



**2018/19 SESSION
of the
BERMUDA SENATE
OFFICIAL HANSARD REPORT**

16 December 2019

*Sitting number 26 of the 2018/19 Session
(pages 725–730)*

**Sen. The Hon. Joan E. Dillas-Wright, MBE, JP
President**

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BERMUDA SENATE**OFFICIAL HANSARD REPORT
16 DECEMBER 2019
10:04 AM***Sitting Number 26 of the 2018/19 Session*

[Sen. the Hon. Joan E. Dillas-Wright, President, presiding]

The President: Good morning, Senators.
The Senate is in session.
Shall we pray?

PRAYERS

[Prayers read by Sen. the Hon. Joan E. Dillas-Wright, President]

CONFIRMATION OF MINUTES

The President: The Minutes of the 4th of December 2019.

Senator Michelle Simmons, you have the floor.

Sen. Michelle Simmons: Madam President, thank you.

I move that consideration of the Minutes of the meeting of Wednesday, 4th of December 2019 be deferred.

The President: Is there any objection to that motion?
No objection.
The Minutes are deferred.

[Minutes of 4 December 2019 deferred]

Sen. Michelle Simmons: Thank you.

The President: Thank you, Senator Michelle Simmons.

MESSAGES

The Clerk: There are no messages, Madam President.

The President: Thank you.

REPORTS OF COMMITTEES

The President: Senator Campbell.

PRIVATE BILLS**B.I.U. MEMBERS CREDIT UNION CO-OP SOCIETY
(CHANGE OF NAME) AMENDMENT ACT 2019**

Sen. Vance Campbell: Thank you, Madam President.
To the Honourable President and Members of the Senate: The Parliamentary Joint Select Committee on Private Bills has the honour to submit the following report. The committee has carefully considered the petition together with the related Bill for the Act listed hereunder and is satisfied that the Bill is a Private Bill and that all the rules of both Houses having to do with Private Bills have been complied with: the B.I.U. Members Credit Union Co-Op Society (Change of Name) Amendment Act 2019.

The committee recommends that the Bill entitled the B.I.U. Members Credit Union Co-Op Society (Change of Name) Amendment Act 2019 be accepted subject to agreed amendments. Subject to the recommendations contained in the [previous] paragraph 2, the committee recommends that the prayers of the petitioners be granted and that leave be given to bring in the proposed Bill to give effect thereto. All of which is respectfully submitted.

The President: Thank you, Senator Campbell.

Sen. Vance Campbell: Thank you, Madam President.

ANNOUNCEMENTS

The President: We have a number of announcements. The first one is the Financial Statements of the Consolidated Fund for fiscal year 2018/19.
Senator Campbell, it is you again.

**CONSOLIDATED FUND OF THE GOVERNMENT OF
BERMUDA AS AT THE 31ST OF MARCH 2019**

Sen. Vance Campbell: Madam President, I hereby present for the information of Senate the Financial Statements of the Consolidated Fund of the Government of Bermuda as at the 31st of March 2019.

The President: Thank you, Senator Campbell.

Sen. Vance Campbell: Thank you, Madam President.

The President: The second announcement is the Building for the Future.

BUILDING FOR THE FUTURE 2018/19 ANNUAL REPORT—BERMUDA AIRPORT AUTHORITY

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President.

Madam President, I hereby present for the information of Senate the Bermuda Airport Authority Annual Report for the year ended 31st March 2019 entitled Building for the Future. Senators can access copies of the report on their tablets and on the parliamentary website.

The President: Thank you, Senator Kathy Lynn Simmons, Attorney General and Government Leader in the Senate.

The third item is the Annual Report of the Bermuda Civil Aviation [Authority].

That is yours as well. You have the floor.

ANNUAL REPORT OF THE BERMUDA CIVIL AVIATION AUTHORITY FOR THE YEAR ENDED 31ST MARCH 2017

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President.

I hereby present for the information of Senate the Annual Report of the Bermuda Civil Aviation Authority for the year ended 31st March 2017. Again, Senators can access the report on their tablets and on the website.

And if you wish, I will continue with the others.

The President: Please do. The next two are yours, absolutely.

BERMUDA TOURISM AUTHORITY CONSOLIDATED FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2018

Sen. the Hon. Kathy Lynn Simmons: Madam President, I hereby present for the information of Senate the Bermuda Tourism Authority Consolidated Financial Statements for the year ended 31st December 2018.

BERMUDA TOURISM AUTHORITY 2018 YEAR IN REVIEW

Sen. the Hon. Kathy Lynn Simmons: And I will move on to lastly present for the information of the Senate the report entitled the Bermuda Tourism Authority 2018 Year in Review. And Senators can access a copy of the report on their tablets.

The President: Thank you, Senator Kathy Lynn Simmons, Attorney General and Government Leader in the Senate.

