



**2025/26 SESSION
of the
BERMUDA HOUSE OF ASSEMBLY
OFFICIAL HANSARD REPORT**

25 SEPTEMBER 2026

(Sitting number 43 of the 2025/2026 Session)

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

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25 SEPTEMBER 2026
10:03 AM**

Sitting Number 43 of the 2025/2026 Session

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

The Speaker: Good morning, Members.
The Clerk will now lead us in prayer

PRAYERS

[Prayers read by Mr. Somner, Clerk]

The Speaker: Thank you, Mr. Clerk.

[Gavel]

The Speaker: Members, the House is now in session.

CONFIRMATION OF MINUTES

[Minutes of 11 September 2026]

The Speaker: Members, the Minutes of the 11th of September have been circulated.

Are there any amendments required?

There are none. The Minutes will be confirmed as printed.

[Minutes of 11 September 2026 confirmed]

MESSAGES FROM THE GOVERNOR

The Speaker: There are none.

**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING**

APOLOGIES

The Speaker: We have been informed this morning that MP Wayne Furbert will be absent today.

I have also received two reports from the Auditor General.

**AUDITOR GENERAL'S REPORT: MINISTERIAL
TRAVEL, MEAL AND HOSPITALITY EXPENSES**

**AUDITOR GENERAL'S REPORT: EFFECTIVENESS
OF GOVERNMENT OF BERMUDA RECEIVABLES
AND DEBT MANAGEMENT PROCESS**

The Speaker: The first report is the [Ministerial Travel, Meals, Hospitality Expenses](#) and the second one is

the [Effectiveness of the Government of Bermuda's Receivables and Debt Management Process](#).

Both have been tabled from the Auditor General's office.

MESSAGES FROM THE SENATE

The Speaker: There are none.

**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: We had three such Papers this morning. The first is in the name of the Minister of Housing, Deputy Premier.

**BERMUDA AFFORDABLE HOUSING STRATEGY
2025–2035**

Hon. Zane J. S. De Silva: 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 Affordable Housing Strategy 2025–2035](#).

The Speaker: Thank you.

The second is in the name of the Minister of Youth Social Development and Seniors.
Minister Furbert.

CHARITIES AMENDMENT REGULATIONS 2026

Hon. Tinee Furbert: Good morning, Mr. Speaker.

Mr. Speaker, I have the honour to attach and submit for the information of this Honourable House of Assembly the [Charities Amendments Regulations 2026](#) proposed to be made by the Minister responsible for Charities after consultation with the Registrar and the Committee in exercise of the power conferred by section 48 of Charities Act [2014].

Thank you, Mr. Speaker.

The Speaker: Thank you.

And the next is in the name of the Minister of Home Affairs, Minister Lightbourne.

**COST OF LIVING (ESSENTIAL COMMODITIES)
AMENDMENT (NO. 2) REGULATIONS**

Hon. Alexa Lightbourne: Good morning, Mr. Speaker.

I have the honour to attach and submit for the information of the Honourable House of Assembly the [Cost of Living \(Essential Commodities\) Amendment \(No. 2\) Regulations 2026](#) as made by the Minister responsible for Consumer Affairs in exercise of the power conferred by section 10E of the Cost of Living Commission Act 1974.

The Speaker: Thank you. That's the all the Papers and Communications for today.

Hon. Alexa Lightbourne: Mr. Speaker,—

The Speaker: Oh, there's a second one.

Hon. Alexa Lightbourne: —I do invite your indulgence—

The Speaker: Yes, yes, yes.

Hon. Alexa Lightbourne: —for a second statement.

ANALYSIS OF ELECTRICITY COST DRIVERS, RECOMMENDATIONS, AND IMPACT ASSESSMENT REPORT 2026

NATIONAL ELECTRICITY SECTOR POLICY 2026

Hon. Alexa Lightbourne: Thank you, Mr. Speaker.

I also have the honour to attach and submit for the information of the Honourable House of Assembly the [Analysis of the Electricity Cost Drivers, Recommendations, and Impact Assessment Report](#), (May 2026), and the [National Electricity Sector Policy](#) (July 2026).

The Speaker: Thank you.

Hon. Alexa Lightbourne: Thank you.

The Speaker: That's the Papers and Communications for today.

PETITIONS

The Speaker: There are none.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: That now takes us to the Ministerial . . . the Statements by Ministers and Junior Ministers this morning. We have . . . I believe six Statements. The first is in the name of the Premier and Minister of Finance.

