ago I did sit on the committee that did have some input into that. And I was always fascinated by the work of the actuaries, and I was always very interested in the feedback that they gave.

And quite clearly, I think as we deliberate today with a lack of financial information, it would be helpful to understand from the Minister herself what the actuaries actually believe the very scenarios are. Because obviously, I am well aware that the actuaries can give reports and they can give a number of different suggestions and there are a number of different paths that the Government can take. But the Government makes the decisions.

So in the overview that the Minister gave today in the Statement as we start the debate on this Bill, and in the Statement to the House of Assembly, there was very little feedback about what the actuaries actually reported. Now, those reports are specific looks at the numbers. And they would tell us in real time just how dangerous and glaring our position is. We know it is the Government's ability to decide on the scope of an increase.

But as we debate it, I want to take a look not only at where we are today, but I think it would behove all of us as legislators in the community to make sure that we are looking at what might be coming down the road. Because clearly we are in the midst of COVID-19 at the present time, and I do not think anybody would debate in the House today that we are close to seeing the end of it because now we have seen a fourth spike, which is even larger than the first, second and third, probably even put together.

While some COVID-19 costs have been included in these [proposed] changes to this Act today, I would surmise and suggest, Mr. Speaker, with all due respect, that the real cost of COVID-19 will be borne in the coming months and the coming years. Because what has happened today is we have a pandemic. We have a national emergency. We have had to find funding to deal with it. And we have done that. However, as we get further into it and we get our feet on the ground more, as we understand more about the pandemic and the impact on our health care, I think we are going to have to factor in even more of a load than we anticipate at the present time.

So I think COVID-19 costs are going to escalate as we continue to go forward, one because we are not near the end of the pandemic and we see what the fourth wave has done. We see this crunch on our facility that cannot be underestimated in any way. I pray every night for the health and the stability of our health care system and those professionals in it, because they are working seven days a week with no respite from the work that they face, Mr. Speaker. I know that this is going to continue. So I would like to have a better understanding of just how we expect COVID-19 to be built in in the future years.

COVID-19 has impacted all of us in ways that we would never have expected and for a period of time that would have never been expected as well.

So, Mr. Speaker, the Government has ample votes, even if half of them are not in the House of Assembly today, to pass this legislation. We in the Opposition fully support the need for good health insurance. We fully support the need for a good health care system. But the Government has dropped the ball in making sure we are on more stable ground. And COVID-19 has not helped them in any way focusing on that, but here we are today tabling the Health Insurance Amendment Act that typically would have come earlier in the calendar year, sometime around the budget [period] or early summer. Now we are in the fall when we are discussing it. And we are doing it with less information than we traditionally have. Mr. Speaker, I am very uncomfortable with that.

I know that there are always challenges in getting numbers into play. I also know that our health insurance system is creaking and we have to do something about it. But I would like to be more comfortable in looking at the numbers so I understand the reality there. So when we come back next year we do not see a 25 per cent increase, Mr. Speaker. Because kicking the can down the road is not going to work when our economy is in trouble, when our health care system creaks and when COVID-19 is going nowhere.

So, Mr. Speaker, I have been direct on it, not to raise alarms, but to raise reality. And there are many opportunities for us to take in health care, Mr. Speaker. But we have to devote the attention to it. We can better regulate the medical industry in Bermuda, Mr. Speaker, to decrease utilisation in areas that are not necessary. We can focus more on prevention than treating the causes when they happen, Mr. Speaker. There is very little focus on prevention.

You know, I reflect back to the sugar tax a couple of years ago where sugar products were taxed 75 per cent, and millions of dollars have been put into government coffers. But where has that money gone, Mr. Speaker? Has it gone back into in-your-face prevention focuses and methods to help our community become healthier, Mr. Speaker? I hardly think that is the case. So we have taxed the system through the sugar tax. We are taxing the system more with premiums going up. But, Mr. Speaker, we are not taking

advantage of the opportunities to deal with a community that generally is less healthy than we should be.

And I say that with all due respect because it is a fact, but also we live out here on an island where we have a great climate where there is little excuse not to get out and about and keep yourself healthy, Mr. Speaker. So while we increase costs I would like to see from the Government a real commitment to address some of the challenges we have in health care to keep our premiums down, because our people cannot afford to continue to pay increased taxes, and that is what it is, especially with the economy in this weak position. And that economy is going to stay weak for some time.

Government needs to take advantage of some of the opportunities we face to have meaningful input into this and how we can rectify what is taking place here today, Mr. Speaker. So with this overview, and I look forward to more detail in Committee, and certainly I look forward to hearing what colleagues have to say about this. I cannot state it more pointedly, Mr. Speaker, that yes, we have a creaking system. It has to be supported. But I have great reservations about supporting increases in premiums without having all of the information. It is not the way I run my household. It is not the way I run my business. And I certainly look forward to some explanation and understanding from the Minister on how we are going to get those reports up to date so they can be more effective for us.

And I look for some communications from the Minister on what the actual cash balance is at the hospital now. Has it been whittled away? Or do we still have a few million dollars left to play with as a cash reserve? And to the Honourable Minister, How long do we anticipate the travel authorisation being funnelled back, or some portion of it, back in to support the hospital? For some reason, Mr. Speaker, I believe that the House is not being given all of the information that is required, and it is simply not acceptable. And if the shoe was on the other foot with the PLP, I think they would be making strong noise and strong comment just like I am here today.

So, Mr. Speaker, with that, I turn my comments back over to you. Thank you, sir.

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution at this time?

Hon. Derrick V. Burgess, Sr.: Yes, Mr. Speaker.

The Speaker: I notice the Deputy Speaker.

Deputy Speaker, you have the floor.

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

Mr. Speaker, anytime a government increases taxes there will be some pushback. I understand that,

and that is entirely people's right to do that. So I do not have a problem with that. But what does a government do in these times of a pandemic? Our revenues are down considerably. And the Government is trying to fix, give more benefits to our people and help the hospital to maintain a standard that we are used to, Mr. Speaker.

Mr. Speaker, the previous speaker talked about a tax increase. That is a fact. That is a fact. But one thing they are not telling the public is that the Government, this Government has given tax exemptions to many businesses in this country. Some may not need it because they are doing very well. But they are getting tax exemptions. I do not know of any worker who has had any tax exemptions since the pandemic. But, Mr. Speaker, let me say that I want to thank the Government for the increased benefits that they have put forward. They not only took up the premiums, but some benefits have increased. For example, \$1,000 to prescription drugs, maternity care for the uninsured. We are taking care of them because we have to take care of those children who come in this country.

But, Mr. Speaker, all of this comes with some side effects. No matter what policy you put in place, what system you have, you are never going to get all in any insurance policy that you want for a very little price. There are many premiums, policies that are available to the general public, but they cost quite a bit. I know one senior told me not so long ago that they pay \$1,500 a month. Obviously, that must be a Rolls-Royce plan they have, you know.

Mr. Speaker, even though we have increased our assistance on prescription drugs, for many people it still does not cover their prescriptions because not so long ago there was a gentleman, a person in line at the drug store waiting to be served. And when they went forward to get their prescription, the person said, *Nine hundred dollars*. And the reply from this person was, *Well, I guess I'm going to have to leave them there*.

There are many of our seniors who are struggling today who cannot pay the increase, whether they increase it \$30 or whether it is \$10. They cannot afford it. We have some people going without prescriptions. And then you have some getting their prescriptions and making it last longer. So what they do for example is if the requirement was to take two pills a day, they will take one pill a day so it will last longer. But is it doing the effect that it is intended to do? I do not know; I am not a doctor.

And then you get some who take their medicine every other day because they are trying to make their money stretch because they are not getting that much. Many of us seniors do not get a whole lot in the system as far as a pension cheque. Because, you know, our pensions are very, very young when you consider the demographics, depending on the de-

mographics in this country, Mr. Speaker. So they continue to suffer.

Some it affects what they eat and how they eat—well, not how they eat, but what they eat as far as what they can purchase. They do not have the sufficient funds to get that, Mr. Speaker. One thing this Government has not done, the previous Government did, they cut the pensions of our seniors and some of their benefits. You know, we had statements like *Money doesn't grow on trees*. But this Government has sustained and increased our pensions for everyone, particularly to our seniors, ever since they have taken Government. And I applaud the Government for that.

Now, Mr. Speaker, some folks really do not understand some of the benefits that we get from the policies that we have in place. For example, FutureCare—FutureCare, you pay about \$6,000 a year. But you can get, if needed, over \$50,000 a year back in benefits. They pay for 40 hours per week at \$15. They subsidise if you need assistance at home. They also pay for a nurse for 14 hours a week. I think that is at \$25 an hour or \$35 an hour. That is the type of assistance that FutureCare [provides] that was introduced in this country by the Progressive Labour Party Government. It even takes care of overseas care for our folks.

Mr. Speaker, I do have a concern about FutureCare because we have a physician who comes in especially from overseas. And I think they have got at least about 300 patients in this country, and most of them are seniors. Sometimes they require to have surgery overseas. But the hospital that this doctor operates out of is not covered in the system. The previous speaker spoke about that, about not being covered in the system. That is not fair because if that doctor is permitted and they are permitted to practice in Bermuda, and he recommends that so-and-so needs surgery and they do it at the hospital that he operates out of, we should at least cover that.

So I am asking the Government again. This is not the first time I have said this. I am asking the Government again to look at that particular situation, because our seniors are vulnerable because they need the surgery. It is not like they can go to another hospital and get it. If they did, they have got to start all over again; it makes no sense. Particularly when we allow this doctor to practice in Bermuda, they should be able, if then necessary, to operate on their patients overseas. And I tell you, most of these folks are Bermudians, Mr. Speaker. So we would hope that they can look at that, Mr. Speaker.

Now, Mr. Speaker, my concern again is we have the unemployed and seniors. Let me say this before I go there. Mr. Speaker, we have been advised to charge our participants, whether it is GEHI [Government Employee Health Insurance], FutureCare, HIP or whatever, to charge more by the actuaries. The Government could not pass all of that on. This Gov-

ernment could not pass all of that on to the participants in these plans because they definitely will not be able to afford them. And this is even for GEHI. The Government subsidises particularly all of these HIP, GEHI, FutureCare—they subsidise all of them, most of it. And many of these people who are on FutureCare and HIP, a lot of it is paid for by Government via Financial Assistance and stuff like that.

So I would always maintain that I believe and I sincerely believe that insurance for seniors should be free. They have struggled in this country before our time to help put this country in the position that we are in. And I think even if we started from the HIP, if HIP was free to seniors and they can buy a supplementary until we get in a position to do better for them, I think all insurance for seniors needs to be free. Because you find many people continue to work today because [of] the health care costs. They try to maintain and be able to pay for health care.

Some, many people today have gone, even some employers have gone to the standard requirement for health care insurance for their employees. But as you know, the benefits are not as good as if you had a major medical, Mr. Speaker. So I would continue to say and continue to advocate and push for free health insurance for our seniors. I think that can be a part of reparations. And when we talk about reparations, most people think it is only for Black folks.

But we have some white folks who did not do so good, and they were treated badly also. So I am talking about them also. That as a part of reparations, most of our seniors, white and Black, cannot comfortably afford the premiums that they have to pay in order to help themselves.

Thank God we do have some assistance from some of the charitable organisations in this country to help our seniors out. But seniors do not want to be asking and going to charities to help them to pay for health care. I think that is not something that anybody wants to do. So again if we had free, proper health care for our seniors, I think that needs to be our objective, not free HIP, but the objective, and I would say the objective within three years, is to have free health care for our seniors. I think that is what we have to do. That is what we owe them. And I believe that we owe them that, to give them free health care.

So at least when they do go home to retire, they do not have to worry about paying for if they get sick or not. And hopefully that they do not get sick and they do not need it, that they can have their comfort to know that if the need be, that it is all covered.

So, Mr. Speaker, with those few remarks, thank you for allowing me this opportunity.

The Speaker: Thank you, Deputy.

Does any other Member wish to make a contribution at this time?

Hon. N. H. Cole Simons: Yes, Mr. Speaker.

The Speaker: Opposition Leader, you have the floor.

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

I appreciate the challenges that face this country when it comes to health care. It is not easy. I would not want to be sitting in the Minister's seat. But we need to take a holistic approach when it comes to the delivery of health care in Bermuda.

Mr. Speaker, I did some research a while ago on the cost of health care in Bermuda. And some of the information provided to me from our health regulatory agencies and other bodies indicated to me that Bermuda's health care costs have increased by 193 per cent over the past 15 years. As was said earlier by my colleague, Mr. Dunkley, this number is astounding. We as a country have not done a great job in managing the cost and delivery of health care in Bermuda.

I have listened attentively to the Minister and the previous speaker. And I was hoping that someone would speak to, Where do we stand on the National Health Plan and how the Health Insurance Amendment ties into the National Health Plan? Because at the end of the day, we want to provide affordable health care to the people of this country. And we cannot do so unless we have a disciplined approach to the overall management of health care in Bermuda.

So I would like to invite the Minister and her team, because I know she cannot do it by herself, to provide this country with an update of the National Health Plan and an addendum that will say how COVID-19 has influenced the National Health Plan and how we plan to manage our way through this so we can provide comfort to the people of this country when it comes to the delivery and cost of health care. I know it is not an easy task. But we cannot continue on this glide path of having the cost of health care in this country rise by 193 per cent for the past 15 years, Mr. Speaker.

Mr. Speaker, I believe that the Shadow Minister was correct. If we are going to talk about increasing the cost of health care, where are the metrics that support that increase? The closest thing that I have heard that possibly may increase it, I heard the CEO of the hospital talk about the cost that he is incurring to run the hospital in this COVID-19 environment. The fact that he needs far more nurses, the fact that he needs more PPE and other equipment, the fact that he needs to re-kit some of his space at the hospital, the fact that he needs more oxygen, the fact that he needs other equipment to support the challenges that they have at the hospital on the ward and in the ICU because of COVID-19.

Mr. Speaker, this is why I take the view that at this point we should have a live health plan that speaks to health care in this country and ties the insurance to the cost of health care as an integral tool within the health care spectrum.

Mr. Speaker, as was said earlier, we as a country have 10 per cent of a population who have no insurance. What will happen to them? They can appear at the hospital, or what most of them do is do not go to hospital at all. And that causes a problem for our health care system as well, especially during these times where we have a pathogen going around that is very, very contagious. So we somehow need to support and identify and work with those uninsured people who have no health insurance company to bring them on board so that they can be safe to themselves and to other people in the community.

The other issue that I would like to raise tangentially is, we speak about the standard premium rate and how it covers professional caregivers. During my research, Mr. Speaker, I understand that for professional caregivers who do home visits or take care of seniors or people who are health challenged on a regular basis, there is no real register for caregivers to ensure that they are qualified, to ensure that they know what they are doing and are able to provide the health care and professionalism that is required to help and support our ageing seniors and our vulnerable people who need health care support in their homes. So again, these are issues that need to be addressed.

Back to the financial statements. The Shadow Minister of Health was correct. How can we bring this legislation to the House, asking for additional funding to support health care, when we do not have a summary of how the funds already provided in the health care sector by the people in this country—how the funds are used, reviewed and examined? The analytics should be here. How much has it cost to date? How much has COVID-19 cost our health care system? Where did the increase in costs come from? And where is the increase heading?

Now, I take the view, Mr. Speaker, that we will probably find ourselves here next year, asking for another increase in the health insurance costs. Because, Mr. Speaker, we know, the Minister knows, her team knows that we at this point do not have COVID-19 under control, and the cost is rising exponentially and we are unable to quantify it at this point in time. And so the numbers that the Minister used for these increases will be outdated in six months' time, and the resources provided as a result of this increase will also be exhausted because of where we are unless we see some dramatic improvements in the reduction rate and the positivity rates of COVID-19 in this country.

So again, Mr. Speaker, I will say that we will be here next year, asking for another increase in FutureCare, HIP, the MRF and other insurance services provided by this country. And we do not have a master plan that will provide guidance and hold people accountable and have a roadmap for a health care system which is affordable, covers the people of Ber-

muda and does not compromise the services that we offer.

The last thing that I would speak to is, I was speaking to a gentleman. And he said, *You know, we have people in the hospital suffering from COVID-19. And they are facing the battle of their lives in some cases.*

And the person said to me, *Mr. Simons, are you aware that some of the doctors in this country do not provide the therapeutic support for patients when it comes to COVID-19?*

What do I mean by that, Mr. Speaker? This is what I mean: If I take a test and the test is positive, it says I have contracted COVID-19. I go to my doctor with my FutureCare or HIP and say, *Doctor, I have COVID-19. What type of therapeutic support can you give me?*

I have been told some doctors might say, *Can't do much. Go ahead for two weeks. Get your rest. Take your Vitamin C or take your other homeopathic vitamins. And you'll just have to ride it out.*

To me, is that good enough? Other doctors are prescribing ivermectin and other types of medicinal solutions and other homeopathic solutions. There is no consistency in regard to the type of service provided to our patients once they are identified as having COVID-19. So, I would invite the health care fraternity to do their best to provide the health care support and therapeutic support of those people who have COVID-19 who have shown symptoms so that they will not have the progression that leads to a fight for your life.

I am not a doctor. But I am certain that the doctors may be able to provide preventative support or support that will inhibit the deterioration of some of these patients before they get to the hospital. Because I am hearing that a lot of these patients are getting sick and going home, and the disease is progressing. And there was no medical intervention up until then, and as a consequence, they find themselves in the hospital. So I would like for the Minister to examine this for the people in this country because that may be able to help lessen the stress that we find in our health care system in this country.

Mr. Speaker, as I said, this is a challenge. We all are in uncharted waters. But there are basic fundamentals that need to be adhered to when it comes to the National Health Plan and a national health crisis. Every country that has a national health plan or a national health crisis, they will have a plan that will support the crisis and a metric system that will provide some type of accountability or assessment of the effectiveness of the health plan.

So, Mr. Speaker, with those remarks and the fact that our health care cost has gone up 193 per cent in 15 years, I really invite the Government to do their best to address these costs and do a better job in planning for these increases, because we cannot continue on the glide path that we have been on for the

past 15 years, most of the time under the PLP Government. Thank you, Mr. Speaker.

The Speaker: Thank you, MP, Opposition Leader.

Members, at this time it is now 12:29. Before I call on anybody else to continue the debate, I suggest that we allow us to take the lunch break at 12:30 and return at two o'clock.

Any objections?

No.

Mr. Premier, or . . .

Hon. Kim N. Wilson: Mr. Speaker.

The Speaker: Yes.

Hon. Kim N. Wilson: I move that the House do now adjourn and return at two o'clock.

The Speaker: Thank you, Minister.

Members, the House now stands adjourned until 2:00 pm.

Proceedings suspended at 12:30 pm

Proceedings resumed at 2:00 pm

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

The Speaker: Good afternoon, Members. It is now 2:00 pm. The House will resume after its lunch break.

We are now back in session. Members, when the House [suspended], the Opposition Leader had just made his remarks in reference to the debate. And, for the listening audience, we are debating the Health Insurance Amendment Act 2021.

BILL

SECOND READING

HEALTH INSURANCE AMENDMENT ACT 2021

[Continuation of debate thereon]

The Speaker: Would any other Member like to make a contribution at this time?

Any other Member?

Ms. Susan E. Jackson: Mr. Speaker, I would like to say a few words.

The Speaker: Yes, MP Jackson, you have the floor.

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

I am just curious, you know, we are looking at these increases which, in a nutshell, are taxes and clearly it looks as though it is—

The Speaker: Let me remind you to turn your camera back on.

Ms. Susan E. Jackson: Clearly, it looks as though it is a COVID-19 tax. So, I am speaking on behalf of seniors who, I am sure, are beginning to feel the brunt of many of the costs that the country is experiencing and, you know, why [do] they, as vulnerable and hardworking [people], need to be the targets of these kinds of increases for services that they all so desperately need.

So, I wonder why. You know, there was no real warning. The timing is off for many of the seniors who are budgeting and have fixed incomes, and it is very important that we know what our expenses are going to be. So, although it may seem as though it is a small or insignificant amount for those who are working full time, certainly this monthly increase is going to have an impact on our seniors.

Basically, it seems as though the money is needed to cover our COVID-19 expenses. And seniors are oftentimes supporting family members, they are supporting their grandchildren, they are carrying the costs of the increased price of food, they have been isolated for the last year and a half, many of them. I believe well over 80 per cent have bitten the bullet and gone and gotten the vaccination. Seniors are doing everything they possibly can to assist the community.

And now we are being asked to do more. And I wonder at what point the Government is going to give some form of real relief for our seniors or detract the attention away from seniors and find another way to earn this revenue.

The seniors are going to have to fork up the monthly increase immediately, as soon as the Act receives assent. However, people who are employed, especially in the private sector, have policies already committed for the year and many private employers are not going to be charging extra money or reconfiguring their payroll systems to accommodate these increases. So, however the private industry is going to manoeuvre to make this payment, it is most likely not going to fall on the individual employee at this time. So, individual employees working in the private sector are going to have from now until probably a year from now, nine months from now, to prepare for this monthly increase and adjust their premiums, adjust their policies accordingly. They can get around it.

Yet the senior who is on HIP or who is on FutureCare has to deal with this immediately and does not have any support system by way of an employer to help cover or support the costs during a time when we can sort of adjust our budgets to accommodate the increase.

One of the previous speakers, the Deputy Speaker, was sort of putting a pat on the back because there have been exemptions given to businesses during COVID-19. But that does not neces-

sarily bode well for our seniors because they have not been given any exemptions during COVID-19 and are still dealing with many of the costs associated.

And when we look at the idea that there is going to be this \$1,000 coverage for prescriptions, that is something that the Government has been touting for some time now. So it just . . . you know, it makes it very difficult for someone who is on FutureCare or HIP to feel as though there is a real give and take in this situation.

It feels as though that increase in the prescription benefit was sort of this ace in the hole. The Government could then say, *Hey, look, we've got to increase the fees, the premiums for our seniors, let's just roll this benefit in there.* And in actual fact, the increased amount of money that seniors are going to pay each month for their premium has absolutely nothing to do with the prescription benefit.

So, the prescription benefit should not be put in there as if it is going to be some kind of reward when it was always on the table that, at some point, we would receive the benefit without having to pay extra money to get it. So it seems to me, Mr. Speaker, that this is a little bit deceiving, unless the Government can statistically show that this increase in the premium on a monthly basis has some direct correlation to the increased prescription benefit.

The truth of the matter is, Mr. Speaker, that the private employers are going to cover the payment for employees who are full time, and the seniors are going to have to pay this COVID-19 tax out of their own pockets beginning now, and it bears wondering how businesses are going to get the easy button because . . . I do not know, is it that the businesses are not going to be asked to pay a COVID-19 tax because they give a lot of pushback? And seniors, you can charge them extra money because you are not going to hear a loud outcry from it?

Mr. Speaker, I just feel as though there needs to be some defence and some accommodation for the fact that our seniors are the ones that are dealing with this. I do not know why Government has not even come out and just been honest and transparent and just said, *Look. Everybody needs to pay, you know, \$75 to cover our COVID-19 costs because we have not brought in the revenue as a country to cover the increasing costs.* And so, I am just curious, you know, whether there cannot be some form of openness around this versus putting it through the health premiums in such a way that it looks like we are getting something and, in actual fact, we are just paying an additional tax to cover the costs for COVID-19.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Any other Member?

Hon. Tinee Furbert: Mr. Speaker.

The Speaker: Yes, Minister Furbert, you have the floor.

Hon. Tinee Furbert: Thank you, Mr. Speaker.

I would like to speak today in regard to this amendment to the Health Insurance Premium. This is not an easy decision for us. This is not an easy decision for us as a Government to have to increase the SPR, to have to increase HIP insurance, and to have to increase FutureCare.

You know, I have heard today about not having numbers to qualify this. Actually, MP Chris Famous did an interview with Dr. Richmond of BHB. It was actually a very good interview which was done on September 9. And he had the opportunity to speak to the hospital's expenses and costs. If you have the opportunity to go back and listen to that, he actually explained what the hospital was going through as far as finances were concerned. So, it was something that was in the public sphere; it was not as though information was being hidden, because he did have the opportunity to speak to that.

But, you know, we looked at many scenarios, Mr. Speaker, and this was the best outcome knowing the situation that we were in with the decreased headcount. Minister Kim [Wilson] mentioned prior us having about 49,000 and now dropping to about 46,000.

We did not ask for a pandemic, Mr. Speaker. We did not ask for a decrease in headcount. Actually, as a Government, we have been very progressive with trying to put in measures through immigration to assist with making sure that we increase our headcount, or maintain our headcount, so that people can continue to pay into an insurance programme and that they can also continue to utilise our goods and services. And so, we have been very proactive in trying to alleviate some of the financial burden that COVID-19 has cost us.

I am just . . . I want to take this opportunity, you know, we have looked at . . . we have looked at everything. This is not an easy decision. This is something we did not want to have to pass onto persons, through their SPR or through HIP or through FutureCare, but it is necessary.

Minister Wilson mentioned that we have not had an increase for six years—for six years. And utilisation of health care services continues to rise, and so the Government has to continue to subsidise.

She mentioned that we are subsidising HIP 28 per cent—by 28 per cent. And we are subsidising FutureCare by 47 per cent, almost 50 per cent—that is huge that Government is subsidising. And so we cannot say that we are not doing for our people because we are—we are. We are doing for our people through this subsidisation.

This increase, particularly as it relates to FutureCare . . . I have heard comments talking about the

impact on the seniors. And yes, it will be an impact on seniors, a \$30 increase. It could be very hurtful for some families who cannot afford health insurance, and we recognise that. But we have done our best—our best—to keep that premium at the lowest level that we possibly could because it could have been higher. It could have been higher, Mr. Speaker, and it is not. So, we have to just speak about that, that we have done everything that we could to keep the increase from being at a higher rate.

I want to speak to [INAUDIBLE] and health care utilisation because the more we ask for benefits . . . because people do say they want more of this, they want more of that to be added to their insurance [benefits]. And the more we want, the more health care costs will be and that includes insurance premiums. Bermuda has a high rate of high blood pressure, a high rate of diabetes, and a high rate of obesity. And so, if we want to do anything, we, as a community, need to be able to get that under control ourselves. Particularly in the senior population, we do have a high rate of high blood pressure. And so it does not start when we are a senior; it starts when we are young persons. [As] children, actually, because the more that we expose our bodies to . . . we age. And that is just compounded with the years in which we age. So, we have to get that health under control.

We have to get our health under control at a young age, because we keep . . . you know, we would say, *Oh, you know, seniors. We all will turn to be a senior one day.* So it is important that we recognise the things that we do to our bodies will have an impact and will increase our health utilisation the older we get, if God graces our life to live to see an older age. And so, that has to be taken into consideration to us as a community.

One thing that I feel as though we need to address, Mr. Speaker, is coverage for holistic and alternative medicine. It is interesting, because I have been exercising here lately trying to stay healthy and fit. And I had managed to do something to my hip. And one of fellow MPs actually . . . I mean it hurt so bad I could not even really walk. I was limping all over the place and I was being stubborn and avoiding going to the doctor. And I let this go on for about a week.

I told one of my fellow MPs, I said, *Listen, I have this . . . my hip is hurting me so bad.* And she (MP Ianthia Simmons-Wade) picked me some Match-Me-if-You-Can leaves. And I took those Match-Me-if-You-Can leaves and I wrapped my hip in it and I wrapped it . . . sorry, I soaked the Match-Me-if-You-Can leaves. And then I . . . everybody knows about these old-time, helpful remedies. I wrapped it in Saran Wrap. And all night it felt as though my leg was baking, like it was baking whatever inflammation was going on in there away.

And I went to the doctor the next day and told her what was happening. She prescribed me a medication—an anti-inflammatory as well as something

that would assist with pain. And she gave me a whole 30-day supply of something that I would take. And so, this was Thursday. I went to the doctor on Friday. But I had wrapped my hip on Thursday. Then Saturday morning I woke up, Mr. Speaker, and I felt as though nothing was wrong with me at all. I did take one pill from the physician, but she had given me a 30-day supply, so I was almost sure that I would need to take those pills for 30 days. And it ended up, I only had to take one.

Now, I do not know . . . I do not know if it was the pill or if it was the Match-Me-if-You-Can leaves. All I know is that on Saturday I woke up and it was like nothing was wrong.

So I feel as though our health insurance packages should have a holistic element to them as well as an alternative medicine package to it, because we can save a lot of money if we find that holistic or alternative remedies actually do work for us. And the money that I spent on those 30 pills—of which I only used one—now has gone to waste.

Mr. Speaker, again, I have to stress that the decision we are making here today was not an easy decision for us to have to make. And, you know, we hope that this is supported in the House because it is not an easy one, but it is a necessary one.

Mr. Speaker, I just would like to take the opportunity to speak to the benefits, actually, that will come with this new premium increase. And that is the inclusion of the maternity care and critical maternity health education for women, particularly for Black women, because usually in the month of April there is recognition or an awareness day and it is Black Maternal Health Week. And this is when we recognise pregnancy and childbirth-related deaths and complications. And in that would be the inclusion of low birth-weight as well as infant mortality rates. And with this new access to maternity care within this benefit that we are providing, we can rest assured that we are now strengthening maternal health benefits to those persons who are under-insured or persons who have no insurance.

And we can at least guarantee that, unlike the United States that has a very high Black infant mortality rate, we can now guarantee the women of Bermuda that we are putting something in place (particularly for those persons who cannot afford it) that will strengthen the health of their children and the health of themselves. So, we should be very proud and happy to say that we are able to put something like this forward to be able to help our community.

And as far as the medication benefit which will now be added to HIP, it is a plus. And I do not like that we are using the language, *it's a throw-in*. Throughout the whole Bermuda Health Plan consultation that we had with the community, persons were asking for coverage for prescription medication. They were asking for this. Our seniors were asking for this because they found that just before the cycle for prescription cover-

age for FutureCare was about to end—like, let us say, April—they ran out. They ran out of their prescription benefit. So now we have added \$1,000. We would have loved to have been able apply more, but we have applied the \$1,000 to increase the medication benefit to FutureCare. While it may not be a huge amount, it is a help. It will be a help.

Actually, a senior stopped me the other day and she said, *You know, MP Tinee*—I was expecting for her to say something else to me when she said—*MP Tinee, thank you, Thank you for increasing that medication benefit to us.*

So, while I know for some it may be a hardship—that extra \$30—it is an added benefit which seniors can take advantage of to be able to have medication coverage at the amount of an additional \$1,000 per year.

And also, with HIP insurance, persons being on HIP who had no medication or prescription benefit before, they now have coverage for 100 per cent, actually, for generic and brand name prescriptions or drugs to the amount of \$1,000—something that they did not have before. And so, people who could not afford it, they would just be noncompliant with a prescription that a physician would write for them and now they have access [to] \$1,000 per year to assist with medication that may be prescribed. And hopefully they comply with that medication and there is some compliance to help improve whatever condition that they may be going through.

So, again, there are some very important things that we have to remember here. We have to remember that health is really up to each individual person and what it is that we put into our bodies or do to our bodies and the implications that it will have on us as we get older.

It is also up to us to continue to push forward with the Bermuda Plan. Unfortunately, we have not been able to get there yet, but this Plan will no doubt help persons who cannot afford health care, particularly at the higher levels that they are at now. I believe, MP Burgess mentioned that someone was paying about \$1,200 for private insurance. But then the FutureCare benefit package premium (being the most affordable insurance package at this time) is at about \$500.14 right now, it is the most affordable package for our seniors. And that was something that the PLP implemented to try to make insurance more affordable.

I believe Minister Wilson also mentioned that we are seeing more and more people come over to utilise HIP insurance as well as FutureCare insurance. FutureCare insurance has a great benefit, that being the home care benefit that private insurances . . . not all of them are picking up at this time. And so, we are seeing more and more people come over to HIP and more and more people coming over to FutureCare because it is the most affordable health care package

that we do have on our Island now because people cannot afford \$1,200 a month. It is huge!

Actually, I was speaking with somebody the other day and they were telling me that their private insurance has increased over the last three years. Every year it increases from 9 per cent to 30 per cent depending on what package they have. And this happens year after year. But we are not making off to our private insurance companies because Government does not always increase the Standard Health Premium, but the private insurance companies still continue to increase our premiums year after year—costs ranging from \$30 to \$50 per month, or more. And that is happening yearly for some private insurance companies.

This [increase] is happening every six years! So, again, Mr. Speaker, this is definitely a hard pill to swallow because we do not want to see increases of this sort. We do not. But, again, we have a population of persons who need to get healthy. If not, we are going to see more utilisation of our health care system.

We are going through a pandemic, Mr. Speaker, which has had a major impact on our health care system. So, there is a lot going on, Mr. Speaker. Again, not an easy decision, but definitely a necessary one in order to allow for the quality of our health care system to remain as it is.

Again, our insurance is heavily subsidised by Government and we have to understand that. We also have to get more knowledgeable about what our insurance packages have for us. There are many people who get a job, and get insurance, and do not even really know what is included in their health care package. So I encourage everyone, if you have insurance, to get a better understanding of what is included in your health care plan, your health care package, so that you know how to best utilise those services and not utilise them only when there is an emergency, because I am sure there are probably some preventative things that you can utilise in your insurance package.

I want to also say to our seniors, make sure that when you are visiting your physicians or your specialists that you are asking for up-front costs. Sometimes when you go to your physician and you ask for that information, that information is not always given to you correctly.

And I think we owe it to anyone who is using a service to be able to be provided up-front costs because then you give them the opportunity to budget. You give them the opportunity to think about their finances and whether or not they can utilise that service. So, be very upfront. And persons in the community with health care, ask, How much is that procedure? How much is that service? So that you know in advance what it would cost you so that you do not go to that visit being shocked and surprised about what that cost actually is.

So, again, [to the] people in our health care community, be upfront with people in regard to what

something costs so that people can make better financial decisions around their health care. And people in our community, ask those questions. Ask how much a certain procedure will cost, so that we can be better informed about costs around our health care.

Mr. Speaker, again, I just want to end on this. This change to this Act is not something that we take lightly, but it is definitely something that is necessary. And we will do all that we can to be able to provide our *only* hospital—because we only have one—to make sure that our only hospital is able to operate and provide care to persons in our community because when we go to that hospital, we want good service.

And I know things have been limited at this time, but we just do not have a choice. We do not have a choice in this matter. Our hospital needs assistance and we are, as a Government, coming to the assistance to help our people and to help our hospital.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister Furbert.

Does any other Member wish to make a contribution at this time?

Any other Member?

There are none.

Minister, would you like to take the floor and wrap up?

Hon. Kim N. Wilson: Yes, thank you, Mr. Speaker.

The Speaker: Yes.

Hon. Kim N. Wilson: And I thank the Honourable Members for their contributions.

Mr. Speaker, let me start where the Honourable Member who just spoke concluded, which is that this is a continuation of some tough decisions that we as a Government had to make in that we also had regard for the fact that there are quite a number of seniors that are crying for more benefits with respect to prescription drug benefits, as well as those persons who are on HIP who, prior to this Bill passing, have never had any prescription drug benefits. If you were a HIP patient and you went to the pharmacy for drugs, you paid out of pocket. They will now, as a result of this Bill, be able to have 100 per cent coverage up to \$1,000.

So, Mr. Speaker, in essence, this is certainly going to be welcomed by a large percentage of our population. We do appreciate that it represents an increase in the HIP and FutureCare [premiums] which have not, Mr. Speaker, increased since 2015. And we know that utilisation causes the cost to go up, as well as technologies and the like. And having the benefit of further prescription drug benefits will help to stave off persons from getting sicker from the massive chronic diseases that we, unfortunately as a nation, face. And, of course, of equal importance is the fact that those mothers who are underinsured or uninsured giving

birth . . . their children and they themselves will have the benefit of being able to have prenatal care as well as education and postnatal care so that their children get the best start in life.

Mr. Speaker, there was a comment that was made by the Honourable Opposition Leader with respect to our health care costs rising over the next three years to 193 per cent. Unfortunately, that is not correct. There will be a . . . the actuarial projection is that there will be a 93 per cent increase by 2039.

Hon. N. H. Cole Simons: Mr. Speaker—

Hon. Kim N. Wilson: —due to—

Hon. N. H. Cole Simons: —the Minister is unintentionally misleading—

The Speaker: Hold on, hold on, hold on.

Hon. N. H. Cole Simons: Point of order, Mr. Speaker.

The Speaker: What is your point of order?
Put your point of order.

POINT OF ORDER
[Misleading]

Hon. N. H. Cole Simons: The Minister is unintentionally misleading the House. The 193 per cent that I am referring to was for the past 15 years, not the three years going forward. The past 15 years.

The Speaker: Thank you.

I think you made reference to a timeline when you presented it.

Minister, just be mindful of what the Member just indicated.

Hon. Kim N. Wilson: Yes, thank you, Mr. Speaker.

As I was saying, there is a projection of a 93 per cent increase, based on the actuarial projections, by 2039 due to an ageing population. And this has not been the case over the last 15 years, although we admittedly indicate that there have been increases, but it certainly has not, from an actuarial perspective, been for the last three years.

Mr. Speaker, let me just provide a little bit of information concerning an update on the National Health Plan and how COVID-19 has played a role in this.

As I have said previously—and I actually believe I gave a Ministerial Statement about six weeks ago concerning this—work on the Bermuda Health Plan is ongoing. The universal health coverage forms a key part of the overall plan, and the work on this aspect we started this year. Of course, we had a delay because of COVID-19. A steering committee made up of key stakeholders has been meeting regularly since

the spring. Again, I do expect, Mr. Speaker, by the end of this year to be able to provide a further update to members of the public and Members of this Honourable Chamber.

I can also say, Mr. Speaker, that this reform will require a robust governance structure to ensure that the plans and the programmes are properly executed. But most importantly, Mr. Speaker, we know that the focus has to be patient-centric and this is the starting point and our main goal. And, again, this is an objective of the PLP Government. It has been part of our platform, and we will ensure that we take steps for this to be materialised.

Mr. Speaker, the HIP amendment ties directly in to the National Health Plan in a number of ways (and this was a question that was asked by one of the Honourable Members), as the HIP amendment will continue to provide affordable care to those persons who are of perhaps less desirous income, as well as it will continue to allow FutureCare and the HIP premiums to be maintained at an affordable level.

The professional caregivers (there was a question by the Honourable Opposition Leader concerning the professional caregivers), the ones who provide the home care services that are covered under FutureCare—of which there will be a continuation, of course, because we know this is a very, very popular benefit to individuals. We want to try to encourage people to allow our seniors to age at home. And that benefit is heavily utilised and it is a very popular benefit and it will continue.

But we can say that the Health Council is working on expanding the registration and providing education and resources so that we can have a consistent quality of care for those persons who are providing that care. However, of note, in order to receive FutureCare payments as a care provider, you must be registered. That registration process is with the Bermuda Health Council. So, nobody can just walk in and try to collect FutureCare dollars by providing that service, you must be registered.

With respect to some questions that were asked, Mr. Speaker, concerning the BHB Annual Reports as well as the Health Council, the 2016, 2017, 2018 Annual Reports are anticipated to be presented to me and I will table them within the next three months. And the 2020 Annual Report, Mr. Speaker, with respect to the Health Council, will be tabled this next session. Currently, with respect to the question, Mr. Speaker, concerning the cash reserves of BHB, their cash reserves currently . . . there will be \$14 million once the payroll for the remainder of the month has been paid.

And the issue that was asked with respect to the TA [Travel Authorisation] fees, you will note in the brief that I indicated there will be \$11.1 million of the TA fees collected to transfer to the hospital. And whilst BHB continually revisits their saving efforts, I indicated in the brief that, due to some very, very stringent sav-

ing efforts that they have undergone recovering over \$30 million, it is not anticipated that the use of a TA fee for funding BHB will carry on in the 2022/23 fiscal year.

Mr. Speaker, with respect to that I would like to again thank Honourable Members for their input and I would ask, Mr. Speaker, that this Bill be now moved and committed.

The Speaker: Thank you, Minister.
Deputy, would you like to take the Chair?

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

House in Committee at 2:30 pm

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

COMMITTEE ON BILL

HEALTH INSURANCE AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Health Insurance Amendment Act 2021](#).

Minister Wilson, you have the floor.

Hon. Kim N. Wilson: Thank you, Mr. Chairman.
With your leave . . . I am sorry, Mr. Chairman, I would like to move all clauses. However, I can add that I will be proposing an amendment to clause 8, which is just the insertion of the commencement date.

Can I move all clauses, or would you rather I move clauses 1 through 7 and then [clause] 8, which is the commencement date?

The Chairman: Do [clauses] 1 through 7, then you can do the amendment after that.

Hon. Kim N. Wilson: Okay, thank you, Mr. Chairman.
Mr. Chairman, this Bill seeks to amend the Health Insurance Act 1970 to provide for the funding for a programme for comprehensive maternity care and critical maternal health education in respect of women that are uninsured. The Bill further amends the Health Insurance (Standard Health Benefit) Regulations 1971, the Health Insurance (Health Insurance Plan) (Premium) Order 2015, the Health Insurance (Health Insurance Plan) (Additional Benefits) Order 1988, the Health Insurance (FutureCare Plan) (Premium) Order 2015 and the Health Insurance (FutureCare Plan) (Additional Benefits) Order 2009 to either increase or decrease premiums payable and to increase certain benefits.

Clause 1 provides a citation for the Bill.

Clause 2 amends section 3A of the Health Insurance Act 1970 to insert subsection (2H) to provide

for the funding for a programme for comprehensive maternity care and critical maternal health education in respect of women who are uninsured.

Clause 3 amends regulation 9 of the Health Insurance (Standard Health Benefit) Regulations 1971 to increase the standard premiums payable in respect to standard health benefits by \$45. Regulation 10—

The Chairman: We are not hearing you. You are doing a lot of flickering on your camera and everything else.

Hon. Kim N. Wilson: Is that better, Mr. Chairman?

The Chairman: Yes, I can hear you now. You just left us a bit.

Hon. Kim N. Wilson: Okay. I will repeat clause 3, Mr. Chairman.

The Chairman: Okay.

Hon. Kim N. Wilson: Mr. Chairman, clause 3 amends regulation 9 of the Health Insurance (Standard Health Benefit) Regulations 1971 to increase the standard premiums payable in respect to standard health benefits by \$45. Regulation 10 is amended to reduce the monthly standard premium for persons over 65 years who do not qualify for subsidised hospital treatment by \$133.23. Regulation 11 is amended to increase the amount of standard premium an employer is entitled to deduct with respect to the employees who are not over the age of 65 years, who do not qualify for subsidised hospital treatment. Regulation 11 is further amended to decrease the amount of standard premium an employer is entitled to deduct with respect to the employees who are over the age of 65 years, who do not qualify for subsidised hospital treatment. Regulation 12 is amended similarly to increase or decrease the amount an employer can deduct on termination of employment based on whether an employee is or is not over the age of 65 years and does or does not qualify for subsidised hospital treatment.

Mr. Chairman, clause 4 amends the Health Insurance (Health Insurance Plan) (Premium) Order 2015 to increase by \$30.00 the monthly premiums payable under paragraph 2 in respect of each health insurance plan and under paragraph 3 by persons under the age of 21 years who qualify for subsidy. Under paragraph 4 the monthly premium payable by persons over the age of 65 years who do not qualify for subsidy is increased by \$134.82 [monthly].

Clause 5, Mr. Chairman, amends the Schedule to the Health Insurance (Health Insurance Plan) (Additional Benefits) Order 1988 to insert paragraph 13C to provide the benefit approved by the Committee for 100 per cent prescription drugs' cost to a beneficiary to a maximum amount not exceeding \$1,000 per policy year.

Clause 6 amends the Health Insurance (FutureCare Plan) (Premium) Order 2015 to increase by \$30 premiums under paragraph 2 for persons who qualify for subsidy and under paragraph 3 for persons who do not qualify for subsidy.

Clause 7 amends the Schedule to the Health Insurance (FutureCare Plan) (Additional Benefits) Order 2009 in paragraph 2 to increase the benefit approved by the Committee for prescription drugs from \$2,000 to \$3,000.

Thank you, Mr. Chairman.

The Chairman: Thank you, Minister Wilson.
Are there any further speakers?
Any further speakers?

Mr. Scott Pearman: Mr. Chairman, MP Pearman.

The Chairman: Mr. Pearman, continue Honourable Member.

Mr. Scott Pearman: Thank you, Mr. Chairman and thank you, Honourable and Learned Minister.

My question relates to clause 2 of the Bill, which is the insertion of new [paragraph] (2H) into the primary Act, being the Health Insurance Act 1970. And what is being inserted there, Honourable Minister, is that “There shall be paid, out of the Mutual Reinsurance Fund” (the MRF as you have been calling it), “such sum as is sufficient to fund a programme for comprehensive maternity care and critical maternal health education . . .”

Honourable Minister, I have tried to find definitions for “comprehensive maternity care” or for “critical maternal health education.” I could not locate them in the primary Act of 1970. Can you please assist this Honourable House by explaining the scope of “comprehensive maternity care” and, alternatively and equally, the scope of “critical maternal health education”?

Thank you, Honourable Minister.

The Chairman: Any further speakers?
Minister.

Hon. Kim N. Wilson: Thank you, Mr. Chairman.

Mr. Chairman, comprehensive maternal care includes pre- and post-maternal care.

The Chairman: And critical . . . also critical—

Hon. Kim N. Wilson: I am sorry, up until the pregnancy and after the delivery.

The Chairman: Okay.

And the other one he asked was “critical maternal health education.” Is that all-inclusive or what?

Hon. Kim N. Wilson: Thank you, Mr. Chairman.

That education refers to anything that gives guidance and direction to the mother towards the pregnancy and the care for the infant. Sorry.

The Chairman: Any further speakers?

Mr. Scott Pearman: Yes, Mr. Chairman, MP Pearman.

The Chairman: Continue, Mr. Pearman.

Mr. Scott Pearman: Thank you, Honourable Minister.