NOTICES OF MOTION

The President: There are none.

PETITIONS

The President: There are none.

STATEMENTS

The President: There are no Statements this morning.

INTRODUCTION OF BILLS

The President: There are none.

FIRST READING OF PUBLIC BILLS

NATIONAL PENSION SCHEME (OCCUPATIONAL PENSIONS) TEMPORARY AMENDMENT ACT 2019

CHILDREN (NO. 2) AMENDMENT ACT 2019

BERMUDA MONETARY AUTHORITY AMENDMENT ACT 2019

ECONOMIC SUBSTANCE AMENDMENT (NO. 2) ACT 2019

INSURANCE (NO. 2) AMENDMENT ACT 2019

INVESTMENT FUNDS AMENDMENT ACT 2019

GOVERNMENT AUTHORITIES ACT 2019 SUPERYACHTS AND OTHER VESSELS (MISCELLANEOUS) AMENDMENT ACT 2019

WEST END DEVELOPMENT CORPORATION (TRAFFIC OFFICERS) AMENDMENT ACT 2019

The President: The following Public Bills have been received from the Honourable House of Assembly and are now read for the first time. Their titles are, respectively:

- National Pension Scheme (Occupational Pensions) Temporary Amendment Act 2019
- Children (No. 2) Amendment Act 2019
- Bermuda Monetary Authority Amendment Act 2019
- Economic Substance Amendment (No. 2) Act 2019
- Insurance (No. 2) Amendment Act 2019
- Investment Funds Amendment Act 2019

- Government Authorities Act 2019
- Superyachts and Other Vessels (Miscellaneous) Amendment Act 2019
- West End Development Corporation (Traffic Officers) Amendment Act 2019

And these Bills will be taken up at the next day of meeting.

FIRST READING OF PRIVATE BILLS

B.I.U. MEMBERS CREDIT UNION CO-OP SOCIETY (CHANGE OF NAME) AMENDMENT ACT 2019

The President: It is the B.I.U. Members Credit Union Co-Op Society (Change of Name) Amendment Act.

Senator Campbell. Oh, this is the first reading; I beg your pardon.

QUESTION PERIOD

The President: There are none.

ORDERS OF THE DAY

The President: There are no Orders of the Day today.

MOTIONS

The President: There are none.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The President: Would any Senator care to speak on this?

Senator Richardson, you have the floor.

Sen. Anthony Richardson: Good morning, Madam President.

The President: Good morning, Senator Richardson.

Sen. Anthony Richardson: I just want to offer two brief congratulations, actually one, to Reverend Tweed at St. Paul. I actually attended the Christmas concert last night, and I was completely blown away by all that took place. And I want to especially commend the Cabinet Secretary, Marc Telemaque, who actually was the one who directed the choir and did an absolutely fabulous job, absolutely fabulous job.

And also to commend Ms. Chantelle Berkeley, who is also a public servant, but somebody whom I had known for a while, but had no idea that she was confident and able to more than adequately sing. So I was very, very pleased with that.

And secondarily, a general commendation to Age Concern. You remember at the last session I

commented on persons with health reform to attend the public meeting. And I actually did attend. The public meeting was so oversubscribed that persons were not able to attend, myself included. They said I could not enter into the actual room during the discussion. But I was very pleased with that because I did stay until the end. And other persons came out and commented again on how they were pleased to be able to still ask questions and get additional information. And so, that is what I will say for today.

Thank you.

The President: Thank you, Senator Richardson.

Would any other Senator care to speak on congratulatory and/or obituary speeches?

No. Then I would just like to offer congratulations, first of all to Christ Church Devonshire and specifically to the Minister there, Reverend Jermaine Tucker, and his church for the most wonderful candle-light service that took place on December the 8th, which involved a number of young people. And it was really—this is something that is televised as well. But the young people engaged in, they read scripture. There was a liturgical dance ministry, a mime artist. And it was really an excellent evening. And Governor John Rankin and Puisne Judge Nicole Stoneham also participated in the service. And there were several dignitaries in attendance at the church. So it was really quite a wonderful evening.

Secondly, I would like to offer congratulations to the Governor and his policy officer for the outstanding youth forum that was put on at Government House on December the 10th during Human Rights Day. The youth forum comprised several students from the Berkeley Institute, CedarBridge Academy and Somersfield Academy. And they spoke very candidly about what human rights means to them here in Bermuda. Young people spoke . . . actually, they came up with several suggestions [for] things [which] could change in the school system, as well as maybe elections in Bermuda. It was a wonderful event. And I just want to say that our young people in Bermuda are very thoughtful and very involved in the processes in Bermuda.

The forum was moderated by Rajai Denbrook, who really spent three weeks helping them to come up with what they had to say. And it was well attended by invited guests from a wide variety of organisations in attendance. And I was really impressed with the discussions that took place.