Premier.

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

The Speaker: Good morning.

Hon. E. David Burt: Mr. Speaker, I rise before this Honourable House today to speak . . .

[Crosstalk]

The Speaker: That was a short one, Premier.

Hon. E. David Burt: A very short Ministerial Statement.

Mr. Speaker, I always have a habit that I am supposed to have a pen before I start my Ministerial Statement, and I always have to ask my Deputy for a pen as I never have one in my pocket.

It is a habit of mine but by the end of the day, Mr. Speaker, I assure you that I will have about five pens in my pocket and it is just the nature.

May I start again, Mr. Speaker?

The Speaker: Go right ahead.

PUBLIC SERVICE SUPERANNUATION FUND PHASED REDUCTION OF THE LUMP-SUM CONVERSION FACTOR

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

Mr. Speaker, I rise before this Honourable House today to speak to public officers who will be eligible to retire by 31 March 2027. Some wish to continue serving Bermuda, but have asked whether doing so could leave them with a smaller lump sum than if they retired on 31 March 2027. That is no small question for a public officer who has earned the right to retire, nor is it for the public service that may lose their experience.

Honourable Members will recall that last September, I brought legislation to this Honourable House to stabilise the Public Service Superannuation Fund. Its 2023 valuation showed that only thirty-seven cents in assets for every dollar owed in pensions, and without reform, its invested assets were projected to be exhausted around 2045. After years of review and consultation with unions, this Government made the tough decisions to change contributions, retirement age, and the reference wage for retirement.

That reform was for the officers serving today, those who will join them and for those who have already retired. After more than a decade without an increase, we also legislated a 10 per cent increase for public service retirees, effective from April of this year. Payments are expected to begin in October, including arrears back to April 2026. We have taken responsibility for the Fund's long-term future, but we must also listen to the people affected as the reforms take effect.

As the implications of one particular change became clear, officers told us that a sudden reduction in the lump-sum conversion factor could bring forward the retirement of people who still want to serve. This Government listened, discussed their concerns with union representatives, and consulted the Public Service Superannuation Board.

Today, Mr. Speaker, I am pleased to announce a major change in how this part of the reform will take effect: [the reduction in the lump-sum conversion factor will be phased in](#), and the cash amount available on 31 March 2027 to officers employed and eligible to retire on that date will be guaranteed if they remain in service. Let me explain why that change was needed and how it will work.

When a public officer retires, they may choose to exchange part of their annual pension for a lump sum paid upfront. The lump-sum conversion factor determines how much is paid for the portion of the annual pension they give up.

Mr. Speaker, the significance of this provision is clear from the choices public officers make at retirement. Between 2020 and 2025, approximately 1,000 members retired from the public [sector], and 90 per cent chose to receive some level of lump-sum payment. For most retiring officers, the lump-sum conversion factor has a direct bearing on the cash available to them as they begin their retirement.

For more than four decades, the lump-sum conversion factor was fixed in legislation at 11.5 [per cent]. It stayed at that level even while the Fund's financial position deteriorated. That fixed figure imposed costs that the Fund could no longer responsibly carry. Leaving that provision untouched would have undermined the very reform that this House passed to secure public officers' pensions. The law was therefore changed so that the lump-sum conversion factor could be adjusted following an actuarial review and consultation with the Public Service Superannuation Board.

Mr. Speaker, the Government's actuaries have shared that if the lump-sum conversion factor were changed to match the funded status of the PSSF, then the lump-sum conversion factor would need to move from 11.5 [per cent] down to 5.75 [per cent] in April 2027. Honourable Members will appreciate what that meant for [someone] exchanging the same portion of annual pension: The cash paid upfront would have fallen in half in a single step. For officers eligible to retire by 31 March 2027, that raised a practical question: *If I continue serving, will I receive a smaller lump sum than if I retire before the change?*

We heard directly from public officers and their union representatives. The concern also came through staff meetings, departments, and representatives of senior officers. The risk of early departures under the wider reforms was voiced publicly as well. These officers had earned the right to retire, but many still wished to give Bermuda more years of service.

We also had to consider what Bermuda would lose if experienced officers felt pressed to retire next March. When a teacher leaves a school, pupils and colleagues feel the loss. When a long-serving officer retires, a department will lose years of knowledge and guidance. A wave of departures across the service would be felt by the public as well.