So, for example, I know that there are maternity courses that are taught in Bermuda. There are a number of them. I know one was Nurse Rita. Would that be something that would fall within “critical maternal health education”? Would that be a cost the Government is proposing to cover for all?

Hon. Kim N. Wilson: So, we probably both know Nurse Rita and have attended her courses, and you are absolutely correct, it would cover that and it would provide the guidance to encourage expectant mothers to go to such classes.

Mr. Scott Pearman: Thank you.

Further question, Mr. Chairman, on the same point.

The Chairman: Yes, continue.

Mr. Scott Pearman: Thank you.

So, what is the scope of “critical”? I mean what falls within “critical,” Minister, and what falls without “critical,” as it were?

Is there anything that is not covered by “critical” or by “comprehensive,” those terminologies?

Hon. Kim N. Wilson: Thank you, Mr. Chairman.

Anything related to the care of a mother who is pregnant is considered “critical.” For Honourable Members’ edification, and you may or may not be aware of this, whenever a woman is pregnant and due to deliver, that is actually, potentially the closest time that they are to death, so there can be a number of issues that can, of course, occur. And this will allow coverage for those under- and uninsured individuals who will require—God forbid—any critical care to ensure their safety and the safety of their infant.

Mr. Scott Pearman: Thank you. Thank you, Mr. Chairman.

The Chairman: Any further speakers?

Mr. Scott Pearman: I do not know if the Shadow Minister has questions, my next question, Mr. Chairman, is on clause 3.

The Chairman: Continue.

Mr. Scott Pearman: At clause 3, Honourable Minister, at clause 3(a)(i)—this is in relation to the increase in the Standard Health Benefit payments—we see an increase of \$355 on to circa \$400-odd. So, it is an increase of, roughly, \$45. Can you confirm, Minister, is that new increased payment going to go into the MRF, the Mutual Reinsurance Fund?

Hon. Kim N. Wilson: Thank you. That is correct, Honourable Member.

Mr. Scott Pearman: In full? So, the \$45 in full will be allocated to the MRF?

Hon. Kim N. Wilson: That is correct. That \$45 in full of the HIP increase will go to the MRF.

Mr. Scott Pearman: Thank you.

Mr. Chairman, I will proceed until the Health Shadow Minister comes on.

The Chairman: Yes, you can continue.

Mr. Scott Pearman: Thank you.

Clause 4, please, Mr. Chairman.

The Chairman: Mm-hmm.

Mr. Scott Pearman: Honourable Minister, clause 4(a)(i) shows an increase—this is now an increase in relation to HIP, the Health Insurance Plan provided by the Government—and we see an increase of some \$30 per month. That particular increase, where will those funds be allocated when received?

Hon. Kim N. Wilson: That \$30 will go directly to the HIP premiums. And if you are going to ask a similar question in the next line, those monies will go directly to FutureCare.

Mr. Scott Pearman: Thank you, I was, in relation to clause 6.

My follow-up question, with your leave, Mr. Chairman—

The Chairman: Yes.

Mr. Scott Pearman: —in respect of both items, will those additional payments be ring-fenced in relation to each of those programmes or could that money then flow further beyond the system? Or will they be effectively ring-fenced for the additional benefits you identified in the Bill?

Hon. Kim N. Wilson: Okay. All of those funds will go into a pool. It actually cannot be ring-fenced because

Government helps cost subsidise these particular funds.

Mr. Scott Pearman: Right. And that is the case in relation to both the HIP and FutureCare increase of \$30 each per month?

Hon. Kim N. Wilson: That is correct, Mr. Chairman.

Mr. Scott Pearman: Thank you very much.

That is all the questions I have, Honourable and Learned Minister.

Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Pearman.

Any further speakers?

There appear to be none.

Minister, do you want to move those seven clauses?

Hon. Kim N. Wilson: Thank you, Mr. Chairman.

With your leave, I would like to move those seven clauses, please.

The Chairman: It has been moved that clauses 1 through 7 be approved.

Are there any objections?

There appear to be none. Approved.

[Motion carried: Clauses 1 through 7 passed.]

Hon. Kim N. Wilson: Mr. Chairman, I would like to move clause 8, please.

The Chairman: That is the amendment?

Hon. Kim N. Wilson: That is correct, Mr. Chairman.

The Chairman: Continue.

AMENDMENT TO CLAUSE 8

Hon. Kim N. Wilson: Mr. Chairman, clause 8 provides for the commencement of this Bill to come into operation on 1 November 2021.

The Chairman: Any speakers to the amendment?

There appear to be none.

Minister.

Hon. Kim N. Wilson: Mr. Chairman, thank you, I move that clause 8, as amended, be approved.

The Chairman: It has been moved that clause 8, as amended, be approved.

Are there any objections to that?

There appear to be none. Approved.

[Motion carried: Clause 8 passed as amended.]

The Chairman: If you want to move the preamble.
Yes, just move the preamble, Minister.

Hon. Kim N. Wilson: Mr. Chairman, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Are there any objections to that?
There appear to be none.
Approved.

Hon. Kim N. Wilson: Mr. Chairman, thank you.
I move that the Bill be reported to the House as amended.

The Chairman: It has been moved that the Bill be reported to the House as amended.

Any objections to that?
There appear to be none.

Mr. Scott Pearman: I have no objection, but I would highlight that the amendment, I do not know if that is available online for reading, and if it is not, could the Honourable Minister kindly put the amendment wording up so that we can look at it at a future point?
Thank you.

The Chairman: Are there any objections to reporting the Bill to the House?

The Deputy Clerk: As amended.

The Chairman: As amended. Thank you.
There appear to be none. The Bill will be reported to the House as amended.
Thank you, Minister Wilson and MP Pearman.
The Bill will be reported to the House.

[Motion carried: The Health Insurance Amendment Act 2021 was considered by a Committee of the whole House and passed as amended.]

The Chairman: Mr. Speaker.

House resumed at 2:50 pm

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

REPORT OF COMMITTEE

HEALTH INSURANCE AMENDMENT ACT 2021

The Speaker: Thank you, Deputy.
Members, are there any objections to the Bill entitled the Health Insurance Amendment Act 2021 being reported to the House as amended?

There are none. The Bill has been reported with the amendment.

Thank you, Members. That moves us now to the next Order on the agenda for today and it is [Order] No. 3 is now being considered, if I am correct?

Hon. Kim N. Wilson: I thought we were going to proceed with [Order] No. 2, Mr. Speaker?

The Speaker: I can go back to [Order] No. 1.

Hon. Kim N. Wilson: I am sorry, Mr. Speaker, you are correct.

The Speaker: [Order] No. 1, rather, yes.

Members, we did take the health matters out of sequence just now and we did [Order] No. 2 first. And [Order] No. 1 will now be done, which is the consideration of the Public Health (COVID-19) Emergency Extension (No. 5) Order 2021, again, in the name of the Minister of Health.
Minister.

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

I move that consideration be given to the Draft Order entitled the Bermuda Health (COVID-19) Emergency Extension (No. 5) Order 2021, proposed to be made by the Ministry of Health in the exercise of the powers conferred by section 107A of the Public Health Act 1949.

Mr. Speaker—

The Speaker: Are there any objections?

No objections.
Continue, Minister.

DRAFT ORDER

PUBLIC HEALTH (COVID-19) EMERGENCY EXTENSION (NO. 5) ORDER 2021

Hon. Kim N. Wilson: Mr. Speaker, I am pleased to invite this Honourable Chamber to consider the Order entitled the [Public Health \(COVID-19\) Emergency Extension \(No. 5\) Order 2021](#).

Mr. Speaker, Members will be aware the current Public Health Emergency Order is scheduled to lapse on 30 September 2021. Emergency Orders, which have been in place since 30 June 2020, following the state of emergency put in place on 1 April 2020, are made pursuant to section 107A of the Public Health Act 1949 and declare that a public health emergency exists in Bermuda due to a communicable disease that poses a threat to the Island.

We live on a very small island, Mr. Speaker. And, as we know from previous outbreaks, and unfortunately from the current outbreak of COVID-19 we are currently experiencing, it can spread quickly and with devastating effects. It strikes in the heart of our

community as hundreds of people test positive, thousands end up in quarantine and, sadly, people succumb to it and die.

We can slow the spread of the virus by following the basic public health advice of wearing a mask to cover our nose and mouth and not just our chin, as well as physically distancing, downloading the WeHealth Bermuda app, and avoiding the three C's: closed spaces, crowded places, and close-contact settings. The more barriers and space there are between you and others, the harder it is for the virus to spread.

Also, Mr. Speaker, as we have discussed in this Chamber before, the COVID-19 vaccine is available to any resident who wants it. As has been said many times, Mr. Speaker, vaccines save lives. And it is no different with the Pfizer-BioNTech being administered in Bermuda now. The two-dose Pfizer vaccine has been shown to be 95 per cent effective in randomised trials. Even with the highly transmissible Delta variant, the vaccine's effectiveness remains high.

What does that mean, Mr. Speaker? It means that while you, as a fully vaccinated person, can still test positive and still contract COVID-19, you are less likely to get severely ill, you are less likely to end up in hospital, and you are less likely to die.

Mr. Speaker, to be clear, this does not mean that there is a zero-risk involved. Even if fully vaccinated, your own personal health is a key factor in determining whether you will get ill with COVID-19 and, if you do, whether you are predisposed to become ill enough to be hospitalised or be unfortunate enough to die. That is the reason that our vaccine booster programme, when it starts, will prioritise first and foremost people who are immunosuppressed, such as those with transplants. Their personal health can make it difficult to get full immunity from the vaccine and thereby fight off disease. For these people, Mr. Speaker, the booster jab is critical.

Mr. Speaker, while research is ongoing on the topic of whether vaccinated people transmit the coronavirus, the Ministry of Health continues to require everyone—whether vaccinated or not—to practice sensible public health measures, such as wearing a mask at all times indoors and in crowded outdoor settings.

So far, Mr. Speaker, in Bermuda the data shows that the local community transmission we are experiencing now is predominantly among those who are not vaccinated. Sadly, the people who are being hospitalised are also predominantly unvaccinated.

Mr. Speaker, this Government remains firmly of the view that the COVID-19 vaccine is vital to our return to normality. This pandemic is not a sprint, it is a marathon. The vaccine is the help we need to get across the finish line. Vaccination not only protects you, it also protects your family and our Bermuda community. Getting vaccinated is a particular personal decision which impacts everyone around you.

Mr. Speaker, Honourable Members, as we all know, COVID-19 was caused by a new virus that spread quickly throughout the world having emerged in China towards the end of 2019. It can be transmitted very easily between people, and its symptoms are so deceptive we often do not realise that we have the disease before we have exposed others to it.

Mr. Speaker, as the Minister of Health, I consulted with the Chief Medical Officer and determined that a communicable disease of the first category, namely COVID-19, continues to pose a severe threat to public health in Bermuda. The outbreak this past spring and the outbreak that we are in now highlight the impact of the variants of concern—first Alpha, and now Delta. To control and contain the spread of infection public health measures, such as those provided for in regulations made under section 107B of the [Public Health Act 1949](#), will continue to be relevant and necessary beyond 30 September 2021.

This Order before us now will extend the Public Health (COVID-19) Emergency Order 2021 made under section 107A of the Public Health Act 1949 and empower the Governor to continue the provisions of the Public Health (COVID-19) Emergency Powers Regulations 2021, which impose extraordinary measures necessary in the interest of public health to prevent, control and suppress COVID-19.

Mr. Speaker, Honourable Members will be aware that the Public Health (COVID-19) Emergency Extension (No. 4) Order 2021 was made under the affirmative resolution procedure effective 23 August 2021 for 38 days, which is due to expire on 30 September 2021. However, the COVID-19 pandemic continues to rage on globally and a public health emergency continues to exist on our shores. Therefore, in accordance with sections 107A(3) and 107A(4) of the Public Health Act 1949, I bring the Public Health (COVID-19) Emergency Extension (No. 5) Order 2021 to this Honourable Chamber to seek approval for the extension of the Public Health Emergency for a further 60 days, ending on 29 November 2021.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

Hon. Michael H. Dunkley: Good afternoon, Mr. Speaker.

The Speaker: MP Dunkley, you have the floor.

Hon. Michael H. Dunkley: Thank you, Minister Wilson, for the update on the need for the Public Health (COVID-19) Emergency Extension (No. 5) Order 2021.

I am not sure that anyone would debate the necessity for this extension at the present time. If you look at the position we are in, it is debatable whether

COVID-19 is under control in our community when we have gone from four active cases in the middle of July to perhaps over 1,600 active cases now, with numbers not being released yet for the last couple of days.

If you look at the numbers per week from the beginning of August until now, we see an alarming, very concerning and really, for members of the public, a scary increase from 46 cases in the first week of August to 49 in the second week, to 87 in the third week, to 94 in the fourth. And then there was one more day in August where there were 79. And then in the first week of September, disregarding the 79, we see that trend jump from the 94 plus the 79 to 261 cases in the first week of September through the second week of 584 cases to the third week of 798 cases.

So, Mr. Speaker, we have seen an alarming increase in COVID-19 throughout our community. So, there is no doubt that the extension of an Order such as this is critical at this time to allow the Government to have the flexibility for all the policies that they might want to put in place.

Mr. Speaker, I am going to say it politely, but I am going to say it straight off the top. We only have ourselves to blame for where we are today.

As the Minister has outlined, if we followed basic public health guidelines, we would be in a much better position. And this has not been the case. There have been a few amongst us—a minority amongst us—who have gone about their daily lives and have not taken any care for the guidelines that we know can be very important in protecting not only ourselves, but the people around us. I find it disgraceful, despicable, and alarming that this is the case. And we have the numbers to show for it, Mr. Speaker.

But most of all and most concerning about it and most distressing about it, Mr. Speaker, is the fact that now our death toll is approaching 50, our hospital and health care system creaks when you think we have, I believe, 134 beds in the hospital and we are close to half of the beds being filled by COVID-19 patients. Just let that sink in for a minute. Let that sink in, those who are listening to Parliament. Let that sink in and think how dire our situation is.

So, all of the other people in Bermuda who have need for health care, whether it be a road traffic accident, whether it be a heart attack or any other situation that people might have, they could be put in jeopardy of not getting the immediate attention of care just because of the pressure that is put on our system. And there is only so much pressure you can put on any system before you start to feel the challenges with it.

I am not trying, Mr. Speaker, in any way to be an alarmist. But I am trying to talk real to show the people that enough is enough, and we all need to pay attention to what is going on. We know how to beat COVID-19—follow simple guidelines. But we let our guard down. People went out and partied. People went out and did what they had to do with no care or

no regard for a lot of other people around them. And now, sadly, they pay the price. But we all pay the price, Mr. Speaker. And that is why many people are fed up and many people are fed up by the regulations being passed today. Many people are fed up by what they have to do to live day to day. And I bet you, Mr. Speaker, the thousands of people quarantined—and I do not know what that number is now, but it could be getting close to 15,000 (and I look forward to an update from the Honourable Minister of Health when she has an opportunity, but many of those thousands of people who are quarantined)—are there through no fault of their own . . . for a significant period of time through no fault of their own, Mr. Speaker.

And not only, as I referred to with our health care system creaking and the hospital with all those emergency service providers that are taking care of us, with our testing capacity being blown out of the water, let me just stop for a moment and thank all of those workers for their efforts. And thanks are really hollow at this point, Mr. Speaker, because the thanks they need is to get some time off to recuperate, to recharge, to refresh, Mr. Speaker. But it does not look like it because while we are some seven weeks into this spike—at least seven weeks into this spike—it looks like we have a bit of period more to get through it.

But we need to thank them because without their expertise, without their tireless efforts, we would not be in the position we are where people can see a better day because they are getting adequate health care, they are getting attended to.

Mr. Speaker, while our health care system struggles at the same time, our general way of life is creaking and struggling because of the thousands of people who are put into quarantine. So, a lot of the goods and services that we as Bermudians expect in our daily lives, and most of them you see publicly, so transport services are curtailed back, but a lot of businesses who are expected to open, Mr. Speaker, to cater to our needs, whether it is food, whether it is pharmacies, just general conveniences that people need and necessities that people need in life are struggling because they are impacted by COVID-19. Not only with, perhaps some COVID-19 cases themselves, but quarantine, close contact, where people are out for an extended period of time. So, our system is creaking.

And because of selfish individuals who have not taken it upon themselves to follow general public health guidelines that work or just do not believe that COVID-19 is real—because, Mr. Speaker, let us admit, there are some people out there who just do not believe that COVID-19 is real after 18 or 19 months—we are in the position we are in, Mr. Speaker. So I say today, everyone needs to pay attention because we need to get in a much better position. We cannot keep going down this slippery slope, Mr. Speaker. So, people are fed up.

I am pleased that the Honourable Minister did talk a bit about vaccines. And Mr. Speaker, the Honourable Minister said that it is vital that we return to more normality and vaccines provide the help we need to get across the finish line. The Honourable Minister went on to say that vaccines are a way out, Mr. Speaker. And I have always supported that approach by Government from the very beginning when it was announced that we were going to get the vaccines, probably eight or nine months ago, and the programme started in very early January. I have always supported that because I believed in the science, did some of my own research, and I support what Government has said. And I think many of my colleagues are in the same position here, Mr. Speaker.

But the question I have and the point that I want to make [is], Mr. Speaker, if vaccines are the help we need to get across the finish line—quoting the Minister—and if vaccines are a way out, why have we not been more aggressive in making sure that the community buys into vaccines? Because in the beginning the programme was quite effective, people were signing up and getting the jabs quite quickly. And then, probably in the middle of May, it slowed up and that is because a significant number of people had the vaccines. But we failed to reach that point where we could get some type of herd immunity, community immunity from the vaccine. And since that time, we have seen very little consistent effort to get those numbers to bolster, Mr. Speaker.

Now, I understand that we have a very real difference of opinion between those who got vaccinated and those who support the vaccine and those who have not been vaccinated and those who do not support the vaccine. We all know that it is real and it has caused some division in our community. And on a daily basis I continue to be reached out to, by people on both sides of that debate, stressing why don't we be more forceful in the vaccines; and [from] the others continuing to give their pitch and their argument about why they do not support vaccines. It all comes down to a programme to continue to persuade people, Mr. Speaker. And I think we failed on that over the past couple of months. And the Government has the ability to consider mandates in important industries if vaccines are that important to them, Mr. Speaker.

Clearly, we have seen in August and September that the spike—our fourth spike—has gotten out of control. And it has been very alarming and concerning to people, many people who thought that we were in a better position when we got down to four cases in July and many people who had tuned out from COVID-19 and had started to try to rebuild their lives again, Mr. Speaker. I, for one, never thought the spike would be this bad. And I was and continue to be shocked at the positive test numbers that came about and the strain it would put on our system.

So, Mr. Speaker, I would call on Government to step up the game as far as vaccines are concerned and get the rest of the people over the line because, as a small community who has been through a lot, with our economy continuing to go downwards because of this trend of COVID-19, we cannot afford to allow this to drag on for another six months, another year or another two years. We cannot afford as a community . . . we have lost too many people to death. We have lost too many people to poor situations in their lives that potentially they will never recover from. And we cannot continue to put the stress on those on the frontline who are working so hard to put Bermuda in a better position against this pandemic.

So, we need to step up our game with vaccines, Mr. Speaker. And we have been given a gift, in one regard, Mr. Speaker, when the President of the United States said that vaccines would be mandatory for all nationals travelling into that country after a certain date in November. We should leverage that with the understanding, Mr. Speaker, that they are our closest neighbour and the jurisdiction that has most of our inbound flights. And when you couple that with Canada who, I believe, has done a similar thing, Mr. Speaker, it is clear that those countries are starting to put their fists down and say enough is enough of this.

When we are in a pandemic—a national crisis—people need to be given direction. And we cannot continue to go through these spikes because we do not have enough people vaccinated. And we cannot keep stressing our system when you see that doctors come out with an urgent, heartfelt plea, such as has been out in the last day in the news media, Mr. Speaker. We need to step up our game with vaccines. And I know that many of the colleagues in the Opposition are willing to walk hand in hand with Government to allow that to happen because we cannot keep in this position, Mr. Speaker.

Mr. Speaker, there are two other areas I want to touch on, and I have spoken to them briefly outside of this place before. And one area that is disappointing to me is that we have lacked enforcement with our regulations and restrictions. And now that the Government, some time ago, did put in a penalty system that could be immediate, we have seen only casual talk about people who have violated that and been ticketed. But there has been no meaningful action in that regard, Mr. Speaker.

And the reason why I say that is because, you know, enforcement is not always the be-all and end-all. But when people are not following important public health guidelines, critical public health guidelines, and when people are dying and we have our hospital full because of people sick because of COVID-19, for those who break the law, they must face the law, Mr. Speaker. It is not good enough just to have a system in place and not face the law. People should face the

consequences of their rash actions that put the whole community in jeopardy.

And I would [venture] to say, Mr. Speaker, that if enforcement was stepped up in the appropriate way you would see people all of a sudden start being more understanding of not only their actions, but what their actions could mean to other people. And it is only a simple small minority we are talking about, Mr. Speaker. That is important.

Now, Mr. Speaker, another point that I wanted to bring is that there has been some conversation about SafeKey and the importance of SafeKey in our community. And I am on record, Mr. Speaker, saying some weeks ago that SafeKey was inequitable and unfair. And I said that because, basically, SafeKey only applied to customers; it did not apply to people who were running a business or running an event or running a venue. And Mr. Speaker, if SafeKey is so important to the potential for our good health, it must be able to apply to everyone, if the Government deems that is the case, so there are no weak links in our chain. Because if there is a weak link in it, the chain is going to break and we are in trouble, Mr. Speaker.

So, I make these comments today on the extension of the Order because, you know, we accept that it has to take place in the midst of this fourth spike. Hopefully we are at the end, and we do not have to come to this place again. And by “this place,” Mr. Speaker, I mean the position as dire as we are in with our system creaking, so many people struggling, so many people shut in, and the future looking bleak. We do not have to come to this place again because we know what we have to do, we have the tools to fight it, we have the enforcement to deal with it, and, Mr. Speaker, we need to continue . . . if the Government is not willing to take the next step and consider mandates for critical industries with vaccines, we need to continue a persuasion programme so people understand what it is about.

An interesting fact, Mr. Speaker, and I will close with this in my comments here and allow other people to speak. An interesting fact that came across recently on the news media [is] that over half of the people in the world have now been vaccinated for COVID-19. So, if vaccinations did not work, how would it spread that quickly, that far throughout the world, Mr. Speaker? We still have a lot of work to do, there is no doubt about it, but vaccines do work. Our statistics in Bermuda have shown that vaccines are working and helping to keep us safe. And the Minister has highlighted the fact that those who are vaccinated are much [more] likely to have a less severe case of COVID-19. So, vaccines do work, Mr. Speaker.

And the last thing I will say as we go into this, reflecting back on where we started in March of 2020, and it is quite a blur through this period because we have seen COVID-19 morph into different variants, we have seen restrictions in place, our lives change, but

reflecting back into March of 2020 when the Government had daily press conferences and people were glued to the radio, glued to the TV screen or on their phone or on their laptop looking for the updates, people were concerned, people were frightened, people were looking for direction, looking for the latest advice on what to do, how they should live their lives, how they could improve the position they were in. And quite naturally, as you go from a spike into a downturn and life can get back on a better plane, as we experienced in the middle of July, the information that Government put out to the people became less and less. But the press conferences just dried up and died away.

And as we had talked about two weeks ago when we had a session in the House and we questioned the Honourable Premier at the time, Members of the Opposition would love to see more regular press conferences where information is given out, wherein, as real time as we can get, stats on COVID-19 cases are given out, because, Mr. Speaker, that stat in itself of daily COVID-19 cases opens people’s eyes, makes them pay attention, and makes them understand just how critical the situation is.

And now we are still in this spike. We would like to hear more from the Premier and the Minister of Health. And we know they are living very busy lives and we know it has been taxing on them for the many months that they have been on it. That is the only thing that is on their minds. Probably 90 per cent of every day has been COVID-19, and they would like to change to get onto some other business that is important, Mr. Speaker.

However, when we are in a pandemic that might not be the case. But we would like to see more regular information given out of where we stand; real time stats. And now that testing seems to be able to . . . and I thank the laboratory diagnostics team for getting results. We seem to be getting back to a more updated position through the long nights they have worked. People will stay in line with the direction we need to go.

The Speaker: Just be mindful there is a 20-minute presentation for each Member.

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

The Speaker: Oh, yes, you are the Shadow Minister, you get 30 minutes.

Hon. Michael H. Dunkley: I have got 30 minutes and I was—

The Speaker: You were just coming up on the 20, so I was about to remind you, but you have got another 10, okay, go ahead.

Hon. Michael H. Dunkley: Yes, Mr. Speaker, and I was not going to use it all because I was just wrapping up. And I will not repeat myself to use more time, as is a key ploy in the House nowadays, but thank you for that intervention—

The Speaker: No problem.

Hon. Michael H. Dunkley: —because I think other Members will need to know that.

But my final point was going to be about the dire need for the Government to provide regular updates. And it needs to come from the Premier, the Leader of this country, and the Health Minister, who is critical to our fight against COVID-19, because that is who people want to hear from.

With all due respect to the CMO and other people, their information is good and Dr. Miller has provided some key information as far as the hospital is concerned, but when the Premier of Bermuda stands in front of a microphone and the cameras roll and the Minister of Health is there, and they give up-to-date stats on COVID-19 and the challenges we face with a report that is only just a couple of days old—that has to be the case—people are going to pay attention.

And then you can gradually wear off that, again, once we get in a better position. But I do not think we are quite there yet, and so we need to hear the information from the Premier and the Minister of Health because that keeps people moving where we need to go, to a better place.

So, with those comments, you know, quite often the Government gets a little bit antsy when we get too critical. I have tried to say it in the vein that we are all in this together. There are things, some of the things, that we can do better, and we must do better, Mr. Speaker, because we have been through this long enough. And now the timeline of how long we have dealt with COVID-19 has moved on and the timeline when many people think we will be finished with COVID-19 has moved on even further, we need to pull that last timeline back into check. And it is only us that can do it.

I mentioned weak links before. The more weak links we have, the longer we will stay in positions like this, and the more opportunity it will be for COVID-19 to come back and get us. I remember a former Premier in one of our earlier debates, former Premier MP Cannonier, saying that COVID-19 does not discriminate. And that has certainly proven to be the case.

We can do better. Reservedly, we support this Extension Order here today. And with those suggestions, I hope we can be in a better place.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution at this time?

Mr. Vance Campbell: Yes, Mr. Speaker.

The Speaker: MP Campbell, yes, you have the floor.

Mr. Vance Campbell: Thank you, Mr. Speaker.

Mr. Speaker, I remember back earlier this summer, the beginning of the summer when the current extension was passed. There was some opposition to the extension order. There were concerns or expressions that we could easily get together, being in a small jurisdiction like Bermuda. But those comments, in my opinion, Mr. Speaker, were made by people who had no idea what our paramedics, what our doctors and nurses in the Emergency and ICU departments were going through.

They could have told us back then, as they can tell us now, that a minute, even an hour makes a difference in whether a person is saved or not. So, to spend days trying to organise to get an emergency meeting of the House is nonsensical when lives are at stake.

So, I am glad to hear today that the Opposition supports the need to extend the Emergency Powers beyond September 30.

If you were in any doubt, Mr. Speaker, or anyone in the listening audience were in any doubt as to whether the situation that we find ourselves in is an emergency, then let us look at some of the numbers.

Mr. Speaker, on September 7 we had 472 active cases. And that was after having reported 225 new cases on that date. So, prior to that we had 200 and something, 247 cases, we had 10 hospitalised and 35 deceased. If you fast forward to September 23, the most recent information, we now have 1,547 active cases, an increase of 1,075; we have 58 as opposed to 10 hospitalised—this is just a little more than two weeks later—we have 58 hospitalised, an increase of 48, that is 3 per day on average, an increase of 67 per day in active cases. And we now have 45 deceased, an increase of 10, almost one a day. If that does not constitute an emergency situation, then, Mr. Speaker, I do not know what would actually constitute that.

Mr. Speaker, we hear or we will read today in the local newspaper a plea from doctors for people to get vaccinated. These are people, these are doctors, their patients have trusted them, who for some reason or another do not trust them when it comes to this vaccine. There is a plea. And with your indulgence, Mr. Speaker, I would like to read some of what they say.

The Speaker: Continue on, Member.

Mr. Vance Campbell: They say that their hearts are breaking. They say, ¹“You trust us with your lives and the lives of your loved ones every day—for which we are honoured and thankful.

“Using that same trust, please get vaccinated. We ask this from the bottom of our hearts.

“We ask this with all the earnestness we have from dedicating our lives to keeping you safe and well to the best of our ability.

“Our hearts and minds are heavy.

“We are tired, worried, scared, not only for ourselves but for our patients, many of whom are facing the biggest challenge of their lives.

“We are holding the worry of those who are sick and the sorrow of those who have also lost a loved one.

“We have lost patients we have treated for decades.”

So, it is unprecedented to have a plea such as that from the medical profession that is quite personal and based in real lives, real people, everyday people. Today we have in that same newspaper a business owner expressing how he believes that the vaccine protected him from the worst that the COVID-19 infection could bring. Yet we still have people who are hesitant.

You look at the stats, Mr. Speaker, from the schools where parents have been asked for some time now to give their consent for their kids to take the saliva test. And you have some schools as low as 38 per cent, where only 38 per cent of the parents have consented. The Government is trying to protect our kids in school so that they can return to school. I know, Mr. Speaker, my kids are suffering, their education is suffering with this remote learning. My kids have no challenge in learning, but they are not learning as much, the teacher is unable to read their faces to see if they are grasping a concept or not through this remote learning. But yet we have some parents who hesitate in granting permission for their children to be tested so that we can, at the right moment, return to school.

I want to thank those parents of the schools who have, the parents who have granted permission. Some schools have as high as 87—these are primary schools—87 per cent. Our two public high schools stand at 59 [per cent] and 60 per cent. That is not good enough. That is not good enough. We must do better.

But Mr. Speaker, I do support an extension of the emergency powers. We are in a state of emergency. I would like to see greater enforcement of those who violate the regulations. Enforcement, as we all know, does not rest within the remit of the Government, that is something for the courts, but the officers of the courts need to do their job in enforcing.

I want to encourage everyone to get vaccinated so that we, as a country, can see and realise less death, less sickness, less pain and start to see progress in the rebuilding of our economy with the return of kids to school, return of tourists to our shores, and times that we can consider to be happier times.

So, thank you for those few minutes, Mr. Speaker. And I wholeheartedly support the extension of the emergency powers granted by this Bill.

Thank you.

The Speaker: Thank you, MP Campbell.

Would any other Member wish to make a contribution at this time?

Any other Member?

Would any other Member like to make a contribution before the Minister is called on?

Minister, there appears to be no one else.

Hon. Kim N. Wilson: Okay, thank you, Mr. Speaker. I am having a bit of a technical problem. Can you hear me, Mr. Speaker?

The Speaker: We can hear you; we can see you.

Hon. Kim N. Wilson: Okay, thank you, Mr. Speaker.

And I thank Honourable Members for their contributions. I just want to add before I just move to have this Order approved, that we have been living this for over 18 months. And as both of the Members who spoke prior to me reiterated, there are persons that . . . I am not sure why they are not getting the messaging. The guidance has not really shifted. We actually have our own selves to blame. In essence, we have let down people, really, because there are people that are sick and dying, many of whom, because of their own medical frailties or compromised autoimmune [system], et cetera, are challenged. And we are the ones who are supposed to be responsible to ensure that we are vaccinated to help to protect them. We are the ones that are supposed to be responsible to help to protect the children who are not eligible to get vaccinated where we are seeing the spreads.

I do not even know what more to say. I echo a lot of the sentiments that were shared by MP Dunkley as well as MP Vance Campbell. We have ourselves to blame. We have to get to a point of personal responsibility because, regrettably, we are going to be living with COVID-19 for quite some time. And in order to try to avoid going in this up and down cycle of waves and so forth, we all need to remember that we really are our brothers' keeper and we can help to stave off this particular . . . the dimensions that we are going through and the distress that persons are feeling because of COVID-19.

You know, so many children cannot go to school, people cannot have children's birthday parties, and churches are not regularly meeting. It has just

¹ *Royal Gazette* 24 September 2021

been economically—do not even speak about that. It has just impacted us so adversely and a lot of this is preventable. That is what I think is so incredibly frustrating.

I just need to say really quickly before I move this Order, Mr. Speaker, that the clinical staff at BHB are working tirelessly around the clock. As MP Dunkley said, half of the admissions—almost half—are COVID-19. All of ICU is COVID-19. They are working—the clinical staff, the doctors and the nurses, and all the supportive staff at BHB are working—around the clock. And it seems unforgivable that they have been put in this position and that we are having to bury so many people that are our friends, our family, and our loved ones because people do not want to take advantage of something that has been provided to them for free and that is the vaccination.

I implore each and every one of us to speak to your doctor. If you have questions about the vaccination, if you have questions about its efficacy, if you have questions about how it is made scientifically, the evidence that supports it, speak to the doctor that you trust, the same doctors that are working at the hospital mind you.

In any event, Mr. Speaker, there was a question that was with respect to the targeting of the vaccines. And to the greatest respect to MP Dunkley, the targeting is actually towards the gaps and it is not his age group; it is the younger age group. So our vaccine strategy is targeting the under-30-year-olds through social media campaigns, radio ads, pop-ups and so forth, most recently at Washington Mall. We are targeting that particular age group where the gaps are, as well as focusing our targeting on the eligible school-age children. So, those efforts will continue. You would note that we did more vaccinations a couple of days ago and we will continue to do our best to roll out more vaccinations and get more people immunised so that we can reach those magic numbers of herd immunity.

And with that, Mr. Speaker, I thank the Honourable Members for their contributions, and I move that the said Draft Order be approved and that a suitable message be sent to Her Excellency the Governor. Thank you.

The Speaker: Thank you.

Are there any objections?

There are no objections to that.

Minister, the said Order will be prepared, and a message sent to the Governor.

Thank you, Minister and Members for your contributions on that matter.

[Motion carried: The Public Health (COVID-19) Emergency Extension (No. 5) Order 2021 was approved.]

The Speaker: We now move on to the next matter on the Order Paper for today, which is the third reading of

the . . . actually, it is the consideration of the Proclamation made by Her Excellency the Governor, in exercise of the power conferred on the Governor by section 4 of the Public Holidays Act 1947. I believe it is the Premier who is moving this matter.

Premier?

[Pause]

The Speaker: Premier?

Hon. E. David Burt: Mr. Speaker.

The Speaker: Yes.

Hon. E. David Burt: Can you hear me?

The Speaker: I can hear you.

Hon. E. David Burt: Can you hear, Mr. Speaker?

The Speaker: Yes, we can hear you.

Hon. E. David Burt: Can you see me, Mr. Speaker?

The Speaker: I see you, yes.

Hon. E. David Burt: Thank you.

Mr. Speaker, I move that consideration be given to the Draft Proclamation entitled “The Proclamation proposed to be made by Her Excellency the Governor in exercise of the power conferred on the Governor by section 4 of the Public Holidays Act 1947 and acting in accordance with the advice of the Cabinet declaring Monday, 18 October 2021 to be a public holiday.”

The Speaker: Are there any objections to that?

No objections.

Continue, Premier.

PROCLAMATION

BY HER EXCELLENCY THE GOVERNOR
IN EXERCISE OF THE POWER CONFERRED
ON THE GOVERNOR BY SECTION 4
OF THE PUBLIC HOLIDAYS ACT 1947

PUBLIC HOLIDAY—FLORA DUFFY DAY

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

Mr. Speaker, there is a well-known saying which aptly describes this measure now to be taken under consideration by this Honourable House: *To every cloud there is a silver lining.*

Mr. Speaker, there can be no doubt that the world has lived under a cloud of fear, uncertainty, grief and anxiety since March of 2020 and the declaration

of the global pandemic. Silver linings have been far and few between.

Mr. Speaker, in the midst of all that we have endured, Bermuda was afforded more than a silver lining, but one of gold. In the early evening of July 26 the people of Bermuda joined the whole world and watched in amazement as a young woman born in Paget dominated the world stage in Tokyo. The journey from Warwick Academy to the Olympic podium is an incredible one and has now become the stuff of sporting legend.

Mr. Speaker, Flora Duffy has dominated the world of triathlon such that her name is now synonymous with the sport. Many have run out of superlatives to describe her achievements, but there is unanimous agreement on their significance.

Mr. Speaker, this Honourable House is invited today to add its own voice to the chorus of accolades by supporting the invitation to Her Excellency the Governor to make October 18, 2021 a public holiday to mark the extraordinary success of Flora Duffy in the winning of a gold medal at the 2020 Olympics which were held in 2021.

Mr. Speaker, the record of Ms. Flora Duffy's accomplishments is clear. In April 2018, Ms. Duffy won the first gold medal of the 21st Commonwealth Games in the Gold Coast of Australia—Bermuda's first female Commonwealth gold medallist. Duffy is the only person to win three triathlon world titles in the same year in 2016, claiming WTS, ITU Cross Triathlon and XTERRA titles in close succession. Duffy is the only triathlon in world triathlon series history to post the fastest swim, bike and run portions in the same race. And Flora Duffy holds the record for the largest winning margin in both Olympic and Sprint distance races in a WTS event. Finally, Mr. Speaker, Flora Duffy is the only triathlete in the world, male or female, to win five XTERRA World Championships.

Mr. Speaker, there can be no doubt that a country that has marched into the record books on the strength of this Olympic success should appropriately celebrate the achievement with a public holiday.

Mr. Speaker, no story in Bermuda stands on its own. The nature of our history is such that inevitably there is another dimension to which we must have regard. Until July 2021 Bermuda had only one Olympic medallist in a boxing ring in Montreal in 1976. Clarence Hill, likewise, brought prominence to this Island with his bronze medal.

Mr. Speaker, I was not yet born, but I know the tragedy of the then Government's failure to properly celebrate Clarence Hill's success. Since that time, successive governments have attempted to make amends for that failure. We cannot rewrite history, Mr. Speaker, but we can make sure that the story does not end with a failure but culminates in fulfilment. Bermuda has two Olympic medallists—one gold, one bronze—that is remarkable by any measure and any story told of Olympic success will, by definition, in-

clude reference to both. They complement each other and demonstrate to us the value of investment in sports, in true talent, and the consequences when we fail to do so.

Mr. Speaker, Honourable Members will be aware that, regrettably, the triathlon event, which should have served as a backdrop to this proposed celebration, has been postponed owing to the current outbreak of the coronavirus. The reality of our current public health situation means that we may not have what we planned, but we will still do what we can to celebrate. My colleague, the Minister of Youth, Culture and Sport, has outlined in the other place the proposals for the day and I am pleased to advise this Honourable House that the Cabinet has now received recommendations for the naming of a significant location in Bermuda which will form the focal point for the day's observances.

Mr. Speaker, I am satisfied that the chosen location will be an eminently suitable site commensurate with the international importance of the achievement.

Mr. Speaker, as I commend this measure for the consideration of the House, I do so with some pride. With the exception of yet another convincing Somerset victory just a few days after this Olympic gold, we have not had much to cheer for in the last 18 months. This achievement and our collective ability to celebrate it, provides a rare silver lining to the clouds that have often threatened to overwhelm us.

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Premier.

Does any other Member wish to make a contribution at this time?

Hon. N. H. Cole Simons: I—

Hon. Derrick V. Burgess, Sr.: Yes, Mr. Speaker.

The Speaker: I . . . I—

Hon. Derrick V. Burgess, Sr.: Sorry, I will yield to the Leader of the Opposition.

The Speaker: Okay.

Opposition Leader, the Deputy has yielded to you. You have the floor.

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

I endorse most of the comments said by the Premier. We in the Opposition have no objection to the proclamation providing a holiday of October 18 for Flora Duffy.

I take the view, and I think most of my colleagues take the view, that Flora's achievement at the Olympics brought light into our darkness during our difficult times. You know, she gave some excitement to the community, she brought the community togeth-

er, and it was a pleasant distraction from the COVID-19 challenges that we have been facing for the past 18 months. As I said before in another press statement, when she ran, when she rode that bike, when she swam, she had the whole country with her, beside her, in front of her, and behind her. She was a determined young lady. She showed what Bermudians can do when we put our mind in the positive space and we do the work that is required to achieve excellence.

As a youngster, I have been told, she always wanted to go to the Olympics. And, in fact, a few of her coaches said that she would go to the Olympics. And I think it was that determination, that commitment and more importantly, that mental strength, that mental determination because competing at that level, I am told, that it is not just physical capabilities, it is mental capabilities, mental strength and discipline that will carry you beyond your physical boundaries.

As was said earlier, she is a global role model. She has five world championships from the International Triathlon Association. She also has a gold from the Olympics and a gold from the Commonwealth Games. And as the Premier said, there is no other person in this world that can be saluted for achieving such high levels of success.

So, Mr. Speaker, she is a role model for all Bermudians, for all young people, in that it is not the size of the population of a country that can make a difference, it is commitment, resources and support and good training that can take us to world-class levels and world-class success.

So, I have no problem, the Opposition has no problem, in supporting this Proclamation. I would also go one step further and recommend . . . and we have no problem with naming a building or a street after Flora Duffy, but I would go one step further and make it a standard that if any of our athletes reach worldwide acclaim, such as in the Olympics and other world championships, that they be considered for high-ranking Queen's awards. And I think that privilege should also be extended to Clarence Hill. He was our first and, to me, there is no reason why he could not be recognised for a Queen's award at the same time as Flora Duffy is. It is done in the UK all the time where the Queen's awards are based and issued. You will find that most of the athletes, the Olympic athletes, and the world championship athletes, have been recognised by the Government and the Queen. And so, I am suggesting this same recognition be bestowed on both Clarence Hill and Flora Duffy.

So, Mr. Speaker, on those few comments, we in the Opposition support the Proclamation made by Her Excellency the Governor in exercising the power conferred on the Governor by section 4 of the Public Holidays Act 1947.

Thank you.

The Speaker: Thank you, Opposition Leader.

Would any other Member wish to make a contribution at this time?

Deputy Speaker.

Hon. Derrick V. Burgess, Sr.: Yes, Mr. Speaker, yes.

The Speaker: Yes, Deputy Speaker.

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

Mr. Speaker, I, too, endorse the remarks of the Premier David Burt and the Opposition Leader Cole Simons. But before I talk about my cousin Flora, let me just remind people of some other Bermudian athletes, not very many.

There was Burnell Williams Muhammad in the 1960s that went on to, I think it was, New York and won the most muscular body in the world in the 1960s.

And then you had in the 1970s, I believe it was, Baldy Hansey, who competed in the New York Marathon and he was leading the race and he took a wrong turn and then when he discovered he had taken the wrong turn he turned back and he eventually came in seventh. But some weeks later the guy that won the race came to Bermuda and raced Baldy in a marathon and Baldy Hansey beat him.

Also let me not forget, I recall Sir Dennis Wainwright. Dennis Wainwright played top-class standard cricket in Bermuda—and football—plus during that time building a house. Up to today I wonder how guys like Dennis Wainwright, Sir [Calvin] “Bummy” Symonds, and others were able to achieve all that because, you know, that is playing sports all year round. They did a great job entertaining Bermuda and even for our overseas tourists.

And I can tell you, I am quite sure about this, Dennis Wainwright has probably got one of the best averages in batting in runs, getting runs, performing overseas. And at one time, I think it was, Sir Garfield Sobers, said that if he could, he would have Dennis Wainwright playing wicketkeeper for the West Indies, if he could.

So, we have had some great athletes in Bermuda. And Flora Duffy, my hat goes off to her because to reach that standard that she reached, it does not take one or two years of training, it takes years of training, it takes years of drinking, eating and sleeping to get to that standard. When she took that run, you could see she was operating on the whole six cylinders, there was no misfiring or anything. She was smooth, she was confident, and she looked fresh. And so, I support the holiday for Flora Duffy, I support in honouring her, and Cousin Clarence.

So, Mr. Speaker, I am happy to be able to support this here because I think that is . . . I know that is what is worthy for us to do.

Thank you, Mr. Speaker.

The Speaker: Thank you, Deputy.

Does any other Member wish to make a contribution at this time?

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

The Speaker: MP Swan, you have the floor.

Mr. Hubert (Kim) Swan: Thank you, Mr. Speaker.

Mr. Speaker, I just want to join in with the celebratory comments in supporting the Bill, the Proclamation, and the whole sentiment around recognising world excellence by a Bermudian on this occasion and in this manner. And yes, the efforts of Flora Duffy are already, Mr. Speaker, reaping benefits for Bermuda from a tourism perspective with our global awareness which, as we position ourselves to regain our place in the world as a tourism destination, will be enhanced when people know where we are. And with Flora Duffy placing Bermuda on the world stage throughout that triathlon in the Olympics this year, the world was focused on this tiny Island in the middle of the North Atlantic Ocean. And for that we are grateful and, as a people, we will celebrate.

As an athlete myself, Mr. Speaker, I can tell you that there is no greater thing to have in your midst than excellence being performed, to inspire others, others who, in these times of a global pandemic which is gripping our country, need something positive to latch onto. And celebrating the excellence demonstrated by Flora Duffy is certainly beyond well worth it, it presents us an opportunity for us to encourage our citizenry to aspire to that same excellence and for us, as a government and a people, to do all that we can to support those efforts in the making.

Yes, it takes a lot of support in order to receive that type of training that goes along with achieving that type of excellence. And it is important for us, at the youngest of ages, to recognise and spot the talent. But notwithstanding that, Mr. Speaker, it takes an inner ability, beyond excellence, for someone to suffer on whilst they are in the lows of a sport to have the confidence in themselves in order to dwell in those spaces.

And I am certain that Flora Duffy experienced that in large measure and overcame that, notwithstanding, Mr. Speaker, growing up in a small society when it is oftentimes the case when people discourage you from achieving global excellence. We in this country, as the Deputy has outlined, have many Bermudians who have punched well beyond their weight and placed us in significant positions globally.