And now, adjournment.

Madam Attorney General.

ADJOURNMENT

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President. I move that the Senate do now adjourn until Monday, [sic] December 18th—Wednesday.

The President: Wednesday, Wednesday.

Sen. the Hon. Kathy Lynn Simmons: Yes.

The President: Would any Senator care to speak on the motion to adjourn?

Senator Robinson, you have the floor.

HEALTH CARE REFORM

Sen. Dwayne Robinson: Thank you, Madam President.

I just wanted to take the time in this Chamber to speak about the ending of the health care reform consultation. I, having attended these town hall meetings, found that they usually resulted in more questions than answers. And I wanted to openly say that I felt as though this consultation period was unsatisfactory. I find that most Bermudians are still uninformed, unassured or in direct opposition with this current reform plan.

There was nothing gained, in my opinion, with putting the onus on the people to provide benefits for themselves. Most times, people have very specific cases regarding their health. And I feel as though a better plan would have been to put forth a confidence-instilling plan of packages that allowed people to then question those and maybe add to them instead of asking questions about something that, as the Government kept replying, *has not been settled on yet*.

The numbers have not been settled on yet. So nobody is interested in a plan for a plan. We all agree that something must be done regarding health care reform and that it must be a collaborative effort. So I just urge this current Government to be a leader by example and to practice what they preached while in Opposition and to listen to the people and to make sure that those people of Bermuda are properly informed about the changes that are going to be made to an entire system of health care.

Thank you, Madam President.

The President: Thank you, Senator Robinson.

Would any other Senator care to speak on the adjournment?

Senator Kempe, you have the floor.

DEPARTMENT OF CHILD AND FAMILY SERVICES

Sen. Nicholas Kempe: Thank you, Madam President, and good morning to the listening audience.

I am sure many people have been following along last week with great interest [with] what seems to be a somewhat scary scratching-below-the-surface of things that have come to light over the last calendar year. And I am referring specifically to the Department of Child and Family Services.

The Opposition has been asking for almost a year now for an independent investigation so that the

public can have restored faith in the institutions that are meant to protect some of our most vulnerable members of society. We have seen all sorts of allegations, some yet to be tried in the courts, some of which have been effectively tried internally through mechanisms that have not been made public. There are investigations that seem to have been started and shelved or have not been released, others that were performed with tools that either do not seem particularly adapted to the challenge at hand and/or have been hindered by a legislated inability to release.

There have been challenges to the media to not ask questions, which all paints a very discouraging picture as to the interest in resolving any issues that there may be. As uncomfortable, as ugly as some of the truths may be, unless we are honest with ourselves as a country and look at what has gone wrong, if there are systemic issues over not just obviously this last year, but over a series of years . . . but what we have seen, in this last year particularly, is that there seems to be a . . . almost tide change in discovery, in public representations, of challenges of allegations of abuse. And without an investigation, an independent investigation, without being able to [get] to the bottom of potentially ugly incidences, I do not see how we are going to be able to make decisions as leaders in this country to protect those who most need it. Thank you, Madam President.

The President: Thank you, Senator Kempe.

Would any other Senator care to speak on the motion to adjourn?

Senator Richardson, you have the floor.

Sen. Anthony Richardson: Again, good morning, Madam President.

The President: Good morning.

POSITIVE IMPACT OF HOSPITALITY SECTOR

Sen. Anthony Richardson: I want to do something a little bit different, I suppose. And that is to reflect on what I think was an old tradition for Bermuda when many of us, when we went to university, we would come back during the summertime and work. And where did we work? In the hospitality sector, whether it be as busboys or waiters or whatever in the dining room, or basically in the hospitality sector.

And recently there have been many comments about where Bermuda is or where Bermuda is not. And I just want to reflect on the fact that I had the opportunity to participate in a fairly large-scale celebration from an organisational point of view, and to commend and comment that Bermuda is in good stead in the hospitality sector.

And what I mean by that is, based on what we were doing, we had to . . . it was at one of the major hotels. And we had to set up and then break down

and do all kinds of things. And I was very impressed because at one stage we were there until about, beyond 1:30 in the morning. And the hotel staff were there assisting in a very, very positive spirit. And then we had to go back the next morning at 8:30. And some of the same staff were there, again in a positive spirit. So the dining room captain was there, for example. The maître d' was there. Some of the maintenance staff were there. And I was very positively impressed by the fact that we may sometimes from a distance complain, unnecessarily almost, based upon what I had seen. Like everybody was there to do what had to be done.

We also had to engage in Bermuda's transport system. What I mean by that is minibuses. Because part of the event required us to move a substantial number of people. And we were able to get two buses. They arrived on time. The drivers themselves were very positive, very pleasant. There were some persons who needed extra attention because they were wheelchair-bound. And the buses that we ordered were not wheelchair accessible. But the driver got off . . . it was just an overall positive experience.