Mr. Speaker, this is a responsive Labour Government, and thus the Cabinet considered a revised approach, which we then discussed with union representatives before consulting the Public Service Superannuation Board. The Board agreed to both the phased change and the guarantee for eligible officers.

Honourable Members will recall that the wider reform was never meant to be an overnight switch. Changes to retirement ages, pension calculations and contributions are being phased in between now and 2035. Public officers need time to adjust to changes of that scale. Changes to the lump-sum conversion factor should follow the same gradual approach, especially when so many officers make a lump-sum choice at retirement.

Mr. Speaker, let me now set out the two decisions.

First, the lump-sum conversion factor will remain at 11.5 [per cent] on 1 April 2027; it will not fall to 5.75 [per cent]. Required changes will instead be phased in over time, alongside the other pension changes this House approved last year. The lump-sum conversion factor will be reviewed every two years by the Minister in consultation with the Board, with the aim of reaching a level that reflects the Fund's financial position by 2035.

Mr. Speaker, the second decision protects public officers who are employed and eligible to retire on 31 March 2027. If they continue serving, the cash value of the lump sum they could have received on that date will be protected until they retire, regardless of what the lump-sum conversion factor may be in the future. If their later calculation is higher, they will receive more. The guarantee is for that cash amount, not for the 11.5 [per cent] lump-sum conversion factor for future years. This Government will bring the necessary amendment to the Public Service Superannuation Act 1981 to give that guarantee the force of law.

Officers who are not yet eligible to retire on 31 March 2027 will still benefit from a gradual transition. They will have more time to understand how the changes may affect their own retirement. And as always, an officer who elects to receive a lump sum takes an upfront payment in exchange for a smaller annual pension. A public officer who takes their full pension without a lump sum is not affected by a change to the lump-sum conversion factor.

The Ministry of Finance will provide written guidance and answers to common questions and make the updated pension calculator available, while holding further information sessions with public offi-

ers. Officers with questions about their personal circumstances may contact pensionreform@gov.bm.

Mr. Speaker, the Fund's course had to change. Last year this Government brought the difficult decisions to this House. We have worked with unions and listened to public officers as those changes take effect. When officers showed us that the pace of this change could take experienced people out of the service before they wished to go, we adjusted it.

To the public officers who are employed and eligible to retire on 31 March 2027, I give this assurance: The cash amount of the lump sum you could receive on that day will remain protected if you continue in service. Whether you retire a year later or many years later, you will not receive less than that protected amount.

Mr. Speaker, in closing, this Government believes this is the right way to carry this important reform forward; strengthening the Fund for those who depend on it, while making adjustments to ensure that Bermuda's public service can retain the experience it needs.

Thank you, Mr. Speaker.

The Speaker: Thank you, Premier.

Members, the next Statement this morning is in the name of the Minister of Housing and Deputy Premier.

Would you like to present your Statement?

**BERMUDA AFFORDABLE HOUSING
STRATEGY 2025–2035: CLOSING THE HOUSING
GAP AND SECURING AFFORDABLE HOMES
ACROSS GENERATIONS**

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker.

Mr. Speaker, I rise today to table the [Bermuda Affordable Housing Strategy 2025–2035](#), the Government's ten-year roadmap for improving housing affordability, accessibility and opportunity in Bermuda. At its heart, this Strategy is about people. It is about helping Bermudians find, keep and afford a suitable place to call home, and ensuring that future generations have a fair opportunity to live, work and build their lives in Bermuda.

Mr. Speaker, the Strategy is built around three strategic pillars: government-led affordable housing delivery; the rehabilitation of derelict properties; and the reactivation of underutilised housing stock. Together, these pillars provide a practical framework for increasing housing opportunities and improving affordable housing outcomes for Bermuda's residents.

Mr. Speaker, addressing Bermuda's housing challenges will require a collective effort. Government has an important leadership role to play, but lasting progress will depend on collaboration with the private sector, community organisations, industry stakeholders and the wider public. Housing affects every sector

of our economy and every community across our Island.

It was for this reason, Mr. Speaker, that the consultation draft of the Strategy was released for public review and comment. The draft was published on the [Government of Bermuda] Citizen's Forum and circulated to key stakeholders, who were invited to provide feedback, recommendations and ideas to strengthen the document.