And I think it is an opportunity for us in celebrating the recent accomplishments of Flora Duffy for us to encourage persons to do likewise and to use every example possible to convey to the young people and the not so young people in our country the type of commitment that it takes, the type of mental fortitude

that is required, the type of discipline and training that goes with achieving excellence, Mr. Speaker.

And so, in supporting the efforts of my Government in this recognition and in the celebrations in the months and years to come that go along with it, let us not lose the opportunity in all the disciplines. And let me say this, Mr. Speaker. Many years ago sport in Bermuda was very limited to only a few sports where excellence was practiced and celebrated and able to take overseas. We have had a growing number of disciplines and persons participating in many sports across the board—far more today than what would have existed 50 years ago. So it is not an easy task to [give] all of the support necessary. Thankfully, there are philanthropic and charitable foundations that come along in Bermuda and assist that as we go along. It cannot be done by government and government alone.

But on this occasion, with the global achievement of Flora Duffy there will be many opportunities for us to communicate how important it is for persons to practice what she practiced that can still help them in their daily lives—the discipline of a proper diet, the difficulty in maintaining a proper diet, the importance of being . . . of practicing consistently, the importance of being persistent no matter what, no matter how you feel, and the importance of being consistent in what you do and how you carry out what you do.

Notwithstanding that, sport, Mr. Speaker, also provides the opportunity, as the great Jim Woolrich (the commentator) used to say, *it builds character among people*. And all the sports that are available . . . sport is sport in my estimation. I teach it as a practitioner, Mr. Speaker. And thankfully I still am able to participate in it and am taking it more seriously today than I have ever done in decades. And I can tell you that sport brings out in you something that a lot of people do not realise and sometimes do not appreciate they have, and it is important for us to use this opportunity to communicate to all of our people that they still have it in them to do beyond what they feel is within them.

And as we grapple [with] this pandemic, as we celebrate our greatest achiever at the Olympics in this time, Mr. Speaker, let us use the opportunity to communicate to Bermudians in all spheres that they can reach beyond what they are doing today to achieve greater excellence of what they are doing, may it be in the sporting field, may it be in the workplace, may it be just in simple daily life, Mr. Speaker, the opportunity is here with us now. No greater opportunity, Mr. Speaker, than at a time like this when our people are grappling with a deadly pandemic, then we must act well beyond the normal, just like Flora did. We must do things of extraordinary measures for the benefit of ourselves and our people, just like she is doing and encouraging us to do, Mr. Speaker.

So, as we celebrate her during a pandemic, let us take advantage of the opportunity—more need-

ed than ever—to convey the importance of our people to reach deeper than they have ever dug before to do things for themselves unselfishly to help us go through this whole pandemic, Mr. Speaker, in a far greater way than what we are doing at the present.

I support this initiative, these measures, Mr. Speaker. I celebrate her excellence and will continue to celebrate her excellence and congratulate her and her family and all those who supported her, for allowing Bermuda, this tiny gem, to once again shine in the world, punch well above its weight, and at the same time communicate to people that there is no [better] place in the world to be than our glorious Bermuda.

Thank you, Mr. Speaker, those are my contributions.

The Speaker: Thank you, Honourable Member.

Does any other Member wish to make a contribution at this time?

Any other?

None.

Premier.

Hon. E. David Burt: Mr. Speaker, thank you and I thank Honourable Members for their consideration and their comments.

And Mr. Speaker, I move that the said Draft Proclamation be approved and that a suitable message be sent to Her Excellency the Governor.

The Speaker: Are there any objections?

There are none.

The matter has been approved and the appropriate message will be sent.

Thank you, Members, for your participation on that matter.

[Motion carried: The Proclamation by Her Excellency the Governor in exercise of the power conferred on the Governor by section 4 of the Public Holidays Act 1947 was considered by the whole House and approved.]

The Speaker: We now move on to [Order] No. 4 on the Order [Paper] which is the second reading of the Segregated Accounts Companies Amendment Act 2021 in the name of the Minister of Finance.

Minister.

Hon. Curtis L. Dickinson: Mr. Speaker, I move that the Bill entitled the Incorporated Segregated Accounts Companies Amendment Act 2021 *[sic]* be now read the second time.

The Speaker: Are there any objections?

There are none.

Continue, Minister.

BILL

SECOND READING

INCORPORATED SEGREGATED ACCOUNTS COMPANIES AMENDMENT ACT 2021

Hon. Curtis L. Dickinson: Mr. Speaker, I am pleased to present to this Honourable House the Incorporated Segregated Accounts Companies Amendment Act 2021. This Bill will amend the Incorporated Segregated Accounts Companies Act 2019, commonly referred to as the ISAC Act, to enable registration of an incorporated segregated account as a company at the time of initial registration under the ISAC Act and to streamline the process for registration of a digital asset business as ISACs. The Bill makes other changes in consequence of the substantive amendments to the ISAC Act.

Mr. Speaker, the ISAC Act introduced ISACs as a new corporate structure in response to market demands for a product to compete with incorporated cell company structures offered in competitor jurisdictions. One of the most important features of the ISAC product is the ability to segregate assets and liabilities amongst an ISAC and its incorporated segregated accounts, also known as ISAs. Once an ISAC is registered under the Act, it can register and operate individual ISAs as needed to diversify investors and lines of business and to mitigate risk. Each ISA is a legal person with the rights, powers and privileges of a natural person that exists separately from those of the ISAC.

Mr. Speaker, shortly after the ISAC Act became operational, it was noted that the Act did not provide for ISAs to be registered as companies governed by the Companies Act. Currently, for an ISA to be registered as a company, its prior registration under the ISAC Act must be cancelled, the ISAC Act will no longer apply and the company would be governed solely by the Companies Act. The inability to register ISAs as companies has caused significant concerns among industry representatives about the potential for legal uncertainty in foreign courts, particularly within the insurance sector.

Mr. Speaker, this Bill will resolve industry concerns by clarifying the status of ISAs as companies at the time of initial registration. As such, it will no longer be necessary for an ISA to cancel its registration under the ISAC Act to become a company. Each ISA will be incorporated as a company governed by the Companies Act and registered as an ISA under the ISAC Act.

Mr. Speaker, the ISAC Act is also amended to enable an ISA to continue operations as a company once the registration under the ISAC Act is cancelled. The now former ISA can continue operating as an independent company governed by the Companies Act. The assets, liabilities, rights and obligations of the ISA

will continue to be those of the independent company. The flexibility is essential to ensuring that the ISAC product remains as versatile as possible.

Mr. Speaker, in addition to the changes regarding the ISAs, the Bill will amend the ISAC Act to enable digital asset businesses to register as ISACs without the need for approval by the Minister of Finance. Currently, only insurance businesses and investment funds may register as ISACs without first obtaining ministerial approval. As Honourable Members are aware, digital asset businesses, like insurance businesses and investment funds, are regulated financial institutions supervised by the Bermuda Monetary Authority. This amendment will streamline the process for registering a digital asset business as an ISAC. The change in process is supported by both the BMA and industry representatives and is consistent with existing government policy.

Finally, Mr. Speaker, changes are proposed to the Companies Act 1981 and Government Fees Regulations 1976. These amendments are simply a consequence of the amendments to the ISAC Act regarding registration of ISAs as companies and continuation of a former ISA as a company governed under the Companies Act.

Mr. Speaker, the Bill we are debating today will enhance Bermuda's ISAC product and make it more competitive with similar offerings in other jurisdictions. I would like to thank the technical officers in the Ministry of Finance, Cabinet Office, Economic Development Department, Attorney General's Chambers, the Bermuda Monetary Authority, and members of the private sector who worked on this Bill.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

Hon. N. H. Cole Simons: Yes, Mr. Speaker.

The Speaker: Opposition Leader, you have the floor.

Hon. N. H. Cole Simons: Mr. Speaker, I will be very, very brief on this. I have had a thorough discussion on both pieces of legislation with one of the technical advisers and I am satisfied that the structure is sound. And the fact that it is driven by industry, and it will help Bermuda in its competitive edge in regard to the financial services industry leads me to support it.

I am also comforted by the fact that the ISACs are basically overseen by the Registrar of Companies when they are incorporated and all the protocols and business requirements under the Companies Act are adhered to and that the KYC/AML issues required are adequately addressed. I am also comforted by the fact that if these ISACs have insurance business or digital asset business or investment business, they are also cross-checked in regard to the Insurance Act and

Business Investment Business Act and the Digital Asset legislation that we also have on our books. So, there is a cross-check from a business point of view and there is the digital compliance from a corporate point of view under the Companies Act.

So, I am comfortable with these changes, Mr. Speaker, and have no objection to supporting and endorsing this legislation.

Thank you, Mr. Speaker.

The Speaker: Thank you, Opposition Leader.

Does any other Member wish to make a contribution at this time?

There are none.

Minister.

Hon. Curtis L. Dickinson: Thank you, Mr. Speaker.

With that I move that the Bill be committed.

The Speaker: Thank you.

Deputy Speaker.

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

House in Committee at 3:50 pm

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

COMMITTEE ON BILL

INCORPORATED SEGREGATED ACCOUNTS COMPANIES AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled [\[Incorporated Segregated Accounts Companies Amendment Act 2021\]](#).

Minister Dickinson, you have the floor.

Hon. Curtis L. Dickinson: Mr. Chairman, this Bill seeks to amend the Incorporated Segregated Accounts Companies Act 2019 to provide that an incorporated segregated account is a company. This Bill also seeks to amend the Companies Act 1981 and the Government Fees Regulations 1976.

Mr. Chairman, I move all clauses.

The Chairman: Continue, Minister.

Hon. Curtis L. Dickinson: Clause 1 provides a title for this Bill.

Clause 2 amends section 2 of the Act to insert a definition of "digital asset business."

Clause 3 amends section 3 of the Act to provide that a company carrying on digital asset business may apply for registration as an ISAC, without the approval of the Minister being required.

Clause 4 amends section 9 of the Act to provide that an incorporated segregated account registered under the Act will be a company to which the Companies Act 1981 applies.

Clause 5 inserts section 9A in the Act to empower the Registrar to issue a certificate of incorporation under the Act in respect of an incorporated segregated account.

Clause 6 amends section 10 of the Act to confirm that the provisions of the Companies Act 1981 apply in relation to incorporated segregated accounts.

Clause 7 amends section 15 of the Act with respect to circumstances where a certificate of registration will be cancelled. This will include continuance of an incorporated segregated account as a company under the Companies Act 1981.

Clause 8 amends section 33 of the Act to include a reference to continuance.

Clause 9 amends section 38 of the Act to provide for an incorporated segregated account to continue as a company under the Companies Act 1981. The incorporated segregated account so continued will thereafter be governed as a company independent of its ISAC under the Companies Act 1981.

Mr. Chairman, clauses 10 through 15 amend sections 39, 40, 41, 43, 53 and 61, respectively, of the Act to refer to continuance in consequence of the amendments effected to section 38.

Clause 16 effects consequential amendments to the Companies Act 1981, and the Schedule (Head 36A) to the Government Fees Regulations 1976 (which relates to fees under the Act).

And Mr. Chairman, clause 17 deems an incorporated segregated account that exists on the day when this Bill comes into operation to be incorporated as a company thereby enabling a certificate of incorporation to be issued if it complies with section 9A.

Thank you, Mr. Chairman.

[Pause]

Hon. Curtis L. Dickinson: Mr. Chairman, you are on mute.

The Chairman: I am sorry.

Any further speakers?

Thank you, thank you, Minister.

Hon. N. H. Cole Simons: No, Mr. Speaker.

The Chairman: Okay, Minister.

Thank you, Mr. Simons.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 1 through 17 be approved.

The Chairman: It has been moved that clauses 1 through 17 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 1 through 17 passed.]

The Deputy Clerk: Excuse me, Mr. Chairman.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the preamble be approved.

The Chairman: Well, we have got 20, you forgot the rest of them because we have got . . . you have done 1 through 17 and you have got 28.

The Deputy Clerk: I think you may be referring to the Bill entitled the "Incorporated" Segregated Accounts.

Hon. N. H. Cole Simons: That is what we are doing.

The Deputy Clerk: Okay, because we were under the impression that we are doing Segregated Accounts.

The Chairman: Yes, yes.

The Deputy Clerk: Okay, so we are doing the Incorporated Segregated—

The Chairman: So we are doing the Incorporated one, okay. That is fine.

The Deputy Clerk: That is [Order] No. 5.

The Chairman: Yes.

The Deputy Clerk: Okay, just make that clear to everybody—

The Chairman: Yes.

The Deputy Clerk: —that we are doing [Order] No. 5 and not [Order] No. 4.

The Chairman: Thank you, Mr. Somner.

We are doing [Order] No. 5 the Incorporated Segregated Accounts Companies Amendment Act 2021.

Sorry, Minister. Will you do that again?

I am sorry.

Hon. Curtis L. Dickinson: Okay.

Just to be clear, Mr. Chairman, is the Opposition Leader and I . . . are we on the same page here?

Hon. N. H. Cole Simons: I thought you were doing the Incorporated Segregated Companies.

Hon. Curtis L. Dickinson: ISAC, that is what I have been doing.

The Chairman: Yes, you are on the same page.

Hon. N. H. Cole Simons: And that is what I spoke to.

The Chairman: Yes, we were going by this schedule, but that is fine. We were going in numerical order, but that is fine.

The Deputy Clerk: We will just come back and do the Segregated Accounts after this.

The Chairman: Yes.

So, you can move that again, Minister, so we can—

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Are there any objections to that?
There appear to be none.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Are there any objections to that?
There appear to be none.

The Bill will be reported to the House as printed.

Thank you, Minister Dickinson.

[Motion carried: The Incorporated Segregated Accounts Companies Amendment Act 2021 was considered by a Committee of the whole House and passed without amendment.]

The Chairman: Mr. Speaker.

House resumed at 4:05 pm

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

REPORT OF COMMITTEE

INCORPORATED SEGREGATED ACCOUNTS COMPANIES AMENDMENT ACT 2021

The Speaker: Yes, Deputy, thank you. And Minister, before I move anything, let us get clarity here. I had, opened this matter as [Order] No. 4, but it sounds like you have dealt with [Order] No. 5.

Hon. Derrick V. Burgess, Sr.: Yes.

The Speaker: Okay. So—

Hon. Derrick V. Burgess, Sr.: You have got it right.

The Speaker: [Order] No. 5 was dealt with, so we still have to come back and do [Order] No. 4.
Correct, Minister?

Hon. Derrick V. Burgess, Sr.: Yes.

Hon. Curtis L. Dickinson: That is correct.

The Speaker: Okay. So, the reporting back to the House right now is the reporting of [Order] No. 5, which is the Incorporated Segregated Accounts Companies Amendment Act 2021.

Are there any objections to that being reported as printed?

Hon. N. H. Cole Simons: No.

The Speaker: There are none.

The matter has been reported as printed.

Now we will go back to where I started, [Order] No. 4, Segregated Accounts Companies Amendment Act 2021 in the name of the Minister of Finance.

Now, I had to do that just for the clarity of the record. Hansard records what was said, and it would have recorded that we had started the other item as [Order No.] 4, but we finished it as [Order No.] 5. So, for the clarity of Hansard that exercise had to be cleared up.

So, Minister, would you like to now introduce [Order] No. 4?

Hon. Curtis L. Dickinson: Thank you, Mr. Speaker.

Mr. Speaker, I move that the Bill entitled the Segregated Accounts Companies Amendment Act 2021 be now read the second time.

The Speaker: Are there any objections to that?

No objections.
Continue, Minister.

BILL

SECOND READING

SEGREGATED ACCOUNTS COMPANIES AMENDMENT ACT 2021

Hon. Curtis L. Dickinson: Mr. Speaker, the Bill entitled Segregated Accounts Companies Amendment Act 2021 will make two substantive amendments to the Segregated Accounts Companies Act 2000. This Bill will introduce new requirements concerning the appointment of segregated account representatives and it will enable use of the segregated account company structure (commonly referred to as a SAC) by limited liability companies governed by the Limited

Liabilities Companies Act 2016. The Bill also includes changes in consequence of the substantive amendments as well as various updates to modernise the Act.

Mr. Speaker, Bermuda's segregated accounts product has evolved over time from use by companies authorised to operate segregated accounts (primarily by private act) to more wide-scale availability of the product for use by companies registered as SACs under the SAC Act. [The] SAC is a corporate structure which enables the legal segregation of assets and liabilities amongst different accounts operated by the SAC. While SACs are primarily used in conjunction with regulated business activities, such as insurance business and investment management, there is no limitation as to the type of business activity for which a SAC can be used, so long as it is legally permitted business activity. Likewise, a SAC can operate an unlimited number of segregated accounts to meet its business needs and objectives. The establishment of a segregated account does not create a separate legal person, which is distinct from the SAC. Each account is statutorily linked to the SAC. However, the assets held by the segregated account are held exclusively for the benefit of the owners of that account and persons who are counterparties to any transactions linked to that segregated account. The assets of a segregated account are legally firewalled from the assets and liabilities of the SAC and any other segregated account and are available to satisfy liabilities to the owners and creditors of only that segregated account.

Mr. Speaker, the result of this framework is that a single SAC can diversify business lines, assets, creditors and risks without having to register and operate separate companies to do so. Segregated account owners may also be different from the beneficial owners of the SAC. While this duality of ownership might seem contrary to the nature of a segregated account as not being a separate legal person from the SAC, it is an important and distinct feature that is directly related to the intended purpose and flexibility of the SAC product.

Mr. Speaker, unfortunately, this aspect of the SAC structure has resulted in transparency concerns surrounding the account owners of segregated accounts. Since segregated accounts are not companies, limited liability companies or partnerships, they are not subject to the standard process for registering a business. Segregated accounts are not subject to Bermuda's beneficial owner framework and the statutory definition of an account owner is not, in any way, linked to that of a beneficial owner.

Following its review of the SAC structure, the Caribbean Financial Action Taskforce recommended changes to the SAC framework in the January 2020 Mutual Evaluation Report for Bermuda. The recommended actions were intended to address the concerns regarding transparency of ownership of segre-

gated accounts, specifically, CFATF recommended that SACs be required to utilise persons who are subject to regulation under Bermuda's Anti-Money Laundering/Anti-Terrorist Financing framework to serve as SAC representatives. The requirement to appoint a SAC representative and the duties of such persons is set out in section 10 of the SAC Act. Currently, SAC representatives must be persons who are approved by the Minister of Finance. SAC representatives are required to make a written report to the Registrar of Companies of certain matters specified by the Act, including any failure of the SAC to comply with conditions or requirements imposed by the Registrar to ensure the reputation of Bermuda.

Mr. Speaker, to address the concerns raised by CFATF and in line with the recommended actions included in the 2020 Report, this Bill will introduce the requirement that SAC representatives be persons who are regulated under Bermuda's AML/ATF framework. The intention is to ensure that account owners are being properly vetted by the SACs for AML/ATF purposes. Since most SACs on the register are already subject to AML/ATF regulations, the appointment of a regulated SAC representative will be optional for regulated SACs and those entities may choose to appoint as their SAC representative a regulated person or a person approved by the Minister of Finance.

Mr. Speaker, to fully address the concerns regarding transparency, the Registrar of Companies will use the existing authority set out in the SAC Act to impose a condition on SACs to identify and verify the identity of account owners. SAC representatives will remain subject to the requirement to make a written report to the Registrar of the SAC's failure to comply with this condition based on the current provisions in the Act.

Mr. Speaker, the approach taken in this Bill, combined with the exercise of existing legislative authority to mandate the vetting of account owners, strikes the right balance to enable effective implementation of the CFATF recommendation without imposing undue regulatory burdens in relation to the SAC product. To remain competitive, we must balance international regulatory compliance with a sensible regulatory approach.

Mr. Speaker, this Bill also includes amendments to allow limited liability companies (LLCs) to register as SACs. Following enactment of the Limited Liability Companies Act 2016, it was proposed that the SAC Act be amended to enable use of the product by LLCs. The LLC is a hybrid entity that includes features of both traditional limited companies and partnerships. A fundamental characteristic of limited liability for LLC members, combined with the flexible approach to governance via contractual agreements amongst the LLC members, makes the LLC an attractive business structure. Any LLC member may participate in the day-to-day management and operations of the LLC without losing the liability protection offered by this

structure and there is no requirement for a board of directors. This results in lower overall costs for forming and operating an LLC as compared to a traditional limited company.

Mr. Speaker, it is believed that the LLC product will pair extremely well with the SAC product. LLCs are known to be a vehicle of choice for private equity funds and other asset holding structures. There are also a number of SACs on the register that are used as fund vehicles. Extension of the SAC Act to apply to LLCs will make both products more viable for use as structures that are positioned to combine flexible governance options with the ability to diversify business activities, assets, and investors. As such, this Bill will enhance the versatility and usefulness of the Bermuda LLC and SAC structures.

Finally, Mr. Speaker, various changes are being made to update and modernise the SAC Act. This includes incorporating provisions that ensure consistency with other Acts and that clarify the application of several other laws as they relate to SACs. As well, some existing provisions are being streamlined and recast to allow for a more modern approach to various sections of the Act.

Mr. Speaker, I would like to thank the technical officers in the Ministry of Finance, Cabinet Office, the Economic Development Department, the Attorney General's Chambers, the Bermuda Monetary Authority and representatives within the private sector who contributed to the production of this Bill.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

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

The Speaker: Opposition Leader, you have the floor.

Hon. N. H. Cole Simons: I have no objection to this Act. However, I just have a question for the Minister that is general. I am supportive and clear in regard to those SACs that are incorporated and those SACs that are LLCs because the LLC entities have to prescribe to our general LLC legislation. So, the KYC and AML issues I am comfortable with, as I am with the SACs that are incorporated under the Companies Act.

I think where I have a question and need more clarity is where we have SACs that are unincorporated and they are not LLCs.

The Minister indicated that in those cases a legal representative or a regulatory representative has to be involved to make sure that the AML and KYC protocols are adhered to and that we have information on the beneficial owners. And just mentioning the beneficial owners, there is also another question because if you have an unincorporated cell how would you describe who owns it? I mean, is it the economic

contributor to the cell? Or is there another entity that can make contributions?

So, it is not just how it is registered. As we all know, the KYC and AML is not on, possibly, the sponsor of those unincorporated entities within the . . . or unincorporated cells, do we do KYC and AML on the sponsors and/or the economic contributors to the cells? Because a lot of these types of structures are used in variable life policies and variable life annuities and they are normally held as insurance wrappers or tax efficiencies, and we have a number of such companies here in Bermuda and in the international financial service centres. And, like I said, and the Minister is right, for those unincorporated we have to do our due diligence.

So, my question is, how do we pin down who the unincorporated cells belong to and how do we manage if there is a change of ownership? And what type of documents do we have, i.e., we could have a sponsor that provides minimal capital into the cell and then we could have an economic donor who provides most of the capital, who may not be the sponsor of the unincorporated cell. And so, I would like for the Minister to speak to that section of that business to see how we can cross our t's and dot our i's.

And other than that, Mr. Speaker, I have no objection to the legislation.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Member wish to make a contribution?

Mr. Jache Adams: Mr. Speaker.

The Speaker: Yes, MP Adams, how are you today? You have the floor, sir.

Mr. Jache Adams: Thank you. Mr. Speaker, I just want to take the opportunity and start by saying that I support the Bill and commend the Minister and his team for the work they have done bringing this forward.

Mr. Speaker, I promise I will be brief as I see that we have quite a bit of business still to get through today and particularly as this is, in my opinion, in some respects, simply a housekeeping measure aimed to keep Bermuda competitive as a jurisdiction whilst adhering to the recommendations of CFATF, which is an internationally recognised entity.

Mr. Speaker, I will remind Members and the listening public that CFATF is the very same organisation that, after their assessment of the country last year, identified Bermuda as being amongst the global leaders in the fight against money laundering and terrorist financing.

Mr. Speaker, this is the reputation that this Government has worked hard to earn and will work even harder to maintain.

Mr. Speaker, our reputation is critically important because, as we know, Bermuda is a small, isolated country, which lacks natural resources. And so, service is who we are and, effectively, it is what we do. And so, as an offshore financial service centre, we have to ensure that we uphold our reputation as a creditable place to do business as that is part of the foundation of our economic recovery.

And so, Mr. Speaker, the point I am making is that as a country we know all too well how the financial services industry continues to evolve with compliance and the like. And, therefore, the Government must put forth legislation that continues to evolve as well. What was applicable then may not be as fitting as it is now.

Mr. Speaker, I mentioned earlier that I support the Bill as much of these amendments are intended to modernise the Act, address transparency concerns, intended to meet international regulatory standards whilst maintaining an environment conducive to economic growth.

Mr. Speaker, I must add that I support the requirement of the appointment of a SAC representative, which is aimed to address the transparency concerns regarding owners of segregated accounts. These SAC representatives would also be responsible and subject to the country's AML and anti-terrorist financing framework. And as stated in the Bill, it is to provide . . . they are to provide a report to the Registrar in the likelihood of some or any insolvency. This, again, speaks to legislation put forth by this Government encouraging added transparency and effective reporting.

Mr. Speaker, I also agree with the premise of moving quickly and not belabouring the process and so, I noticed in the Bill the deadline of December 31. We recognise the vast majority of the over 300 SACs in Bermuda are regulated and, therefore, we do not anticipate an issue with compliance. And for the few SACs which are not regulated, it is my belief that a couple of months is sufficient for them to meet the requirement.

Mr. Speaker, I also support this Bill enabling LLCs to be brought within the scope of the principal Act by allowing for them to register as SACs. With just under 200 LLCs on the register as active, I agree with the Minister wholeheartedly that the LLC product will pair well with the overall SAC product.

And so, Mr. Speaker, I will wrap up and simply say that, as a government we will continue to demonstrate Bermuda's commitment to being a responsible global citizen. We will continue to evolve to allow for the country to remain competitive and continue to uphold an exemplary standard as an offshore financial service centre.

Thank you.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Any other?

Minister, there appears to be none.

Hon. Curtis L. Dickinson: Thank you, Mr. Speaker.

Mr. Speaker, I would like to thank both Honourable Members for their contributions. And let me say that MP Adams, I think, touched on in his comments, I think he partially responded to the query raised by the Opposition Leader.

And with respect to the Opposition Leader's question, segregated accounts are the cells or, in other words, the unincorporated entities. And cells have account owners and the vetting is done on the account owner. So the process that we have for due diligence remains in place, and we do have an understanding who those folks are who are participating in the segregated cells.

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

The Speaker: Thank you, Minister.
Deputy.

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

House in Committee at 4:20 pm

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

COMMITTEE ON BILL

SEGREGATED ACCOUNTS COMPANIES AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Segregated Accounts Companies Amendment Act 2021](#).

Minister Dickinson, you have the floor.

Hon. Curtis L. Dickinson: Mr. Chairman, this Bill amends the Segregated Accounts Companies Act 2000 to enable limited liability companies to be brought within the scope of the principal Act, to strengthen the provisions relating to the appointment of a segregated account representative and to make related amendments.

Mr. Chairman, I move clauses 1 through 7.

The Chairman: Continue, Minister.

Hon. Curtis L. Dickinson: Clause 1 provides a title for this Bill.

Clause 2 amends section 2 of the principal Act by inserting a number of new definitions and revis-

ing others to enable limited liability companies to be brought within the scope of the principal Act.

Clause 3 amends section 3 of the principal Act to include a limited liability company as a company that may apply to be registered as a segregated accounts company.

Clause 4 amends section 5 of the principal Act to require that, where a segregated account representative is a regulated person, the supervisory authority in respect of that regulated person must be included in the list of information to be filed when making an application for a company to be a registered segregated accounts company. This clause also revises and recasts some of the provisions for streamlining purposes and to account for, generally, the notices and documents to be filed by a company to which the Companies Act 1981 applies and by a limited liability company.

Clause 5 amends section 6 of the principal Act to require the Registrar of Companies, before revoking or varying a condition or requirement that was imposed on a company (at the time of registration), to give to that company an opportunity to be heard. This clause also provides that where a segregated accounts company is aggrieved by a decision of the Registrar to vary or revoke such conditions or requirements, the company may appeal to the Supreme Court within the requisite number of days.

Clause 6 inserts new section 6A into the principal Act. Section 6A consists of existing provisions which enable an account owner or creditor who objects to the registration of a company as a segregated accounts company to apply to the Supreme Court for an annulment of the registration of the company. These provisions were formerly set out in section 5 but have been recast for readability and streamlining purposes.

Clause 7 amends section 7 of the principal Act to enable that provision to apply to a segregated accounts company that is a limited liability company as it would to a company to which the Companies Act 1981 applies. This clause also recasts various other provisions under section 7 for readability and streamlining purposes.

The Chairman: Thank you, Minister.
Are there any further speakers?

Hon. N. H. Cole Simons: Yes, Mr. Chairman, thank you.

The Chairman: Honourable Opposition Leader Simons, you have the floor.

Hon. N. H. Cole Simons: Amendments to section 2, [clause 2](f)(i) “insert after ‘share,’ the words ‘LLC interest,’”. That applies to (i) and (ii), LLC interest.

How would the Minister define “interest”? Is it economic interest, are there other interests? Can he define that, please?

The Chairman: Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, just give me a moment to get some technical advice on that.

The Chairman: Okay.

Hon. N. H. Cole Simons: I am asking because you could have someone who is guaranteeing a loan or you could have someone who puts in direct capital or consequential support to the LLC, so, to what extent are we covering “interest”? And how far do we go?

The Chairman: Do you have any other questions in clauses 1 through 7?

Hon. N. H. Cole Simons: [Clause] 6.

The Chairman: Six?

Hon. N. H. Cole Simons: [Clause] 6A, on page 4, objection to registration as a segregated account company.

Can the Minister apply how this would operate operationally? Are we saying that this applies only for incorporations or applies when you incorporate the cell, or are we talking about a continuation of the cell—incorporated cell—outside of the ISAC? I.e., the cell stands on its own two feet as a separate entity with no relationship with the ISAC, they become, basically, autonomous.

The Chairman: Any further [comments]?

Hon. N. H. Cole Simons: No, that is it for—

The Chairman: Clauses 1 through 7?

Hon. N. H. Cole Simons: —clauses 1 through 7.

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

Hon. Curtis L. Dickinson: Mr. Chairman—

The Chairman: Yes.

Hon. Curtis L. Dickinson: —with respect to the question around the definition of “interest,” I would refer the Honourable Member to the Limited Liability Companies Act 2016 wherein it sets out in the definitions “‘LLC interest’ means a member’s share of the profits and losses of a limited liability company and a mem-

ber's right to receive distributions of the limited liability company's assets."

Hon. N. H. Cole Simons: Okay, that is good enough. Thank you very much.

Hon. Curtis L. Dickinson: I am just still . . . give me . . . the second question, just one moment please.

The Chairman: Okay.

Hon. Curtis L. Dickinson: Mr. Chairman, I am advised that there may be some confusion in the question because it might be referring to incorporations, and incorporations are related to ISAC not to a SAC.

The Chairman: Mr. Simons, are you clear?

Hon. N. H. Cole Simons: Just for clarification, it is my understanding that SACs may also be incorporated; however, I admit I might be wrong. But I think I am right that SACs may be incorporated and some SACs are unincorporated.

Hon. Curtis L. Dickinson: It is the segregated account that is not incorporated.

Hon. N. H. Cole Simons: Okay, okay, okay. I have got you.

The Chairman: Any further speakers to clauses 1 through 7?

There appear to be none.

Minister, do you want to move clauses 1 through 7?

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 1 through 7 be approved.

The Chairman: It has been moved that clauses 1 through 7 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 1 through 7 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 8 through 18.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 8 amends section 10 of the principal Act to provide that a segregated account representative, appointed and maintained by a segregated accounts company must, subject to this section, be either a regulated person or a person approved by the Minister. This clause provides that where a segregated accounts company is engaged in

insurance business, is an AML/ATF regulated financial institution or is otherwise required to comply with AML/ATF regulations, it has the option to elect which type of segregated account representative to appoint. This clause also enables the Minister to provide, by order subject to the negative resolution procedure, for other categories of segregated accounts companies to have such option. In all other cases, the company must appoint a regulated person. A "regulated person" is defined, for the purposes of this clause, as a person in respect of whom a supervisory authority (within the meaning of section 3(1)(a) and (b) of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008), has regulatory authority. Finally, this clause enables section 10 to apply to a segregated accounts company that is a limited liability company as it would to a company to which the Companies Act 1981 applies.

Clause 9 amends section 11 of the principal Act to enable that provision to apply to a limited liability company as it would to a company to which the Companies Act 1981 applies.

Clause 10 amends section 12 of the principal Act to recast some of the existing provisions for readability and streamlining purposes.

Clauses 11 and 12 amend sections 14 and 15 of the principal Act to enable those provisions to apply to a limited liability company as they would to a company to which the Companies Act 1981 applies.

Clause 13 amends section 16 of the principal Act to enable that provision to apply to a limited liability company as it would to a company to which the Companies Act 1981 applies and to recast some of the existing provisions for readability and streamlining purposes.

Clauses 14 and 15 amend sections 17 and 17A of the principal Act to enable those provisions to apply to a limited liability company as they would to a company to which the Companies Act 1981 applies and to recast some of the existing provisions for readability and streamlining purposes.

Clauses 16 through 18 amend sections 18, 20 and 24 of the principal Act to enable those provisions to apply to a limited liability company as they would to a company to which the Companies Act 1981 applies.

The Chairman: Thank you, Minister.

Are there any further speakers?

Hon. N. H. Cole Simons: I just have one question.

The Chairman: Yes.

Hon. N. H. Cole Simons: And I direct it to [clause] 8, amendment to section 10. And my question is simple. Can an SAC company appoint both a local representative and a regulated person or do they have to be one person? Does the owner of the SAC have the

ability to appoint two people—one as an account rep and one as a regulated person?

Hon. Curtis L. Dickinson: Mr. Chairman.

The Chairman: Yes, go ahead, Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, the SAC is allowed to appoint one person and that person can fulfil both qualities that the Opposition Leader asked about, whether it be a local person or regulated, but it is one person.

Hon. N. H. Cole Simons: So, they cannot have two persons?

Hon. Curtis L. Dickinson: Well, that is what one person . . . one person.

Hon. N. H. Cole Simons: Okay.
That is all I have for that section.

The Chairman: Any further speakers on clauses 8 through 18?

Mr. Jarion Richardson: Yes, Mr. Chairman.

The Chairman: Yes.

Mr. Jarion Richardson: MP Richardson.

The Chairman: MP Richardson, continue.

Mr. Jarion Richardson: Thank you, sir.

My question to the Honourable Minister is as it relates to clause 8 where “a segregated accounts company shall appoint and maintain a segregated account representative.” I note that this person has to be approved by the Minister as a representative of that company.

My question is, Minister, What is the criteria for a successful application? And we see similar appointments under the Bermuda Monetary Authority regimes and they typically have a fit and proper criterion to determine if a person can hold that position. My question to the Minister is what are the criteria given that this would be the Minister instead of a regulated or regulatory body?

Hon. Curtis L. Dickinson: I am awaiting some technical advice, Mr. Chairman, so if you could just give me a moment.

The Chairman: Yes, not a problem.

Mr. Jarion Richardson: And can I ask one more question whilst we are waiting for the advice, Mr. Chairman?

The Chairman: Yes, you may.

Mr. Jarion Richardson: Thank you, Mr. Chairman.
Thank you, Honourable Minister.

Also, if you could reply, why is the Minister approving this position instead of a senior civil servant or someone . . . it just sees a very high level person to approve a very perfunctory or regulated, I should say, excuse my language, a regulated role?

Thank you, Mr. Chairman and Honourable Minister.

The Chairman: Yes, sir.

Hon. Curtis L. Dickinson: Mr. Chairman, in answer to MP Richardson’s question, I do not know the history behind why the Minister was the person designated as being the one with the power to approve, except that this was the construct that was put into place when the product was first issued . . . introduced in 2000, and that has been the framework that has remained.

I would say that the . . . when approval is sought from me, it usually comes with a recommendation from technical officers. And, in this case, it would be the Registrar of Companies who would, in performing their ordinary duties, conduct appropriate due diligence on any nominee and make a recommendation as to whether they believe it is appropriate for that person to be approved. It is something that happens ordinarily in a wide range of activities, and I have no issue with the construct as it currently exists.

I would say, though, that there are efforts underway at this point in time to try to streamline the process. And inasmuch as it does not require ministerial approval and an assessment of that is done by my team, then we seek to streamline processes to make sure that clients can get responses to their matters appropriately and quickly.

So, for now, the advice is that we continue with the existing framework inasmuch as there is an opportunity in the future where [if] people think that it is requiring a further amendment, we will look at it and take appropriate action at that point in time.

Mr. Jarion Richardson: Mr. Chairman, also for the Honourable Minister, I did not hear—and I apologise if I missed it—but the criteria for determining if a person is a successful applicant. The reason is because a number of people in Bermuda, their careers are involved, obviously, in the financial services industry and being appointed in these roles. So, I am just trying to ascertain if there is a specified criteria that they have to satisfy.

And thank you very much, again, Mr. Chairman and Honourable Minister.

The Chairman: Thank you, Member.

Hon. Curtis L. Dickinson: Mr. Chairman, I will repeat what I said earlier. The approval process is one in which the technical officers and the Registrar of Companies make an assessment on the applicant for approval.

They will take into consideration people's backgrounds, their suitability. They will conduct full due diligence and then make the recommendation, weighing all the relevant factors that need to be considered for a positive recommendation to me. I do not know the particulars of that framework other than they conduct appropriate due diligence for the individual and the role of which they are intended to fill.

The Chairman: Thank you.

Any further comments or questions?

There appear to be none.

Minister, do you want to move clauses 8 through 18?

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 8 through 18 be approved.

The Chairman: It has been moved that clauses 8 through 18 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 8 through 18 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 19 through 28.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 19 inserts new Part IVA into the principal Act. Part IVA provides for the general application of the [Companies Act 1981](#) and the [Limited Liability Company Act 2016](#) to a segregated accounts company that is, respectively, a company to which the Companies Act 1981 applies and to a limited liability company and requires such a company to comply, respectively, with that Act. This Part also provides that the [Economic Substance Act 2018](#) and the regulations made thereunder apply to a segregated accounts company as it does to an entity under that Act. Finally, this Part provides for the application of the [Registrar of Companies \(Compliance Measures\) Act 2017](#) for the purposes of the principal Act.

Clause 20 amends section 26 of the principal Act to enable that provision to apply to a limited liability company as it would to a company to which the Companies Act 1981 applies.

Clause 21 inserts new section 26A into the principal Act to enable the Minister to make rules and for such rules to be subject to the negative resolution procedure.

Clause 22 amends section 28 of the principal Act to enable that provision to apply to a limited liability company as it would to a company to which the Companies Act 1981 applies.

Clause 23 inserts new sections 30A and 30B into the principal Act. Section 30A provides for circumstances where an offence is committed by a body corporate. Section 30B enables a director or an LLC manager of a segregated accounts company to apply to the Supreme Court for directions.

Clause 24 repeals and replaces section 31 of the principal Act to enable that provision to apply to a limited liability company as it would to a company to which the Companies Act 1981 applies and to make provision for prescribed fees and the manner in which prescribed fees are to be paid.

Clause 25 inserts new sections 31A, 31B and 31C into the principal Act. Section 31A requires the Registrar of Companies and his officers and agents to preserve and aid in preserving confidentiality. Sections 31B and 31C make provision regarding the application of the [Public Access to Information Act 2010](#) and the [Personal Information Protection Act 2016](#), respectively.

Clause 26 amends the [Government Fees Regulations 1976](#) to provide under those regulations for the fees payable in relation to the principal Act and to provide, in particular, for a fee of \$295 in relation to the application for registration of a segregated accounts company under section 6 of the principal Act.

Clause 27 makes transitional provisions in relation to the appointment of a segregated account representative and provides, for the avoidance of doubt, that nothing in this Bill affects the validity of any functions carried out by a segregated account representative duly appointed under the principal Act prior to clause [8] of this Bill coming into force.

Clause 28 provides for the commencement of this Bill which shall be by notice published in the *Gazette*, except for those provisions dealing with changes in relation to the segregated account representative which shall come into operation on 31 December 2021.

The Chairman: Thank you, Minister.

Any speakers to clauses 19 through 28?

Hon. N. H. Cole Simons: No, Mr. Chairman. Thank you.

The Chairman: There appears to be no further speakers.

Minister, do you want to move clauses 19 through 28?

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 19 through 28 be approved.

The Chairman: It has been moved that clauses 19 through 28 be approved.

Are there any objections to that?

Hon. N. H. Cole Simons: No, Mr. Chairman, there are no objections from our side.

The Chairman: Thank you, Honourable Opposition Leader, Cole Simons.

There appear to be none.

Approved.

[Motion carried: Clauses 19 through 28 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Are there any objections to that?

There appear to be none.

Approved.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed. Are there any objections to that?

There appear to be none. The Bill will be reported to the House as printed.

Approved.

[Motion carried: The Segregated Accounts Companies Amendment Act 2021 was considered by a Committee of the whole House and passed without amendment.]

The Chairman: Mr. Speaker.

House resumed at 4:45 pm

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

REPORT OF COMMITTEE

SEGREGATED ACCOUNTS COMPANIES AMENDMENT ACT 2021

The Speaker: Thank you, Deputy.

Members, are there any objections to the Bill entitled the Segregated Accounts Companies Amendment Act 2021 being reported to the House as printed?

No objections.

The Bill has been reported as printed.

Thank you, Minister and Members for your participation on that matter.

We will now move on to the next [item] on the agenda for today which is Order No. 6, the second reading of the Invasive Alien Species Act 2021 in the name of the Minister of Home Affairs.

Minister.

Hon. Walter H. Roban: Yes, Mr. Speaker, thank you, very much.

Mr. Speaker.

The Speaker: Yes.

Hon. Walter H. Roban: Mr. Speaker, I move that the Bill entitled the Invasive Alien Species Act 2021 be now read a second time.

The Speaker: Are there any objections to that?

There are none.

Continue, Minister.

BILL

SECOND READING

INVASIVE ALIEN SPECIES ACT 2021

Hon. Walter H. Roban: Thank you, Mr. Speaker.

Mr. Speaker, I rise now to introduce for a second reading the Bill entitled Invasive Alien Species Act 2021. The purpose of this Bill, Mr. Speaker, is to greatly enhance the Island's bio-security against the introduction and spread of pest species by creating a regulatory framework to (1) prohibit and control the importation, propagation and supply of invasive alien species; [and] (2) manage invasive alien species through methods which include eradication, reduction and prevention [of] the spread of such species, and replacing such species with endemic or native species.

Mr. Speaker, we must accept the reality that humans are one of the most invasive species on the earth. We can see this through the dramatic impacts we have made to our Island over the past 400 years. With this in mind it is imperative, even if just for our own sake, that we begin to better manage our actions to mitigate detrimental impacts to our local environment. This Government is embarking on a number of initiatives to best address this. One of these I bring before you today, which will be to manage invasive species, or, as they are more commonly referred to, "pests."

Mr. Speaker, an invasive species is one which is deliberately or unwittingly introduced by humans into a new habitat where it becomes an environmental menace. They can be plants, animals, pathogens and other organisms that are not native to an ecosystem which may cause economic, social or environmental problems, or adversely affect human health. In particular, they negatively impact local ecosystems and

the functions of ecosystems through competition, predation, or transmission of pathogens.

Mr. Speaker, unfortunately, modern global travel, while essential to Bermuda's economic survival, also makes the Island increasingly vulnerable to the introduction and proliferation of invasive species. New species have been and still are deliberately introduced to Bermuda with the best of intentions including as pets, as food, or horticultural interest. They can also arrive unintentionally [as] hitchhikers on planes and boats. Regardless of how they arrive, some species have and undoubtedly will in the future adapt aggressively, spreading quickly in their new environment to our detriment, hence becoming invasive.

Bermuda, Mr. Speaker, is not alone in this. Over recent decades globalisation has increased the movement of people and goods around the world leading to a rise in a number of species introduced to areas outside of their natural ranges.

A 2017 study in the journal of *Nature Communications* found that over one-third of all introductions in the last 200 years occurred after 1970. And the rate of introductions is showing no sign of slowing down. In fact, a 2020 study in the journal *Global Change Biology* predicts that the number of established alien species will increase by 36 per cent between 2005 and 2050.

Mr. Speaker, I am not overstating the problem when I say that the harmful economic, social and environmental effects of evasive species impacts the widest spectrum possible. Rather than lead off with the environmental consequences of invasive species, let me start with the economic impact of invasive species on humans, as it is somewhat easier to relate to a problem by how much money it costs.

In the United States, the U.S. Fish and Wildlife Service estimates damage to infrastructure, homes, agriculture and fisheries to be more than \$120 billion annually. In May 2021, the Centre for Agriculture and Bioscience International [CABI] estimated that invasive species are costing Africa's agriculture sector an estimated \$65.5 billion. Worldwide it is estimated that the cost is around \$1.3 trillion annually.

The social impacts of invasive species are interconnected with economic ones. The loss suffered because of biological invasions can impact quality of life and human health both directly and indirectly through food reduction, loss of wages and diseases that certain species can spread. Perhaps the more subtle, but nonetheless very real effects of invasive species are the environmental impacts to the world's natural ecosystems where native and endemic species are degraded or driven to extinction by species that [they] were never equipped to deal with through direct predation, competition for scarce resources such as food and shelter or through changing of ecosystems.

This issue is linked into the growing concern about climate change, especially for small island

states like [us]. It is not just rising tides we have to be concerned with, but also invasive species. The International Union for the Conservation of Nature [IUCN] states that invasive species can reduce the resilience of natural habitats, agricultural production and urban areas to the impacts of climate change. Native and endemic species are best suited to deal with heat, rising tides, storm events, and [INAUDIBLE]. The result is a continuing degradation of beneficial habitats like a slow-growing mangrove swamp as it gets out-competed by the fast-growing Brazil Pepper [trees] and Casuarina trees. It takes money and valuable resources to provide those same services we get for free from Mother Nature.

