



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

**10 September 2021**

**Virtual Sitting**

*Sitting number 24 of the 2020/2021 Session*  
*(pages 1877–1942)*

**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 23<sup>rd</sup> of July. But before I speak to the 23<sup>rd</sup> of July, I should speak to the 16<sup>th</sup> of July.

On the 16<sup>th</sup> 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 18<sup>th</sup> 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 23<sup>rd</sup> 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 [26<sup>th</sup> 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 24<sup>th</sup> [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](https://verify.gov.bm). Persons can go to [gov.bm/safekey](https://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](https://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](https://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 102<sup>nd</sup> 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 99<sup>th</sup> 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 54<sup>th</sup> 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 24<sup>th</sup> 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 13<sup>th</sup> 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 21<sup>st</sup> 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-

bled 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 <sup>1</sup>*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. er, <sup>2</sup>“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.

<sup>1</sup> *Royal Gazette* 9 September 2021

<sup>2</sup> *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 29<sup>th</sup> 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: <sup>3</sup>“[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.]*

<sup>3</sup> *Bernews*, 5 May 2021