Mr. Speaker, the Ministry engaged with a range of stakeholders and received valuable written submissions and feedback. The consultation process highlighted both the scale of Bermuda's housing challenges and the strong desire across our community to work together to address them.

The consultation also identified a number of recurring themes, including the need to increase housing supply, improve affordability, unlock existing housing stock, encourage innovation in housing delivery, strengthen accountability, and create greater opportunities for partnership between Government and the private sector.

Mr. Speaker, the final Strategy has been revised to reflect the feedback received. In particular, it places greater emphasis on public-private partnerships, workforce and middle-income housing, affordability and accessibility measures, and improved housing intelligence and accountability.

Mr. Speaker, before concluding, I wish to address a point that Honourable Members may observe when reviewing the document.

Mr. Speaker, the Strategy is titled the Bermuda Affordable Housing Strategy 2025–2035. That date reflects the fact that this work did not begin today, nor did it begin this year. The foundations of the Strategy were established in 2025 through research, analysis and stakeholder engagement, when it became increasingly clear that Bermuda's housing challenges demanded more than discussion alone. They required both a strategy and action.

While the document evolved through consultation, discussion and refinement, resulting in the Strategy that is being tabled today, the team at Housing and Municipalities was already hard at work putting pieces of the solution in place. We recognised that Bermudians could not afford to wait for a final document before progress began.

The title reflects that journey, acknowledging both the development of the Strategy itself and the practical steps that have been taken along the way to improve housing outcomes for Bermudians.

Mr. Speaker, I would also like to acknowledge the contribution of our former PS Mr. Andrew Pettit, who initiated this work, together with the dedicated officers of the Ministry who carried it forward and brought it to completion. Housing policy is complex, and meaningful progress requires persistence and commitment. I am proud of what this small but mighty team has achieved in developing a Strategy that will

help guide Bermuda's housing efforts over the next decade.

Mr. Speaker, housing is more than a policy issue. It affects families, young people trying to build a future, seniors wishing to age in place, and employers seeking to attract and retain workers. This Strategy provides a long-term framework for action and a foundation upon which Government and its partners can continue building practical solutions to Bermuda's housing challenges.

Mr. Speaker, I am pleased to table the Bermuda Affordable Housing Strategy 2025–2035 in this Honourable House today.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement, Members, is the name of the same Minister.

Minister, would you like to continue?

Hon. Zane J. S. De Silva: I would, thank you, Mr. Speaker.

The Speaker: Go right ahead.

ADVANCING AFFORDABLE HOUSING: THE DR. CANN PARK II DEVELOPMENT

Hon. Zane J. S. De Silva: Mr. Speaker, I rise again today to update this Honourable House on the decisive actions this Government is taking to increase the supply of affordable housing and deliver more homes for Bermudians.

Housing affordability remains one of the most pressing challenges facing our community. Too many Bermudians, particularly seniors and working families, are struggling to secure suitable accommodation at a price that they can afford. This Government has made it clear that increasing the supply of affordable housing is a priority, and we are taking the practical steps necessary to turn that commitment into reality.

Mr. Speaker, today, I am pleased to report another significant step forward in that effort.

The Government is [advancing the Dr. Cann Park II Affordable Housing Development](#), a project that will deliver 110 new rental units, with a primary focus on providing affordable accommodation for Bermuda's seniors.

This development represents one of the largest additions to Bermuda's affordable housing stock in recent years and reflects this Government's commitment to increasing housing supply, creating more housing options, and ensuring that more Bermudians have access to safe, quality, and affordable homes.

An Hon. Member: Yes.

Hon. Zane J. S. De Silva: For many seniors living on fixed incomes, securing suitable housing has become

increasingly difficult. Dr. Cann Park II is intended to help address that need by providing modern, affordable rental accommodation while supporting independent living and strengthening housing security for those who need it most.

Mr. Speaker, to advance this important project, earlier today I introduced the Bermuda Land Management [Corporation] Amendment Act 2026, which will facilitate the vesting of a portion of Government-owned vacant land in Southampton, adjacent to the existing Dr. Cann Park development, to the Bermuda Land Management Corporation [BLMC]. This is a necessary step to enable the development to proceed and to ensure that the entity responsible for delivering the project has the legal authority required to move it forward.

Mr. Speaker, the delivery of affordable housing on the scale required demands a coordinated Government effort. That is precisely what is taking place.