Mr. Speaker, as such, it is now recognised that the management of invasive species must be incorporated into climate change policies. This includes bio-security measures to prevent the introduction of invasive species and rapid response measures to monitor and eradicate alien species that may become invasive. Better control of invasive species is not just a Bermuda imperative but a global one.

This Act brings us in line with many other jurisdictions who have realised this critical need and are creating similar frameworks. It also surely will be raised in the upcoming UN Climate [Change] Conference (COP 26) to be held later this year.

Mr. Speaker, in my introductory Statement on the 10th of September, I made note of two real problems facing small island states like ourselves. The first being on the Island of Guam and the Brown Tree Snake; the second being, in the Cayman Islands and the Green Iguana. While there are hundreds of good examples of bad pests, I think it is appropriate if I illustrate a few more that portray the very real threat that this legislation will address.

Mr. Speaker, I would like to start by introducing the Giant [African] Land Snail native to East Africa. This snail can grow up to 8 inches (20 centimetres) and can lay up to 1,200 eggs per year. This huge snail is one of the world's top 100 invasive alien species and one of the most damaging snails in the world. It has been introduced to many parts of the world as a commercial food source, as an exotic pet, and for religious rites. The snail consumes at least 500 different types of plants and according to the Florida Department of Agriculture [and Consumer Services] it is devastating Florida's agriculture. In addition, the snail poses serious health risks to humans as it carries the parasite Rat Lungworm known to cause bacterial meningitis in humans. Unfortunately, the Giant [African] Land Snail can easily become attached to any means of transport at any of its developmental stages. It can also go into a state of dormancy in cooler conditions. This means it can be transported easily over great distances.

Mr. Speaker, how did [it] get to Florida? It is not how you might expect. In 1966 a child smuggled three Giant African [Land] Snails into south Florida

from all of the places you might think, from Hawaii. His grandmother eventually released the snails into her garden. Seven years later more than 18,000 snails were found along with scores of eggs. It was eventually eradicated, but it took 10 years at the cost of \$1 million to eliminate its invader.

Unfortunately, Florida is now once again facing another invasion by this snail. And the U.S. Department of Agriculture [USDA] has had to employ a combination of specialised detector dogs and night-time inspections to combat the problem at the border. Over the past year and a half, they have found snails on 81 containers arriving from East Africa. Further, they have had to employ roving teams which have [re]moved over 168,000 snails from Florida over the past eight years. It is worth noting, Mr. Speaker, that Florida is one container-ship ride away from Bermuda. So the risk of infestation is real, and I hope Members appreciate that. [With just] one container shipment from Florida we could have an invasive agent here that could seriously damage our ecosystem.

Mr. Speaker, known as the snake killer, in its native India, the mongoose was introduced to Jamaica in the 1880s to deal with a rat plague. It was so efficient at removing numerous types of pests that it was soon exported all over the world to places such as Hawaii, Fiji, Mauritius, Puerto Rico and St. John's in the Caribbean. With few predators in their new homes, they thrived. And the unfortunate result was extermination of numerous native and endemic species such as the Fijian Burrowing [Snake] and the Jamaican Petrel. The mongoose also preys on the nests of ground-running birds. It digs up turtle nests hunting for eggs and damages crops such as sweet potatoes and bananas. It also carries Leptospirosis and rabies.

The Hawaii Invasive Species Council notes that it is costing \$50 million a year to undo the damage brought by the mongoose in Hawaii and Puerto Rico alone. In Hawaii there is a \$1,000 fine for anyone who keeps or breeds a mongoose.

Another example of [a] problem species that the Department of Environment and Natural Resources quite regularly receives inquiries on [is the] importing of European hedgehogs as pets. Unfortunately, the adorable hedgehog is also quite a voracious omnivore. While it does eat slugs, worms and other garden pests, it also quite happily eats lizards, frogs, eggs and baby birds with just as much enthusiasm. As a result, in places where it has been introduced, such as the Outer Hebrides Island of Scotland and [in] New Zealand, it is now classified as a pest.

Mr. Speaker, unfortunately, it has also proven that Bermuda is not immune to the impact that invasive pests can have. One of the worst natural catastrophes to the Island was the inadvertent introduction of the juniper scale insects between 1946 and 1953. This ecological disaster literally changed the ecological and economic landscape of Bermuda resulting in the die-off of 95 per cent of the Bermuda Cedar which

until that time dominated the Island. This removed valuable habitat resulting in species decline and extinction and removed the valuable timber that our Island's economy was built on.

The effect of this tragedy continues to be felt to this day as we now experience impacts of problem species imported to compensate for the loss of our national tree. Efforts continue to re-establish the Bermuda Cedar, but these are unfortunately always going to be constrained as the niches that it once filled are now dominated by aggressive and fast-growing plants such as Casuarina, Brazil Pepper, and Jumbly Bean and Balloon Vine which have now become rampant pests.

Unfortunately, Mr. Speaker, this is not an isolated incident. The United States and Canada are currently battling their own versions of the cedar blight. Unknown in the USA before its discovery in 2002, the Emerald Ash Borer Beetle is decimating the important Ash tree species in North America. It has the potential to destroy over 8 billion such trees which efforts to remediate and replace are expected to cost in the billions of dollars.

Mr. Speaker, we also have a range of problem animals as well such as the Red-eared Slider Terrapin and the lionfish, which are both still popular in the pet trade. The Red-eared Slider Terrapin (of Teenage Mutant Ninja Turtle fame) became popular as a pet in the 1960s. This long-lived terrapin is an omnivore which can happily devour plants and small water creatures with equal gusto.

With no natural predators, it has adapted well to our waterways and has come to dominate that ecosystem. It is also a known carrier of salmonella which has human health implications. The Slider is a global problem, banned from exportation in the EU and in Australia and is classified as a prohibited species under [Australia's] Biosecurity Act 2015. In the state of New South Wales, Australia, it is an offence to possess a Slider with a penalty of up to a five-year custodial sentence.

Mr. Speaker, the Indo-Pacific lionfish has become one of the most problematic, invasive species in the Atlantic Ocean. It is understood that the lionfish was likely introduced to the US waters in the 1980s through the saltwater aquarium trade. With no predators it spread quickly, becoming widely established along the southeast United States coast and Caribbean Sea. Lionfish have been found as far north as New York and as far down as southern Brazil.

In respect to Bermuda, the lionfish unfortunately were first seen in our waters in the year 2000, likely coming up the Gulf Stream from the United States. Despite all of our efforts, it has now become resident. The lionfish is a huge problem for the region and recent estimates indicate that lionfish have surpassed some native marine fish in population numbers. Some reports estimate more than 1,000 lionfish per acre in some locations. These fish are voracious

eaters and their spines are venomous to humans. Lionfish are already estimated to reduce native reef fish recruitment by 79 per cent. This species is a major threat to economically important fisheries, including snapper and grouper, coral reef conservation efforts, and of course, tourists.

At this juncture I would like to commend, Mr. Speaker, the ongoing efforts by the [Bermuda] Lionfish Taskforce and all of our intrepid lionfish hunters. I would encourage everyone to support the “eat ’em to beat ’em” strategy. Let’s see if we can eat our way out of this particular problem.

Mr. Speaker, another more recent example, and one with a happier ending, at least for us, is the one dealing with an insect. In 2020, a nest of carpenter ants was discovered during an inspection of Christmas trees. Yes, Mr. Speaker, that was just last Christmas. The colony was quickly dealt with, I am glad to say. Carpenter ants are large black ants, with wings or wingless, measuring up to one and a half inch long. They construct their nests in hollow trees, logs, telephone poles, posts, porch pillars and other timber used in homes. Their trademark, Mr. Speaker, is a small pile of coarse sawdust beneath their nesting site. Carpenter ants differ from termites because they do not consume wood but simply hollow it out to form nests. While usually not as serious as termites, they can weaken building structures.

Mr. Speaker, I can continue with instances of how we dodge the proverbial “bullet” in respect to snakes, scorpions and black widow spiders. But the lessons learned can be summed up with a quote from Benjamin Franklin. I quote, Mr. Speaker, “An ounce of prevention is worth a pound of cure.” And the earlier a problem can be detected, the more rapid and effective response can be made to hopefully reduce damage and litigation costs.

Mr. Speaker, this new legislation proposes to address this by providing a strong regulatory framework to (a) prevent the introduction of new invasive alien species and (b) create controls to prevent the spread of any such species that have or do become established. To do this, the Invasive Species Act 2021 will:

1. Provide powers to list problem species as either a prohibited or restrictive invasive alien species. This will be two categories, Mr. Speaker, restrictive species “Category A,” which is more restrictive in terms of human interaction with invasive species and “Category B” which is less restrictive. The Act would allow species to be added, removed or have their classification modified.
2. Set requirements to assess species. All new species not already existing in Bermuda will need to be approved for import. And the application process will include a bio-[security] risk assessment to establish the level of risk before the importation of species. These as-

sessments will be undertaken and submitted on behalf of the applicant by an approved agent to ensure the provision of accurate information. Applications will be reviewed by the Director in consultation with technical officers in respect to ecosystems, agricultural, horticultural and fishery-related matters at the Ministry of Health for human-related matters.

3. Create an effective permit and licence system which will set conditions for human interaction with restrictive species.
4. Institute measures to control problems. The Act will require the preparation of management plans to control issues arising from invasive species. Of note is the provision for the Minister to enter into an agreement with a landowner to assist with the control of an invasive species and in extraordinary circumstances where compliance is not given, to apply to the Supreme Court for an order.
5. Provide sufficient enforcement powers to investigate, to seize and destroy prohibitive species and to seize restrictive species, as well as [provide] for persons to assist during a search.
6. Set suitable penalties for offence that would include improper importation, breeding and propagation and selling of a prohibitive species or restricted species, as well as providing false and misleading information. Upon summary conviction penalties would range from a maximum of \$50,000 to two years imprisonment for the most egregious offences, to up to \$15,000, and six-months of imprisonment for offences such as obstruction and provision of false and misleading information.
7. An appeal process whereby a person aggrieved by the decision of the Director can apply for review to the Minister. In circumstances where an appeal is made against the Minister’s decision, [there is] provision for an appeal to the Supreme Court, with the decision of the court being final.
8. Provision for amnesty. The Act will give powers to the Minister to call ad hoc amnesty to encourage persons to relinquish the prohibitive species in advance of an enforced action.
9. Provision for exceptions. Under very specific circumstances, Mr. Speaker, powers would be provided to the Minister to give exemptions for the Bermuda Aquarium Museum and Zoo to hold their exotic animal collections, as well as temporary permissions for scientific research, public exhibition and entertainment.
10. Powers to make regulations by the negative resolution process for processes such as issuing permits and licences, bio-[security] risk assessments, approval of agents, and reten-

tion of information by permit and licence holders.

Hon. N. H. Cole Simons: Mr. Speaker, point of order.

The Speaker: Point of order, yes. We will take your point of order.

POINT OF ORDER

Hon. N. H. Cole Simons: Mr. Speaker, I hate to say this, but the Minister is going into the legislation, and I think we can do that in Committee.

Hon. Walter H. Roban: Mr. Speaker, I am giving my brief. I am reading my brief.

Hon. N. H. Cole Simons: But he is going into too much detail in the legislation, Mr. Speaker.

The Speaker: Minister, I will just remind you that if you get into the details of the clauses, that should be left for Committee. But if you are just doing—

Hon. Walter H. Roban: I am doing a description of what the legislation does, Mr. Speaker, which I think is what my brief is supposed to do.

The Speaker: If you are doing an overlay, you can do an overlay without really getting into the details of the clauses. So if you are staying under the clauses, you are fine.

Hon. Walter H. Roban: Okay, but I am not talking about clauses. I am giving a description of the legislation, Mr. Speaker. I am describing what the legislation will do.

The Speaker: Go ahead.

Hon. Walter H. Roban: So, may I continue, Mr. Speaker?

The Speaker: Continue. But I just give you that cautionary out. Okay? Just . . . yes. Go ahead.

Hon. Walter H. Roban: Thank you, Mr. Speaker.

I will continue and anything that might tread on that line I will pass by. I was just finishing my . . . just describing there will be powers to make regulations by the negative resolution process.

Mr. Speaker, the Act provides for powers to list problem species in Schedules 1, 2 and 3. The proposed Schedules had been drafted to include species identified by the Department of Environment and Natural Resources during consultation with technical officers and from existing policies including the Importation of Animals Policy 2019, the Illustrated Guide for Bermuda's Indigenous and Invasive Plants 2016, and

the outcomes of the UK Overseas Territories Biosecurity Gap Analysis—Horizon Scanning Project 2018, that look to identify potential problems in other similar island state environments.

Mr. Speaker, recognising the significance of this Act the Government undertook a month long consultation seeking feedback from the public using the online citizen's forum as well as a direct request to stakeholders including pet stores, plant nurseries, landscape designers, veterinarians, government boards, and environmental groups. The Government sought views of how to improve the proposed legislation, the licensing and permitting regime offences, penalties, and the species listed on the Schedules.

The consultation period ran from the 9th of August to the 7th of September and was promoted through the media radio generating three new stories during the period. We received 57 comments via the citizen's forum and several directly from stakeholders. All submissions were considered, and as a consequence a number of modifications were made to the Bill specifically to the powers, offences, and Schedules. Commentary from the media stories was also considered.

Mr. Speaker, the biggest concerns raised during the consultation included the following:

- Persons running afoul of the law because they had an invasive plant growing in their garden or they shooed a lizard out of the house therefore releasing it into the wild. The penalties were too draconian and harsh.
- Why some species were listed and others were not [listed] in the Schedules.

Mr. Speaker, the Act does not look to control nature but to better control human actions. Offences are restricted to actions whereby someone has to make a conscious choice to do something. For instance, in regard to prohibited species, someone would have to make a decision to import such a species. Such an introduction could likely cause significant harm to our economy, human health, as well as the natural environment. Further, their control would cost money that could be better spent in other ways.

So, the proposed punishment, Mr. Speaker, is fitting. [For example], if someone does import something they should not, just because they want it. This strategy is similar to managing restrictive [Category] A species. The intent of the legislation is not to make criminals of the unknowing, Mr. Speaker. That is why the law only makes it an offence for actions such as importation, propagation, cultivation, breeding, and selling of problem species we already have. The Act assumes that persons who are going to invest their energy, time and money to doing such would know what it is that they are creating more of. This is similar to the restrictive [Category] B species where someone should know what and why they are importing a species.

Mr. Speaker, in regard to the current Schedules, they are a work in progress. The public and our stakeholders can expect more to be added over time through consultation and making up orders and the giving of notices through the negative resolution process. It should also be recognised that the Invasive Alien Species Act is but one of several tools that will be used to manage invasive species.

I would like it to be noted that vermin and feral domestic animals have not been included in the proposed legislation at this juncture. Vermin are already managed, Mr. Speaker, under the [Public Health Act 1949](#). Further, domestic animals are better managed under the [Care and Protection of Animals Act 1975](#), while pest birds, like the feral chicken are already managed under the [Protection of Birds Act 1975](#).

Mr. Speaker, it is recognised that members of the public will likely not have a full understanding of what species are contained in the Schedules. The Department of Environment and Natural Resources stands by ready to assist any member of the public with any queries, and members of the public should be encouraged, Mr. Speaker, to reach out should they have any questions. To this end the department is also developing a publication which will be available online and [also] a hard copy that illustrates Bermuda's invasive species. And in fact, Mr. Speaker, such a publication has already been produced (in 2016) that is currently available from the government and also through the Garden Club. I just put it up here to show that this is available now for anyone who wishes to research invasive species and plants in Bermuda.

Mr. Speaker, in conclusion, the Invasive Alien Species Act 2021 presented to this Honourable House is an effective regime tailored to Bermuda's requirements, our requirements. It will provide a balanced approach to preventing the introduction of the worst invasive species and the tools to manage them if they do get established—and some of them have—while at the same time not making criminals of the unknowing.

Mr. Speaker, I would like to thank the Director of the Environment and Natural Resources, Mr. Drew Pettit, and his team and Ms. Miriam Rogers who is a part of the team at the Parliamentary Counsel in the Attorney General's Chambers for developing and drafting this legislation.

Thank you, very much, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

Mr. Jarion Richardson: Mr. Speaker, [this is] MP Richardson.

The Speaker: MP, you have the floor, Opposition Whip.

Mr. Jarion Richardson: Thank you. And thank you, Honourable Minister.

I would like to start by saying that invasive alien species is not a fringe topic and that this Bill actually does some good in putting some framework around a perpetual and ongoing battle against damages to our environment and our ecology. I just want to touch on that a little bit because of my experience with the environment, Mr. Speaker.

Growing up I just assumed it was some sort of strange topic that only strange people were interested in. And as I matured, I learned that it is far more than that. One of my earlier experiences was going to Nonsuch Island with Dr. David Wingate and he gave a great lecture and a tour on invasive alien species. Although Nonsuch Island was not so different from Bermuda that it was unrecognisable, there was a different quality to the whole place. And that piqued my interest about the state of our country, the state of our environment.

I also had similar experiences when I was overseas in school. I was bunked with a Native American from the Lakota tribe who took me around once or twice. And I was always stunned by his reverence for his environment. He was a very considerate, very slow-moving, very thoughtful person. And he always seemed to notice that there was a real danger to us not taking care of our environment around us. That later on showed up because I read a book called *Collapse* by Jared Diamond which showed how, for example, the Easter Islanders in the Pacific Ocean actually damaged their environment so much by deforestation that it caused the whole place to basically collapse.

Another part of history that goes [like that] is the deforestation of the British Isles which did create this huge . . . what we call the "Georgian Navy" from, the, I want to say the late 18th century, and early 19th century which allowed England to become a superpower but it radically changed their whole landscape. The Romans would look at the British Isles as a vastly different place than people who currently live there.

And last but not least, Mr. Speaker, one of the reasons why this topic actually became quite interesting to me was recent events where the tragedies in Haiti just drew my attention to history. So I did read a history about Haiti and one of the many tragedies that had befallen that place was poor care of the environment, amongst other things. If you look at a satellite map at night of that island, you can see a line from Dominican Republic and Haiti, and it is stark. Through deforestation, through poor choices in their environment management they removed topsoil—[then] earthquakes, landslides all became very bad. To that end, I took an interest in our environment in Bermuda.

It is pointed to note that we live in a very unique place. There is only one Bermuda. There is no mirror island like ours. Our endemic species are unique. Any visit to the aquarium will tell you just what

a prize we have, but we have made some errors along the way. And this Act goes some way to make sure we empower our civil servants to protect us and protect this jewel because people have been coming here for years to look at our beauty. It is not hard for it to go away. The Honourable Minister did speak to a couple events in other jurisdictions which radically altered their environment. And if that were to happen in Bermuda with our limited, something like, 13,000 acres, it would be over fast and there would be relatively little we could do about it.

But right now, Mr. Speaker, we do spend a bit of money taking care of invasive species. From the Budget Book I read that we have (and I stand to be corrected by the Minister if he likes) something like eight full-time equivalents in the terrestrial conservation and rain conservation workspace with multiple workstreams. And something in the range of \$700,000 were spent per annum on that. So this fight is ongoing. It has been happening for some time. And it is a fight in which our team has been working without clarity or support and I think that this legislation will do that. I think that this will empower them and give them a framework so that they can make sure that Bermuda always stays Bermuda.

The team does have experience with management plans that are set out in this legislation. There are management plans online for everything from the feral chickens to the pigeons, crows, and the red-eared sliders that the Minister spoke about, even for the lionfish. And I agree with the Minister that we should probably eat our way out of that situation.

I like that the legislation also clarifies which species are prohibited versus restricted. Mr. Speaker, when it comes to regulatory frameworks the devil is in the details. And it is not hard to take offence to something like this because all of a sudden it sounds like a government body is going to punish you for having Casuarinas on your property. And that is not what this legislation does. Unfortunately, the devil is in the details and you would have to read through it to make sure that you were aware of exactly how it works.

With that being said, Mr. Speaker, I have cautious optimism for this regulatory framework, and I look forward to the Director implementing it. But that does not mean that there are not some points to improve upon, Mr. Speaker. Specifically, the Honourable Minister mentioned how the intent of the legislation is not to create criminals. There is some wording, and when we get into Committee I will be speaking to it, and I think my colleagues as well will be speaking to some of the wording which we think goes against his intention. Also, Mr. Speaker, I do have some concerns as it relates to how costs can wind up as civil debts by property owners. Again, there is some detail there that we will get into in Committee.

But I do have some questions for the Minister on a going-forward basis that he could answer. Currently, what is the anticipated impact to the depart-

ment operations and cost going forward to implement this legislation? It does include action items for the Director and other people, so we would anticipate some form of new or different activity. So, my question is: What is the anticipated impact to operations and cost?

Also, the legislation provides for the Minister to make regulations, governing aspects of this framework. I would ask the Minister when he anticipates tabling those regulations. And can the Honourable Minister explain how species get added to any of the Schedules, which is prohibited species or restricted species which is Category A and under restricted Category B.

With that said, Mr. Speaker, again, I have cautious optimism. I think it is about time that we equip the people who are in charge of this fight and I look forward to them stopping the damages that are incurred from the invasive species on our environment. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Mr. Dennis Lister III: Yes, Mr. Speaker.

Mr. Christopher Famous: Mr. Speaker.

The Speaker: I hear two voices.

Mr. Dennis Lister III: I will let MP Famous go ahead of me.

The Speaker: MP Famous.

Mr. Christopher Famous: I could yield to the Honourable Member.

The Speaker: MP Famous, you have the floor.

Mr. Christopher Famous: Okay. I guess you like my colours.

[Laughter]

Mr. Christopher Famous: Mr. Speaker, how are you?

[No audible response]

Mr. Christopher Famous: Can you hear me, Mr. Speaker?

The Speaker: Yes.

Mr. Christopher Famous: Okay. Mr. Speaker—

The Speaker: I know you are at a distance. I would remind you though that you should have on . . .

Mr. Christopher Famous: Yes, my apologies, Mr. Speaker. My apologies, I have on a blue shirt and a blue jacket.

Mr. Speaker, in the Caribbean, governments have had to put more and more emphasis on environmental concerns. Why? Because in the Caribbean, Mr. Speaker, of which Bermuda is still included, tourism is a key part of our economy and the tourists are not coming to see another New York. They want to see green trees. They want to see firelight. They want to see our native species. They want to see the Long-tails and the Cahows in Bermuda. They want to see what is natural to Jamaica when they go to Jamaica. Mr. Speaker, governments around the region have had to be protective against invasive species and we applaud the Minister and his team for bringing this.

Mr. Speaker, as you know too well, in the Cayman Islands the [green] iguanas from Central America have now literally taken over that island. The Minister was being kind in his very short brief. You cannot drive five minutes in the Cayman Islands without seeing a carcass of the green iguana. There have been millions of green iguanas that have literally multiplied and multiplied and multiplied in the Cayman Islands.

But, also, as the Minister said, mankind is the most invasive species that we have. Overdevelopment in the name of profit in the Cayman Islands has literally killed thousands of acres of their mangroves. Native species have been wiped out. MP Richardson, from constituency 23, was also correct. If one was to fly over Haiti, over Hispaniola, you would not have to ask *Where is the border?* Because it is clear with your eye that deforestation and its slaughter (I use the word “slaughter” nicely) of native species, whether it is plant species or animal species, has been happening in Haiti for far too long.

Mr. Speaker, closer to home, around Christmas time people were lining up for pine trees. But the Department of Environment [and Natural Resources] had to destroy hundreds of trees. Why? Not because they are anti-Christmas, not because they are the Grinch, but because some of these trees carried a species that, had it gotten into our public domain, would have destroyed part of our environment.

Mr. Speaker, every island has to do what they have to do in order to protect their environment. If not, the environment, like Easter Island (according to MP Richardson), will be decimated. And with that decimation of the environment, there is decimation of their tourism economy, and their economies on a whole. Not just the tourism economy, but their food sources. They will be forced to bring in more and more food just to survive.

Mr. Speaker, the governments around the Caribbean, including Bermuda, have no choice but to

protect our environment. So I applaud the Minister and his team for this work, and our entire party for this Bill.

Again, Mr. Speaker, my apologies for not having on a blue tie.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Mr. Dennis Lister III: Yes, Mr. Speaker.

The Speaker: MP Lister.

Mr. Dennis Lister III: Yes.

The Speaker: You have the floor.

Mr. Dennis Lister III: Thank you, Mr. Speaker.

My comments will be brief this evening, but I do want to thank the Minister and his team for bringing this piece of legislation to the House. I just want to first start off by saying, Mr. Speaker, that in another position I wear the hat of Chairman of the National Parks Commission. And with that I just want to start off in reference to the [Bermuda National Parks Act 1986](#), section 5(a). I just want to read it briefly just to . . . it gives . . . What it gives is the objective. Basically, it is the mandate or the duty of the National Park Commission.

I just want to read that under section 5(a) that it is to “safeguard and maintain plants and animals as well as geological, marine and other natural features or products, and fragile ecosystems of national or international significance . . .”

So, I just want to stop there, but basically it is a mandate of the National Parks Commission to protect not just the flora and fauna of our ecosystem, but also other more sensitive geological and marine ecosystems.

But, Mr. Speaker, yes, it was said by the speaker before me, we in Bermuda live alone out at sea on these 140-odd-something islands, where we do have a very sensitive and distinct ecosystem. And we must do our utmost to protect that ecosystem. It is very delicate ecosystem, Mr. Speaker. And also one of the previous speakers before me, MP Richardson, also highlighted the fact that when he was younger he had the opportunity to venture to Nonsuch Island.

Mr. Speaker, I would like to reflect back to when I was younger I had the opportunity of visiting Nonsuch Island during a summer camp. And even though, as MP Richardson said, you are in Bermuda but it feels like a different world. It feels like going back in time to Bermuda in its natural state and existence with minimum to very little intervention from human beings. And, Mr. Speaker, seeing that nature and growing up and knowing about the Cahow [and] the Bermuda Skink, you know, birds and insects that are

native to Bermuda, endemic to Bermuda, and how . . . Mr. Speaker, we heard so much of how the Cahows were at one point close to extinction. But it was the research being done on Nonsuch Island that helped bring back the Cahow species to Bermuda, which attests to the work we can do to help bring back species that have been affected due to the invasive species that have been introduced to Bermuda, Mr. Speaker.

Mr. Speaker, I did want to mention another slight point, and that is, again, the Minister mentioned a lot about terrapin turtles. And that actually hits home for me, Mr. Speaker, because as you would know, from young, I believe the age of 7 years old, my brothers and I have always had terrapin turtles. At one point we almost had a turtle farm going on. And so, Mr. Speaker, reading this piece of legislation as it came to me and finding out that the terrapin turtle is an invasive alien species to our native ecosystems is a bittersweet thing for me because as I have said I have had a relationship with terrapin turtles going back over 20 years. They are a good pet to have if a person does bring them up correctly.

We do have cases in Bermuda . . . and that is one of the main reasons why they have become an alien invasive species. People do get them as little turtles, when they are the size of maybe a dollar. And as they get older some people tend to, for whatever the reason, maybe they do not want to take care of them anymore, whatever the reasons are, they do tend to let them go in our national . . . whether it be our nature parks or our national parks, and that is where they are becoming a problem. Because they are not part of our natural ecosystem they have no natural predators, and they are free to go about living their lives, but they are destroying our natural ecosystem. So, Mr. Speaker, it is bittersweet to hear about the terrapin turtles. But we have to do what we can to protect our natural environment, our endemic species.

It was mentioned by the Minister in regard to the cedar trees. Growing up, all my life, I have been always . . . you, yourself, Mr. Speaker, and my mother have always talked about how Bermuda was once full of cedar trees. We know we have names in Bermuda [such as] Cedar Hill and Cedar Lane, because the cedar trees were just all throughout the Island. And it is sad to know that young Bermudians in my generation have never been able to see the cedar trees to that extent. We see them in small patches here and there, but it is good [to see] the work that was done to stop that endemic. I believe it was called the cedar tick. So there was good work done to stop that and it helped to bring back the cedar trees. We are not at our full or to our best population of them, but they are coming back, Mr. Speaker.

So it goes to show again that the work that we can do [is necessary] to help protect our natural and endemic, not just plants or animals, but also marine animals in cases where they are affected, you know, how we can protect that.

So, again, Mr. Speaker, with my comments I lend my support to the Minister and his team for bringing this and I look forward to seeing this Bill passed in this House. Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution at this time?

Mr. Scott Pearman: Mr. Speaker, MP Pearman.

The Speaker: MP Pearman, you have the floor.

Mr. Scott Pearman: Thank you, Mr. Speaker.

I know we have quite a full docket tonight so I will try and be pretty quick on this. And I have got some points for Committee and I will save most of those for there.

Mr. Speaker, should I take my tie off in support of MP Famous, or am I okay keeping it on—

The Speaker: No—

Mr. Scott Pearman: —in my respect of the House?

The Speaker: This could become a tortoise and the hare story, you know?

[Laughter]

The Speaker: We can move at the hare's pace and not the tortoise's. How is that?

Mr. Scott Pearman: Perfect! Perfect!

We broadly agree with the Honourable Minister in support of this Bill. I liked his opening sortie that humans are perhaps the most invasive of the species, and I think that it an interesting conversation for another day. But I would like to commend the Minister on his environmentalist tendencies. I have done that before and I have seen efforts that he has made in certain spaces, energy savings, et cetera.

Nonetheless, environmental zeal, whilst correct, also needs to be balanced. And so we would say that this Bill is a little bit like a road trip, Minister. We like where you are going; we are just not sure that all of the proposals are going about it completely the right way. So we are with you in principle, but not in respect to all of the proposals in the Bill. And I say that because I think that they could be fixed and the Bill could be better and you would have, probably, bipartisan support.

This is a legitimate and serious problem. Only over the weekend I was out cutting Balloon Vine in the hedge and it is a real, legitimate problem. And for those who do not think it is a legitimate problem I would encourage them to read, if nothing else, the article by David Wingate on introducing invasive species from probably 10 years ago. But I guess I am get-

ting old if gardening is a topic of great interest, but I think it is important. And we support the Minister on his recognition of its importance.

That said, there are some serious problems with this Bill in my respectful submission. The Bill is proposing to put people in jail for what is growing in their gardens. And that is just a bit extreme; it is not right. And I know the Minister—

Hon. Walter H. Roban: Point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Hon. Walter H. Roban: The Honourable Member is misleading the House. He is making an accusation that this Bill purports to put people in jail for what they are growing in their gardens. That is not what this Bill intends. My brief spoke to that. We will speak to it further but that is a very strong and wrong implication that the Member should stay away from, Mr. Speaker. It is inaccurate and it is false, frankly, for the intention of this Bill.

The Speaker: Member, the Minister made a point of order. I will ask you to be guided by that, and I am sure you can put your point in a . . . take a different tack in introducing your point. How's that?

Mr. Scott Pearman: Well, I will do that, Mr. Speaker. I will stick to the facts. The fact is that this Bill at clause 29 introduces a criminal penalty of \$50,000 or two years, or both, such fine and imprisonment, for a breach of section 4. And section 4 is the possession of a prohibited species.

So, I am correct to say to this Honourable House, and I stand by my statement, that this Bill, perhaps unintentionally, perhaps it is an oversight, proposes to put people in jail if they unknowingly have a prohibited species in their possession. And if that is not the Minister's intention, and if that is not the Ministry's—

Hon. Walter H. Roban: Point of order, Mr. Speaker. The Member is—

The Speaker: Are you seeking a point of order or—

Hon. Walter H. Roban: —making a false statement, again.

The Speaker: Okay.

[Crosstalk]

The Speaker: Minister, Minister, Minister!

Hon. Walter H. Roban: There is no law against people planting things in their garden, Mr. Speaker.

The Speaker: Minister, I am going to ask both of you to save that point until you get to Committee because you are referring to the clauses. And it is about the interpretation of the clause. So if I allow you both to go down that road now, you are going to go into stuff that should be discussed in Committee. I think the Member has made his point. You have countered it from your perspective of what you think it is, but I think the proper place for discussing the impact of the clause will be in Committee.

Mr. Scott Pearman: Mr. Speaker, I will follow your direction and I will continue on and deal with it then.

In addition, the criminal penalties in this Bill (and I will leave what they are and who they apply to for later) are applicable both to landowners, those who own property, but also to tenants and occupiers. And so I say, respectfully, that this is a sledgehammer to crack a nut.

By way of example, there is another clause, and I won't go into the clause specifically, Mr. Speaker, given your directions, but if you fail to find by your documentation, you are also committing an offence where the \$15,000 fine or six months for the absence of recordkeeping. That is clause 13. So I am troubled by the fact that on a number of occasions the Minister said to the Honourable House that this is not his intention. If it is not his intention, then he needs to correct the Bill, respectfully.

Moving on, Mr. Speaker. If it is not intended, an easy fix is to either take out the criminal penalties or alternatively to require guilty knowledge on the part of the person causing the offence. Otherwise, we are creating legislation that criminalises people for no good reason, criminalises ordinary citizens. And we have a struggle in the legal system as it is, Mr. Speaker, and it really should be reserved for "proper crimes." (And I put that in quotes.) And so, again, I invite the Minister to reconsider.

Again, I do that respectfully because if he did reconsider, I suspect he would have bipartisan support. The reason for that, of course, is that people need to be respectful of the laws and people do not want to be respectful of the law if everybody is in breach of it and not knowingly so.

And two or three more quick points, Mr. Speaker. The other question we have for the Honourable Minister is, *Why now?* I mean it does seem that this seems a little bit out of place where we might be bringing legislation here to benefit our economy or deal with the medical situation, health situation. Additionally, I would invite the Honourable Minister in reply to clarify—

Hon. Walter H. Roban: Mr. Speaker, I am having quite a difficulty hearing the Honourable Member. I

don't know if he can improve his sound because if he wants me to be able to give appropriate answers to his questions I think the sound quality needs to be improved. I really cannot hear him very well.

The Speaker: Okay.

MP, be mindful of the fact that you may not be as close to your microphone as you would like. And just try to see if you can improve your audio.

Mr. Scott Pearman: Mr. Speaker, are you having a similar difficulty hearing me?

The Speaker: You fade out at some points.

Mr. Scott Pearman: Okay. I am afraid that this is subject to the wiles of the Internet connection.

I was on my final question for the Minister.

The Speaker: Okay.

Mr. Scott Pearman: How does he propose . . . and I think we have lost him, but hopefully he still is within earshot. (I see he is back.)

The Speaker: Continue.

Mr. Scott Pearman: Minister, hopefully you can hear me better now.

My final question is on enforcement. How do you propose to have this enforced and what further resources, financially, money, is being allocated for enforcement?

Thank you, Minister. Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

Does any other Honourable Member wish to make a contribution at this point?

Hon. N. H. Cole Simons: Yes, Mr. Speaker.

The Speaker: I hear a voice.

Hon. N. H. Cole Simons: Yes, Mr. Speaker, it is the Opposition Leader.

The Speaker: Opposition Leader. Yes. Opposition Leader, you have the floor.

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

I always say that Bermuda is a garden paradise. And with a successful garden comes various species that make it healthy and viable. And so, Mr. Speaker, to protect our garden paradise, I support any measure that will provide bio-security to this country.

Mr. Speaker, from a planning point of view I know that we have various sub-plans, like feral chickens and terrapin turtles and even some of our mangroves. But I was hoping that the Minister would pro-

vide some insight on the national plan for the management and elimination of invasive species. I know that we had that report that was produced by the garden clubs and others. But that is not a national management plan, and I was hoping that the Minister—

Hon. Walter H. Roban: Point of order, Mr. Speaker.

The Speaker: Point of order. Yes.

POINT OF ORDER

[Misleading]

Hon. Walter H. Roban: The Honourable Member is misleading the House. This report was produced by the Bermuda Government, not by the garden clubs. Just to be clear.

The Speaker: Thank you.

Member, just be guided by the Minister's response.

Hon. N. H. Cole Simons: Thank you, Mr. Speaker. Then I would go further on to say that this report was produced a number of years ago and things have evolved from an environmental point of view since then.

Hon. Walter H. Roban: Okay. Point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

Hon. Walter H. Roban: It was produced in 2016. That is not that long ago. And I think he knows who was in the administration at the time. [INAUDIBLE] from a standpoint of natural environment. The natural environment evolves of millions of years.

The Speaker: Okay. Thank you.

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

The Speaker: Continue on.

Hon. N. H. Cole Simons: And so I would suggest that he make that plan and the framework public for public dialogue and discussion, Mr. Speaker, so people can see the direction in which the Government is going in regard to enhancing our bio-security. As I said, I support it. All I ask him for is more transparency.

Mr. Speaker, I listened attentively to the Minister. Most of the things that he said I think I could live with. He spoke quite extensively on invasive plants and invasive animals and insects. But what I was listening to hear more of was the pathogens. I was hoping that he could give us more insight into the patho-

gens and how they are being managed and what proactive actions were taken for the pathogens and what we can do to proactively safeguard ourselves against these pathogens.

I know we had issues with the banana trees, and I know we had issues with the palm trees down in Florida and some of the Caribbean islands. And I did not hear much. So when the Minister wraps up, it would be appreciated if he could give us some more information on the management and corrective measures that we are taking in the pathogens, and in fact if he could provide more details on the pathogens and what mitigation measures we are taking to address the pathogens. As I said, I think he adequately covered the plants and animals, but I would like to have seen more information on the pathogens.

Mr. Speaker, when it comes to the plants and animals, we know nature has a delicate balance. We have spoken about the Mexican Pepper trees [also known as the Brazil Pepper tree]. We all agree that the Mexican Pepper trees are very, very invasive, to the extent that we now have groves of Mexican Pepper trees around the Island. Not just a hedgerow but a grove, like a mini woods of Mexican Pepper [trees]. My question to the Minister is, If you have such large groves, what type of resources will the Ministry give the property owner to help clear up the grove, and will there be resources made available from a funding perspective to get rid of the grove and replace it with other plants that are endemic that basically bear flowers and fruit that will help our bee population?

As the Minister knows, our bees thrive on Mexican Peppers. It is a source of food for them. So if we get rid of all the Mexican Peppers, there is an impact, and that is the delicate balance of nature, there is an impact on something else. And I am just using it as an example because if we get rid of all of the Mexican Peppers, then we will have a challenge with our bees, and if we have a challenge with our bees we will have a challenge with our flowers and the fruit which grows in this country, like citrus fruit, cherries, loquats, et cetera. And so that is the cause and effect and the delicate balance that we have to consider when we address these invasive species, because it always has a knock-on effect.

Mr. Speaker, the other issue and another example of the cause and effect is Casuarina trees. We know that they are a right pain. I have no doubt about that. But I think we could be more measured in the way we cull them and pull them out, because most of the bluebird nests are built through Casuarina leaves. So if we get rid of the Casuarina trees, all of them, then we get rid of part of the bluebird population because it has an impact on their safety. And these are nature's balances that we have to address. We can be hard on bio-security, but I say be hard and not impact nature's balance.

The interesting thing the Minister spoke about was snails. I know he is right. In fact, I did a tour at the

local docks and I saw this lady going over with some sticks to the containers. And she was going from container to container. And what she was doing was looking for snails on the containers. And that is how they were examining; this was one of the methods used to examine and prevent these invasive animals from entering our ports of entry. And so I think we are as a country providing our best to mitigate such risks through such behaviour at the airport and looking for snails on each container. In fact, each container that comes into this country is inspected to make sure there are no snails on them.

The Minister also spoke on the issue of Christmas trees and that family of ants that were in the Christmas trees. I know for a fact that sometimes we find small snakes in hay when they are imported for cows and horses. I know that once I was opening some hay at my place of work and out came this little four- or five-inch snake. I almost died because I hate snakes in the best of times. So I did my best to kill that reptile. I wouldn't say another word, but kill that reptile. And so those things happen and I am not blaming the Government for it. It is just a way of life. And as the Minister said, it involves global travel and some of these invasive species are very good hitchhikers.

Mr. Speaker, the other issue I would like for the Minister to address is in regard to gardeners. I mean, just as we would like to have gardens that are well manicured, other people have a habit of trying to import exotic plants and exotic seeds for their gardens. And people also bring an equivalent to the fish fraternity. A lot of people bring in fish for their aquariums and they like to have other exotic fish. Now, I am not saying the fish are invasive, I am just using them as an example, as the same equivalent as exotic plants. People will bring in exotic fish and then we have some gardening enthusiasts who like to bring exotic plant seeds or exotic animals. And so they may not be on the invasive species list, but now we have to engage an agent or somebody to prepare a permit application and an environmental risk assessment for one's hobby of growing exotic plants. And I am certain that if you go around the Island to some of our homes you will find exotic plants that hobby gardeners would like to showcase because it was something special. And so we have to somehow manage the importation of these exotic plants and find a balance between that.

I know once when I was Minister I went to the marketplace and there was breadfruit on the shelf. And I was going back to the Ministry when I was the Minister and I said to one of the people, *I didn't know we could sell breadfruit in Bermuda*. Well, you would have thought a fire alarm was going off because in a heartbeat they went back to the [marketplace], removed the breadfruit from the shelves and had them burnt. And so those types of things are unintentional. We have addressed them. They have done their job,

but in some cases, as was said by my colleague, these things happen in an innocent fashion.

I have another story. We know that a farmer went to the grocery store, bought some fingerling potatoes. And fingerling potatoes are not potato plants used for gardening. So, the farmer planted the fingerling potatoes and when they matured someone said to one of the staff members at [Agricultural] and Fisheries. *I could buy fingerling potatoes from this farmer.* And again, you would have thought there was a fire at the farm because our plant protection people were up there in a heartbeat and asked the farmer to pull up every fingerling potato he planted because it is not from planting stock. It was not inspected. The potato was repurposed from a potato that you eat to a potato that you farm. And it was a risk that the fingerling potato that was purchased in the bag from one of the grocery stores was a threat to our biodiversity.

And like I said, obviously the farmer was upset because he had invested so much money in those potatoes and was asked to dig them up and they were burned. And therein he lost the capital that he invested in those potatoes.

The other issue is the issue of other animals. Mr. Speaker, it is going to be interesting in how we extend the list of species. When I first read this legislation, I was thinking of our primate friends, our monkey friends. And I am smiling as I am saying this because, Mr. Speaker, I was in Barbados and in some cases Jamaica, but Barbados I remember quite clearly. I never have seen so many monkeys around running wild. And there were so many of them. I saw some in Africa. But I think I saw more in Barbados. And they are cute, yes, but they can be a right nuisance and they can be dangerous, and they can be strategic. And so I was surprised that the Minister did not have monkeys listed on the prohibited list, or primates.

I remember as a young person my grandparents had two monkeys. I can remember as clear as day. They were squirrel monkeys. Their names were Gerald and Rudolph. And we had them in the cage and one day they got out. Well, they went all over the place causing all kinds of havoc to the neighbours and everything else. We did not intentionally let them out. They got out. And they were a nuisance. And so I am saying this because, again, it is damage and the unintended consequences of bringing these animals in. At that point in time we were allowed to bring in monkeys as pets. But having seen them in action . . . and I am an animal lover, as most of you know. But having seen the monkeys in action and what they can do together as a family is unbelievable. So I was wondering if the Minister was considering adding them to the prohibited list.

I am just going through my notes. I don't think have much more, but as the Minister said, as my colleague said, you know, this is a colossal project from a national point of view. This is a costly project and at

some point I think that we as a country, if we are serious about this, will have to probably provide some type of incentive or economic remuneration to help some of our landowners to manage and rid their properties of these invasive species. And this would be an ongoing project.

Mr. Speaker, I will give you another example of invasive [species]. I have pots around my garden at home and in the pots, all of a sudden in different pots popped up cedar trees. Mr. Speaker, I did not plant those cedar trees at all! The birds dropped the seeds. And just as they could drop those seeds in those pots and germinate, they could drop other invasive seeds into our pots and into our gardens, and therein begins the cycle of another invasive plant.

As I said earlier, we also have to do (as they say for COVID-19) a deep clean and then we have to do ongoing maintenance. The deep clean is going to cost this country millions and millions of dollars. And once we get this deep clean addressed, we will also have to address the ongoing maintenance. And as the Shadow Minister Pearman [asked], what type of budget do we have for this? And with COVID-19 around for the next 18 months, possibly, is this the right time to add strain to our economic purse, given that we need all of our resources dedicated to the mitigation of COVID-19 and ensuring that our people are protected and are healthy and living productive lives.

As you know, we have a journey to embark upon so that we can put COVID-19 behind us and we need all the resources to support that. And I think that this project here, national bio-security, is noble, but I question whether this is the right time to implement it given that we need all hands on board and all economic resources to address the health crisis that we have in this country.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Ms. Susan E. Jackson: Yes, Mr. Speaker, I would just like to have a few words.

The Speaker: MP Jackson, you have the floor.

Ms. Susan E. Jackson: Thank you. So, I am going to do my absolute best not to repeat and to keep it very short but I did have some questions and suggestions for the Minister.

My first is that we are in the midst of COVID-19 and so it seems almost a distraction that we are focusing in on this particular piece of legislation today. And so my question to the Minister is whether there is any international organisation where we need to meet a requirement, and is there sort of a deadline in order to abide by any international conventions or otherwise why this Bill is being tabled today or at this time? And

if that is not the case, does Bermuda participate in any international conventions or organisations around invasive species so that we have a voice or a chair on a more global basis around the control of invasive species and such? So, I was just wondering if the Minister might be able to give us any insights on that.

And then, of course, I could not help but almost shiver at the scary stories that the Minister was sharing. And I absolutely agree. I have been down to Cayman Islands. I have seen what the iguanas are like there, and it is absolutely horrible to be sitting in somebody's yard for 10 minutes and all of a sudden you see three or four of these iguanas that are four or five feet long, twenty pounds, skirting around and bullying people who live in their homes and just invading the island. So the idea that we would ever have anything remotely close to that sort of makes one's skin crawl. So, with that, I am absolutely in favour of protecting our Island from invasive species, especially things that are particularly intrusive, and that goes as well for the Mexican Pepper and the Casuarina.