And then there were some others who had come from overseas. They left. They also commented on how positive the experience had been. And some of them are now intending to come again, and when they come back this time to bring many more people with them.

And so my comment is more just to say that sometimes we get caught up in all the negativity. And for us to sometimes press *pause* and look at the positive and constructive things that are taking place. Because in many instances it is the positive and constructive comments that cause others to be positive and constructive. And then you start a different trend as opposed to the negativity that we sometimes find ourselves engaged in.

So it was really, really pleasant for me, to reflect on my own training and exposure in the hotels. And it gives you a good opportunity to interact with visitors. And you talk to them and just explain our things to them. And it just gives a very, very good experience when you are able to speak to our visitors and give them a more authentic viewpoint on how Bermuda is. Thank you, Madam President.

The President: Thank you, Senator Richardson.

Would any other Senator care to speak?

Senator Kathy Lynn Simmons, Attorney General and Government Leader in the Senate, you have the floor.

DEPARTMENT OF CHILD AND FAMILY SERVICES

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President.

Senator Kempe is absolutely correct. We have had a long week of adverse reporting about the

Department of Child and Family Services. It has been interesting. It has been disturbing. It has focused on the negative aspects of child protection. It has painted a narrative that is false and unworthy, that the Department of Child and Family Services is not fit for purpose.

But I would like to think that it also has led to all of us who read the daily being concerned, so concerned . . . I do not regard this as a bad thing. I think it is great. I think it is great. And my expectation would be that my phone would be ringing off the hook, that people would be so concerned that they would be lining up to meet with me and determine, *How can I assist?* Because our problems are not going to be solved by legislation, Madam President. That is part of it. I have the utmost confidence in the director and his staff to continue to act in the most professional way that they can in protecting our children.

There was an investigation, and the result of that investigation may not be as some people wanted. But trust and believe that the civil service framework that determines such matters has been effectively implemented. So I wait, Madam President, for the barrage of concerned citizens to show up or to telephone me at Global House on the fourth floor. Because we all know that next door is a child who is being abused. We all know about the systemic abuse and incest in families in Bermuda.

We all know that we have no resources to service a certain demographic of children in this country whose needs are so severe that we have to partner with overseas agencies to ensure that their interests are paramount and that they receive the assistance that they deserve. We all know that. And so I give kudos to the *Royal Gazette*, because I expect . . . I expect that these so-called concerned citizens are not just enjoying the stories of misfortune. And we do that. We do that. We sit and we watch other people's misfortunes, and we do nothing.

And I have said in this Chamber before that it is not what you say; it is what you do. So, Madam President, I am waiting for us as a country to give more of ourselves to assist. We do not need your money. We need you to give of yourself and to call and say, *Is there a child whom I can foster? Is there a child whom I can mentor? Is there someone whom I can assist?*

And those young men who told their stories, I would like to think that they were overwhelmed by support. *Are you okay? Do you have a job? What can I do to help you?* And if that has happened, and if my phone rings next week, and if people's consciences are pricked while they are having dinner, and they are okay, then they are okay, and if they have that conversation over wine in certain quarters in this country, and they say, *Guys, we have to do better*, then guess what? Hand on heart I would say that the *Royal Gazette* has succeeded.

But if that does not happen . . . and a part of me knows that it will not happen, because it has not happened today. It has not happened today. Then we all have failed. But rest assured that any person who goes to the *Royal Gazette* with their woes or to the Opposition with their woes, as scandalous, salacious, heart breaking as they may be, if they turn up on the doorstep of the Department of Child and Family Services tomorrow with their families, they will be assisted. Because that is what those hard-working professionals do.

And they will not be called by the *Royal Gazette's* reporters who are calling all of our institutions in Utah who service our children. They will not be discouraged. The facilities will not be discouraged. Because that is what we do. That is what they do. And that is what they will continue to do.

So we all need to look at ourselves and determine what part we are going to play. If there are processes and procedures that need to be reformed, that is my job. But the reality is, Madam President, we have a 1998 Children Act. And I am ashamed to say on behalf of parliamentarians that not much has been done. Not much has been done! So while we fuss about airports and hotels and the state of our finances, our children are crying out for assistance. And so, to those who intend to make this a political football, it is not going to happen. To those who are distressed that I am not in the media conjuring those reports, that is not going to happen.

We have a story to tell. And that story reflects our ethos that it is not what you say; it is what you do.

Thank you, Madam President.

The President: Thank you, Senator Kathy Lynn Simmons, Madam Attorney General and Government Leader in the Senate.

And with that, Senators, the Senate stands adjourned until Wednesday of this week, which is December the 18th. Thank you.

[At 10:31 am, the Senate stood adjourned until 10:00 am, Wednesday, 18 December 2019.]