The Ministry of Housing and Municipalities is leading this initiative in partnership with the Bermuda Land Management Corporation, the Bermuda Housing Corporation, the Ministry of Public Works and Environment, the Department of Public Lands and Buildings, and the Attorney General's Chambers. Each organisation has a critical role in ensuring that housing projects move from planning to construction and ultimately into the hands of Bermudians who need them.

As part of that coordinated effort, my honourable colleague, the Minister of Public Works and Environment, will table a motion later today seeking the approval of this Honourable House for the vesting of the property required to advance the Dr. Cann Park II development.

The Bermuda Land Management Corporation is helping to lead the delivery of the Government's affordable housing construction programme. As previously announced, the first phase of the Government's housing strategy includes developments at Victoria Place, Albert Row in Dockyard, and Tommy Fox Road in St. David's, alongside the progression of Dr. Cann Park II.

Together, these developments represent a significant expansion of affordable housing stock and demonstrate that this Government is moving beyond plans and proposals and into delivery.

Mr. Speaker, for the Bermuda Land Management Corporation to finance, construct, and deliver these developments, it must possess legal title and control of the lands involved. Vesting the property provides the authority necessary for BLMC to undertake the work and ensure timely delivery.

This Government is focused not only on planning housing projects but on removing barriers that delay construction and hinder progress. Every step we take is aimed at accelerating the delivery of affordable homes for Bermudians.

Mr. Speaker, I also wish to inform Honourable Members and the public that once completed, these units will be leased to the Bermuda Housing Corporation, which [will] in turn rent them to qualified individuals and families on our ever-increasing waiting list.

Mr. Speaker, most importantly, this Government's housing strategy is no longer confined to plans and proposals. We are now seeing visible progress on the ground. I am pleased to confirm that ground-breaking at Albert Row is expected to commence before the end of this month, marking another important milestone in our affordable housing programme.

This is the progress Bermudians expect. Not promises, Mr. Speaker. Not concepts, but delivery.

Mr. Speaker, while I will provide more detailed updates on the Housing Initiative during future sessions of this Honourable House, today's actions demonstrate that the Government's strategy is advancing and that the partnerships necessary to deliver new housing are working.

I wish to thank the Ministry of Public Works and Environment, the Department of Public Lands and Buildings, the Attorney General's Chambers, and the Board and management of BLMC, the Board and management of BHC [Bermuda Housing Corporation], and the officers of the Ministry of Housing and Municipalities for their commitment and hard, hard work advancing these projects.

Together, we are taking decisive action to expand Bermuda's housing stock, increase opportunities for affordable living, and ensure that more Bermudians can access the housing they need.

Thank you, Mr. Speaker.

The Speaker: Thank you.

[Desk thumping]

The Speaker: Thank you, Minister.

Members, the next Statement this morning is in the name of the Minister of Youth, Social Development and Seniors.

Minister Furbert.

LITIGATION GUARDIAN SERVICE UPDATE

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

Mr. Speaker, I rise today to update this Honourable House of the progress made in the development and delivery of the [Litigation Guardian Service](#) and the activities undertaken by litigation guardians during the period 2020 to 2025. Since its introduction, the service has continued to evolve, strengthening its capacity to ensure that children's voices, rights and best interests remain central in family court matters.

Mr. Speaker, the Children Act 1998 provides the authority for the court to appoint a litigation guardian and counsel for a child. The first litigation guardian was appointed in 2014, and in 2019 a cohort of five

independent practitioners was formally appointed, establishing the foundation of the service as we know it today.

In 2022, with support from the United Kingdom's Foreign, Commonwealth and Development Office, the then Ministry of Social Development and Seniors delivered the first formal litigation guardian training programme. Sixty-five persons registered their interest, two additional litigation guardians were appointed, and the initiative strengthened professional consistency, confidence and the quality of reporting to the courts.

Mr. Speaker, further progress was made in 2024 and 2025 which involved the development of a draft Practice Guidance which included consultation with the Judiciary, the Department of Child and Family Services and other stakeholders. Administrative and clinical support functions were introduced and subsequently consolidated into a Practice Manager role, with the Practice Manager appointed in November 2025 to provide unified oversight, coordination and continuous improvement.

During 2025, the court assigned 27 new matters to litigation guardians, and five matters were carried forward from 2024, resulting in 32 cases managed during the year. The children supported ranged in age from three months to 17 years, and 31 children across the reported families received support from a litigation guardian.