And whether the Minister is aware of it or not, certainly there have been voices in the community that have been reaching out to me [who] are concerned about whether the invasive species that have been growing in their yards for years is something that they are now liable for. Do we go out right now and start culling our yards, or else face fines? So I think it is going to be important for the Minister to have some clarity around that so that there is not a high level of anxiety because everybody has invasive species in their yard somewhere. So, just being able to make that very clear to the community, what the situation is.

The other side of it too is that when I had the privilege of traveling through Fiji, and when we were taking off, landing, during the flight, there were voice-over, long messages around having any kind of invasive ingredients, species in ones possession while flying into Fiji, whether you are connecting through there or you are returning and staying on the island. And there were civil penalties for it. And the Customs at the airport were very strict and very vigilant about that. And when the Minister was speaking about the young child who brought an animal in from Gramma's house, you know, how do we protect the Island from those kinds of situations?

You know what happens when your little granddaughter gives you some garden vegetable seeds for Christmas and how to very quietly dispose of them? Or by accident bring them home to Bermuda and how do we identify that kind of introduction of invasive species on the Island when it is a mistake?

And then the other piece is that as I was reading through the legislation, I noticed that there was sort of an absence of any kind of community advisory panel or group of people who have the expertise or have a real passion for species in Bermuda, being able to give some support to this process. And when I read the definition of the "precautionary principle"

which is that if there is a species that is being introduced to Bermuda and there is no scientific reason why it should not come to Bermuda, but it would require some conversation and consultation as to whether we should allow it or whether it should be prohibited, right now the legislation looks like it is going to prohibit anything across the board. But there may be some things that would fall under this precautionary principle, rather than just prohibiting it without giving it any thought or reason, but maybe the likes of an advisory panel might be able to help in a situation so that it could be a controlled time on the Island, or in a very restricted manner it is kept on the Island, I don't know.

This is not my forte, but there may be something that provides a little bit of give, especially if there is no particular reason why a particular species could not be on the Island. And also around the management of elimination, because as I mentioned earlier, there is a feeling within the community that there is some anxiety that we should be out there in our yards getting rid of invasive species and whether there would be room for more of a community advisory panel, something to that effect, to help with the planning of the management of the elimination of invasive species within our yards and our community.

And then another thing that could be useful for the likes of an advisory panel is maybe planning before something gets imported into Bermuda, and this kind of goes back to my example in Fiji. But is there anything that we as a community could come up with so that we have a plan, and we have something in place even before anybody begins to think about importing something into Bermuda that may be invasive? So, that it is more of a proactive approach rather than having an invasive species come to Bermuda and then there is punishment. That we might be able to be a bit more preventative and there may be people in the community who would like to help with that.

So, it is a little worrying that there are folks in the community who do see this as being very, very strict. There is also a feeling that there is quite a bit of bureaucracy and costs around this. And, again, I am not in this area so I am not sure how it all works out, but when you are looking at the bio-[security] risk assessments that I would imagine an importer would have to pay an agent to create this report for the Director, and then there are inspections at the port of entry that sometimes importers have to pay fees, I understand that there is quite a high fee for the inspection of containers of, or boxes of, bananas right now.

So, there are quite a few expenses involved in the importation of products and other species that the community may want to have, but the fact that it becomes cost prohibitive oftentimes ends up coming out of the pocketbook of the consumer.

So, I don't know what the Ministry could do about that, but it seems to me as I am reading through

this legislation, that there are an awful lot of potential costs associated with the importation of certain species and it would be nice to find a better balance. When I think about something like the bio-[security] risk assessments, I know that resources are limited. But is this something that maybe the Ministry or the department could assist with a little bit more than simply by giving the name of an agent who could carry out the report writing and such?

I have quite a few questions that may be answered in Committee, but those were the main points that I just wanted to share with the Minister before we go into Committee. Thank you, very much, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Any other Member?

No other Member, Minister. Would you like to wrap us up and take us to Committee?

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

It has been an interesting debate, Mr. Speaker, on this Invasive Alien Species Act 2021. There were some questions which seemingly have answers that were presented. Some I got the impression that actually the Opposition was being very circular and actually answering things that I had actually mentioned in my brief.

I do hope that they have an understanding of what this legislation is for. It is for (1) to stop invasive alien species from coming into Bermuda. And those will be under the prohibited and restricted list to stop them from coming in. (2) It is also to manage what is already here. And to manage our ecosystem and our environment properly in a way that brings no harm or damage to the environment or to us who are living in the environment.

The Act does not put in place penalties on the ongoing average, everyday efforts of people to garden in their gardens. Contrary to the false statements made, frankly, by Members of the Opposition, there was nothing in the Act that prohibits anybody from propagating for themselves.

Mr. Scott Pearman: Point of order, Mr. Speaker.

The Speaker: Point of order.

Mr. Scott Pearman: The Honourable Minister is not only misleading the House, he is imputing improper motives—

The Speaker: We cannot . . . you faded out again, MP Pearman.

POINT OF ORDER

[Misleading and imputing improper motive]

Mr. Scott Pearman: The Honourable Member is not only misleading the House, he is imputing an improper motive to my statement and said it is false when it is true. He should retract his statement.

The Speaker: I am going to try to interpret because you were very weak. You were indicating that . . . your point of order was that the Minister is misleading the House by implying that your statement . . . he referred to your statement as false—

Mr. Scott Pearman: True.

Hon. Walter H. Roban: I didn't mention anybody, Mr. Speaker.

The Speaker: Let me finish. Let me finish.
—implying that you were intentionally making a false statement.

Mr. Scott Pearman: Correct.

The Speaker: If I am interpreting . . . only because we couldn't hear you. Your audio was bad.

Mr. Scott Pearman: Thank you. I also said he was imputing an improper motive.

The Speaker: Yes. Because you intentionally gave a false statement, is what you are saying.

Mr. Scott Pearman: Thank you.

The Speaker: Minister, I just want to guide you in that because one person interprets it one way does not mean that they are intentionally misleading the House by saying a false statement. That is the interpretation of it and it is your job to take us down the right road with the Bill, going down the right road. But to imply that they intentionally made a false statement . . . that was just his interpretation of it. So I would ask you to be guided by that and speak to it from your perspective.

Hon. Walter H. Roban: Thank you, Mr. Speaker.

I did not mention anybody's name, so I do not know one could say that any particular Member did it. But I will move on with my summing up, if I can be allowed to, Mr. Speaker.

The Speaker: Go right ahead.

Hon. Walter H. Roban: Thank you.

So there is nothing in the legislation, as suggested by the Opposition, to make illegal things which people are growing, that might be prohibited, uninten-

tionally in their gardens. The prohibition would be against them taking something prohibited and profiting from it, cultivating it, and then profiting from it;—

Mr. Scott Pearman: Mr. Speaker.

Hon. Walter H. Roban: growing a restricted, or prohibited, and then using it to profit from it.

The Speaker: Are you trying to get a point of order?

Mr. Scott Pearman: Again, the Honourable Minister is misleading this House.

The Speaker: MP Pearman, can I make a suggestion? Can you get somewhere where your audio is audible, because we just cannot hear right now.

Mr. Scott Pearman: Of course, Mr. Speaker. I will log in otherwise.

The Speaker: I know that you are on that big system in the office. Maybe if you just plug into your tablet or your phone, you may get a better audio.

Continue on for the moment, Minister.

Hon. Walter H. Roban: Thank you, Mr. Speaker.

I would like to really just sum up then so that we can get to the business of evaluating the Bill by clause. If you will, Mr. Speaker, I will go on to deal with some of the questions that were presented.

A question was asked: What efforts are being made to control pathogens? Mr. Speaker, the answer to that is that we have a Plant Protection Lab that examines all plant material that is brought into the Island and inspects for diseases and other pathogens or other elements that you might find on plants. So we have a very deliberate and precise . . . all plant material is inspected by the Plant Protection Lab. I believe it does a good job. And I can also tell you that we are considered to be, essentially, to be the gold standard in the region when it comes to this level of protection and scrutiny that we do to the importation of plant material. Daily our florists receive inspections.

As I said, all live plant material that is imported is inspected. Every single plant! So that is what we do when it comes to the management. And this Bill is about management. And it is also about stopping that which will be restricted and particularly prohibited, from coming onto our shores before it gets here. That is the challenge we have now. Stuff finds itself here and there is no way to effectively manage the situation, or even stop certain things from coming in here unless they are seen at the border. So that is what we are seeking to accomplish through the Bill.

Mr. Speaker, some of the other questions were: What other resources will be required to operationalise this Bill and what it seeks to do from a standpoint of protection, restriction, management of inva-

sive alien species? The answer is that the department already has resources to enforce the legislation. So it is not necessarily going to be any new money required to do that. We have animal control. We have the Plant Protection Lab. We have the biodiversity section. We have the fisheries wardens. All of them participate in this actual process and this will continue, without necessarily any new money needing to operationalise this Bill. What we are giving them are much more stronger tools to do the job that they already do.

Mr. Speaker, a question was: What are the anticipated costs to the department? I think I have answered that. There are none. There are no anticipated extra costs to the department. There will, obviously, be the addition of the bio-[security] risk assessments. But those will be paid for by the applicants. So it is not actually an additional cost.

There was also a question about the timing of the regulations. Those are already in the process and they are near completion, so they can be expected to be tabled, certainly soon, or when the House resumes early in the next session.

There was a question raised in relation to . . . and frankly, Mr. Speaker, while presenting my brief I received something that I normally do not see happen in the House, but it did happen. I had a Member interrupt me while I was doing my brief about . . . presumably I was giving more detail that was related to the Bill. Well, I would have presented information about what was in the Schedules, Schedule 1, which is a list of prohibited species, and Schedules 2 and 3 which have restricted species. Those are the areas that will have the list of species that we will be prohibiting from coming to the Island and those that are restricted.

And the prohibited species, Mr. Speaker, are those that are not established in Bermuda but are known pests from other jurisdictions. And it is proposed that they will be illegal to import, possess, trade and sell viable, live specimens of those species. Schedule 2 restricted (a) a species that are established and prove to be problematic to Bermuda for various reasons. And, essentially, the difference is that the Schedule . . . it would be like restricted species of that which is already here and we need to manage their presence here, whereas the prohibited species, which is the Schedule 1, is to stop things from coming here. That is the fundamental task of this legislation, Mr. Speaker. So I hope that clears up that question for Members.

Going on, Mr. Speaker, to some other answers, there seems to have been some question about how proficient our border control is. Well, Mr. Speaker, our border control is pretty good. The Customs, the Plant Lab, the [INAUDIBLE] services and fisheries wardens all work together and there is an integrated manifest system which is shared by all in the work we do to deal with the big issues of controlling the entrance of items at the border. I would like to thank Her Majesty's Customs Department for the work

that they do with us. My team advises me that it is an excellent service and they enjoy and appreciate working with Customs to do the work that they do.

There were some questions about why there is no community participation in the Act, or some provision for a community participation advisory group. Well, the answer is that this is a very technical subject in nature, and the expertise, frankly, is within the Department of the Environment to manage this and they are already doing it. They just need more effective tools to deal with the situation, which is what the legislation proposes to do.

The tool to be used is a bio-[security] risk assessment and an agent, paid for by the applicant (which I said already). This is for the importation of new species that the bio-[security] risk assessment will be done. It will not be done with every importation. Any new species will be subject to a bio-[security] risk assessment. So no one will have to belabour with every importation of the same thing over and over again for bio-[security] risk assessment. It is when they bring something new that the bio-[security] risk assessment will be required. So it need only be done once to a particular importation. And the costs are outsourced to the agent and the applicant.

Mr. Speaker, those are the questions that I can answer at this time. So I wish to move that the Bill be committed.

The Speaker: Thank you, Minister.
Deputy.

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

The Speaker: Thank you, Deputy.

House in Committee at 6:15 pm

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

COMMITTEE ON BILL

INVASIVE ALIEN SPECIES ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Invasive Alien Species Act 2021](#).

Minister Roban, you have the floor.

Hon. Walter H. Roban: Mr. Chairman, I wish to now present a clause-by-clause analysis.

The Chairman: Yes. What clauses are you—

Hon. Walter H. Roban: Yes. I thought I would . . . I am going to let you know right now, Mr. Chairman.

The Chairman: Okay. No problem.

Hon. Walter H. Roban: I would like to start with clauses 1 through 10, if you would allow me.

The Chairman: Clauses 1 through 10. Before you start, let me get Honourable Member Lovitta Foggo to take over.

Hon. Walter H. Roban: Sure.

The Chairman: Ms. Foggo.

Ms. Foggo?

Well, continue Minister, and we will get her over.

Hon. Walter H. Roban: Thank you, Mr. Chairman.
Mr. Chairman, the Bill seeks to—

Ms. Lovitta F. Foggo: Okay. I just got my camera on, so . . .

The Chairman: Okay, MP Foggo, you can take over. Thank you.

[Ms. Lovitta Foggo, Chairman]

The Chairman: Minister, please continue. I do apologise.

Hon. Walter H. Roban: Thank you, Madam Chairman, I am happy to see you today and be working with you once again, as always.

The Chairman: Yes.

Hon. Walter H. Roban: Madam Chairman, I will continue.

The Bill seeks to create a regulatory framework in respect of invasive alien species, in the interest of the environment, human and animal health, the economy, and in the interest of facilitating international cooperation. The framework includes prohibiting and controlling the importation, propagation and supply of invasive alien species; managing invasive alien species including eradicating, reducing and preventing the spread of such species; and replacing such species with endemic or native species.

Clause 1 cites the Act as the Invasive Alien Species Act 2021.

(And Madam Chairman, as I informed the Chairman, I am doing clauses 1 through 10 first.)

Clause 2 provides definitions for key terms used in the Bill, including definitions for “precautionary principle,” “prohibited invasive species,” “restricted ‘Category A’ invasive species,” and “restricted ‘Category B’ invasive species.”

Clause 3 requires the Director to consult with relevant sections of the department before making

certain decisions, including advising the Minister with respect to modifications to be made to Schedule 1, Schedule 2 and Schedule 3, and applying to the court for a forfeiture order in respect of an invasive species.

Clause 4 defines a prohibited invasive species as a species listed in Schedule 1, and provides for offences in relation to such species.

Clause 5 provides for the Minister to modify the list of prohibited invasive species set out in Schedule 1 by order subject to the negative resolution procedure. As a matter of urgency, the Minister may by notice published in the *Gazette*, declare a species to be a prohibited invasive species.

Clause 6 defines a restricted “Category A” invasive species as a species listed in Schedule 2, and provides for offences in relation to such species.

Clause 7 defines a restricted “Category B” invasive species as a species listed in Schedule 3, and provides for offences in relation to such species.

Clause 8 provides for the Minister to modify the list of restricted invasive species set out in Schedules 2 and 3 by order subject to the negative resolution procedure. As a matter of urgency, the Minister may by notice published in the *Gazette*, declare a species to be a restricted invasive species.

Clause 9 relates to restricted “Category A” and restricted “Category B” invasive species, and allows persons to apply to the Director for a permit to import a species or to apply for a licence to reproduce or otherwise deal with such species. A person or an approved agent who provides false or misleading information or documentation in a material respect [on] an application or in a bio-security risk assessment commits an offence.

Clause 10 relates to a non-native species that is not listed in Schedule 1, 2 or 3, and allows persons to apply to the Director for a determination as to whether the non-native species is an invasive species. A person or an approved agent who provides false or misleading information or documentation in a material respect on an application or in a bio-security risk assessment commits an offence.

Thank you, Madam Chairman.

The Chairman: Thank you, Minister.

Are there any other Members who wish to speak to clauses 1 through 10?

Mr. Scott Pearman: Thank you, Madam Chairman, MP Pearman.

The Chairman: MP Pearman, you have the floor.

Mr. Scott Pearman: Thank you.

Minister, during the debate you and I differed as to whether or not this Bill creates criminal offences for people possessing certain prohibited invasive species. You recall I said that it does and you said it

doesn't. And indeed, you said that someone was misleading the House.

I would like to start at clause 4, please. At clause 4 we see “Prohibited Invasive Species.” And clause 4(2) says, “No person—(b) shall . . . possess . . . a prohibited invasive species.” And at clause 4(3) it says, “A person who contravenes subsection (2) commits an offence.”

So, Minister, I would ask you to agree with me to see if we can find common ground here, because there seems to be a misunderstanding either on my part or yours. But I read this as clause 4 saying that someone possessing a prohibited invasive species commits an offence. Would you agree?

The Chairman: Minister, you may respond.

Hon. N. H. Cole Simons: I have a question before he responds, so he can respond to both questions.

[Crosstalk]

The Chairman: Minister, do you yield, or are you . . .

Hon. Walter H. Roban: I am happy to yield to get other questions.

The Chairman: Okay. Thank you.
Opposition Leader.

Hon. N. H. Cole Simons: Thank you very much.

I would like to direct the Minister to page 4, and it says, “‘invasive species’ means—(a) a prohibited invasive species; (b) a restricted ‘category A’ invasive species; and a restricted ‘category B’ invasive species.”

A few minutes ago, the Minister indicated that the prohibited invasive species are basically there to prevent invasive species from entering the Island. And then he also indicated that the restricted invasive species, basically, are a species which are already on the Island. So can the Minister actually define the difference between the Category A and B? I know he has listed them, but they both (if I am correct) would apply to species which are already here. So what differentiates in the definition, other than the list that he has provided? What is the differentiation between restricted Category A and restricted Category B, given that the restricted invasive species are already here?

The Chairman: Okay, before the Minister answers, can I ask you to . . . okay. Thank you. Your camera is now on.

Do you have other questions for the Minister?

Hon. N. H. Cole Simons: I have one more.

The Chairman: Okay.

Hon. N. H. Cole Simons: The second question, which is the line just below that. It says, “land’ includes any land covered by water such as canals, marshes and ponds.” Am I to assume that mangroves will fall into this category as well? And those are my questions for that section. Thank you.

The Chairman: Thank you, Minister.

Hon. Walter H. Roban: Thank you, Madam Chairman.

The first question has to do with prohibited species. The prohibited species are species that should not be here.

Hon. N. H. Cole Simons: I agree.

Hon. Walter H. Roban: And anybody knowingly,— Madam Chairman, may I answer the question, please?

The Chairman: Yes. Member, please allow the Minister to answer your questions. Thank you.

Hon. Walter H. Roban: So the Member, I mean, he should not be speaking over me, Madam Chairman.

The Chairman: Exactly. I agree.

Opposition Leader, please allow the Minister to answer your questions.

Hon. Walter H. Roban: Also, I was trying to answer the questions that were presented by MP Scott Pearman first.

The Chairman: You may do that if you wish, Minister.

Hon. Walter H. Roban: Thank you. Thank you.

The Chairman: Continue.

Hon. Walter H. Roban: MP Pearman spoke specifically about clause 4 and prohibited species. Prohibited species are the species that are listed in Schedule 1 that should not be here. And if anybody brings them in, that is knowingly committing an offence. And if you go through the list, which is in the Schedule . . . we are not debating the Schedule, but there is a list of species that should not be here. That is why they are prohibited. And they are specifically prohibited to prevent them from being imported. If they are imported, it is an offence. They are not here.

The Chairman: Okay. Minister.

Hon. Walter H. Roban: That is the answer to the question. There is not an offence . . . it is an offence only if you knowingly bring in that prohibited species which is specifically listed.

Now, the Honourable Opposition Leader brought up about restricted and he seemed to kind of answer the question around what MP Pearman stated. But he also raised a question about whether restricted species are here. It is a case of management when it comes to restricted species. And we have to manage how they are propagated and handled and also control their proliferation. And we know that people may find these in their gardens unknowingly. There is no offence for unknowingly having a restricted species in your garden. And we are speaking about gardens in particular in this case.

But you should not take it and package it for profit. You may have it in your garden and it is there and you do not even know that it was there or maybe you were not even aware that it was a restricted species. But you know . . . perhaps you learned later that it is and you will not do anything to have it proliferate to your profits. And it is all about management and there certainly is guidance to people as to what they should do. And most people when they find things that they learn are restricted or are invasive, they will remove them. And there is no offence to possess a restricted species in this legislation.

Thank you. I am done on my answers to that. If there any other questions . . .

The Chairman: Thank you.

Are there any other Members—

Hon. N. H. Cole Simons: Yes, I would like to just follow up on the Minister’s response.

The Chairman: Opposition Leader, you have the floor.

Hon. N. H. Cole Simons: The Minister confirmed that the restricted invasive species are already here. So I go back to my original question. Other than listing, can he define the difference between Category A invasive species and Category B? What are the criteria for Category A and what are the criteria for Category B on the restricted invasive species? I think that is what I am trying to define or provide clarity around. Because he said they both are already here. So what qualifies one for Category A and what qualified one for Category B?

The Chairman: Okay, Member. Thank you. Minister.

Hon. Walter H. Roban: Yes. Category A, you should not propagate for profit. Category B, you should not import Category B of the restricted. So that is the difference. That is, you cannot bring it in without permission. You might be able to get a licence. And if you are an approved person, you can get a licence from the department. Those two restricted categories are essentially management categories, whereas the pro-

hibited area is a total, unexceptional restriction. We do not want any of that here. So—

Hon. N. H. Cole Simons: Okay. I'm with you.

Hon. Walter H. Roban: So the management of both categories is different. One is to stop from coming in, then the restrictive Category A and B, they are already established here. So you have to manage how we deal with them as they are established species here in Bermuda. So like [Category] B you cannot import. [Category] A you should not propagate or manage for potential profit for yourself.

The Chairman: Minister, I think the Member understands the difference now. Thank you.

Are there any other Members who wish to speak to the clauses?

Mr. Scott Pearman: Yes, thank you, Madam Chairman.

The Chairman: MP Pearman, you have the floor.

Mr. Scott Pearman: Thank you, Madam Chairman.

Still on clause 4, on page 6 of the Bill, I think I see where you and I are at cross purposes, Minister. I asked you whether or not there was an offence of possessing a prohibited invasive species, is what I said in the debate. Your response is that there is no offence in possessing a "restricted" species. Those things are different. Can we agree, Minister, that there is an offence under clause 4 of possessing a prohibited invasive species and that by clause 4(3), "A person who contravenes subsection (2) of clause 4 commits an offence"?

The Chairman: Yes.

Hon. Walter H. Roban: Yes, but someone would knowingly be planning and acting to take . . . to commit an offence, Member. No one can have a prohibited species and not know that it is not, or could not be, because it is actually something that is not here already. Someone would have had to knowingly taken the steps to bring in a prohibited species contrary to laws that already exist. That's the difference.

Mr. Scott Pearman: Minister, going back to the definitions in clause 2—

The Chairman: MP Pearman, you have the floor.

Mr. Scott Pearman: Thank you, Madam Chairman.

Going back to clause 2, Interpretations, at the bottom of page 4, we see the definition of prohibited invasive species. Yes? It is those defined in section 4(1) and listed in Schedule 1. Correct?

Hon. Walter H. Roban: [Clause] 4(1) and Schedule 1.

Mr. Scott Pearman: Yes. [Clause] 4(1) and Schedule 1.

Hon. Walter H. Roban: Schedule 1 and you can see the list on page 17 of the Bill—

Mr. Scott Pearman: Yes, 17 and onwards. Right. [Page] 17 and onwards provides the list of prohibited invasive species for which there is an offence, a criminal offence, if you possess them by reason of [clause] 4(2)(b), "shall . . . possess."

Can we agree to that?

The Chairman: Minister.

Hon. Walter H. Roban: If they are not here already. Yes, that is an offence.

Mr. Scott Pearman: So, Minister, you seem to suggest in your answer that it was a question of whether you knowingly possess or you unknowingly possess. Where in clause 4 does the person's state of knowledge appear?

Hon. Walter H. Roban: If they are not in Bermuda; if they knowingly bring it in.

Mr. Scott Pearman: Where does it say "knowingly" in clause 4? It just says, shall possess.

Hon. Walter H. Roban: No. I am explaining to you the action. The clause is actually worded in a certain way, but there is an operative intention to make . . . to actually create an offence.

Mr. Scott Pearman: So should clause 4(2) say, no person should knowingly—

Hon. Walter H. Roban: Let's say somebody has it, MP Pearson, then you—

The Chairman: Will everybody speak to the Chair, please, so that there are not four people talking?

Mr. Scott Pearman: Yes, Ma'am.

Hon. Walter H. Roban: Yes, Madam Chairman.

The Chairman: So please follow my lead. Thank you.

Mr. Scott Pearman: Thank you, Madam Chairman.

The Chairman: Did you finish your answer, Minister?

Hon. Walter H. Roban: Can I just give an answer here?

The Chairman: Yes.

Hon. Walter H. Roban: Every species in Schedule 1, Madam Chairman and MP Pearman, are not in Bermuda right now. So if somebody were to take an action to bring them into Bermuda, they would be committing an offence.

They are not here. So, there is no one here currently possessing them to commit an offence. They are not here in Bermuda.

The Chairman: Thank you, Minister.

Does that answer your question, MP Pearman? I think the Minister attempted to clarify.

Mr. Scott Pearman: Thank you, Madam Chairman. He has attempted to clarify.

My next question is in relation to clause 6.

The Chairman: Continue, MP.

Mr. Scott Pearman: Thank you, Madam Chairman.

Clause 6 is different from clause 4, as you pointed out. It deals with Category A, restricted invasive species. Yes? And at clause 6(2), if these are imported they must be imported by permit. And at clause 6(3), anyone who contravenes subsection (2) commits an offence. And this is in respect of restricted invasive species. So it is the importation without a permit that would be an offence. Correct?

Hon. Walter H. Roban: Yes.

Mr. Scott Pearman: Thank you. Madam Chairman, if I may, my next question is on clause 7—unless anyone else . . .

Hon. N. H. Cole Simons: I had one.

Mr. Scott Pearman: I will defer.

Hon. N. H. Cole Simons: And Madam Chairman, I—

The Chairman: Excuse me.

Hon. Walter H. Roban: May I just make one other point, please, Madam Chairman? If you will allow . . .

The Chairman: Please yield to the Minister. Thank you.

Minister.

Hon. Walter H. Roban: The result of the provision for an amnesty is if a certain circumstance arises that we do not know about. So we do have the provision to create an amnesty opportunity for somebody if we find that the special circumstances, they may possess a prohibited or restricted and they did not know that it

was. So there is an amnesty provision as well that we can exercise.

The Chairman: Okay. Thank you, Minister.

[Crosstalk]

The Chairman: Opposition Leader, you have the floor.

Hon. N. H. Cole Simons: Yes, I asked this question before and I did not get an answer. I think it was just omitted by error.

Minister, the definition of “land” includes canals, marshes and ponds. Do they also include mangroves?

Hon. Walter H. Roban: Yes.

The Chairman: Minister. Yes, okay. Question answered.

Is that it?

Hon. N. H. Cole Simons: Yes.

The Chairman: Okay.

Are there any other Members . . . I think Scott Pearman you . . . Sorry. Member, you indicated that you wish to ask questions on clause 7?

Mr. Scott Pearman: Thank you, Madam Chairman, with your leave.

The Chairman: Continue.

Mr. Scott Pearman: Thank you, Madam Chairman.

Minister, clause 7, which is at page 7 of the Bill, then sets out restricted Category B, invasive species. So, this is the third grouping. It is the prohibited restricted “A.” This is restricted “B.” Again, [clause] 7(2) provides that “No person shall import . . . except under a permit . . .”

Can you agree with me that at clause 7(3), “A person who contravenes subsection (2) commits an offence.”? Yes?

The Chairman: Minister.

Hon. Walter H. Roban: If they do not have a permit, if they do not have the appropriate permissions, yes.

Mr. Scott Pearman: Okay. Thank you, Minister. Thank you, Madam Chairman, those are my questions for clauses 1 through 10.

The Chairman: Thank you.

Does any other Member have any questions?

Ms. Susan E. Jackson: Madam Chairman, I have a question.

The Chairman: Yes, I believe that is Member Susan Jackson. Member, you have the floor.

Ms. Susan E. Jackson: Thank you.

This is page 6, clause 5(2). There is a piece in here that deals with a matter of urgency. So if there is a prohibited invasive species, the Minister may as a matter of urgency, advise the Director to declare the species prohibited. One, if I could get an example, and two, why or if there would ever be a sunset clause on that prohibition, as a . . . you know, as a matter of urgency we cannot have that in the Island, but then at some point that may go away. I do not know under what circumstance, but I am just curious.

The Chairman: Is that your question, Member?

Ms. Susan E. Jackson: Yes. I would like an example from the Minister of what would be a prohibited species that would, as a matter of urgency, be declared prohibited. And then would there be an opportunity at some point to sunset that?

Hon. Walter H. Roban: Okay.

The Chairman: Okay. Thank you, Member.
Minister, you have the floor.

Hon. Walter H. Roban: Thank you.

As I stated in my brief, the prohibited list is not exhaustive and will be subject to change. We may discover that there is something that has appeared here in Bermuda that is invasive and might be a danger to our ecosystem that we did not think of which was not factored in. Maybe it is a specie of bird or something that has, you know, uniquely landed in Bermuda and we know that it is a problem species and it gives the Minister the latitude to urgency add it to the list.

Ms. Susan E. Jackson: Okay.

Hon. Walter H. Roban: It would be in a circumstance where it is something that we did not anticipate, as I stated. The prohibited list is one that will change; it is subject to change. So we can add things that we find in the interest of protecting our environment that we need to act in a very quick order.

The Chairman: Okay. Thank you, Minister.

Are there any other Members who wish to ask question for clauses 1 through 10?

Mr. Jarion Richardson: Yes, Madam Chairman, MP Richardson.

The Chairman: MP Richardson, you have the floor.

Mr. Jarion Richardson: Thank you, Madam Chairman.

My question is as it relates to clause 4(2)(c). I believe there is a typo here that seems to create an obligation on people to release prohibited invasive species. Clause 4(2), Minister, says, "No person—(c) who owns or has possession of a prohibited invasive species shall release, or fail to prevent . . . I apologise. I just spotted the error. Thank you, very much.

The Chairman: Okay.

Are there any other Members who wish to ask questions on clauses 1 through 10?

There being no other Members . . . Minister.

Hon. Walter H. Roban: So was there a question presented by the Honourable—

The Chairman: No, he removed his question because he found the error.

Hon. Walter H. Roban: All right. Fine.

The Chairman: Yes.

Hon. Walter H. Roban: I would like to move that clauses 1 through 10 be approved.

The Chairman: Clauses 1 through 10 have been moved.

Are there any objections?

There being none, continue, Minister.

[Motion carried: Clauses 1 through 10 passed.]

Hon. Walter H. Roban: Thank you, Madam Chairman.

I will now read clauses 11 through 22.

The Chairman: Okay. You have the floor, Minister.

Hon. Walter H. Roban: Thank you.

Clause 11 provides that where an application is made under clause 9 in respect of a non-native species that is not listed in Schedule 2 or Schedule 3, the Director may deny the application based on the precautionary principle. The Director may attach conditions to a permit or licence as he sees fit, and it shall be a condition of every permit or licence that it shall not be transferred without the written permission of the Director. The Director shall not issue permits or licences retroactively. Where an application is denied, the Director must state the reason for doing so. The Director may suspend a permit or licence for the purpose of completing an investigation where he has reason to believe that an offence was committed in

respect of either the application or the bio-security risk assessment.

Clause 12 provides for certain offences in relation to permit and licence holders. It is an offence to release, or to fail to prevent the escape of, a restricted invasive species into the environment, or to fail to comply with a condition attached to a permit or licence.

Clause 13 requires permit and licence holders to retain records, in such manner and for such period, as may be prescribed by Regulations, and for it to be an offence to fail to do so.

Clause 14 provides for the Director to prepare for the Minister's approval, management and emergency plans in respect of invasive species. The plans must include, among other things, the threats posed by the species to the environment, human and animal health, and the economy, and measures to be taken to eliminate, reduce, or prevent the spread of such species including replacing such species with endemic or native species. The plans must be published on the Government website, and made available for public inspection at the offices of the department.

Clause 15 provides that where a plan approved by the Minister relates to privately owned land, the Minister may enter into an agreement with the owner or occupier of the land or apply to the Supreme Court for an order, for the purpose of managing the invasive species on that land. The owner or occupier is entitled to be heard in respect of an application, and reasonable expenses incurred by the Minister for implementing the plan may be recovered from the owner or occupier summarily as a civil debt.

Clauses 16 and 17 provide for the Director, with consent or under a warrant, to enter and search any specified place, transportation or premises (including residential premises) where he has reasonable cause to believe that evidence of an offence is at the place and to seize any evidence found. The term "specified place" includes a boat, ship, aircraft or any container, storage facility or similar enclosure. A person who obstructs the Director in the performance of his duties commits an offence. The Director may use reasonable force to make entry, but only if specified in the warrant and if accompanied by a police officer.

Clauses 18 and 19 require an owner, occupier or person in charge of premises, a specified place, or transportation to assist the Director in a search under clause 16, if requested to do so, and for it to be an offence to fail, without reasonable excuse, to comply with a request. The Director must provide a written notice of any invasive species or evidence seized during a search.

Clause 20 provides for the Director to apply to a magistrate for an order of forfeiture in respect of an invasive species, whether or not a person has been prosecuted for an offence; and for any person appearing to be the owner of the invasive species to be heard by the magistrate. An invasive species [forfeit-

ed] to the Crown shall be disposed of as the Director sees fit.

Clause 21 provides for applications to be made for an exemption in relation to the importation and possession of a prohibited or restricted invasive species. Applications may be made, for limited purposes, by the Bermuda Government, the Bermuda Aquarium Museum and Zoo, and other persons. The Minister [must] consult with the Director before making a decision, and may attach such conditions to an exemption as he sees fit.

Clause 22 allows the Minister to publish notices in the *Gazette*, from time to time, requiring persons who own or have in their possession a prohibited invasive species to notify the Director of that fact, and to comply with a direction given by the Director, including a direction to dispose of the species. Information given by a person shall not be available as evidence against that person in court proceedings. A person aggrieved by a direction may appeal to the Supreme Court.

Thank you, Madam Chairman.

The Chairman: Thank you, Minister.

Are there any other Members who wish to speak clauses 11 through 22?

Some Hon. Members: Yes, Madam Chairman.

The Chairman: Okay.

Mr. Scott Pearman: I will defer to MP Richardson, Madam Chairman.

The Chairman: Okay. Thank you.

MP Richardson, you have the floor.

Mr. Jarion Richardson: Thank you, Madam Chairman.

Would the Honourable Minister just walk us through clauses 14 and 15? Clause 14 makes a provision for plans to manage invasive species and these plans include certain specifications, presumably timing would be included and how much work a person has to put in to accomplish removing invasive species on their land and/or land that they either own or occupy.

Clause 15 allows the Minister to implement a plan in respect of private land. And in clause 15(1) an area of land where the plan can be approved and the Minister, if he has an agreement with the private landowner, can simply proceed with the plan.

However, where there is no agreement, under clause 15(2), the Minister may apply to the Supreme Court for an order which will require the owner or occupier within a specified timeframe to carry out such measures in accordance with the plan approved by the Minister. And were that person not to comply with that order, any charges incurred by the Minister in car-

rying out the plan would be a debt he could recover from the owner or occupier.

So my question to the Minister is . . . this seems very heavy-handed and quite draconian. What is the justification, or what is the logic in using such a severe force, given there is no right to appeal or any other way to make a representation against the plan?

Thank you, Honourable Minister. Thank you, Madam Chairman.

The Chairman: Minister.

Hon. Walter H. Roban: Thank you, Madam Chairman.

I disagree with the Honourable Member, that clearly there are . . . in clauses 14 and 15 people can obviously . . . through the clauses that I have outlined, they do have an opportunity to . . . if they are aggrieved by the decision of the Minister, they do have an opportunity to go to the courts. And that is in all cases through this legislation. So there is no prohibition of people getting their fair justice if they feel that the decision around a management plan as described may not be in their interest. They can certainly take legal remedy against the decision just as you can in any decision by a government, through like the judicial review, or otherwise. So, that is a right that all people have.

But when it comes to the issue of us having plans on like the basis of a private holding, it may be found that what is actually present there as invasive is actually harmful to the rest of the environment around it. And the Government needs to take steps to mitigate or limit the impact that this invasive species may take. And if the Government is certainly funding that effort, the Government should be able (if it chooses) to be compensated for its work in the interest of conservation, like protection, obviously in the interest of better management of invasive species.

So that is the spirit of those clauses in my view, and as outlined the environment, human and animal health, are the priorities of those clauses as I described.

The Chairman: Thank you, Minister.

Are there any other Members who wish to speak to clauses 11 through 22?

Ms. Susan E. Jackson: Yes, Madam Chairman, I have a question.

Mr. Scott Pearman: I will defer.

The Chairman: Okay. Thank you, MP Pearman.

Ms. Susan E. Jackson: I am just interested in clause 14(2)(c). Why wouldn't we determine the threats posed by a species, threats to the economy, et

cetera? Why wouldn't we determine that before we get into management of the invasive species?

The Chairman: Minister.

Hon. Walter H. Roban: That is obviously what we would do. Of course we would do that.

Ms. Susan E. Jackson: So, you would . . . the way the legislation looks it is like you could pick a piece of land, say you don't like that particular flora or fauna, and then you would come up with the reasons why it was a threat, versus determining that something is a threat first, and then going out and if you see the species then you create a plan to manage it. And the reason I am asking this is, like I said, I am not a professional in this. I have no expertise. But what if there was some, I don't know, some exotic fruit that somebody has brought into Bermuda? Maybe they got permission. The department then, before they even deal with the management plan, would determine the threat. And then once they had determined the threat, then they would identify the land and the owner and then come up with a plan to eradicate it.

The Chairman: Minister.

Hon. Walter H. Roban: Thank you, Madam Chairman.

Actually, the Member gives a very bad example. That is not a good example. I understand the point she is trying to make. It is a bad example.

Ms. Susan E. Jackson: I am not an expert.

Hon. Walter H. Roban: Let me give an example.

The Chairman: Please do not crosstalk. Thank you. Minister, you have the floor.

Hon. Walter H. Roban: If there was a parcel of land that had a huge complement of . . . that was close to the waterside, that had Casuarinas and the continued existence of those Casuarinas could contribute to the erosion of the seaside, if we do not remove them, it could contribute to the erosion and ultimately the deterioration of the seaside which is on private land. That would be a case where it is clear that this is invasive, it is actually a danger to the existence and the integrity of that parcel of private holding and we would then construct a plan, always with the agreement is our intention, with the landholder to remove it, particularly if it is creating considerable damage to the shoreline and contributing the erosion, which is typical of Casuarina trees in particular in Bermuda on the seaside. That type of situation is probably more appropriate to describe if you are looking to how this actual clause would operate.

Ms. Susan E. Jackson: Thank you. Thank you, Minister.

The Chairman: MP Jackson, do you have any other questions?

Ms. Susan E. Jackson: No, I don't. Thank you, Madam Chairman.

The Chairman: You are welcome.

MP Pearman, you indicated that you had questions.

Mr. Scott Pearman: Oh, thank you. Thank you, Madam Chairman.

My question is on clause 13 at page 9 of the Bill. And clause 13 is under the heading "Record keeping." Minister, do you agree with me? It says, "A person to whom a permit or a licence has been issued under this Act shall retain such records . . ." And under subsection (2) "A person who fails to comply with subsection (1)" (that is the retention of records) "commits an offence." Yes?

[Inaudible interjections]

Hon. Walter H. Roban: Yes.

Mr. Scott Pearman: And it does not say *knowingly* fails to comply, does it? It just says, fails to comply.

Hon. Walter H. Roban: May I just state that those persons who will be receiving permits or licences are people who we know have experience and have the technical ability to handle the species that they have permission to handle. And with all licensing within this Ministry, whether it be fishery licences or other types of licences, recordkeeping is required as a matter of law. We are not asking anybody [for anything] that they are not asked for in any other avenue of the environmental area. This is same that is asked of fisherman, it is asked of others, even persons in the farming industry. Commercial farmers are required to keep records on the usage of pesticides and other agents that they use to treat their crops. It is no different. And they are given licences to use those substances. It is the same principle.

The Chairman: Thank you, Minister.

Mr. Scott Pearman: Thank you, Madam Chairman. I have another question, please.

The Chairman: You have the floor.

Mr. Scott Pearman: Thank you.

Again, in respect to clause 13, Minister, are you saying that fisherman or farmers, et cetera, who lose their licences can be put in jail for their failure to

comply with retaining that licence? Because that was what I thought you just said.

Hon. Walter H. Roban: Madam Chairman, the Honourable Member is imputing language that is not there. It says an offence. And yes, if somebody who is a fisherman does not keep proper records for the licences they carry, they could lose their licence, because that is a requirement of holding the licence, as an example. There is nothing here about anybody going to jail. It says "offence."

Mr. Scott Pearman: Right. Well, how many offences later, Minister—

The Chairman: MP Pearman.

Mr. Scott Pearman: Thank you, Madam Chairman.

The Chairman: Right.

Are there any other Members who wish to speak to clauses 11 through 22?

There being no other Member . . . Minister.

Hon. Walter H. Roban: Thank you, Madam Chairman.

I move that clauses 11 through 22 be approved.

The Chairman: The Minister has moved that clauses 11 through 22 be approved.

Are there any objections?

There being no objections, Minister, continue.

[Motion carried: Clauses 11 through 22 passed.]

Hon. Walter H. Roban: Thank you, Madam Chairman.

Clause 23 provides for a person to apply to the Director to be licensed—

The Chairman: Minister, okay. Continue, go ahead.

Hon. Walter H. Roban: Yes, I will begin with clause 23, Madam Chairman, as I ended with clause 22.

The Chairman: Continue.

Hon. Walter H. Roban: Clause 23 provides for a person to apply to the Director to be licensed as an approved agent. A person commits an offence if he provides false or misleading information or documents in a material respect in relation to an application.

Clause 24 provides for authorised officers to perform the duties of the Director set out in clauses 14, 16, 17, 18, 19 and 20.

Clause 25 provides for the Director to make an order requiring information or documents from permit and licence holders for the purpose of ascer-

taining compliance with the Act or the conditions of a permit or licence, or for statistical or research purposes. It is an offence to fail to comply with an order.

Clause 26 provides for an applicant, who is aggrieved by a decision of the Director, to apply to the Minister for the decision to be reviewed including a decision of the Director to deny or revoke a permit or a licence, or to deny an application for a licence as an approved agent. Where the Minister confirms the Director's decision, he must notify the applicant of the reason for his determination. A person aggrieved by the Minister's determination may appeal to the Supreme Court.

Clause 27 provides for appeals to the Supreme Court under clauses 22, 26 and 30 to be made within twenty-eight days of a written direction or determination, and for the decision of the Court to be final.

Clause 28 provides for the Minister to make regulations, including regulations relating to applications for permits and licences, matters relating to bio-security risk assessments, and the qualifications required for persons to be licensed as an approved agent.

Clause 29 provides penalties for offences committed under the Act.

Clause 30 is a transitional provision applying to persons who own or have in their possession a prohibited invasive species on the day this Act comes into operation. Such persons must notify the Director of that fact, and comply with directions given by the Director in writing, including a direction to dispose of the species. A person aggrieved by a direction given by the Director may appeal to the Supreme Court.

Clause 30 also applies where an order is made or a notice is published under clause 5 adding a prohibited invasive species to Schedule 1.

Clause 31 makes a consequential amendment to the Government Fees Regulations 1976 to provide for fees in respect of applications made under this Act.

Clause 32 provides for this Act to come into operation by notice published in the *Gazette*.

Thank you, Madam Chairman.

The Chairman: Thank you, Minister.

Are there any other Members who wish to speak to clauses 23 through 32?

Mr. Scott Pearman: Thank you, Madam Chairman. MP Pearman.

The Chairman: MP Pearman, you have the floor.

Mr. Scott Pearman: Thank you.

Minister, my question is in relation to clause 29, at page 15 of the Bill. That is the section that sets out the penalties for offences.

And you will recall we looked at clauses 4, 6, 7 and 13.

Hon. Walter H. Roban: I'm sorry. [INAUDIBLE]

[Crosstalk]

The Chairman: Excuse me, MP Pearman. Will you yield for the Minister?

Mr. Scott Pearman: Yes, of course, Madam Chairman.

The Chairman: Minister.

Hon. Walter H. Roban: What was the clause he was referring to, Madam Chairman?

The Chairman: Can you repeat the clause?

Mr. Scott Pearman: Of course, Madam Chairman.

Clause 29 at page 15 provides the penalties for offences.

Does the Minister have clause 29?

Hon. Walter H. Roban: Yes.

Mr. Scott Pearman: And if we start at the bottom at clause 29(3), there we see "a person who commits an offence under sections" (and there is a various bunch of sections) "is liable on summary conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding six months, or to both . . ." Yes?

The Chairman: Minister.

Mr. Scott Pearman: And clause 13 is identified there as leading to a fine of \$15,000 or imprisonment for six months. Clause 13; yes?

The Chairman: Minister, do you wish to acknowledge for the Member?

Hon. Walter H. Roban: The Member is reading the clause verbatim. I mean, it is what it is. I am just waiting to hear his question.

Mr. Scott Pearman: Well, my question is, when we dealt with clause 13, I suggested to you that a commission of an offence of having failed to comply with the retention of records could land you up in jail. And you seemed to reject that. But that is what clause 29(3) says, doesn't it?

[Crosstalk]

Hon. Walter H. Roban: Actually, you are incorrect. I did not reject that it was an offence.

Mr. Scott Pearman: Okay. So an offence by—

Hon. Jason Hayward: Point of order, Madam Chairman.

The Chairman: What is your point of order, Minister Hayward?

POINT OF ORDER

Hon. Jason Hayward: The Member has [continually] not addressed you as the Chairman. And his line of questions mirrors interrogation rather than the way in which we should be conducting ourselves in this Chamber.

The Chairman: Thank you, Minister Hayward.

MP Pearman, be clear on what the clauses do say. I think the Minister has tried to answer your questions. And I think the things that are quite obviously printed in the legislation . . . we can all agree that this is what is printed there.

Mr. Scott Pearman: Well, Madam Chairman, I am grateful that we agree that these breaches, these offences, lead to criminal penalties and imprisonment because the Minister was saying that was not the case. And I am just reading it here.

The Chairman: MP Pearman, I do not think that the Minister said that that was not the case. What he said was that the matter was an offence. Can I ask that we move on so that we can get to the rest of the questions that you may have for the Minister?

Mr. Scott Pearman: Yes, Madam Chairman.

Hon. Walter H. Roban: Yes, Madam Chairman, I can address some of what MP Pearman has raised, if you do not mind me doing so?

The Chairman: Well, I think that I have made it clear that you have reiterated that you agree that it was an offence, and in so doing I sought to make it clear that you did not speak contrary to what he was suggesting. But if you feel you need to expand on this you may, but I do not really see a need to.

Hon. Walter H. Roban: Madam Chairman, I am guided by your direction.

The Chairman: Thank you, Minister.

Hon. Walter H. Roban: Thank you very much.

The Chairman: Thank you.

MP Pearman, can you move on, please?

Mr. Scott Pearman: Yes, Madam Chairman, I have one last question and this is still in respect of clause 29.

The Minister said earlier that it was about whether someone, the granny with the tree in the garden, knew about it or not. Can you agree that nowhere does it say in clause 29 only a person who knowingly commits an offence? “Knowingly” does not appear anywhere in clause 29, does it?

The Chairman: I think that is self-evident, MP Pearman.

Mr. Scott Pearman: I am afraid it is. Thank you, Madam Chairman.

The Chairman: Right. Thank you.

Are those your questions; yes?

Are there any other persons who wish to speak to clauses 23 through 32?

Ms. Susan E. Jackson: Yes, Madam Chairman, I have a question for clause 23.

The Chairman: MP Susan Jackson, you have the floor.

Ms. Susan E. Jackson: Clause 23 speaks to authorised officers. So, as I understand it, the Director can delegate that his responsibilities under sections 16, 17, 18 and 19, be performed by an authorised officer. “Officer” sounds quite general, and I am just curious, does that mean that literally any officer, whether they are in Customs, Parks, [or] Health, can be delegated as Director to perform these functions?

The Chairman: Minister, would you like to answer the question?

Hon. Walter H. Roban: Madam Chairman, it is defined under the Interpretation section.

The Chairman: Thank you.

Hon. Walter H. Roban: And it could be a police officer as well, if you are talking about an officer who is not actually in our department. It could be an officer of, you know, of the Bermuda Police Service. But we have other officers. We have plan protection officers, we have fisheries officers, we have officers in other parts of our department who could be delegated those responsibilities by the Director.

The Chairman: Thank you, Minister.

MP Susan [Jackson], is that your only question?

Ms. Susan E. Jackson: Yes. Nothing further.

The Chairman: Thank you.

Are there any other Members who wish to speak to clauses 23 through 32?

There being no other Member . . . Minister.

[Pause]

The Chairman: Minister, I think you are still muted.

Hon. Walter H. Roban: Sorry.

Madam Chairman, I wish to move clauses 23 through 32.

The Chairman: The Minister has moved clauses 23 through 32.

Are there any objections? There being no objections . . . Minister.

[Motion carried: Clauses 23 through 32 passed.]

Hon. Walter H. Roban: I wish to—

The Chairman: Are you moving the Schedules?

Hon. Walter H. Roban: Yes . . . I'm sorry. Hold one minute, Madam Chairman.

I wish to move the Schedules as printed.

The Chairman: The Minister is moving the Schedules as printed.

Are there any objections?

[Motion carried: Schedules passed.]

Hon. Walter H. Roban: I wish to move the preamble, Madam Chairman.

The Chairman: The Minister has moved the preamble.

Are there any objections? Approved.

Hon. Walter H. Roban: Madam Chairman, I move that the Bill be reported to the House as printed.

The Chairman: The Minister has moved that the Bill be reported to the House as printed.

Are there any objections?

There being no objections . . . Mr. Deputy Speaker.

[Motion carried: The Invasive Alien Species Act 2021 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 7:10 pm

[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]

REPORT OF COMMITTEE

INVASIVE ALIEN SPECIES ACT 2021

The Deputy Speaker: Thank you, Madam Chairman.

Are there any objections to the Bill entitled the Invasive Alien Species Act 2021 being approved?

There appear to be none.

The Bill is approved.

The next order of business is the second reading of the Motor Car (Liveries) Amendment Act 2021, and that will be led by Minister Lawrence A. Scott.

Minister Scott, you have the floor.

Hon. W. Lawrence Scott: Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, I move that the Bill entitled the—

The Deputy Speaker: Minister Scott, I cannot hear you.

Hon. W. Lawrence Scott: Can you hear me now?

The Deputy Speaker: It is . . . no, I cannot hear you at all.

[Inaudible interjections]

[Pause]

Hon. W. Lawrence Scott: How about now?

The Deputy Speaker: Yes, that is much better, Minister. Continue.

Hon. W. Lawrence Scott: I move that the Bill entitled Motor Car (Liveries) Amendment Act 2021 be now read the second time.

The Deputy Speaker: Continue.

BILL

SECOND READING

MOTOR CAR (LIVERIES) AMENDMENT ACT 2021

Hon. W. Lawrence Scott: Mr. Deputy Speaker, the Bill I present today is the Motor Car (Liveries) Amendment Act 2021. Members of this Honourable House may recall that in 2016, by way of the [Motor Car Amendment \(No. 2\) Act 2016](#), the principal Act, the [Motor Car Act 1951](#), was amended to create a category of vehicles called rental minicars to provide a safer option for visitors who wish to make their own way around the Island. However, missing from the

principal Act were offences and penalties for breaching the conditions stipulated in legislation. The Bill presented today begins by addressing this void.

Mr. Deputy Speaker, Members of the House may also recall the [Motor Car Amendment \(No. 2\) \(Tour Quadricycles\) Act 2018](#) which introduced another category of vehicles described as “tour quadricycles.” These units were defined as a “four-wheeled vehicle with a bicycle[-type] seat for the driver or rider . . . steered by handlebars which is propelled by mechanical or electrical power.”

Mr. Deputy Speaker, the 2018 amendment went on to further describe how tour quadricycle liveries must be operated, the application process to acquire a permit to operate a livery, the rules for guided tours, stipulations regarding the wearing of protective headgear during tours ended with the Minister’s authority to regulate the design and build of the machines.

Mr. Deputy Speaker, as written in 2018, section 101E through section 101K of the principal Act focused on one specific vehicle design being imported to the Island. However, Mr. Deputy Speaker, as time progressed, more entrepreneurs interested in the tourist transportation industry discovered different vehicle designs that could also satisfy this market. One such design was a motorised version of a pulled or pedal cycled rickshaw seen in many countries around the world, particularly in Asia. Mr. Deputy Speaker, this machine is commonly referred to as a Tuk-Tuk, the name derived from the engine sound the earliest models made. With the advent of better technologies, this annoying sound has been eliminated.

Mr. Deputy Speaker, section 24(5) of the [1951] Act defines a motorcycle as “motor car designed to travel on two or three wheels, which is equipped with two or more gear ratios or the motor of which has a cubic capacity exceeding 50 cubic centimetres, but, subject to subsection (1), not exceeding 150 cubic centimetres.” It was originally thought that a 150 cc Tuk-Tuk could be placed in the motorcycle category, Mr. Deputy Speaker. However, one Tuk-Tuk feature prevented this being accomplished, and that is a reverse gear.

Mr. Deputy Speaker, regulation 12 of the [Motor Car \(Construction, Equipment and Use\) Regulations 1952](#) states, “Every motor car, except a motor cycle, shall be capable of being so worked that it may travel either forwards or backwards.” Motorised Tuk-Tuks have a reverse gear to assist the rider because of their weight and size; therefore, there was actually no category in which to place the new machine in current legislation.

Mr. Deputy Speaker, rather than again create bespoke legislation to accommodate a specific vehicle design, the decision was taken to change all references to “tour quadricycles” in section 101 of the principal Act and instead use the phrase “guided tour vehicle.” Also, the definition of a “guided tour vehicle” in

this Bill is expanded to include both 3- and 4-wheeled vehicles. Therefore, section 101 of the Act would now allow for the operation of Tuk-Tuks alongside vehicles such as ATVs and quadricycles in the future.

Mr. Deputy Speaker, an additional benefit of this approach is the elimination of restrictions created by the 2018 amendments to section 101. The Motor Car (Liveries) Amendment Act 2021 allows for the introduction of various designs of guided tour vehicles. Mr. Deputy Speaker, to be clear, this Bill proposes that all legislation that previously pertained to tour quadricycles be now attached to a new vehicle category known as “guided tour vehicles.” Included is the permit fee, the duration of the permit, the Minister’s authority to issue and revoke permits, the registering and licensing of vehicles and prescribing the specification for the registration plates, their dimensions and placement on the vehicle, et cetera.

Mr. Deputy Speaker, included with these amendments are necessary adjustments to the [Government Fees Regulations 1976](#) to capture the required licence and permit fee and the [Public Holidays Act 1947](#) to provide the exemption from the said Act to be able to operate guided tour liveries on Good Friday, Easter Sunday, and Christmas Day.

Mr. Deputy Speaker, there will also be policy to contractually stipulate regarding the use of Tuk-Tuks, which includes, but is not limited to, that vehicles cannot be operated by customers, the vehicles are to be hired with a certified tour guide who must possess a valid motorcycle licence and will pilot the vehicles to points of interest throughout the Island. The maximum number of passengers will be limited to two, and the wearing of protective headgear will be mandatory for all persons riding in or on a Tuk-Tuk.

Mr. Deputy Speaker, these amendments fall in line with all other initiatives designed to provide business opportunities in the tourism sector for local residents.

Thank you, Mr. Deputy Speaker.

The Deputy Speaker: Thank you, Minister Scott.

Are there any further speakers?

Mr. Scott Pearman: Thank you, Mr. Deputy Speaker. MP Pearman.

The Deputy Speaker: Yes, Honourable Member Pearman, you have the floor.

Mr. Scott Pearman: Thank you, Mr. Deputy Speaker.

I am extremely grateful to the Minister and his Permanent Secretary, who reached out to me several weeks ago to discuss this Bill. Back in 2018 there was a debate in the House about whether or not quad bikes should be allowed in our parks. I am not going to reflect on that debate; the Opposition at the time had some hesitance, but that debate has come and gone. This Bill is much narrower. It is simply to allow

alongside the quad bikes the three-wheelers, Tuk-Tuks as they are called in the vernacular.

Mr. Deputy Speaker, I just have five quick questions for the Minister, and I have no questions in Committee.

Minister, the five questions I would be grateful if you would address, relatively grateful given the hour and the amount on the docket, one is that I understand that these three-wheeled vehicles are already licensed for use on our roads. And I would be grateful if you could confirm whether or not my understanding is correct. I believe there are some out there with licence plates. That is the first question.

The second question is, if they are already licensed, presumably the three-wheelers will not have the same level of restriction as the quad bikes, because I know the quad bikes, by the previous Act, were only allowed to be on guided tours. So presumably, the three-wheelers will be allowed on guided tours, but will also still be allowed on the roads if they are. And I would be grateful if you could just clarify that.

The third of five questions is if you could touch briefly on how the current quad bike business is going and whether this is an expansion by the existing business provider or whether this is an alternative provision of service alongside.

The fourth of five questions is the view of the Parks Commission on this change. It used to be the Honourable Member for constituency 32 who chaired the Parks Commission; I recall he spoke to the debate in 2018. I now believe from what was said earlier that it is the Honourable Member from constituency 28 who chairs that commission. So if we could just know if the Parks Commission has a view one way or the other.

And fifth and finally, I just ask if the Minister can comment on any safety issues or considerations. It occurs to me in a matter of common sense, and I am no expert, that if one is going over uneven terrain in the parks, that a four-wheel vehicle might be thought to be safer than a three-wheel vehicle. But I would be grateful for any expansion or consideration the Minister could offer.

Those are my questions. And, Minister, I have no questions in Committee, although others may. Thank you, Mr. Deputy Speaker. Thank you, Minister.

The Deputy Speaker: Thank you, Honourable Member Pearman.

Are there any further speakers?

Mr. Neville S. Tyrrell: Mr. Deputy Speaker.

The Deputy Speaker: Honourable Member Tyrrell, you have the floor.

Mr. Neville S. Tyrrell: Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker, first of all let me say thank you for the opportunity to speak on this Motor Car (Liveries) Amendment Act 2021. Let me first of all say up front that I support the Minister in what he is doing here. I support the Minister on this amendment Act for several reasons.

One, the vehicle in consideration that we are talking about is a safe addition to our tourism product. And of course, that is what we want. We want our tourists to be driving around in a safe environment. Of course, the amendment clarifies what vehicles for tourism should be called. They are called guided tour vehicles. And it confirms the type of vehicle basically that can be used for that purpose.

Another reason I support the Bill is that it certainly encourages entrepreneurship. It is designed to provide business opportunities for people, which also obviously provides additional employment opportunities for persons as well. So again that is where my support is.

Another [reason] is that it offers a different choice for tourists to use whilst they are here on the Island. And again, as I said, it is a safe environment. But it is another choice that they will have.

Let me also say that this idea of this new type of vehicle is an asset and a boost to the economy. The more opportunities that tourists have to use, the more money that can come into the economy.

So let me wrap by saying that I support the Amendment Bill and I thank the Minister and his technical officers for the work that they have done on this.

Thank you very much, Mr. Deputy Speaker.

The Deputy Speaker: Thank you, Honourable Member Tyrrell.

Are there any further speakers?

There appear to be none, Minister.

Hon. W. Lawrence Scott: Yes. Thank you, Mr. Deputy Speaker.

Just to address some of those questions. This is to the question about the National Parks, the tour routes will be agreed in advance. The tour operators will need permission from the Department of Parks to drive through any public park. Consideration will also be given to ensure that the number of tour groups is spaced out so that they do not end up creating a caravan of sorts on our roads.

Also, yes, the Shadow Minister may have seen one of the Tuk-Tuks on our roads, but that was done through a one-day permit mainly for a promotional shoot for the Bermuda Tourism Authority, in conjunction with the Bermuda Tourism Authority. And the three-wheel bikes are permitted on the roads, but everything is specific to the tour vehicle or the guided tour vehicle itself.

And with that, Mr. Deputy Speaker, I would like to move that—

[No audio]

The Deputy Speaker: I lost you. I have lost you. We do not hear you.

Hon. W. Lawrence Scott: Can you hear me now?

The Deputy Speaker: Yes. Go ahead.

Hon. W. Lawrence Scott: Yes. I would like to move that the Bill now be committed.

The Deputy Speaker: Acting Chairman, Ms. Foggo.

Ms. Lovitta F. Foggo: Yes, Mr. Deputy Speaker.

House in Committee at 7:25 pm

[Ms. Lovitta F. Foggo, Chairman]

COMMITTEE ON BILL

MOTOR CAR (LIVERIES) AMENDMENT ACT 2021

The Chairman: Minister and Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled the [Motor Car \(Liveries\) Amendment Act 2021](#).

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

Hon. W. Lawrence Scott: Thank you, Madam Chairman.

I would like to move clauses 1 to 13.

The Chairman: Continue, Minister.

Hon. W. Lawrence Scott: Thank you.

The purpose of the Bill is to amend the Motor Car Act 1951, the principal Act, to create an offence for operating a minicar livery without a licence, to amend Part VIB of the principal Act to expand types of vehicles to be used on a guided tour and for related matters.

Clause 1 is the short title of the Bill to be introduced as the Motor Car (Liveries) Amendment Act 2021.

Clause 2 of the Bill amends section 101A of the principal Act to provide the offence of operating a minicar livery without a licence.

Clauses 3, 4, 5, 6, 7, 8, 9 and 10 provide amendments to Part VIB of the principal Act, meaning sections 101E to 101K, to expand the types of vehicles to be used on a guided tour by changing all references to “tour quadricycles” which is described as a four-wheeled vehicle, to that of a “guided tour vehicle” which will be described as a three- or four-wheeled vehicle.

Clauses 11 and 12 amend Schedules 1 and 2 of the principal Act by changing the references of a “tour quadricycle” to that of a “guided tour vehicle.”

Clause 13 provides consequential amendments to the Government Fees Regulations 1976, the Public Holidays Act 1947 and the Motor-Cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953 to change references of a “tour quadricycle” to that of a “guided tour vehicle.”

The Chairman: Thank you, Minister.

Are there any other Members who wish to speak to clauses 1 through 13?

Mr. Scott Pearman: Thank you, Madam Chairman. MP Pearman

The Speaker: MP Pearman, you have the floor.

Mr. Scott Pearman: Thank you.

Minister, in respect of clause 4 and the new guided tour vehicles, there were five questions posed in the debate. You very kindly answered four of them. But perhaps you could deal with this one as the guided tour vehicle question. It is just a safety issue on the three-wheelers. Does the Minister have any view on that? Thank you, Madam Chairman.

The Chairman: Minister, go ahead.

Hon. W. Lawrence Scott: Thank you.

We believe that they are safe. The only additional safety precaution that we believe is needed is that all occupants should be wearing a helmet. Once again, it protects them from any injury if they were to get into an accident.

The Chairman: Thank you, Minister.

Are there any other questions?

Mr. Scott Pearman: Not from me, Madam Chairman. Thank you, Minister. Thank you, Madam Chairman.

The Chairman: Thank you.

Are there any other Members who wish to speak to clauses 1 through 13?

There being no other Members, Minister, you have the floor.

Hon. W. Lawrence Scott: Thank you, Madam Chairman.

Madam Chairman, I move the preamble.

The Chairman: Okay. Go ahead. Continue.

Hon. W. Lawrence Scott: Thank you. I move the preamble be approved.

The Chairman: Would you like to move the Schedules? Are there Schedules?

[Crosstalk]

Hon. W. Lawrence Scott: No. There are no Schedules in this Bill.

The Chairman: Well, it amends Schedules. Okay. Continue, Minister Scott.

Hon. W. Lawrence Scott: All right. I move that clauses 1 through 13 be approved.

The Chairman: We are going to get to there before you say that the Bill be reported to the House. Yes, Minister.

Are there any objections?

There being no objections, now, Minister, you may move that the Bill be reported.

[Motion carried: Clauses 1 through 13 approved.]

Hon. W. Lawrence Scott: I move that the Bill be reported to the House as printed.

The Chairman: The Minister has moved that the Bill be reported to the House as printed.

Are there any objections to that?

There being none, thank you, Minister.

[Motion carried: the Motor Cars (Liveries) Amendment Act 2021 was considered by a Committee of the whole House and passed without amendment.]

Hon. W. Lawrence Scott: Thank you, Madam Chairman.

The Chairman: Mr. Deputy Speaker.

The Speaker: Good evening.

The Chairman: I apologise, Mr. Speaker! You have the floor.

The Speaker: It is quite all right, Madam Chairman. I am back.

House resumed at 7:30 pm

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

REPORT OF COMMITTEE

MOTOR CAR (LIVERIES) AMENDMENT ACT 2021

The Speaker: MP Foggo, I am back in the Chair; thank you.

Members, is there any objection to the Motor Car (Liveries) Amendment Act 2021 being reported to the House as printed?

There are none. The matter has been reported as printed. That brings us to a close of that item.

We now move on to the next item on the Order Paper, which is item number 8, the second reading of the Bermuda Immigration and Protection Amendment Act 2021 in the name of the Minister of Labour.

Minister Hayward, would you like to present your matter?

Hon. Jason Hayward: Mr. Speaker, I move that the Bill entitled the Bermuda Immigration and Protection Amendment Act 2021 be now read a second time.

The Speaker: Are there any objections to that?

There are none.

Minister Hayward, proceed.

BILL

SECOND READING

BERMUDA IMMIGRATION AND PROTECTION AMENDMENT ACT 2021

Hon. Jason Hayward: Mr. Speaker, I bring to this Honourable House today the Bill entitled the Bermuda Immigration and Protection Amendment Act 2021. The purpose of this Bill is to amend the Bermuda Immigration and Protection Act 1956 (the principal Act) to address the matter of long-term residents who have lived in Bermuda and contributed to the community for decades, but have no legal means to secure their immigration standing. This includes persons born in Bermuda, as well as persons born in other countries.

Mr. Speaker, the debate on this legislation is of particular significance because it represents the fulfilment of a number of promises made by this Government. This Bill fulfils the pledge made in the November 2020 Speech from the Throne. These amendments fulfil the pledge to address the issue of permanent residency as articulated in the PLP's party platform of 2020. These changes are in alignment with the immigration reform strategic priority to achieve a simplified, fair and modern immigration legislative framework. These amendments are another step in the fulfilment of this Government's election promise to provide comprehensive bipartisan immigration reform.

These amendments also advance a key policy initiative in Bermuda's Economic Recovery Plan, which is to expand its residential population. Retention policies are critical to achieving that goal. These amendments support Bermuda's future economic growth and development by allowing those who are regularised to fully participate economically.

Mr. Speaker, this Bill makes provision for the following persons to be eligible for a permanent resident's certificate: those who have lived in Bermuda for more than 20 years; non-Bermudians who are divorced or they are parents of Bermudian children who possess Bermudian status and who have lived in Bermuda for more than 15 years; and children of second-generation permanent resident's certificate holders. This Bill also makes provision for a new fee of \$10,000 for long-term residents. This fee is significantly lower than the permanent resident's certificate application fee of \$50,000, which still applies in section 31A in cases of job-making. I will discuss this further in Committee where I will propose an amendment.

Mr. Speaker, this Bill addresses three issues: (1) many non-Bermudian long-term residents have no means to secure permanent residency in Bermuda; (2) non-Bermudian parents of children who possess Bermudian status must leave the Island after the child's 18th birthday; and (3) persons who obtained a permanent resident's certificate under section 31A are unable to pass the permanent resident's certificate onto their children, second generation, by means of section 31B. However, the children of second generation permanent resident's certificate holders do not have residency rights in Bermuda despite in some cases being born in Bermuda.

It should be noted that some of these potential or future third-generation permanent resident's certificate holders are not eligible for residency in any other country.

Mr. Speaker, on August 11, 2021, the Government released a position paper on long-term residents to formally share the Government's position that I described today. Between August 30 and September 6, 2021, quantitative research was conducted with a randomly selected representative sample of Bermuda's residents aged 18 and older. The purpose of the research was to obtain residents' perspectives on long-term residents and the issuance of a permanent resident's certificate.

The sample served was meaningful and yielded complete results. The key findings included the following: 83 per cent of residents said a permanent resident's certificate should be granted at the time to those born in Bermuda to holders of permanent resident's certificates; and 73 per cent of respondents said permanent resident's certificates should be granted to persons who have legally lived in Bermuda for more than 20 years.

Some may believe these proposals go too far; however, as I articulated in my opening statement, this Government believes a balanced approach to allowing certain long-term residents to apply for permanent resident's certificates is the right thing to do. It should be noted that this Bill creates a clear, transparent and streamlined means for long-term residents to secure a level of permanency giving them the right to fully participate in Bermuda's economy, reduce the

financial bias by giving equal opportunity and security of tenure to long-term residents and preserve the rights granted by the amendments to section 31B of the Bermuda Immigration and Protection Act 1956 for those who are eligible to apply for permanent resident's certificates until 2022 only, made by the 2020 amendment Act. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Honourable Member wish to make a contribution at this time?

Mr. Jarion Richardson: Yes, Mr. Speaker. MP Richardson.

The Speaker: MP, you have the floor.

Mr. Jarion Richardson: Thank you, Mr. Speaker.

My first point, though, Mr. Speaker, is that I have not seen any amendments or proposed amendments to the Bill. We know that it is not on the tablets or Internet either. When would that be circulated?

The Speaker: I will confirm as you are talking. But I believe it should be up on the SharePoint by now. We will have the technician just check, and I will confirm that. Okay? But it should be there on SharePoint.

Mr. Jarion Richardson: Okay. Thank you. Thank you, Mr. Speaker. My comments will be brief, as we have all received the terrifying, or rather horrifying news of more COVID-19 deaths. So we are going to make this brief so that we can get back to our families.

Mr. Speaker, this Bill is in the right direction. Right? This is my opinion, Mr. Speaker. We are heading in the right direction here. Immigration is a volatile issue and requires a nuanced approach. And I am thankful that the Honourable Minister has accepted that, at least in his [Ministerial] Statement of 10 September, most especially that we have to deal with this [while] removing as much emotion as possible. The Minister spoke a little bit there, that some people may believe it goes too far. To my mind, it does not go far enough. But we are going to get there, Mr. Speaker, because we are heading in the right direction.

Mr. Speaker, our economy is simply not in a state that we can afford second-class citizens. The insecurities provided [to] a person who can economically participate, but is unable to politically participate, seems to me to have a fundamental sense of injustice and be unfair. I believe the Americans started a revolution about taxation without representation. So that is an adverse consequence of our current system that we have people whose presence is economically valuable, but they have no voice.

So with that being said, Mr. Speaker, like I said, I am thankful that we are finally moving down this road. And I am thankful that we are taking a nuanced approach and we are not going to see any

more volatile ways of addressing a very complex and difficult problem. We want to make sure that our citizens are not displaced. That is a very hard thing to do on a good day. It is even harder to do when it is 21 square miles and the economy as it stands is requiring such a diversification of skills, especially since a lot of those skills need to be imported. So, a difficult question, and a difficult thing to do.

We are gently moving the line to the place where I think we should go, and I am thankful for that. This does leave some multi-generational insecurities because it sets up one generation and another, and then at some point it sort of runs out, the PRC status.

And one of the things that we do want to make sure, and I believe the Minister's Statement spoke to it, is that we stop these humanitarian stories, these horrifying humanitarian stories where people are coming to Bermuda, are contributing to Bermuda and then they are all of a sudden not Bermudian—they have to go. And the Minister's Statement on the September 10, about someone who had been here for 34 years and served in the police service, was an indictment of our programme, Mr. Speaker. Any person who served in uniform in our country and has put their life on the line for the betterment of our citizens certainly should not be told at the end of their service, *Thank you, but no thank you and you can go.*

So with that said, Mr. Speaker, again cautious optimism. Thank you for moving the line closer. And my questions to the Minister are the following: What is the forecasted impact? For example, how many applications do we anticipate seeing from this change?

Yes. That is it. Thank you, Mr. Speaker.

Thank you, Honourable Minister.

The Speaker: Thank you, Member.

And just to confirm that, yes, the amendment is on SharePoint.

Mr. Jarion Richardson: Thank you, Mr. Speaker.

The Speaker: Would any other Member wish to make a contribution at this time?

Ms. Crystal Caesar: Mr. Speaker.

The Speaker: Yes. MP Caesar.

Ms. Crystal Caesar: Yes. Thank you.

The Speaker: You have the floor.

Ms. Crystal Caesar: Thank you, Mr. Speaker.

Mr. Speaker, as the previous two speakers have indicated, immigration is a volatile and quite emotive issue. And as well it should be. When we talk about immigration, we often are speaking about one's livelihood, one's family, one's ability to make a living and one's ability to remain with their families. I believe

this particular piece of legislation has struck an interesting and very balanced note, as it pertains those issues in particular.

Some years ago, Mr. Speaker, I served on a board, a commission (I should say) in which we were tasked with looking at these very issues, which are quite critical. And in particular, at the time it was quite a volatile situation. We were tasked with trying to give guidance as to the way forward. And there were quite a few different types of issues that we had to consider. And one of those, Mr. Speaker, that we often seem to either brush over or think that it is not something that we should be considering at this particular time is the historical biases and historical stories that pertain to immigration in Bermuda.

If I could, Mr. Speaker, I would like to just read from some of the work that I previously had submitted to that commission, and that would be the Consultative Immigration Reform Working Group of 2017.

It states, Mr. Speaker, "Bermuda's history of immigration is complex, has had a long history of racism, prejudice and discrimination. Historically, there is no question that Bermuda's immigration laws and policies were used to violate Black Bermudian human rights. It involved repeated efforts to reduce the Black population through multiple banishment of hundreds of free Blacks over the first maybe 218 years of Bermuda's history. It was codified in law and culture and emphasised white immigration from Commonwealth countries. And 20th century racialised immigration practices, which included birth control, selective numbers of people given status. And, unfortunately, we know that predominantly most of those status grants were given to people of the Caucasian race." [UN-VERIFIED QUOTE]

Now, I do not bring all of this up to stir emotions, to speak of racial issues, but to just remind us that part of the reason why it is such an emotive issue in Bermuda is because of our history. And I think we have to give honour to acknowledge as well, and give consideration to, policies that we make going forward.

During those deliberations the working group and I came across a quote from a study that was done some time ago. It was a discussion paper on long-term residency. So, obviously this issue has been going on for a number, a number of years. And the Minister already gave us the definition of what a long-term resident is. In Bermuda, for Bermuda's purposes, those are the belongers. Those are naturalised persons. Those are PRC holders. Those are residential certificate holders. They are work permit holders. They are an extension of spousal employment rights certificate holders. They are those who are registered British Overseas Territory citizens. So we have a huge category of people who fall into this bucket. So this affects a large population of Bermudians.

And who are these people? Well, for example, it could be the dance teacher who came to Bermuda with her husband and taught dance classes, and has

contributed to Bermuda for the last 30–40 years. That would be a person who is considered a long-term resident. It could be a student whose parents are PRC holders, but for some reason it did not pass on to that particular person. It could be the nurse who is working tirelessly in our hospital right now to help save lives in Bermuda. It could be a waiter, a restaurant owner, an architect, an economist, an accountant. These are all people who contribute to our economy, who contribute to what Bermuda has become today.

But again we cannot forget some of the history that some of our own people have had to face. And that is not to say that these are not good people. These are people who mean us well and who want to see Bermuda do well. And I believe that the vast majority of these people are absolutely that. But again, we have to have a balanced discussion about [the fact] that there have been some bad actors in our time. People who came to Bermuda loved it here, and so there were policies put in place where they made it possible for a friend or colleagues to come. And they came on a work permit and stayed. And their work permits rolled over and over and over and over.

Now, did it mean that they were unqualified? Absolutely not. And I assume, because I know that our civil servants work very hard to ensure that we have the right people working in the right seats in Bermuda. But there may have been an instance where there was a young person who was training in a particular area. But because someone had a work permit that was continuously rolled [over] for years and years, that person may have decided, *You know what? There's nothing for me here. I'm going to emigrate somewhere else. Or, There's no place for me in that particular industry because only certain people get those jobs.* And then they move on to another industry. This changed the trajectory of their lives and their families' lives.

And these are the realities that we oftentimes gloss over when we have these conversations. There are people at the end of both sides of the scenarios that I have given—those who came and worked and loved Bermuda and continue to contribute to Bermuda and want Bermuda to do well, and those who may not have had the best experience because they were passed over in favour of a work permit holder.

And these are just very minute, or small, examples. But again this is a balanced approach, this piece of legislation. It is, and I agree, moving us in the right direction, particularly for those people who have been here, who want to continue to contribute and see Bermuda do well.

I believe that with time the Bermudian population will understand that we definitely need to have more people here. We often hear, *Oh, we don't need people here*, et cetera, et cetera. But anybody who knows that if you have more people . . . say you are going on a trip, for instance. If you have more people going on the trip, it is going to cost you less. So if we

have more people in our population, we are going to see more money flowing. We are going to see maybe rents coming down. You know, we are going to see more cash and more flow in our economy.

So it has several facets. Immigration touches all parts of Bermuda. Because we are the size that we are, we cannot deny the fact that we do have to import labour. We do have to have people come in with a level of expertise that maybe our small population does not have. But I believe that we can be balanced by ensuring that those people come to Bermuda and contribute, and by ensuring that our people get the opportunities that are required. And in so doing, like I said, the people whom this will affect will ultimately be the ones who will assist in continuing to make Bermuda the place that we all know it is and that we love.

And so I applaud the Minister and his team for a very balanced approach to immigration and to long-term residency. I know that when a lot of us canvassed, we probably did come across quite a few young people who had been born here. In all but name, they are Bermudian. They went to school with our children. They continue to be here. They continue to live and work.

We know a single mom, who for whatever reason was not able or did not marry, et cetera, and has a child and wants to be here with that child. But once they turn 18, that mother has to leave, or that father for that instance (we cannot be sexist)—that mother or father has to leave. But they have a connection to Bermuda, and they want to be here. They want to see Bermuda succeed. And I think we owe it to these people to give them an opportunity to give them the ability to be here with some security and some permanency. We do not want anyone to be stateless. We do not want anyone to feel that we have taken advantage of their service.

So again, I definitely applaud the Minister and his team for ensuring that this is a balanced piece of legislation. It is taking us in the right direction, and it is giving people a level of security that they previously did not have. And I just want to continue to encourage the Minister and his team to do the work that is required to ensure that all people, all residents, all who contribute to Bermuda will continue to be able to do so with security.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Caesar.

And before we move on, I would like to acknowledge that that was your maiden speech. And we thank you for making your contribution.

Ms. Crystal Caesar: Thank you.

The Speaker: Good.

Would any other Member wish to make a contribution at this time?

Any other Member?

There appears to be none.
Minister.

Hon. Jason Hayward: Mr. Speaker.

The Speaker: Yes, Minister.

Hon. Jason Hayward: Mr. Speaker, I thank the two previous MPs for their support on this Bill. I thank the Opposition for their support on this Bill. The Government aims to strike a balance, and I believe we achieved this with the provisions that we will now be proceeding with.

The Member did ask a question regarding the possible impact of this legislation on those individuals. I would say that these are extremely controlled categories. And so we do not have a large abundance of non-Bermudians who have spent over 20 years in Bermuda without some sort of residency security. It would be persons who are actively on work permits for the most part. And the other categories in terms of parents of Bermudian children, that is also a very controlled category, and we can appreciate that we have lost many parents of Bermudian children because a lot of them have had to leave the Island after the child turns 18.

So it would just be those persons who are now between that 15-year benchmark and their child turning 18. So that is also a three-year gap where that population in terms of those who will be eligible would apply.

When we add up all of the numbers, there is one category we cannot predict, and that would be unwed parents. We certainly do not know what will be the level of divorce moving forward over the next two years. But those who are still here, they are on some sort of spousal letters. And so we did have strong numbers as to what that population looks like.

So when we looked at it across the board, our high-end estimate is no more than 850 individuals. And that would be for those in that category. And then you will see that the numbers drastically cut off per year because persons can apply for 20. Some persons may be in the 19th year, and some people may be in their 18th year of residency. And they will apply thereafter.

But I would be cautious as to when we start to talk to those numbers that that does not indicate demand. And then the lesson we learned when we were discussing the mixed-status families amendments that we made in the House was that there were around 2,000 individuals who may possibly apply who were thrown out there as estimates. But since we put that piece of legislation in place, we have had less than 150 applications. So I will caution the general public and the House that the estimates do not always indicate demand, because everybody who qualifies does not necessarily want to remain in Bermuda.

So, with that said, Mr. Speaker, I now move that the Bill be committed.

The Speaker: Thank you, Minister.
Deputy.

House in Committee at 7:50 pm

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

COMMITTEE ON BILL

BERMUDA IMMIGRATION AND PROTECTION AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole for further consideration of the Bill entitled the [Bermuda Immigration and Protection Amendment Act 2021](#).

Minister Hayward, you have the floor.

Hon. Jason Hayward: Mr. Chairman, this Bill amends the Bermuda Immigration and Protection Act 1956 (the principal Act) to enable certain long-term residents to apply for permanent resident's certificates and to make connected provisions.

Mr. Chairman, I now move clauses 1 and 2.

The Chairman: Continue, Minister.

Hon. Jason Hayward: Mr. Chairman, clause 1 is self-explanatory.

Clause 2 inserts new sections 31ZA and 31ZB into the principal Act. Section 31ZA enables a person who has been ordinarily resident in Bermuda for a period of at least 20 years, including the two [years] immediately preceding his application, to apply for a permanent resident's certificate. Section 31ZB enables a person who has been ordinarily resident in Bermuda for a period of at least 15 years, including the two [years] immediately preceding his application, to apply for a permanent resident's certificate if he is the non-Bermudian parent of a son or daughter who possesses Bermudian status.

The Chairman: Any further speakers on clauses 1 and 2?

There appear to be none.

Minister, do you want to move clauses 1 and 2?

Hon. Jason Hayward: Mr. Chairman, I move clauses 1 and 2.

The Chairman: To be approved.

It has been moved that clauses 1 and 2 be approved. Are there any objections to that?

There appear to be none.

Clauses 1 and 2 are approved.

[Motion carried: Clauses 1 and 2 approved.]

The Chairman: Continue, Minister.

Hon. Jason Hayward: Mr. Chairman, I would now like to move an amendment to clause 3.

The Chairman: Yes. Continue.

AMENDMENT TO CLAUSE 3

Hon. Jason Hayward: Mr. Chairman, in clause 3 in the [proposed] new section 31AB(1) of the principal Act, and at the end of [proposed new] paragraph (b), insert "or 31ZB."

The Chairman: Would anyone want to speak to the amendment?

Mr. Jarion Richardson: I apologise, Mr. Chairman. Could the Honourable Minister just explain that amendment again? I just have it up now. Thank you.

Hon. Jason Hayward: In clause 3, in the [proposed] new section 31AB(1) of the principal Act, at the end of [new] paragraph (b), insert "or 31ZB."

Mr. Jarion Richardson: Thank you. Thank you, Mr. Chairman and Honourable Minister.

The Chairman: Would anyone want to speak to that amendment?

There appear to be none.

Minister, do you want to move that the amendment be approved?

Hon. Jason Hayward: Mr. Chairman, I now move that the amendment be approved.

The Chairman: It has been moved that the amendment to clause 3 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Amendment to clause 3 passed.]

Hon. Jason Hayward: So, Mr. Chairman, can I move clause 3 as amended?

The Chairman: Yes.

[Motion carried: Clause 3 passed as amended.]

Hon. Jason Hayward: Mr. Chairman, I now move clause 4.

Clause 4 amends section 31B of the principal Act. Subsection (1)(c) is repealed so that there is no longer an expiry date of 1 September 2022 for certain persons to make an application for a permanent resident's certificate under section 31B. Subsection (2) is broadened so that the son, daughter or spouse of a person granted a permanent resident's certificate under any of sections 31A, 31ZA, 31ZB or 31B can apply for a permanent resident's certificate under section 31B, but subsection (2A) is a restriction which has the effect that the grandchild of the person who has been granted a permanent resident's certificate under section 31B is not eligible to apply.

The Chairman: Any comments? Does anyone want to speak to clause 4?

There appear to be no one to speak.

Minister, do you want to move clause 4?

Hon. Jason Hayward: Mr. Chairman, I would like to move clause 4.

The Chairman: It has been moved that clause 4 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clause 4 passed.]

The Chairman: Continue, Minister.

CLAUSE 5 DELETED

Hon. Jason Hayward: Mr. Chairman, I would now like to delete clause 5.

The Chairman: Continue.

Hon. Jason Hayward: Mr. Chairman, I would like to move clause 6.

The Chairman: Yes.

Hon. Jason Hayward: Clause 6 makes consequential amendments. Clause 6(1) and 6(2) amend sections 2(1) (interpretation) and 13D(1) (determination of appeals) in the principal Act to include references to the new sections 31ZA and 31ZB inserted by clause 2.

Clause 6(3) broadens the reference in section 5 of the Legal Executives (Registration) Act 2011 to include all types of permanent residents as persons who can apply to be registered under that Act. Clause 6(4) corrects a reference in the Fisheries Regulations 2010.

The Chairman: Continue, Minister.

Hon. Jason Hayward: I would like to move clause 6 for approval.

The Chairman: It has been moved that—

Mr. Jarion Richardson: I am sorry, Mr. Chairman.

The Chairman: I am sorry. Yes. My apologies. Go ahead, Honourable Member Richardson.

Mr. Jarion Richardson: Thank you very much. And it is only a clarification.

Would you be so kind as to inform me, with clause 5 deleted, will clause 6 in the final version get renumbered to clause 5, and clause 7 to 6? Is that right, Mr. Chairman?

The Chairman: Minister, that is what would be normally. Did you get that, Minister?

Hon. Jason Hayward: Yes. The instruction from Chambers is that once the Senate receives their draft, those numbers will be changed subsequent to this debate.

Mr. Jarion Richardson: Mr. Chairman, thank you, Honourable Minister.

The Chairman: It has been moved that clause 6 be approved.

Are there any objections to that?

There appear to be none.

Clause 6 is approved.

[Motion carried: Clause 6 passed.]

The Chairman: Continue, Minister.

Hon. Jason Hayward: Mr. Chairman, I would like to move clause 7.

The Chairman: Continue.

Hon. Jason Hayward: Clause 7 provides for commencement and transitional provisions. Clause 7(2) confirms that the amendments made to the principal Act do not affect an application for a permanent resident's certificate made prior to this Bill, once enacted, comes into operation. Clause 7(3) preserves the right of a son or daughter of an excepted person, who would otherwise be disqualified by new section 31B(2), to apply for a permanent resident's certificate in accordance with the amendments made by the Bermuda Immigration and Protection Amendment Act 2020, provided the application is made before 1 September 2022 (two years after the commencement of the 2020 Act, as per the repealed section 31B(1)(c)).

The Chairman: Are there any speakers to clause 7?

There appear to be none, Minister. Do you want to move clause 7?

Hon. Jason Hayward: Mr. Chairman, I would like to now move clause 7.

The Chairman: It has been moved that clause 7 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clause 7 passed.]

Hon. Jason Hayward: Mr. Chairman, may I now move the preamble?

The Chairman: Yes. It has been moved that the preamble be approved.

Are there any objections to that?

There appear to be none.

The preamble is approved.

Hon. Jason Hayward: Mr. Chairman, can I now move that the Bill be reported to the House as amended?

The Chairman: It has been moved that the Bill be reported to the House as amended.

Are there any objections to that?

There appear to be none. The Bill will be reported to the House as amended and approved.

[Motion carried: The Bermuda Immigration and Protection Amendment Act 2021 was considered by a Committee of the whole House and passed with amendments.]

The Chairman: Thank you, Minister Hayward and MP Richardson. Thank you.

House resumed at 8:05 pm

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

REPORT OF COMMITTEE

BERMUDA IMMIGRATION AND PROTECTION AMENDMENT ACT 2021

The Speaker: Thank you, Deputy Speaker.

Members, are there any objections to the Bermuda Immigration and Protection Amendment Act 2021 being reported to the House with the necessary amendments?

There are no objections. The matter has been reported to the House with the amendments intact.

That brings us to the close of item number 8, and we will now move on to item number 9, which is the second reading of the Financial Assistance

Amendment Act 2021 in the name of the Minister of Labour.

Minister Hayward, it is you again, sir. Would you like to present your matter now?

Hon. Jason Hayward: Mr. Speaker, I bring to this Honourable House today the Bill entitled the Financial Assistance Amendment Act 2021. The purpose of this Bill is to make legislative amendments to the Financial Assistance Act—

The Speaker: Did you move first? Did you get permission to move yet?

Hon. Jason Hayward: Sorry, Mr. Speaker.

The Speaker: Just introduce the Bill.

Hon. Jason Hayward: Yes. I move that the Bill entitled the Financial Assistance Amendment Act 2021 be now read a second time.

The Speaker: Are there any objections?

No.

Continue on now, Minister.

BILL

SECOND READING

FINANCIAL ASSISTANCE AMENDMENT ACT 2021

Hon. Jason Hayward: Thank you, Mr. Speaker.

Mr. Speaker, I bring to this Honourable House today the Bill entitled the Financial Assistance Amendment Act 2021. The purpose of this Bill is to make legislative amendments to the Financial Assistance Act (the principal Act) in order to facilitate part of the financial assistance reform strategy.

Mr. Speaker, the debate of this legislation today is the fulfilment of yet another promise made by this Government. This Bill is the first step in the fulfilment of the Government's promise to executive financial assistance reform as articulated in the PLP's platform of 2020. This Bill fulfils the pledge made in the November 2020 Speech from the Throne. This Bill is a more [INAUDIBLE] attempt to motivate able-bodied and disabled recipients to move into employment opportunities as soon as practicable to avoid long-term dependency on the system.

The financial assistance reform strategy consists of four overarching aims and strives to increase sustainability of the Financial Assistance Programme; strengthen the education, training and employment services for Financial Assistance recipients; encourage individuals and families to become financially independent; and improve the programme to better support persons with disabilities.

Mr. Speaker, this Bill consists of the first set of two phases of legislative amendments. The Bill provides for the definition of a "disabled person." The Bill specifies that a disabled person is required to submit with their application for an award a medical opinion which confirms the nature and extent of the disability, the fact that the disability impacts the person's ability to find or retain suitable employment and, where possible, the likelihood of the person being able to work after a period of rehabilitation or treatment. The Bill specifies that where the medical condition of a disabled person receiving a Financial Assistance award has changed since being granted the award, or where a question has arisen in relation to a recipient's medical condition, the director may request that the recipient provide another medical opinion.

Mr. Speaker, the Bill ensures that able-bodied persons have personal employment plans designed to place them on pathways to employment and to promote successful performance outcomes. This is the collaborative exercise involving the Department of Workforce Development and other industry partners. There will be no deductions from their Financial Assistance award during the tenure of their agreement, which is not to exceed beyond three years. This will allow the recipient to build their assets and prepare to be self-sufficient by the end of the agreement term.

The Bill makes a provision for extending these eligibility criteria of able-bodied persons to include the completion of a personal employment plan agreement within the first six months of submission of their application.

Personal employment plans form an important part of Financial Assistance reform. Elements of the plan include a comprehensive needs assessment, which consists of an intake interview and one-on-one coaching support for three to five hours with career coaches, Human Resource professionals. This assessment outlines the client's employment growth, action steps, required resources and timelines to meet each objective, and assists the Career Development Section to help the client with future employment and job retention. The plan also identifies barriers to employment and a skills and career assessment needs.

Areas identified for development will shape the client's plan, along with following mandatory training components:

- work readiness training;
- career readiness training;
- basic/intermediate computer skills training;
- financial literacy series; and
- nonpaid three-to-six-month work experience.

Mr. Speaker, several key principles were used to guide the development of Financial Assistance reform and therefore this Bill. The principles were that there should be a more effective and efficient system that meets the clients' basic needs, places emphasis on transforming those who have been unable to participate fully in the productive economy and realise

their potential, and allows clients to achieve a greater sense of personal and financial success.

Mr. Speaker, the broader Financial Assistance reform, as this Bill introduces, has two significant changes to how Financial Assistance operates. Number one, the new reformed Financial Assistance system will focus less on policing and administering roles, and more on helping individuals access the services and support they need to become financially independent.

The reform system addresses the policy outside the Financial Assistance system that impedes progress toward achieving stable income and more sustainable employment for Financial Assistance recipients.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

Mr. Jarion Richardson: Yes, Mr. Speaker, MP Richardson, please.

The Speaker: MP Richardson, you have the floor.

Mr. Jarion Richardson: Thank you, Mr. Speaker. And I thank the Honourable Minister for bringing this legislation to this Honourable House.

Mr. Speaker, this legislation serves to ensure that persons are encouraged to proactively and deliberately plan to return to the labour force, which is obviously in the best interests of all of us. Equally, there are provisions that deal with medical opinions relating to our disabled persons.

Mr. Speaker, Financial Assistance is a thorny topic on a good day because it comes with all kinds of insinuations that are readily insulting and therefore makes it difficult for us to talk about it in as straightforward and as unemotive a process as possible. Mr. Speaker, our social safety net in Bermuda is needed. Our economy, especially now, is in dire straits. And it was heading in that way before COVID-19, and now COVID-19 has certainly put paid to it. So to that end, we do have portions of our population who should not be allowed to slip through the cracks. And with that being said, we do have to be very clear about our expectations for their return to the workforce.

Mr. Speaker, the Honourable Minister said in his 10 September [Ministerial] Statement that the new system will focus less on policing and administering rules and more on helping individuals access the services and support they need. Equally, Mr. Speaker, in the 2021/22 Estimates of Revenue and Expenditure for the Year, under Head 55, the Department of Financial Assistance did discontinue site visits for Financial Assistance clients during the year as one of its performance indicators.

But, Mr. Speaker, I would disagree with the Honourable Minister in that regard. I do not think that a reduction in the policing of this space is advisable, given the susceptibility to abuse and fraud when someone is not looking. So maybe the Honourable Minister could speak to that. How are we going to ensure that someone is still checking? Because what we do not want to do, Mr. Speaker, is allow our compassion to override our obligation to ensure the public purse is well spent.

With that said, Mr. Speaker, again I thank the Minister for bringing this to the House, and I do have several questions, some of which may be better answered during Committee. I will stand to be guided by that if the Honourable Minister wants to answer them in Committee.

The first question is on the six months. Why is the personal employment plan allowed to be submitted six months after the award? That seems like a very long time for a person to put together what is essentially a roadmap to employment and a self-sustaining lifestyle. So it seems a bit long. I would like the Minister to speak to that.

When will the regulations that relate to this be tabled, that will govern these amendments? I am curious as to why the medical opinion, as it relates to disabled persons, is not retrospective. So it seems to be on a going-forward basis that a disabled person would have to submit a medical opinion with their application for an award.

And I am mindful that that would then leave presumably some portion of those currently on an award without the necessity of that medical opinion. And is there any expectation about the cost of the medical opinion? I know that these are currently in practice already. So can the Minister speak to that?

I am very mindful again of the state of the economy. We were just speaking about the increase in health insurance, increasing costs of living altogether. So I am curious as to how much this would cost a disabled person to be able to get that medical opinion.

Last but not least, as it relates to the personal employment plan, Mr. Speaker, I am curious as to who determines the sufficiency or acceptability of the plan. Mr. Speaker, I am very mindful that when these ideas come to fruition, they do get handed over into the institution (that is, the civil service). And without casting aspersions in any way, it is not hard to complicate something or make it so difficult, to get so much red tape around it that it makes it discouraging and disincentivising for a person to go down that road. So I want to get some clarity on who determines the sufficiency and acceptability of the personal employment plan so that we know that there is some degree of oversight, that we are not making this so hard that it makes people not do it.

But with that being said, Mr. Speaker, again I thank the Honourable Minister for bringing this before

the House. And I look forward to going into Committee.

The Speaker: Thank you, Honourable Member.

Does any other Member wish to make a contribution at this time?

Ms. Susan E. Jackson: Mr. Speaker, I would like to just ask a couple of questions.

The Speaker: MP Jackson, you have the floor.

Ms. Susan E. Jackson: Thank you. I will keep this super brief just out of respect for the family and friends of those who have lost their lives to COVID-19 today; I understand that there have been as many as seven.

Minister, my concern is around the medical opinion. Having worked with folks who certainly are eligible for financial assistance, requiring this medical opinion is not an easy task. These are folks who do not have that foundation. And the amount of money that it costs to go to the doctor to have a physical and to get an opinion of this sort is literally hundreds of dollars. The last person whom I escorted for a medical opinion, it was over \$400 for the doctor to see the applicant.

So I am just really concerned that when we are dealing with disability, these are people who are already in very stressful situations. And oftentimes finding the resources for the medical opinion is almost a slap in the face saying, *How can I be destitute enough for financial assistance, and yet you want me to have hundreds and hundreds of dollars to give to a doctor for a medical opinion?* So I am just curious how the Ministry or the department really thinks that this is going to work out from the practical perspective?

The other [concern I have] is that I have certainly run into and had discourse with applicants for Financial Assistance, and it may be what appears on the outside to be a subtle disability. So it could be a disability that has to do with emotional or behavioural issues and that there may be a requirement for expensive medication. So when the applicant is on medication, the disability subsides. But when they are not on the medication, then they certainly are unable to perform daily tasks in the workforce. But they have to remain on financial assistance in order to afford the medication to keep them stable. So then it becomes this sort of catch-22.

I guess what I am saying is that there are many individual and very different definitions and circumstances for people who are living with disabilities. And as I am reading this piece of legislation, it just seems to be a really broad brush. So I am curious whether there are exemptions or if there is flexibility in this legislation to allow people who genuinely need the support from Financial Assistance to actually be able

to apply, given all of the hurdles that they have to overcome in order to make the application complete.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

No other Member?

Minister, would you like to wrap us up?

Hon. Tinee Furbert: Mr. Speaker.

The Speaker: Oh, sorry. I hear a voice.

Minister Furbert, yes.

Hon. Tinee Furbert: Yes. Thank you, Mr. Speaker.

Just really briefly, I would just like to thank Minister Hayward for bringing this legislation forward, these amendments forward. We in the Ministry of Social Development . . . the best formula to reduce long-term hardship is to not have someone be on long-term hardship from the very beginning. So I applaud the Minister for bringing forward the employment plans. We have sat on a Financial Reform Committee some time ago, and one of the issues was that there was a time limit in which persons could be on financial assistance. I believe we have recently changed legislation so that that does not apply to persons now, particularly as we are going through a pandemic.

But part of that plan was to prepare people with employment plans so that they could build up the skills, have goals and objectives to be able to reach a level of employment so that they can plan and prepare to, hopefully, no longer be on financial assistance. Being on financial assistance, Mr. Speaker, is not a plan and is not something that someone wants to be on. But people do find themselves on cycles, and families find themselves on cycles of parents, children being on financial assistance because they do not have employment plans.

There was something set up within the Financial Assistance where people would have to go to potential employers and they would have to get a form signed showing that they had made attempts to look for employment. So the employment plans are now an added structure to try to help persons to secure employment, to be able to no longer have to be supported by Financial Assistance. So I believe it is a strengthening measure, a policy to assist persons on financial assistance with more solid goals.

I would just like to take the time to speak to the change of the definition as it relates to disability and the inclusion of having to get a medical opinion. I believe in any jurisdiction when you are trying to receive an allowance or benefit of any kind that you would have to prove your disability status. So it would not be unusual for a social service or a financial service to ask someone to verify their disability status. Hopefully, persons would have been with their primary

physician for a while, who knows that person pretty well. And so, it gives the medical practitioner the ability to report in more detail in regard to someone's disability.

Because we must recognise that persons with disabilities, sometimes it can be a temporary disability where you were in a motor vehicle accident and you broke your leg or you broke your arm. And you are disabled for a short-term time period, versus someone who has a congenital disability from birth that they may not ever be able to work. And so it is important for Financial Assistance to have that information as a verification of information as it relates to disability. My hope is that physicians are more specific in providing information to Financial Assistance for verification.

The other piece of it is that Financial Assistance is no longer saying just because you have a disability that you are unable to work. Someone who may be disabled for a short-term period due to, let us say, cataract in their eye, and they have a surgery and it improves their vision greatly, would have a different function level. So it is important for Financial Assistance to have that information because someone may be disabled or have decreased function for a shorter period of time, but once they had the rehabilitation or some sort of surgical correction, then it can change their disability status.

So I believe that this is more of a verification process for Financial Assistance so that they have information that can back them when they are giving allowances for benefits to persons with disabilities. But it is not unusual for any social programme or financial assistance programme in any jurisdiction to ask for information to verify disability.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Honourable Member wish to make a contribution at this time?

No other Members?

Minister Hayward, would you like to help us out?

Hon. Jason Hayward: Mr. Speaker, I thank the Minister responsible for Social Development and Seniors and the Members of the Opposition who provided intervention in this evening's debate. I thank them for their support.

There were a number of questions asked by the Opposition MPs, and I will endeavour to answer those questions before we get into Committee.

The first question was, Why does one have to wait six months to get on a personal employment plan? We were asking that persons get on a personal employment plan within a six-month period, and we give the time period of six months because these persons have to sit down and have assessments done. They have to be done with Career Development offices. There are over 150 able-bodied individuals who

are currently on financial assistance; it is going to take some time for all those persons to have their personal employment plans done. Even when we have new persons coming on to the system on a monthly basis, there are some who have to get in the queue so that they can have the proper meetings with the Workforce Development and Financial Assistance teams.

The question pertaining to the regulations that were mentioned in the brief: It is the aim to have those regulations gazetted prior to the commencement of the next parliamentary session.

There was a question regarding the medical field, and I am glad the Minister responsible for Social Development and Seniors provided that this is a regular feature within any social protection programme. But I would say that this has been the norm. We are moving what has been a policy all this time into law. So the majority of the 700-plus persons who are on financial assistance who have [been] identified to have disabilities would all have had to produce some level of medical certificate at that point in time.

Site visits will continue. Because we said that our focus is shifting to providing persons with the employment and social support that they require, that does not mean that we are going to be negligent in the area of compliance. So we will continue with our compliance. We will continue with our site checks.

Where a person is required to get a medical opinion and that individual does not have medical insurance, they can receive a benefit from Financial Assistance to get that medical opinion. So what we do not want to do is create barriers to persons' getting assistance when they actually need it. We want to ensure that we are providing benefits to individuals who actually need it. But we do not want to increase the amount of barriers one has to climb in order to get the assistance when they are in need.

It should also be noted in terms of the personal employment plan, there is a double sign off on each personal employment plan. The client has to sign off, as well as the Career Development officer within Workforce Development. Other persons who will be included in the plan are the Financial Assistance worker and Financial Assistance manager. So we want to ensure that they get all of the wraparound services, so there are actually tick-boxes within the personal employment plans. And I will just read out some of the areas.

It determines the terms of referral, whether somebody needs soft skills worked up, employment assistance, adult education, training, Child and Family Services, Bermuda Housing Corporation services, Bermuda Job Board registration, whether they need any services from the K. Margaret Carter Centre, Bermuda College, and so on. And so you would be able to tick [the boxes]. And where those services lie outside of the Department of Financial Assistance or the Department of Workforce Development, then they are referred to that particular agency, because we

recognise that some persons may need more than just employment services. They also may need other things that help them in their journey to not only get work, but to retain in the world of work as well.

Mr. Speaker, I believe that answers the majority of the questions that were asked by the MPs. If I missed anything, I will handle those questions when we get into Committee. And at this point in time, Mr. Speaker, I move that the Bill now be committed.

The Speaker: Thank you, Minister.
Deputy.

House in Committee at 8:25 pm

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

COMMITTEE ON BILL

FINANCIAL ASSISTANCE AMENDMENT ACT 2021

The Chairman: Yes. Thank you, Mr. Speaker.
Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Financial Assistance \[Amendment Act\] 2021](#).

Minister, you have the floor.

Hon. Jason Hayward: Mr. Chairman, this Bill would amend the Financial Assistance Act 2001, the principal Act.

Mr. Chairman, I would like to move clause 1.

The Chairman: Continue.

Hon. Jason Hayward: Clause 1 comprises the citations of the Bill.

I would like to move that clause 1 be approved.

The Chairman: It has been moved that clause 1 be approved.

Any objections to that?

No objection.

Approved.

[Motion carried: Clause 1 passed.]

Hon. Jason Hayward: Mr. Chairman, I would like to move clause 2.

The Chairman: Continue, Minister.

Hon. Jason Hayward: Clause 2 amends section 2 of the principal Act by repealing and replacing the definition of disabled person, which is to now require a disabled person to have medical confirmation of a disability in accordance with the proposed section 7A.

Clause 2 also inserts a new definition for “personal employment plan,” which is a written agreement entered into by a recipient of an award under this Act, the Department of Workforce Development and the Department of Financial Assistance, which identifies a direct path for the recipient, within a period of 3 years, to develop skills and acquire the knowledge required to gain sustainable employment.

The Chairman: Any further speakers to clause 2?

Hon. Jason Hayward: Mr. Chairman, I move that clause 2 be approved.

The Chairman: One second, Minister. I am just trying to find out if anyone wants to speak to it.

Any further speakers to clause 2?

There appear to be none, Minister. Continue.

Hon. Jason Hayward: Mr. Chairman, I move that clause 2 be approved.

The Chairman: It has been moved that clause 2 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clause 2 passed.]

Hon. Jason Hayward: Mr. Chairman, I now move clause 3.

The Chairman: Continue, sir.

Hon. Jason Hayward: Mr. Chairman, clause 3 amends the principal Act by inserting new section 7A (application by disabled person), which sets out in section 7A(1) the requirements for new applicants who are disabled to submit with their applications a medical opinion given by a medical practitioner which confirms (a) the nature and extent of the disability, (b) the fact the disability impacts the person’s ability to find or retain suitable employment, and (c) where possible, the likelihood of the person being able to work after a period of rehabilitation or treatment. The requirement of a medical opinion as described in section 7A(1) does not apply to disabled persons who are currently receiving financial assistance awards prior to the commencement of this Act. However, in accordance with section 7A(2), the Director may request that a disabled person receiving an award provide a medical opinion that confirms the matters set out in section 7A(1).

The Chairman: Any speakers to clause 3?

There appear to be none.

Minister.

Mr. Jarion Richardson: Sorry, Mr. Chairman. I was having a problem with my mic.

The Chairman: Okay. I am sorry. MP Richardson.

Mr. Jarion Richardson: Thank you, Mr. Chairman.

Mr. Chairman, would the Honourable Minister be able to walk us through what some of those conditions would be where the Director may request that a disabled person receiving a Financial Assistance award should provide a medical opinion? And specifically, given that the statute does not make this entire condition retrospective, it seems to only be when the Director requests it. So why would the Director then request it? What are some of those conditions?

Thank you, Mr. Chairman and Minister.

The Chairman: Minister.

Hon. Jason Hayward: Mr. Chairman, there are ranges and varieties as it pertains to disability. There are some short-term disabilities and there are long-term disabilities. Some people receive disability from workplace incidents which prevent them from working for certain periods of time. Some people get medical procedures (that [might] be a hip replacement) and they cannot go back to work for a period of time.

Sometimes persons who are receiving disability are observed conducting themselves in certain behaviours which would raise flags. And at that point in time, the Director can request that another medical certificate be received to confirm that this person is still unable to work.

So, it is kind of the compliance on the back end that you were referring to earlier, where we want to ensure that persons who are genuinely disabled get assistance. But certainly we have to have some checks and balances in place. And that is one of the mechanisms that we have utilised as the checks and balances where certain behaviours are observed in the opinion of the Director.

The Chairman: Any further comments, questions for the Minister on clause 3?

Mr. Jarion Richardson: Yes, Mr. Chairman, thank you very much. I would add that I would recommend that this requirement be retrospective. I am just adding that for the record, that we act and contribute that. Thank you, Mr. Chairman.

The Chairman: Thank you, MP Richardson.

Any further speakers?

There appear to be none, Minister.

Hon. Jason Hayward: Mr. Chairman, I would add that disabled recipients, some of them are on a regular reassessment schedule. So that would naturally take

place during some persons' reassessments schedules who are currently on FA [Financial Assistance].

The Chairman: Thank you, Minister.

Any further speakers?

There appear to be none.

Minister, do you want to move clause 3?

Hon. Jason Hayward: Mr. Chairman, I now move that clause 3 be approved.

The Chairman: It has been moved that clause 3 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clause 3 passed.]

Hon. Jason Hayward: Mr. Chairman, I now move clause 4.

The Chairman: Continue, Minister.

Hon. Jason Hayward: Clause 4 amends section 9 of the principal Act by repealing and replacing section 9(3)(a) to provide that the Director may impose as a condition of an award for a recipient to register with the Department of Workforce Development, participate in workforce-related assessments and development programmes, attend any one or more life-skills programmes, as may be specified. Clause 4 also inserts a new section 9(3AA), which requires an able-bodied recipient of an award to enter into an agreement for a personal development plan with the departments, and also inserts a new section 9(3AB) which provides a transitional period of six months from the commencement of section 9(3AA) for current able-bodied recipients to enter into a personal employment plan. Additionally, clause 4 amends section 9(3A)(a) to include failure to comply with new section 9(3AA) as a breach of a special condition and also inserts new section 9(5) to provide that the Minister may, by regulations subject to the negative resolution procedure, prescribe the personal employment plan.

The Chairman: Any further speakers to clause 4?

There appear to be none, Minister.

Hon. Jason Hayward: Mr. Chairman, can I move that clause 4 be now approved?

The Chairman: Yes. It has been moved that clause 4 be approved.

Are there any objections to that?

There appear to be none.

Clause 4 is approved.

[Motion carried: Clause 4 passed.]

Hon. Jason Hayward: Mr. Chairman, I would like to move clause 5.

The Chairman: Continue, Minister.

Hon. Jason Hayward: Clause 5 provides for commencement of the Bill.

The Chairman: Any speakers to that, the commencement?

Mr. Jarion Richardson: Question, Mr. Chairman.

The Chairman: Yes.

Mr. Jarion Richardson: When does the Honourable Minister anticipate bringing this? Obviously after the convening of the House, but does he have a date for when he anticipates making this operational?

The Chairman: Minister.

Hon. Jason Hayward: It is [our] aim that the Bill will come into operation with the assent from the Governor.

The Chairman: Any further comments or questions for the Minister on clause 5?

There appear to be none.
Continue, Minister.

Hon. Jason Hayward: Mr. Chairman, I would like to move that clause 5 be approved.

The Chairman: It has been moved that clause 5 be approved.

Are there any objections to that?
There appear to be none, approved.

[Motion carried: Clause 5 passed.]

Hon. Jason Hayward: Mr. Chairman, I now move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Are there any objections to that?
There appear to be none, approved.

Hon. Jason Hayward: Mr. Chairman, I now move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Are there any objections to that?
There appear to be none. The Bill will be reported to the House as printed.

[Motion carried: The Financial Assistance Amendment Act 2021 was considered by a Committee of the whole House and passed without amendment.]

The Chairman: Thank you, Minister. Thank you, Mr. Richardson.
Mr. Speaker.

House resumed at 8:35 pm

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

REPORT OF COMMITTEE

FINANCIAL ASSISTANCE AMENDMENT ACT 2021

The Speaker: Thank you, Deputy.

Members, are there any objections to the Bill entitled the Financial Assistance Amendment Act 2021 being reported to the House as printed?

There are no objections. The Bill has been reported as printed.

Members, that brings us to the end of all of the second readings for today.

Before we move on to the third readings, I am going to seek your indulgence. Earlier today when we were doing the Ministerial Statements, for the Statement that the Minister of Transport had on the Order Paper we were asked to seek your indulgence to have it delivered at a later stage in the day because there were some current matters that were taking place that we wanted to keep the Statement as current as we could.

At this point I am seeking the indulgence again to allow the Minister to now read that Statement. And for those who may wish to ask questions of the Minister, there were still 37 minutes left in the Question Period from this morning on the clock, which I will start after he finishes the Statement. I will take us to questions if anybody wants questions. And we will use that 37-minute period. We do not have to use it all, but it is there. Okay?

Members, do we have your indulgence?

[No audible reply]

The Speaker: There are no objections to that. Thank you.

Minister of Transport, would you like to put your Statement now?

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

[Recommitted]

UPDATE ON THE PUBLIC BUS SERVICE

Hon. W. Lawrence Scott: Thank you, Mr. Speaker.

Mr. Speaker, the [public bus service](#) has been disrupted for seven days now. In these trying times, not having transportation adds additional stress, anxiety and burden to those who rely on the public bus service. As Minister, I feel compelled to report to the Members of this Honourable House exactly why the commuting public has been without public buses.

Early last week, the Public Transportation Department's Safety and Health Committee co-chairs communicated about safety and health concerns within the workplace. The committee did not formally meet, nor were any recommendations to the Department of Public Transportation [DPT] management required under section 7B of the Occupational Safety and Health Act 1982.

Mr. Speaker, on Thursday, 16 September, the President of the BIU Bus Division [the Division] sent an email to the Acting Director of DPT. He advised that as of 9:00 am on Friday, the Division would be withdrawing their labour. Just before noon on Friday, he sent a second email to the DPT Acting Director, DPT Operations Manager, the Government Occupational Safety and Health Officer and the Head of the Public Service. In that email he advised that the Division would withdraw labour as of noon that day under the provisions of section 84(1)(e) of the Occupational Safety and Health Regulations 2009.

A meeting was held between the DPT and the BIU Bus Division at 3:00 pm on Friday. The DPT informed the Division that the legislation [that was] provided for why the Division was withdrawing services was incorrect. The Bus Division acknowledged that the provision of law provided was not correct. The DPT also advised that the requirements listed in the email were already in place and asked whether the Bus Division could be more specific. Mr. Speaker, the *no work, no pay policy* was applied since the DPT believed the concerns could have been addressed without the Division withdrawing labour.

Mr. Speaker, the DPT also wrote to the Labour Relations Manager to register a labour dispute between the DPT management and the Bus Division of the BIU regarding the safety of the public bus service. The BIU responded that the matter was not a labour issue and should be treated as a safety and health emergency.

Later that night, the Division submitted a revised email quoting sections 7A(1) and 7C(d) of the Occupational Safety and Health Act 1982 for their actions.

Reviewing the situation, the Government Occupational Safety and Health Officer advised that the Ministry of Health has approved the COVID-19 protocols at the DPT to provide for continuing safe operations. She noted that there had been an increase in COVID-19 cases, but that does not satisfy the notion of imminent danger. She further stated that section 7A refers to the employee having the right to refuse work if there is reasonable cause to believe that the condi-

tions of the workplace of employment present an imminent and serious danger to their health or life, while [section] 7B allows the employee to report the matter to their employer and remain available for work until their claim has been investigated.

Mr. Speaker, the main point is that the Division did not follow the law. The Government cannot justify paying when the Division does not comply with the law.

Now, Mr. Speaker, I understand the frustration and concerns that all of us have while we are in the current phase of COVID-19. It is a difficult time, and fears and anxiety about the Delta variants and other strong emotions can sometimes be overwhelming, especially for those members of our community who have already been personally affected by COVID-19. I speak from personal experience, as I too have lost a family member due to COVID-19.

Mr. Speaker, a large segment of our community depends on public transportation to go about their day-to-day lives, including our essential workers, nurses and caregivers getting to the hospital, residential care facilities and private residences; our seniors who need to get to their medical appointments, groceries and visits to their loved ones; our children getting to extra-curricular activities; and the general public getting to work. Mr. Speaker, the list goes on. During this interruption, members of our community were at bus stops for long periods, waiting and waiting in all types of weather, some unsheltered, for a bus that did not show up. Mr. Speaker, the commuting public were unnecessarily inconvenienced by actions that could have been addressed without leaving commuters stranded.

Mr. Speaker, the Government cannot continue in this current vein. The public needs to be serviced, and the BIU Bus Division members need to work in order to take care of their fundamental needs. The Ministry of Transport is committed to safety in the workplace and maintaining an environment where all staff are secure and safe at work.

Mr. Speaker, discussions between the parties are scheduled to continue at 10:00 am tomorrow.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister of Transport, Minister Scott.

As indicated, there was still time left on the clock during the Question Period. And I am going to exercise that time now for Members who would like to put questions to the Minister in regard to his Statement.

Minister, there are already Members who have indicated questions. I am going to call on the Shadow Minister, is it not?

MP Pearman, are you Shadow Minister?

Mr. Scott Pearman: Correct.

QUESTION PERIOD

[Recommitted]

The Speaker: The Shadow Minister of Transport has indicated he has questions. So the clock is ticking now.

MP Pearman, you have the floor.

QUESTION 1: UPDATE ON THE PUBLIC BUS SERVICE

Mr. Scott Pearman: Thank you, Mr. Speaker.

Let me start by offering my condolences to the Minister for the loss of one of his family members due to COVID-19. That was not something about which I was aware, despite the fact that we have spoken over the recent weeks.

The Minister's Statement as drafted, although it has been revised this evening since the version I saw this morning, describes the fact that the parties are currently at an impasse.

Honourable Minister, beyond the fact that you intend to meet again tomorrow, is there any solution or proposed solution that the Government could share with this Honourable House about how you propose to resolve the impasse? Thank you.

The Speaker: Minister.

Hon. W. Lawrence Scott: Yes.

Shadow Minister, the Government is going back to the table. First and foremost, we are going back to the table in the interest of conciliation. We are going back to the table to make sure that we are able to basically find that common thread. All we need is that common thread in order to be able to move forward.

But failing in the worst-case scenario, and in planning for all events and purposes, if we are unable to reach an agreement, there is a follow-up or a back-up plan that the Government does have ready to go in that event so that persons will no longer be stranded.

The Speaker: Supplementary?

Mr. Scott Pearman: No supplementary from me, Mr. Speaker. Thank you very much. Thank you, Minister.

The Speaker: No further question?

Mr. Scott Pearman: No further question from me. Thank you.

The Speaker: Would any other Member wish to put a question to the Minister in reference to his Statement?

No other Member?

Thank you, Minister and Shadow Minister.

That now closes that period for us for the official Question Period from this morning after the Statement that was given just now.

Now that moves us to the third readings of the [Bills] that were done today. And we begin with the third reading of the Health Insurance Amendment Act 2021 in the name of the Minister of Health.

Is the Minister doing that, or is someone standing in for the Minister?

Hon. E. David Burt: Mr. Speaker.

The Speaker: Yes.

Hon. E. David Burt: Mr. Speaker, may I read the third reading of my Bill?

The Speaker: We will come to you at the end.

Hon. E. David Burt: Okay. No problem, Mr. Speaker.

The Speaker: I have not overlooked you. I am just going back down the Order Paper.

Hon. E. David Burt: No problem, Mr. Speaker.

The Speaker: All right.

Hon. E. David Burt: I am happy to go for the Minister of Health.

The Speaker: The Minister of Health? Yes, you can do the Health Minister's reading.

SUSPENSION OF STANDING ORDER 21

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

Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Health Insurance Amendment Act 2021 be read for the third time by its title only.

The Speaker: Are there any objections?

There are none, continue Premier.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

HEALTH INSURANCE AMENDMENT ACT 2021

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

Mr. Speaker, I move that the Bill entitled the Health Insurance Amendment Act 2021 be now read for a third time by its title only and passed.

The Speaker: The Bill has now been read a third time by its title only and passed. Thank you.

[Motion carried: Standing Order 21 suspended.]

[Motion carried: The Health Insurance Amendment Act 2021 was read a third time and passed.]

The Speaker: Thank you, Premier.

The next item is item number 3 in the name of the . . . no, that was just a consideration. Item number 4 in the name of the Minister of Finance, the Segregated Accounts Companies Amendment Act 2021.

Minister of Finance, would you like to do your third reading?

SUSPENSION OF STANDING ORDER 21

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Segregated Accounts Companies Amendment Act 2021 be now read the third time by its title only.

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

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

SEGREGATED ACCOUNTS COMPANIES AMENDMENT ACT 2021

Hon. Curtis L. Dickinson: Mr. Speaker, I move that the Bill be now read the third time by its title only and passed.

The Speaker: The Bill has been read a third time by its title only and is now passed.

[Motion carried: The Segregated Accounts Companies Amendment Act 2021 was read a third time and passed.]

The Speaker: Minister, would you like to do the next item, item number 5?

SUSPENSION OF STANDING ORDER 21

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Incorporated Segregated Accounts Companies Amendment Act 2021 be now read a third time by its title only.

The Speaker: Are there any objections to that?
There are none.
Proceed Minister.

BILL

THIRD READING

INCORPORATED SEGREGATED ACCOUNTS COMPANIES AMENDMENT ACT 2021

Hon. Curtis L. Dickinson: Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read a third time by its title only and has now passed.

[Motion carried: The Incorporated Segregated Accounts Companies Amendment Act 2021 was read a third time and passed.]

The Speaker: Thank you, Minister.
Deputy Premier, would you like to do the third reading for your Bill?

SUSPENSION OF STANDING ORDER 21

Hon. Walter H. Roban: Thank you, Mr. Speaker.
I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Invasive Alien Species Act 2021 be now read a third time by its title only.

The Speaker: Are there any objections to that?
There are none.
Continue on, Deputy.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

INVASIVE ALIEN SPECIES ACT 2021

Hon. Walter H. Roban: Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

The Speaker: Members, the Bill has been read a third time by its title only and is now passed.

[Motion carried: The Invasive Alien Species Act 2021 was read a third time and passed.]

The Speaker: Thank you.
The next item is the third reading for the Motor Car (Liveries) Amendment Act 2021.

Minister of Transport, would you like to do your third reading?

Hon. W. Lawrence Scott: Yes, Mr. Speaker.

The Speaker: Yes.

SUSPENSION OF STANDING ORDER 21

Hon. W. Lawrence Scott: Mr. Speaker, I move that the Standing Order 21 be suspended to enable me to move that the Bill entitled Motor Car (Liveries) Amendment Act 2021 be now read a third time by its title only.

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

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

MOTOR CAR (LIVERIES) AMENDMENT ACT 2021

Hon. W. Lawrence Scott: I move that the Bill be now read a third time by its title only and passed.

The Speaker: Members, the Bill has been read a third time by its title only and is now passed.

[Motion carried: The Motor Car (Liveries) Amendment Act 2021 was read a third time and passed.]

The Speaker: Thank you, Minister.

Minister of Labour, would you like to do your Bermuda Immigration and Protection matter with its third reading?

SUSPENSION OF STANDING ORDER 21

Hon. Jason Hayward: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Bermuda Immigration and Protection Amendment Act 2021 be now read a third time by its title only.

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

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

BERMUDA IMMIGRATION AND PROTECTION AMENDMENT ACT 2021

Hon. Jason Hayward: I move that the Bill be now read a third time by its title only and passed.

The Speaker: Members, the Bill has been read a third time by its title only and is now passed.

[Motion carried: The Bermuda Immigration and Protection Amendment Act 2021 was read a third time and passed.]

The Speaker: Thank you, Minister. Would you like to do your second Bill?

SUSPENSION OF STANDING ORDER 21

Hon. Jason Hayward: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Financial Assistance Amendment Act 2021 be now read for a third time by its title only.

The Speaker: Members, are there any objections to that?

There are none, proceed.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

FINANCIAL ASSISTANCE AMENDMENT ACT 2021

Hon. Jason Hayward: Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

The Speaker: Members, the Bill has been read a third time by its title only and has now passed.

[Motion carried: The Financial Assistance Amendment Act 2021 was read a third time and passed.]

The Speaker: Thank you, Minister.

Mr. Premier, would you like to do the third reading for the Gaming Amendment Act?

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

Mr. Speaker, I move that the Bill entitled the Gaming Amendment Act 2021 be now read for a third time by its title only and passed.

The Speaker: Are there any objections to that?
There are none, proceed.

Hon. E. David Burt: Sorry, Mr. Speaker?

The Speaker: Proceed.

Just read it now. There were no objections to your reading it. You can read it now.

BILL

THIRD READING

GAMING AMENDMENT ACT 2021

Hon. E. David Burt: Thank you.

I move that the Bill be now read for a third time by its title only and passed.

The Speaker: Members, the Bill has been read a third time by its title only and is now passed.

[Motion carried: The Gaming Amendment Act 2021 was read a third time and passed.]

The Speaker: Members, that brings us to a close of the business on the Order Paper for today.

Mr. Premier.

ADJOURNMENT

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

Mr. Speaker, I move that this Honourable House do now adjourn.

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

The Speaker: Would any Member wish to speak to that? It sounds like the Deputy.

Deputy Speaker, would you like to make some comments on the motion to adjourn?

Hon. Derrick V. Burgess, Sr.: Yes, Mr. Speaker.

The Speaker: Proceed right ahead.

COVID-19—VACCINATION HESITANCY

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

After hearing the news tonight about the loss of seven more of our people, it saddens me and I am sure it saddens Bermuda.

Mr. Speaker, I would like to thank the health care workers at the hospital, the security staff and all hospital staff. Also the doctors in private practice who are treating this coronavirus, health care providers . . . I really, really thank them for what they are doing.

Also, my condolences go out to the families who have lost friends and loved ones, family [members] in this disease that we have got running around, Mr. Speaker.

Mr. Speaker, I also want to [INAUDIBLE] quarantine policy. I agree with it. I want to make it clear to those who are listening that if you qualify, you can quarantine at home. In other words, if you are there yourself there is no question. But if you are arriving back to Bermuda and you have got to quarantine and your family is there, if you want to go to that house, the whole family has to quarantine. I understand that, and I agree with it, Mr. Speaker.

Mr. Speaker, the Opposition made a statement not so long ago about making the shot mandatory. Mr. Speaker, if that was done, if you made these shots mandatory in workplaces, just imagine what that will create and can create. That will create a whole lot of problems dividing this country more than it has ever been divided. And thank God the Progressive Labour Party Government said they are not going to do that, because there are ways that we can deal [with the pandemic] without that dictatorial approach.

Let me say, Mr. Speaker, that workers and people have rights. If they do not want to take the shot, that is their right to do so. But we encourage them to take the necessary precautions about wearing a mask, particularly when you are within six feet of people. Mr. Speaker, I have no doubt that the shots have some benefit. It has been proven it is not 100 per cent effective. There have been some deaths in people who have had both shots. So there is some benefit, and there are some adverse side effects from taking the shot. And I think that is what makes people hesitant or reluctant to get the shot, Mr. Speaker.

Mr. Speaker, I think the way that the narrative has been put out there [by] the health officials is only addressing one side of the situation. They are addressing it as if everybody must get a shot. They are not even taking into consideration those who cannot take a shot for good reasons, and you even have some doctors who are against having these shots. We also should be advising these people what they should be doing or what they should not be doing if they do not take the shot. We are not doing that.

I know someone will correct me if I have got it wrong, and I do not mind that. The shots do not prevent you from catching the virus or transmitting it. Let me repeat that: The shots do not prevent you from catching the virus or transmitting it. What it does, which is what has been put out to us, is that if you catch it, your sickness will not be so severe. And that has been proven with most people, Mr. Speaker.

There are doctors treating patients with COVID-19 with other medications and having success with it. We need to hear about that. Mr. Speaker, I think people have got the wrong perception about the SafeKey. I think it is out there that *If I get the SafeKey . . .* and you can get that if you had the two shots, and that is renewed every 30 days, I think. And you do not take another test to get it renewed. You just appear, and they reprint it. Then you can get a SafeKey for, I think three days. And you can get one just by getting a

test. And if you prove to be negative, you will get a SafeKey. That is fine.

And I really do not mind if the Government says, *Well, those who do not want to take a shot, you have to get tested every so often.* I think that is fine. I think that is what we should be doing. But I really believe when we insinuate or even blame the spread of the virus on unvaccinated people, that is wrong, because as we said earlier, Mr. Speaker, you can catch this virus from those who are vaccinated also. So we do not know where you caught this virus because there is no scientific test to say, *You caught this at Cup Match, Concacaf, Bacchanal, Raft-Up.* We do not know. But I think it is incumbent on all of us to take the necessary precautions. Wear that mask and do some other things that your health doctor would tell you, particularly those who do not want to take the shot.

Because, you know, people going to these gatherings, and they feel that they have got a SafeKey, so they feel that they do not have to wear a mask. And they are taking pictures. You know, they are hugging each other. And I do know when they go to games and Raft-Up, and they start drinking their jet fuel, we lose some consciousness of what we should or should not be doing, Mr. Speaker.

We cannot have total disregard for what has been advised for us to do. And I think one of the most important things that we must do is to distance ourselves and wear those masks if we are within the six-foot distance. Do not visit people if you do not have to. And if you do, you take the precautions, Mr. Speaker. Because, I mean, there are doctors out there who are treating and have been treating people with COVID-19 who do not have the shot. And they have not caught COVID-19. But they know that they have to take the precautions with the masks and so on and so on, and they remain safe, Mr. Speaker.

Mr. Speaker, I am certainly in agreement with having testing in school for our children. And whether the parents would like to be there when they are being so well protected, I think they should allow that because there is no harm taken to allow the test. I think it is very easy. I prefer to take that, myself instead of having that stick put up my nose. So I think we must encourage our parents, if you are reluctant, if you do not want little Johnny to get this shot, or little Jordan, I would advise the Ministry (I am sure the Minister will not object to it) that the parents can be there when this test is taken, Mr. Speaker.

Mr. Speaker, I really would like to hear from the doctors, a panel of doctors, those who are supporting the shots and those who are not supporting the shots and supporting other forms of treatment. I would like to hear from them. I think we should have that put on television so our people can see. Because a lot of people, you know—we heard people [say the shot causes] heart attacks, temporary paralysis. One fellow has gone blind, I am told. You know, we do not need that. The Government is doing its best to try to

advise people to take the necessary precautions because one fellow stopped me in the street not so long ago, and he was criticising the Government for the way we are handling this thing.

So, I said, *Okay. You're entitled to your opinion.* Then I asked him, I said, *What would you do? Tell me, what you would do, because if the Government is doing anything, you'll be criticising the Government.* They could not answer me.

I am not going to be one who criticises if I do not have an alternative. So let us not criticise it. If you have got an alternative, then [let us] hear it. But all I am asking is for those who are responsible to *listen*. Listen to those who have an alternative, whether they be a patient or whether they be a doctor. And I would advise that the Government and the health officials, I think we should include those doctors who do not subscribe to taking shots, because we need to be hearing both sides. We are the Government for everybody.

All of our people, all of the people, the residents in Bermuda are not going to take the shot. But we cannot just leave them out there doing nothing. We have got to try to advise them. So we want to know, we should have these doctors in, all doctors in, and discuss this, and discuss the plan for those who are taking the shot and those who are not taking the shot. How will they be treated? What would you do?

But most of all, I think it is very important, Mr. Speaker, that we wear those masks, not any flimsy mask, a proper mask when you are around people within that distance, for Pete's sake, Mr. Speaker.

Mr. Speaker, with those remarks, I thank you for allowing me this space.

Thank you.

The Speaker: Thank you, Deputy Speaker.

Would any other Member wish to make a contribution tonight?

Mr. Anthony Richardson: Yes, Mr. Speaker.

The Speaker: MP Anthony Richardson.

MP Richardson, you have the floor and your 20 minutes.

Mr. Anthony Richardson: Yes, sir.

Mr. Speaker, my contribution for today on the eve of my first anniversary as an MP in the Bermuda Legislature, will be on a sombre note. To be more specific, my comments are about life and death.

Mr. Speaker, before I give my substantive comments, please allow me to digress and make a few introductory remarks.

The Speaker: MP Anthony, before you get started, if you can, adjust your [camera]. We are looking at your table and not you.

Mr. Anthony Richardson: Oh. How is that?

The Speaker: Yes. You need to just turn it so we get you in the picture.

Mr. Anthony Richardson: One second. Can you still hear me?

The Speaker: We hear you. We see a clear picture, but it is just of your desk.

Mr. Anthony Richardson: I am not sure what is going on.

The Speaker: The camera is probably just moved down.

Mr. Anthony Richardson: No, it is facing off right now.

An Hon. Member: Mr. Speaker, I believe he has flipped his camera.

The Speaker: Ah.

Mr. Anthony Richardson: Can I beg your indulgence and continue reading, Mr. Speaker?

The Speaker: You can continue and figure it out. Work on it as you are talking.

MAIDEN SPEECH

COVID-19 PROTOCOLS, A MATTER OF LIFE OR DEATH

Mr. Anthony Richardson: Okay. So, Mr. Speaker, before I give my substantive comments, please allow me to digress and make a few introductory remarks.

I would like to first acknowledge the trust that the voters in C-7, Hamilton South, have exhibited to allow a regular guy from St. George's to represent the area on behalf of the PLP for the first time. I was ably supported by my C-7 branch campaign manager, a host of party volunteers and significant encouragement from party leaders and Premier David Burt and Dr. Wilbert Warner. I also acknowledge a combination of PLP core supporters and some traditional OBA supporters who were responsible for the success of the first PLP candidate.

Mr. Speaker, I also want to acknowledge the mutual support from the four Senators, now MPs, who were voted into office for the first time to give a clean sweep for the entire 2020 PLP Senate team. By name, Attorney General and Minister of Justice, the Honourable Kathy-Lynn Simmons; MP Crystal Caesar; MP Ianthia Simmons-Wade; and MP Vance Campbell.

And now for my substantive comments. The public will be aware that as of September 22, the day before yesterday, Bermuda had recorded 45 resident deaths that were positive for the COVID-19 virus. As of today, we have the alarming report that there have been seven more deaths, bringing the total to 52. I offer condolences to each family, and I also acknowledge the added difficulties of each family because our cultural expression of grief was severely impacted by COVID-19 protocols that restricted the number of attendees at the home going service and the wake that traditionally follows.

What is quite alarming is that 12, and now 19, of the deaths have occurred in September. My plea for all Bermuda residents is to act collectively to stem the rising tide of COVID-19 cases and COVID-19-positive deaths.

Mr. Speaker, this is about life and death, which sometimes impacts us on a personal level. Let me relay a recent experience that caused me to contemplate death and prepare these comments for today. On Tuesday, I contracted what I believed to be a cold, resulting in the normal body aches and pains. Of more relevance is that no sleep position was comfortable, and I spent a restless night. At one point I got up and remained awake. During that time, I thought about my breathing discomfort and could only imagine the discomfort of any respiratory disease resulting in breathing difficulties.

Following COVID-19 protocol, being aware of the similarity between cold and COVID-19 symptoms and at the insistence of my wife, I spent the next day in quarantine in a separate room. What amazed me was the immediate negative psychological impact of knowing that I had to be confined to the room. This is one area where I think we have to remain vigilant, since it impacts the mental health. Thankfully, we were able to modify my quarantine area, and I got tested for the virus. I have of course been responsible. And I will remain at home until I receive my test result. I might also add, without being overly dramatic, that given the voracity of the virus, today might be my last opportunity to speak in the House of Assembly.

Mr. Speaker, I next want to address our collective tendency to be short-sighted, or myopic, often for political gain. Mr. Speaker, anyone in politics enjoys the cut-and-thrust of political debate and the oft-one-upmanship. We also respect freedom of speech. But just as we cannot shout *Fire!* in a crowded theatre, we have to be responsible with our comments. As I have said multiple times already, this is about life and death. There is therefore no excuse for attempting to get a political advantage during this difficult time. Unfortunately, we had one such example in a supposed opinion piece today which adds absolutely nothing positive to the current circumstances in Bermuda.

Mr. Speaker, one of the advantages of being part of the Government Caucus is to participate in rig-

orous debate and obtain a full understanding of policy and legislative initiatives. Whilst you might not get 100 per cent agreement, once a consensus is reached, the policy or legislative initiative can proceed. In that regard, I note that I do not agree with every aspect of the COVID-19 protocols, but I fully support the Government's risk-based approach to establishing COVID-19 protocols.

The public will be aware that the protocols are adjusted as new information becomes available and Bermuda's vaccination rates increase. There is an obvious need to balance the human and health system impacts with the economic impact of any decisions—for example, curfews and shelter in place. More important for me is the Government's commitment to be flexible and to adjust as new information becomes available. Two examples of the flexibility are the qualified termination of the mandatory hotel quarantine on September 30 if you can demonstrate the ability to self-quarantine at home; and the permission to allow for antigen testing effective from late September.

Mr. Speaker, as a further indicator of my support of the Government's risk-based approach, I offer the following: From my recent canvassing, C-7 constituents also support the Government's risk-based approach. The conclusion was evident during my canvassing in August. Unfortunately, one of our difficult but necessary analyses relates to race. And during my canvassing, every White resident whom I spoke to was supportive of the Government. And most, but not all, Black residents were also supportive. Whilst I do not know the exact breakdown of deaths for COVID-19-positive patients, I would not be surprised if they were disproportionately Black. On that basis, my comments today are even more relevant for Bermuda's Black community. Again this is about life and death.

Mr. Speaker, two last points. I was flabbergasted to hear that some of the COVID-19-positive residents are repeat offenders. That is entirely unacceptable if the repeated positives arise from negligence. I trust they will be responsible and refrain from whatever activity causes them to be repeatedly positive. Second, Bermuda's COVID-19 infrastructure has been primarily under the authority of the Health Minister, the Honourable Kim Wilson. She has had unwavering support from the Premier and Cabinet colleagues, Caucus colleagues, the entire Health Department, Customs, Immigration, Police Service, the Royal Bermuda Regiment, the Red Cross, the BHB [Bermuda Hospitals Board], EMTs and many, many others. I offer my unreserved appreciation to each and every one of them for their personal and professional sacrifices.

Mr. Speaker, the coronavirus is so prevalent that I do not know if any family has been spared and [not] impacted directly or indirectly. We can all have a positive impact on the instance of a virus. I will there-

fore end where I started: This is about life and death, a sobering message for sure. So let us collectively follow all COVID-19 protocols.

The first protocol is the most controversial, and I will provide additional commentary. And that is, get vaccinated, if that is your choice. The Government strongly advises everyone to get vaccinated after talking to your trusted medical professional. If we accept that the Government must govern from a public health policy perspective, that has to be the correct direction from the Government. But clearly, there are residents who will choose not to be vaccinated for various reasons, including religious and health reasons. These people should own their decision and not be harassed by those who choose to get vaccinated.

This is an area for added discussion at another time because there is no consistent advice from our religious leaders, and there are some who have misguided thoughts about a great conspiracy to control everyone and to generate unseen profits. Simply put, this is about life and death and not the time to split hairs.

The second is wear a mask properly. Cover your nose and mouth, not just your mouth. Wash your hands frequently. Remain in your bubble as much as possible. Avoid closed spaces. Avoid crowded situations. Get tested if you exhibit any symptoms or work in a high-contact environment—for example, the schools. Stay at home if you are not well. For parents, sign up your children for the non-invasive saliva test to get our children back to school. And lastly, number 10, if you are at a location where there no COVID-19 compliance, leave.

Life and death, Mr. Speaker; life and death. Thank you.

The Speaker: Thank you, MP Richardson. Question, MP Richardson, was that your maiden speech?

Mr. Anthony Richardson: Yes, sir. That was the first time I have participated in the full debate at the House of Assembly. Thank you.

The Speaker: Well, we would just like to acknowledge it as your maiden speech. Thank you.

That is the second maiden speech we have had today.

Mr. Anthony Richardson: Thank you.

The Speaker: Would any other Member wish to make a contribution at this point?

Any other Member?

Hon. E. David Burt: Mr. Speaker, I can speak, but I am sure there are some other persons. But I do want to let you know that I do wish to close.

The Speaker: Okay.

Members, the Premier has indicated that he is prepared to speak now, and I am prepared to call on him if no one else speaks.

Mr. Jason Wade: Mr. Speaker.

The Speaker: Yes. MP Wade.

Mr. Jason Wade: Mr. Speaker, am I coming in loud and clear?

The Speaker: Your microphone is coming in and, yes, we can see you.

Mr. Jason Wade: Thank you very much, Mr. Speaker.

Mr. Speaker, if you may allow me today to speak about two passions of mine. Mr. Speaker, two of those passions that I have are my near and dear sports club, Southampton Rangers; and education. May I speak about those two topics today, Mr. Speaker?

The Speaker: You have got 20 minutes.

Mr. Jason Wade: Thank you, Mr. Speaker. I appreciate it. Mr. Speaker—

The Speaker: I just remind you that in future you need to be appropriately attired.

Mr. Jason Wade: Do I not have on my blazer today, Mr. Speaker?

The Speaker: This would accommodate it as well.

SOUTHAMPTON RANGERS—HONOURING WOMEN IN SPORTS

Mr. Jason Wade: I appreciate that, Mr. Speaker. Thank you. I will make sure that next time I wear my Somerset colours.

Mr. Speaker, getting back to my motion to adjourn speech today, I attended the opening of the Age Concern building at Spanish Point last weekend, and I had a conversation with Opposition MP Jackson. We were discussing sports clubs in Bermuda, and we were discussing the role of women in sports clubs in Bermuda. So it was a great conversation that I had with MP Jackson, and I spoke my piece on the involvement of women in sports clubs. We both agreed that more women need to be involved in sports clubs, and we agreed to have a conversation at a later date.

But it brought to my attention that we need to honour women who are involved in our sports clubs. So it is with great pleasure today that would like to highlight two women who have been integral in just running the day-to-day operations of Southampton Rangers Sports Club over the years. It just so happens that this week it was both of their birthdays, Ms.

Wyonnice Tucker and Ms. Elizabeth Leverock, two integral women in Southampton Rangers' makeup. Without them, [the club] probably would have failed years ago.

So I just want to highlight those two women in our sports clubs. We do have a lot more women who help to run the day-to-day operations of our sports clubs, but I know that these two young ladies were celebrating birthdays this week. And I just wanted to highlight them for the work that they have done within our community and Southampton Rangers Sports Club.

COVID-19—TESTING ESSENTIAL TO RETURNING TO IN-PERSON LEARNING

Mr. Jason Wade: Another passion of mine, Mr. Speaker, is education. For those who do not know, I was a teacher in the public education system for nine years. I enjoyed every single day in the classroom. That speaks to my next topic: getting our kids back in the classroom. Mr. Speaker, that is key. Face-to-face education is so much better than virtual. Now, I am not saying virtual is bad. But, Mr. Speaker, what I am saying is that we need our students back in the classroom.

Mr. Speaker, if we look at the numbers that were released earlier this week when it comes to the saliva testing protocols, it is not good. For whatever reason, parents have decided not to either fill out the consent form or just not give consent to the saliva testing. We need our students back in the classroom. When we have schools that reach that 85 per cent threshold, then we can start getting them back in the classroom. But if we cannot get that 85 per cent, then it makes it hard for us to get students back in the classroom.

So I implore parents to speak to a physician, for those who are unsure about the saliva testing, and if you are unsure and you cannot speak to a physician, you can call the Health Department. They can give you the up-to-date stats on the safety of the saliva test, because I have heard some conspiracy theories about the saliva testing, about the Government trying to get our students' DNAs and do whatever and so forth with it. And I can guarantee the Government does not have the time, the money or the care in the world to steal your child's DNA. But I digress. I digress, Mr. Speaker.

Mr. Speaker, it is important that we get our kids back in the classroom. So I implore all parents who have not filled out that consent form, because I know things get lost in the mail sometimes, or it gets lost in their child's schoolbags, or their emails do not get read. But if you have not given approval, I implore you to do so, so that we can get our students back in the classroom.

The last thing I would like to talk about in my motion to adjourn speech today is the teachers.

Teachers are key to the educational call of our students. Teachers need to be given more credit. The work that they are doing with virtual learning is absolutely amazing. I sat in on a virtual learning class earlier this week. I sat in on a virtual learning class, and it was absolutely amazing. The teacher was jumping around their classroom because they were actually in their classroom while they were doing their virtual learning class to their students. And they were excited, and you could see the excitement on the students' faces as the teacher was teaching this history class.

As [history was] a former subject that I used to teach, it was amazing to see just how interactive the students were. And that was over a computer screen. I could only imagine what it would have been like if that teacher had been able to do that in the classroom. And that is what this Government is aiming to do.

So again, Mr. Speaker, I implore all parents who are listening this evening: Allow your students to take the saliva testing so that we can get our [classrooms] back open safely and that your students can learn more effectively.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Would any other Honourable Member like to make a contribution at this time? Any other Honourable Member?

An Hon. Member: Mr. Speaker. I will, Mr. Speaker.

Hon. Tinee Furbert: Mr. Speaker.

The Speaker: Minister Furbert. I was about to give the time to the Premier.

Hon. Tinee Furbert: I will not be long. I will not be long, Mr. Speaker. But I do want to speak about something that I read recently in the newspaper. This had to do with vandals tampering with cones on the boxes at pedestrian—

The Speaker: That is sad. So sad.

VANDALS REMOVE POTENTIALLY LIFE-SAVING PIECE FROM PEDESTRIAN CROSSINGS

Hon. Tinee Furbert: Yes. I just want to raise that because I just find it very insensitive that someone would remove the cones that are there for persons with visual impairments because it impacts their safety in crossing the road. And this was actually going to quite a number of the crossings around Hamilton in which the Corporation of Hamilton has made a concerted effort to make the City of Hamilton safer for persons with disabilities, and particularly persons with visual impairments having to use the cones that actually spin, and then at the end of the spin the box will beep.

And it will beep and alert someone who is visually impaired to be able to safely cross the road.

And so, it is my plea that if anyone in our community or anyone in the public happens to see anyone interfering with those cones, please take some liberty to tell them and to inform them what those cones are for. They are for the safety of persons who are visually impaired to be able to cross the road safely. I just wanted to speak to that, Mr. Speaker, because there are not so many instances where people go the extra mile to make our community safer for persons with disabilities or more acceptable. And the Corporation of Hamilton had done that, particularly for persons with low vision.

COVID-19—NEED TO ASSIST THE THIRD SECTOR

Hon. Tinee Furbert: The other topic I wanted to just briefly touch on this evening is the third sector. And within my Ministry I get the opportunity to meet with the third sector charities. I try to do it as often as I can. What is interesting to note, from recent discussion with the third sector, particularly as COVID-19 is impacting businesses around our community, it is also impacting the third sector and persons in our community who are looking for short-term hardship benefits. So we are finding that charities are assisting with food security with their meal programme.

We are finding that charities are having fewer opportunities to be able to fund-raise because of the COVID-19 restrictions that are currently in place to help to keep our coronavirus levels down. With the charities it is just so very important that for those persons who are working and have a steady job that we do remember them at this time, because they are being severely compressed, particularly with the ability to raise funds.

So it is just my plea to our community for those persons who can give a little. I believe some of the stores are having a round-up for certain charities. And it is not much. Then they will ask, *Do you want to round up when you can?* If you can afford it, please take liberty to do it.

I just want our community to remember our charities at this time, who fill the gaps in many areas to be able to make sure that we can provide food and grocery vouchers and help with utilities and help with medical expenses, prescriptions. So you may not know about it, but there are many charities that are helping persons in great need. So I just wanted to remind our communities, for those who can give to not forget our charities out there, who play a vital role in filling the gaps, particularly when it comes to assisting persons with short-term benefits.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

Any other Member?

Mr. Christopher Famous: Mr. Speaker.

The Speaker: MP Famous, you have your 20 minutes.

Mr. Christopher Famous: Can you hear me, Mr. Speaker? Can you hear me?

The Speaker: We hear you. We are looking to see you now. Now we do both. You see you and hear you.

Mr. Christopher Famous: Am I dressed properly, Mr. Speaker?

The Speaker: I did not see the red. But we would accept that which you have on, yes.

COVID-19—THE SPREAD OF PROPAGANDA

Mr. Christopher Famous: Okay. Thank you.

Mr. Speaker, I will be very brief tonight, very brief because our country is in a sad state. We have lost count of how many times we have had to console families, or attempt to console families, because there is no consoling people when they have lost a loved one. We have lost count of how many times the Minister of Health has had to announce rising COVID-19 cases. We have lost count. Yet tonight, this evening, here we go again with some of the grimmest figures that we have ever heard—seven deaths, four dead in one night. That brings a total of over 10 persons passed in the last week.

Mr. Speaker, I do not just speak as a politician. I speak as a Bermudian. In my neighbourhood, Devonshire, we have lost two young men this week, one 48, one 54, both with children, both with parents, both with a community who loved them. Both with co-workers who are shattered, both with children, young children, teen-aged children, children still in high school and college who no longer have their fathers. I do not even know how to call one of the person's mother. This lady, every time she sees us cleaning on the streets, she goes home and makes sandwiches for us, brings back water or lemonade—such a loving lady. And I am at a loss as to how to call her amidst her loss.

I will not go back and forth with the statistics, as the numbers are clear. We are losing our Bermudians, our Black Bermudians, at an alarming rate. Mr. Speaker, unfortunately, no country is alone in this present health crisis. Around our region, multiple countries are now experiencing COVID-19 crises. Antigua, Bahamas, Belize, us in Bermuda, Cuba, Dominica, Grenada, Guyana, Guadalupe, Jamaica, Martinique, St. Kitts & Nevis, St. Lucia, St. Vincent and the Virgin Islands. All are in the exact same position that

we are in. Every day someone has to report grim statistics [such as those] that were reported tonight.

Also, Mr. Speaker, what is going on in these countries is that businesses are shut. Schools—face-to-face schooling, as MP Wade spoke, are closed. And the hospitals are full, just as our hospital is full. So, for those who love to spread conspiracy theories that this is all the PLP's fault, the PLP does not have any control over those countries. So how can you account for what is happening in those countries? It must be something greater than just political conspiracies.

Mr. Speaker, another common thread is that in each of these islands there have been organised protests against government COVID-19 measures, organised protests against saving people's lives. In St. Vincent and the Grenadines it got so violent that someone took a rock and threw it and hit the head of the Honourable Prime Minister Dr. Ralph Gonsalves, where he had to go to Barbados for treatment—all because he is trying to save his people's lives.

In the same week there were anti-vaccination protests in both Antigua and [Barbuda] calling for the political heads of Honourable Gaston Browne and Honourable Mia Mottley, who stepped down because they are trying to save people's lives. No different from what we have experienced in our country over the last few months, Mr. Speaker, people from different angles, political angles, calling for the head of Honourable David Burt and Honourable Kim Wilson just because they are trying to save people's lives. Yes, the measures that we have employed have been unpopular. But they are there to save lives. But yet, here we are again giving grim statistics.

Mr. Speaker, we have to be honest with ourselves as a country, as a party, as a Government and as a Parliament. Somewhere along the line we have to be honest and say, *The rampant propaganda that has been spread the last few months has contributed to persons passing away in this country and around the region. When you tell people, Oh, just get sunlight, that will save you from COVID-19; Oh, just rub yourself down with oil, that will save you from COVID-19, you are putting people's lives in danger.*

Mr. Speaker, we heard earlier from one of our own Members as a challenge. We all have choices, Mr. Speaker. But to tell people, *Well, just do this and that will save you*, that is irresponsible and borderline criminal. Mr. Speaker, we have to be honest, and those persons who know that they have been spreading outright lies need to ask themselves, *Has it all been worth it?*

When these grim statistics are being read out, these are not just people. This is somebody whom I am never going to see in my neighbourhood. This is someone who is not going to walk through BELCO's gate tomorrow or one day. This is someone who is not going to see their daughter graduate from university. This is someone whose mother is going to be crying

for the rest of her life because they are now gone. This is someone whose big family no longer has their big brother to protect them, figuratively speaking.

Mr. Speaker, they are not just numbers. And when people cite unfounded, unscientific things, they are contributing to the problem.

Mr. Speaker, I am going to close with this. As a country, as a Parliament, as a region, we have a simple choice: We have got to (a) continue to listen to those who misled the masses over the last few months; or (b) ignore them. Ignore all of the false information and listen to the medical professionals who are standing on their feet for 16 hours a day trying to save Bermudians' lives, the medical professionals who took it upon themselves to write a heartfelt message to the people of Bermuda. We have medical professionals who are now quarantined because their co-workers have caught COVID-19 trying to save other people. They are putting themselves on the front line trying to save people, yet we have people sitting down comfortably behind a keyboard or somewhere else, just spreading the stupidest lies.

Mr. Speaker, if we continue to choose (a) and listen to those who have misled this country, we will continue to have to report grim statistics. The numbers do not lie: We are trending up in deaths. That is not because of lack of sunlight. That is not because of lack of Vitamin D.

Mr. Speaker, I am going to close here, and I am going to say this from my entire heart. If it costs me my seat for telling people what needs to be done, I do not care. But I am tired, Mr. Speaker, of hearing that my neighbour is dying because of lies.

Mr. Speaker, I thank you.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Ms. Lovitta F. Foggo: Yes, Mr. Speaker.

The Speaker: MP Foggo.

Ms. Lovitta F. Foggo: Yes, it is MP Foggo. Thank you, Mr. Speaker.

The Speaker: MP Foggo, you have your 20 minutes.

Ms. Lovitta F. Foggo: Thank you, Mr. Speaker. I appreciate that.

The Speaker: Go ahead.

COVID-19—GOVERNMENT'S MULTIFACETED APPROACH

Ms. Lovitta F. Foggo: Mr. Speaker, having listened to many of the Members speak, I feel duty-bound to lend my voice to the conversation with regard to COVID-

19. First let me say I think that as a country we all mourn the loss of every last person who has fallen due to some impact of COVID-19. Mr. Speaker, the last speaker who spoke, when he spoke, I guess in essence what he was saying, what the science has been saying out there and what situations that medical professionals are finding themselves in, I can put my hand up and say that I am fully cognisant of the impact that our medical professionals find themselves having to endure since I have a daughter who is one such medical professional.

Indeed, I just want to say that early in the COVID-19 years she felt duty-bound to help this Government in trying to put programmes together to assist in the battle against COVID-19 and to ensure that we could make certain that our people are equipped with all of the knowledge, with advice, with research, with whatever medical (I will call it all under the label) prescriptions needed to be handed out to help them to preserve themselves, protect themselves or indeed fight being struck down with COVID-19.

In fact, I can say that in helping she found herself for many, many weeks on end dealing directly with numerous . . . she dealt with hundreds of persons who have been COVID-19-positive. And [she] has done so while being able to maintain and protect herself along with her family. And in that family I include myself, not just her nuclear family, but all of her family. Because in the beginning I was the one who had to take over and become the caregiver for all of her children and family while my daughter went about doing her civic duty in helping this Government and this country protect our people.

I just wanted to say that, and I believe that all medical practitioners, regardless of the methodologies they may employ for their patients who battle COVID-19, do so first and foremost with the best interests of their patients at heart. I just wanted to declare that. When I look at our Government and what they have been tasked with (governments around the world, indeed, that has been said), it is a mammoth task. You are battling something that you have no control over. You are battling something that is here to stay, in essence. So you are tasked because of its newness and its resilience—you are tasked with trying to figure out a way in which to battle this where you get on top of it.

I would never, ever . . . and I would know the very people who would say that the Government had not acted in what is believed to be the best interest of their people. I will say that persons have not enjoyed the restrictions and the regulations that have been put in place because they feel at times that they have operated against their liberties. But I think that this Government has operated in a way where they have tried to preserve the liberties of all, and with regulations believed to allow people to get through this pandemic and be able to enjoy life somewhat as they once knew it.

But, Mr. Speaker, even within this Government we are of differing opinions. I think that is what makes this Government great. Because when we doubt our Government and our leaders' messaging, whether it is intended to fuel division or not, because that is not what the Government was trying to do—I can say that. But when it seems as though it fuels division, there were many of us who spoke up about that. And I can attest to the fact that we were listened to, because the Government changed its messaging. Yes, it has looked and listened to what organisations well might have said is believed to be the best approach and has incorporated that in their messaging.

At one time it seemed to many that that was the only message that they had to say. And because it seemed to operate to leave certain groups out, and when those of us who pointed out where persons may feel that it was divisive, the Government listened. Henceforth, their message has always been, because the Government supports vaccinations, it has encouraged people to get vaccinated. In and of itself, vaccination is not a bad thing. However, when using this new vaccine there came the responsibility of also likewise having to report any adverse reactions associated with its use.

As time has gone on, we have learned of many incidences where persons have suffered adverse reactions. We have also learned that there are many who are not good candidates for vaccines, and there are various reasons why, medical mostly. There are some who for religious reasons will not take the vaccine. There are some who because they subscribe to a different course of action, who use alternative methods to protect themselves, ensure that they have a robust immune system and adhere to the regulations that are set in terms of mask-wearing, good hygiene, et cetera, et cetera, in their combat against this virus. In every scenario, there are positive reports.

In the Government changing its message, it said to the people of Bermuda, *We hear you, and we will not leave one man behind. Because we respect your rights to choose and we will encourage you and help you in your decision-making by telling you, do what you have to do to stay healthy. Abide by regulations. Talk to your health care provider. And find the best methodology for you if vaccination is not an option.* This Government has set about to ensure that it embraces all of its people so that we can all move forward together in this fight against COVID-19.

We have seen, all of us have witnessed the division in the blogs or what have you and name-calling and people pointing fingers. That does not help, which is why it is incumbent upon us as legislators to pay attention to the science—and science is ever-evolving and ever-changing—and to make certain that we create the avenues for all of our people to safely march through the COVID-19 pandemic.

So, Mr. Speaker, when we had Members of the Legislature who boldly advocated for the mandato-

ry introduction of vaccines, I would dare say—and I am speaking largely to persons who sit on the opposite side of the House—that when you set about to do that, one should be mindful of those who might get left behind. And be concerned as to whether or not it actually is going to help us meet our aims.

Mr. Speaker, we have seen worldwide, even though there seems to be a suppression with the media of protests upon protests, where in countries they have sought to impose mandatory vaccinations. I applaud the Government, while some may say it is not a multifaceted approach. But I will call it that. I applaud the Government for having the open-mindedness to ensure that our messaging is such that people who choose an alternative approach to fight COVID-19 know that the Government is here to support them in that by always encouraging them to seek their medical consultants for advice to ensure that the path that they are travelling down is one that is conducive for them to indeed achieve their aims. And all the time, while asking them, *Make sure you get tested to know that you are COVID-19 free and know that you are not contributing to the problem that prevails.*

I would say that for any government it is prudent to adopt a multifaceted approach when you have leading scientists worldwide who are speaking about the fact that with the increased vaccines there have been increased incidents of vaccinated people getting really sick, dying, et cetera. With the increased vaccine, they are saying . . . and I am sure there are more people getting vaccinated. Of course we are going to see those who will suffer adverse effects, increased adverse effects. And it is of concern to any medical community anywhere in the world that if vaccines alone are not bringing about the desired result, then let us ensure that our messaging to our people is such that it encourages them to take measures that aid in the fight against COVID-19.

Mr. Speaker, I do not think those who have asked to institute mandatory vaccinations, especially in certain professional segments, have thought about what that might do to the workforce. I think one or two Members mentioned the . . . I think it was MP Richardson. His was on the economic impact. Well, if you lose large numbers of the workforce, then the society becomes strained again with respect to more persons not having jobs and a government having to look at that and the effect as well. As well as in key areas such as the medical profession. If you wholesale tell people that they cannot be there and you have large numbers of people in the medical profession who ought not to be vaccinated and cannot go into work to do their jobs to help save people's lives, that is a conundrum that I do not think any government wants to have to settle itself with at a time when they are fighting day and night to stay on top of this situation.

Mr. Speaker, I think the messaging has been clear that it is our individual responsibility and our collective responsibility to do what we have to do to get

through this. And I do not think, Mr. Speaker, that anything in the messaging has ever encouraged people to not do that. And, Mr. Speaker, I think many people know my position when it comes to vaccination. I can safely say that as a law-abiding (I will call myself) citizen of Bermuda, as a law-abiding citizen (I think we are called subjects, but I will use the word citizen), I do everything that is in my human ability to ensure that I stay healthy and that I do not contribute in any way negatively in this fight against COVID-19.

As long as I am working with a government that considers all of its people and creates an avenue for all of its people, regardless of which road they choose to be able to fight this COVID-19, how can I not, as a Member of this Government, work side by side with it? Because we all want to get past this conundrum (I will call it) that we currently face. And we want to do it with as little [disruption]—and there has been massive disruption, but continue with as little disruption—as we possibly can. And I do not feel that a government can afford to be so narrow in its approach that it inadvertently, if you will, adds to the situation in a negative way. And I do not think that any government can afford to be so narrow in its approach that it does not enjoy the willingness of the people to do what is needed to get through this.

So, Mr. Speaker, I researched long and hard. And there are some—

The Speaker: MP, you have one minute left on your 20-minute clock.

Ms. Lovitta F. Foggo: I think you have shortened the clock, Mr. Speaker.

The Speaker: No. You have been long this evening, Member. But you have one minute left.

Ms. Lovitta F. Foggo: Now, Mr. Speaker, you are using my time!

So, Mr. Speaker, (seriously) there are colleagues who will tell you I send them research upon research upon research about all sorts of matters to fight COVID-19 because I think it is important that we always remain open enough so that we are bold enough to use whatever measures are necessary save forcing people to operate against their human rights, so to speak, by telling them you are going to take control of their medical rights (if you will), especially when no one can speak with certainty if that will not have a positive impact or a negative impact. And I want to say to my people of Bermuda, Let us move forward together—

[Timer chimes]

The Speaker: I think you hear the clock, Member. Thank you for your 20 minutes, Member.

Ms. Lovitta F. Foggo: —to fight COVID. Mr. Speaker. I think I just said everything I wanted but thank you.

The Speaker: Thank you.

Ms. Lovitta F. Foggo: Yes.

The Speaker: I appreciate it.

Does any other Member wish to make a contribution this evening?

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

The Speaker: MP Swan, you have your 20 minutes.

COVID-19—SERIOUS ECONOMIC CHALLENGES

Mr. Hubert (Kim) E. Swan: Thank you, Mr. Speaker.

Mr. Speaker, it is with a heavy heart that I wish to speak this evening on the motion to adjourn. With the proliferation of deaths in our country associated and attributed to coronavirus and the stress and strain that it places on our health care system—and I must join in with all of those who have saluted our frontline workers who put their life at risk every day.

Mr. Speaker, I had planned to speak today with regard to the serious economic challenge that has confronted us. And we are six months into this 2021/22 financial year of the Government. I would have to say, Mr. Speaker, that the forecast with our having to navigate through yet another outbreak is a grim one and one that we must take ever so seriously. I say that in the context that we have to navigate ourselves through these very perilous times and do so taking into consideration the realities that we are confronted with as we look forward to how we are going to prepare ourselves for the future.

I think it is important to appreciate, Mr. Speaker, that with the absence of cruise ships because of COVID-19 around the world, to any extent that we have enjoyed in the past we have a glimmer of hope with the Viking ship coming to Bermuda this past year. I am very appreciative of that, very supportive of that initiative. And it is one in which I felt then and I still feel now that provides some opportunities for us to expand upon as we look at new ways to do business in a world that is faced with great uncertainty. In my involvement with tourism, both as a member of the Tourism Authority and in my capacity in golf, which is my trade, and my ability to now be influencing others in those spheres, I feel it ever so necessary for us to find ways to get to appeal to tourists who are going to stay longer in Bermuda.

There are four seasons in every year, and those seasons carry over into the next years. If we look at our challenges seasonally and appeal to those persons who might enjoy our country for an extended period of time, times which may involve three to six weeks or maybe even two to six months or the like, or

less, but certainly extended periods of time, [those persons are] welcomed. That type of visitor, Mr. Speaker, would present us with an opportunity to get greater volumes of economic activity percolating in our country more immediately, and especially those persons with disposable income to enjoy the Bermuda that we already have to offer because the challenges that we face are immediate ones.

I know, having been practicing my trade and encouraging persons to rent homes in Bermuda, spend more time in Bermuda rather than travelling in the Northeast on the highways getting to where they want to go, that they can be in Bermuda in short order. And if they need to get home to do some business, come back quickly. Go back there ever so quickly and then return. I know that opportunity is a real one and something that we can certainly realise.

I hasten to say that the people whom we have encouraged to come to Bermuda over the past 18 months, visitors, be it the digital nomads and the like, have come to Bermuda because we have presented protocols that have made Bermuda safer than most places. And we have introduced measuring sticks that allow us to know exactly where the problems lie, even at this very time when we are able to measure during the most difficult of times.

As we navigate through this, I am reminded of an experience that I had this week, Mr. Speaker, in the presence of two visitors staying at Cambridge who booked my services. And upon getting to know them I found out that they are two ever-so-celebrated persons—authors, even pastors of multiple churches in gateway cities that connect with Bermuda. And they felt ever so safe here, notwithstanding the challenges that we are facing today. And I say that because in order for persons to come to Bermuda and be able to move around the country immediately, they are doing so because they are vaccinated and they come to Bermuda.

I am vaccinated because my doctor encouraged me to get vaccinated. I am vaccinated because I have a family member who is a physician on the front line in a major US city who encouraged us as their parents to do so. And I respect those who have chosen not to, who embrace the SafeKey concept that we have introduced, and recommended that. The only way I would suggest that we improve upon it is to make testing to update their SafeKey a part of what they do. I think that would be something that we could implement that would even strengthen that SafeKey provision.

But this coronavirus, 18 months of it, and this current Delta variant puts Bermuda in a position that is akin to Bermuda sending its people to war. It is a global pandemic that is 100 years removed from the last major pandemic that hit the world, but certainly is having as ever a devastated impact on our country as any recession had, as any war has had in many countries. So from that point of view Government must

make extraordinary decisions. And that is why we would see measures come before the House, emergency measures. They are not going to be met with universal acceptance. But being a leader and making leadership decisions is not easy sometimes. Many times it is not fashionable. Sometimes you have to do what is right and [go in the directions that] the information that you are receiving is pointing you to [in order] to do what is right for the collective of the people.

And so from that sobering perspective, Mr. Speaker, I am appealing for bipartisanship. I am appealing for a more universal approach, whether it be coming from the media, whether or not it be coming from the Opposition, whether or not it be coming internally within organisations as well, I am looking for us to hold hands together and get us through this together, Mr. Speaker. I know it is easier said than done. And I have been an outspoken person all of my life. I believe in consensus, and I have worked with consensus. But I think it is safe to say that on the 20th anniversary of 9/11, which came about a few weeks ago when the people of New York were hit with a major blow that rocked the world, that changed the world, we are now facing our crisis. We are now facing our Hurricane Fabian. We are now facing our Hurricane Andrew. We are now facing this coronavirus, Delta and whatever other variant name comes up. And we are facing it together as a people.

I am calling for us, Mr. Speaker, to dig deep and look in the mirror and find a way to work together to solve this problem together. Now is the time, Mr. Speaker. Now is the time for the Leader of the Opposition to look amongst his group and for the leader of the Chamber of Commerce to look amongst his group or the leader of the unions to look amongst their groups, for the pastors of Bermuda to look amongst their groupings and for every grouping, the heads of industry, the heads of captives, the heads of reinsurance companies, those who are doing well during the pandemic notwithstanding, those who are not doing well during the pandemic notwithstanding. It is time for us as a country, Mr. Speaker, to put our differences aside! Now is the time to crank your hatchet and do not chop! Now is the time, Mr. Speaker, when we have to be doing things for the greater good of our country, because our people are more vulnerable than ever.

Ten years ago we had a recession that tore the heart and soul out of the working people of this country, businesspeople, Mr. Speaker. Many people recovered from that. Many people did not recover from that. Since that time we have grappled with other economic tragedies that have hurt our people. And today, Mr. Speaker, today the lives that are lost . . . the names of the people are concealed from many of us. We might know one or two people who might be closely connected, or someone might thereby choose to share that their family member died from coronavirus. But unlike 9/11, Mr. Speaker, their names will

not be on a wall where persons can go there and hold their hand up and remember their people. They are dying alone! They are dying all by themselves in hospitals around the world, and now in Bermuda. Families are grieving and cannot even go there and kiss them good-bye, Mr. Speaker.

Now is not the time for us to be arguing politically about a pandemic that is killing our people, Mr. Speaker. Now is the time for us to come together the same way we would go out and pick up our machetes and walk around our communities and chop down trees after a hurricane and clear the roads. This is the time for us to act as if, Mr. Speaker, there is a hurricane in our midst and it is killing our people every single day now!

Mr. Speaker, through it all, even through that we still have to find a way to ensure that our economy allows us to service this great country, going forward. As I opened up, and as I close, Mr. Speaker, I speak about the fact that we are six months into this budget. It is time for Bermudians to appreciate that the Government does not have an endless pit of money to be able to do what it needs to do. We heard people talking 10 years ago about, *Do more with less*. Well, *Do more with less* is a reality today more than it has ever been before in my life, Mr. Speaker.

So with that, Mr. Speaker, I just want to say that this is the time—this is the time for us to truly come together. There is no gimmick about it. There is no election around the corner. There will not be another election until three or four years from now. There is no political gain. The only thing to gain is for us to prove to ourselves that we have it within ourselves to work together as a people. And great will be our reward if we do that, Mr. Speaker! I believe it so in my heart of hearts.

Thank you, Mr. Speaker. That is my contribution.

The Speaker: Thank you, MP Swan.

Does any other Member wish to make a contribution at this time?

Any other Member?

Hon. E. David Burt: I guess it is on me, sir?

Hon. N. H. Cole Simons: Yes, Mr. Speaker.

The Speaker: Opposition Leader.

COVID-19—UNITING TO ADDRESS THE CHALLENGES

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

A lot has been said this evening, and I have been moved by Members of our House of Assembly. Mr. Speaker, first of all, I would like to convey my condolences to the families who lost their loved ones today and from the inception of COVID-19. It is not

easy to lose a loved one, and it is soul-destroying to close family members. We pray for them and pray that they have the strength to get through these difficult times.

Mr. Speaker, I would like to also recognise and salute the frontline workers in our hospitals and our pharmacies and our doctors' offices. They also are doing what they have to do to support the people in this country, to support them and protect them against COVID-19.

Mr. Speaker, let us be clear. The real enemy is COVID-19. It is not fighting amongst ourselves. It is about addressing COVID-19. And we all in this country have a role to play to address COVID-19. We need all of the resources, all of the discipline, all of the energy that we can muster together so that we can put this pandemic behind us. Mr. Speaker, someone in the medical fraternity said to me, *Pandemics basically take almost three years to settle*. We are currently about halfway through. We still may have another 15 to 18 months to go for the pandemic to run its cycle. And we all have to do our part to minimise and mitigate the risks associated with the pandemic.

You know, we have the vaxxers and the non-vaxxers. And from what I am hearing, they are both frightened of each other. The non-vaxxers are not vaccinated because of various reasons. They could be health reasons. They could be because they are ineligible, or they could be non-vaxxers by choice. But, Mr. Speaker, whatever choice they make, whether they are vaccinated or not, we ought not lose direction. We should all not lose sight of what the real issue is here today. And that is the enemy, COVID-19.

We all have our ideas for how it should work and how we can do it. But what is irrefutable, based on the science—and we have heard the refrain time and time again—is wear your mask, good hygiene, social distance and regular testing. Mr. Speaker, as you know, we have had people who have not played their part in this war against the enemy. We have people who felt that they are invincible and out there not being responsible and not adhering to the prescribed protocols of social distancing, hand hygiene and wearing masks and are, in some cases, asymptomatic and passing on diseases that they do not know they have. And in other cases, they may sense they have it, but they are out there anyway because of their invincibility.

Mr. Speaker, I say this: Do not take a risk. To my people of Bermuda, *Do not take a risk*. If you feel that you have to take a test, there is a trigger for that. What is making you take a test, Mr. Speaker? The mere fact that you are taking the test and you are not traveling results because there is some discomfort in you as a person that says, *I'm not quite sure, because I've been in contact with somebody. Or somebody in my family has been in quarantine so I don't know with certainty whether I am COVID-19-free or not. But I am taking the test*. I would invite those people in that situ-

ation to remain at home until they get their test results. It is a bit challenging, but you have to protect your family, your children, your grandparents, your neighbours and people who are vulnerable.

And the little compromise that you can make while waiting for your test results is to stay home for 24 hours or 48 hours at most until you get your results and know where you stand. Because that in some ways is how we have these classes expanding because people are not sure where they stand as a result of visiting or enjoying festivities or other social events.

Mr. Speaker, someone said to me, *We need to really come down harder on the enforcement side*, because there are a handful of people who have been out in the community knowing full well that they have symptoms or beginning stages of COVID-19 that they can live with. If they are honest with themselves, they know that they should not be out. But they are out to social events or going to work or whatever. To me that is egregious, Mr. Speaker.

If you remember when they had the AIDS pandemic, eventually it became illegal to have sex with a person if you knowingly had AIDS. So maybe we can consider that type of legislation for the people who know that they might have the virus or who have the virus and who are being irresponsible and are out in the community. We all must be responsible for our actions, and we must be responsible for the consequences of our actions, Mr. Speaker.

Mr. Speaker, I am not going to get into the remedies and health care issues. But I will just make one comment. I made it earlier today in the House. The comment is about therapeutic protocols for patients who first find out that they have COVID-19. I believe that we as a community and the medical fraternity must see what more they can do to help these newly diagnosed patients with COVID-19 who might have beginning signs, see what they can do to help them slow down the progression of the virus.

There are remedies that have been presented. Some are homeopathic. Some require other medicines which have been approved in other jurisdictions. In the rest of the jurisdictions, they say they are not qualified or suitable for purpose. Be that as it may, I think that our medical fraternity could do a bit more to help those who have contracted COVID-19 in giving them some medical support so that the illness will not progress to the stage whereby they end up in a hospital or in ICU and, worst of all, death.

I know this is a new pandemic and this is a SARS virus. Somewhere out there are medical protocols that can help slow down the progression, based on a patient's fitness, a patient's preconditions. And all I am asking is that our medical fraternity—practitioners and physicians—do all they can to help those people who have contracted the virus and who have not progressed to the stage of where they have to go to the hospital. If we can arrest the progression

at home through various methods, I think it would be worthwhile and should be done.

Mr. Speaker, I think that is all I have. But it is a sad day for this country. And as was said earlier, we have never been a country so divided. At the end of the day, the current PLP Government is doing their best. We tried to do our best. The medical staff at the hospital and the other practitioners are doing their best under strenuous circumstances. The labs are also bursting at the seams because of the volume of tests that are being done. So the best thing that we as a country can do is come together, support each other, take our responsibility seriously and do what we have to do. And as I said, social distance, hand hygiene and wearing masks will take us a long way.

On that note, Mr. Speaker, I pray for the country and those who have passed, and also pray that we will work together to resolve the challenges that we face and that all of us will support each other, because at the end of the day, as I said in the beginning, the enemy is COVID-19. It is not the vaxxers or the non-vaxxers. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

Hon. E. David Burt: I do, Mr. Speaker.

The Speaker: Mr. Premier, before I recognise you, I need to ask you to do something while you speak.

Hon. E. David Burt: Oh no! What do I need to do, Mr. Speaker?

The Speaker: You moved us to motion to adjourn. However, you forgot to mention the date when we will return.

Hon. E. David Burt: Mr. Speaker, I did not forget—

The Speaker: Unless you are telling us we are going to have a long, extended time away from here. But I did not think that is what is required of us. I think we need to come back at some point. I believe early in November would be a time to date for. As I do not want to state the date, I will allow you to state the date. But Members did not hear a date from you.

Hon. E. David Burt: Mr. Speaker, I did not move the date because it is my intention to ask Governor to prorogue the Legislature to reconvene a new session of the Legislature. That is the reason why, Mr. Speaker, I did not move a date.

The Speaker: Okay. Good. So we will hold that date until that is officially done, then.

Hon. E. David Burt: Absolutely, Mr. Speaker. My intent is to prorogue the Legislature sometime in November, early November, so we can reconvene on November 5, Mr. Speaker.

[Laughter]

The Speaker: Thank you. Good. Well, you can start your 20 minutes now with that clarified.

COVID-19—DANGER OF VACCINATION HESITANCY

Hon. E. David Burt: No problem, Mr. Speaker. Thank you very much. You know, there is some legislation that we must prorogue the Legislature so we can bring it back to this House next time around. So I do not want to get that messed up a second time.

Mr. Speaker, today marks 359 days since Bermudians all over Bermuda went to the polls and voted for the Progressive Labour Party Government. And, Mr. Speaker, we know that in the last sitting of the parliamentary session, we reflect on the past session and do the usual rhetorical jousting across the aisle between Government and Opposition. Mr. Speaker, we campaigned on a platform of strong leadership, and we certainly have committed to doing that through the pandemic. But, Mr. Speaker, there is nothing to celebrate or joust about today because, as we all know, our collective community is not doing well.

Mr. Speaker, my heart is heavy. It is heavy this evening because our Minister of Health announced a further seven Bermudian deaths that of course sent shockwaves throughout the community. [There were] 182 new positive cases reported, and currently there are 1,612 individuals, Mr. Speaker, vacillating [over] the coronavirus, with 65 of those in the care of the hospital and 14 in the intensive care unit. This is not where we want to be as a country, not where we expected to be as a country. No one wants the hospital to be at its highest disaster level struggling to care for the sick, the staff working double shifts. My heart is heavy, Mr. Speaker, as it is my belief that it does not have to be this way.

Mr. Speaker, as the Minister of Health and I, Members of the Cabinet, even Members of the Opposition have been saying for a while, this outbreak is serious, just like this pandemic is serious. This virus is attacking the young and old. Not all who have succumbed to this virus, Mr. Speaker, are unvaccinated. That means that we all need to be careful and we all need to look out for each other and our families, as we have a collective responsibility to our community. A young person going out without care can take the virus home to a senior citizen who has not yet had the opportunity to have a booster shot, who can find themselves in the hospital even though they have been vaccinated and may succumb to their illness.

Far too many families, Mr. Speaker, have felt that pain.

And here is the most challenging fact that I have to face as the leader of this country, Mr. Speaker, the most challenging fact the Minister of Health has to face, the most challenging fact that the Cabinet has to face, the most challenging fact that the Legislature, all of us will have to face, Mr. Speaker. And that is that many more families will experience heartbreak and loss over the next month.

Mr. Speaker, as I said on Wednesday at the Government's press conference (and I quote), "There are some who have asked if the Government will impose stricter restrictions such as a lockdown to help the situation at our hospital. I am extremely concerned with what we are seeing at our hospital, but I must be honest with you, that will not change what is currently taking place there. More restrictions. . . will not bring immediate relief to our Doctors and Nurses who are doing everything within their power to save lives.

"The hospital is currently overwhelmed due to the events that took place . . . 4 weeks ago, where persons who were not following the regulations and the public health guidance that were in place came into contact with a positive person and unfortunately brought the coronavirus home to their families and then, it spread further . . ."

Mr. Speaker, the sad reality is that the arc of outbreaks in a pandemic show that two weeks after new cases peak, hospitalisations peak. And two weeks after hospitalisations peak, deaths peak. The very sad reality, Mr. Speaker, is that things will likely get more grim before they get better, and that is especially painful to consider when we know, Mr. Speaker, how many families are hurting right now. I do think that we have passed a peak of new cases. But we will see many more persons hospitalised, and we will see many more persons succumb to this virus over the next month.

But, Mr. Speaker, there is one thing that I can say without fear of contradiction. The fact that we have been able to vaccinate 66 per cent of our population has saved lives. It is my fervent belief, Mr. Speaker, that the only way to see the end of this pandemic is an increase of the number of residents who are vaccinated. Vaccines have saved lives through history. They have eradicated diseases. And one day it is my hope that they will be able to eradicate this virus.

So my message, Mr. Speaker, to the people in Bermuda is a very simple one. We care about our hospital, our health care system, our workers, our schools, our families, our economy. We must all do our part to get more of our fellow citizens vaccinated. Yes, Mr. Speaker, it is a choice and you may choose not to. But the science and the evidence are overwhelmingly compelling in favour of vaccination. But, Mr. Speaker, I am a realist and I know that there are many who will not take the vaccine at this time even

though it has now been officially approved. To those persons, Mr. Speaker, I say to you, as I said in April, *I urge you to speak to your doctor to do whatever you can do to boost your own immune system as we do not want to lose more citizens on our Island.*

The fact is that most of those persons who have perished with this virus have not had the protection that the vaccine offers. As the Honourable Member for constituency 7 said earlier in his maiden speech, Mr. Speaker, *This is about life and death.* I cannot urge persons enough to please ensure that you are following all of the precautions that have been laid out by the Government. If you are at your worksite and your employer is not following the rules in place, you can report them under the Occupational Health and Safety Act. If you see a business violating the rules, call 211. This virus and its variants are not a joke, and it is vital, Mr. Speaker, *vital* that we take it seriously.

As a Government, Mr. Speaker, we remain humble that we have the opportunity to lead this country. We understand that it has been a hard year, impossibly hard for so many. And as leaders of this country during a pandemic, Mr. Speaker, our job is hard. But, Mr. Speaker, it is no way near as hard as the job of our doctors, our nurses and our public health professionals and those other frontline workers, our rarely seen but incredibly knowledgeable technical officers in Public Health and the public servants who work hours and hours on end, multiple hours of overtime, to help to keep us safe and well informed. They, Mr. Speaker, are the heroes of this pandemic, and they deserve our thanks, our appreciation, but most of all they deserve our support by doing what is right.

Mr. Speaker, when I addressed the country in April, I said the following (and I quote): “Bermuda, this battle is not the government -vs- the people, it is not neighbor against neighbor, blogger against blogger, or cousin against cousin . . .”

“We are in a war against this virus, and though we may disagree on some measures enacted to fight this war, one thing we all can agree on is that we wish to win this war”

So, Mr. Speaker, let us replace division with the understanding that the people suffering from this virus are all Bermudians. As a people we like to fight. We love to debate. We love to be right. And we love to come with all types of theories as to how or why the Government does what it does. Mr. Speaker, as the MP from constituency 7 said, *This is life or death.* And we need to come together to preserve life. Mr. Speaker, I ask all of us, no matter what side of the debate we are on, let us understand that we must cherish life. We must preserve life, and we must protect life.

Mr. Speaker, as I close with the last speech by a Member of this Legislature in this parliamentary session, I ask that all of those persons in our country who believe in prayer to pray for the citizens who are currently in hospital. Pray for our health care workers

who are trying to provide care for them and to save their lives. Pray for the families who have been left behind, the mothers, fathers, the daughters, the sisters, the brothers, the wives and the husbands. And please, Mr. Speaker, I ask you to pray for our Island home of Bermuda. Thank you, Mr. Speaker.

The Speaker: Mr. Premier, thank you of your remarks tonight.

Members, those remarks from the Premier bring today’s House to a close, but also this session to a close. As we go away from these Chambers for a period of time, we all go with the sadness of the news today of the number of deaths that occurred. But it also is a reminder to each of the seriousness of the times that we living under. As many have said this evening on the motion to adjourn, it is not a time for us to be looking at each other as *us and them*, the vaccinated or unvaccinated. We all share in this equally. It is what we all do together and collectively that is going to get us through it. Let us come together in that mind-set and understand that we equally and individually have a role to play in helping us as a country get through this period of pandemic, get through the illness of it and also through the recovery of the country.

Let us work together in that mind-set. Let us be prayerful for those who are currently suffering from the illness and that they will recover, be it the families who have lost loved ones—we share in their sadness and our hearts are heavy because of that.

With those few remarks, good evening, Members. Be safe. Good night.

The House is now closed.

[At 11:25 pm, the House stood adjourned sine die.]

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2020/2021 SESSION
OFFICIAL HANSARD REPORT
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September 2021

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