Mr. Speaker, this annual referral figure of 27 also represents a return to the highest level recorded since standardised data collection began in 2023. The report notes that figures for 2020 to 2022 may be understated because records were incomplete following the COVID-19 pandemic. Nevertheless, the available data clearly demonstrates the sustained need for this important service.

Capacity was under pressure during the first three quarters of 2025, when the pool of litigation guardians declined from five to three, with only two consistently available to accept matters. Recruitment efforts later restored the active complement to five, and suitable candidates were identified for succession planning and future training. This has helped to rebalance workloads and broaden the range of professional experience available to children and the courts.

Mr. Speaker, family matters are becoming more complex, while court-directed timelines for delivering litigation guardian reports remain compressed. Approximately, 48 per cent of cases were expected to be completed within six weeks or less, while only 3 per cent were allocated more than 12 weeks. Delays in the courts transmitting court orders and providing accurate parent contact information can sometimes further reduce the working time available for litigation guardians to complete the Child Case Analysis.

These pressures matter because a litigation guardian must undertake a careful, child-centred assessment, engage relevant parties and provide the

court with independent, well-supported recommendations. Where parental conflict is high or proceedings are prolonged, the child's voice can too easily be overshadowed. The service exists to ensure that this does not happen.

Over the five-year period from 2020 to 2025, expenditure for the litigation guardian service reflected both the continued development of the service and the increasing level of engagement required to support children in family court matters. In 2020, expenditure totalled \$10,500, representing 12 per cent of the allocated budget. This increased to \$21,050 in 2021, or 24 per cent of the budget, and rose again in 2022 to \$45,075, representing 50 per cent of the budget. By 2023, expenditure had reached \$66,050, or 75 per cent of the allocated budget. In 2024, expenditure [increased] further to \$73,325, representing 84 per cent of the budget, before settling at \$67,881 in 2025, or 77 per cent of the allocated budget.

In total, \$282,881 was expended over the period, underscoring the Government's continued investment in the litigation guardian service and its commitment to ensuring that children involved in family court matters have their voices, rights and best interests properly brought before the court.

Mr. Speaker, looking ahead, the Ministry and the litigation guardian appointed professionals will focus on strengthening quality, collaboration and accountability. Priorities include operationalising the Practice Guidance; convening quarterly stakeholder meetings; expanding training and professional development; improving case intake, data accuracy and validation; reviewing recommended timelines according to case complexity; creating flexibility for complex matters; and monitoring workloads and outcomes through periodic audits.

In addition, satisfaction surveys will soon commence to obtain direct feedback on the impact of service delivery. The surveys will help assess the experiences of children and families, identify opportunities for improvement, and support the Ministry's commitment to evidence-informed, child-centred practice.

The litigation guardian service will also work with the Judiciary, the Department of Child and Family Services and the Children in Care Advisory Council to reduce avoidable delay and conflict, narrow disputed issues where appropriate, strengthen case management, explore greater use of family mediation before court applications, and ensure that the lived experiences and perspectives of children in care inform the continued development of the service. This collaboration will preserve the independence of the litigation guardian and be guided by the principle of no detriment: no harm to children and no compromise to the fairness and integrity of court proceedings.

Mr. Speaker, I wish to acknowledge the Judiciary, the Department of Child and Family Services, our child-centred partner agencies and the United Kingdom Foreign, Commonwealth and Development

Office for their collaboration. I also extend special appreciation to Mr. Anthony Douglas, CBE, for his expertise and commitment, and to the litigation guardians whose dedication has brought the service to this very important stage.

Most importantly, I thank the children and families who placed their trust in the service. Their experiences remind us that every policy, process and court matter must remain firmly centred on the best interests of the child and ensure their voice is heard.

Mr. Speaker, the Government remains committed to strengthening this vital service so that in every family court matter involving a child, the child's voice is heard, and their interests are properly represented.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Members, the next Statement this morning is in the name of the Minister of Labour and Economy . . . I mean Economy and Labour.

Minister, you have the floor.

SUMMER EMPLOYMENT PROGRAMME 2026: BUILDING PATHWAYS THROUGH BERMUDA'S YOUTH EMPLOYMENT STRATEGY

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

Mr. Speaker, I rise today to inform this Honourable House of the work undertaken through the [2026 Summer Employment Programme](#) and its contribution to Bermuda's Youth Employment Strategy.

The Summer Employment Programme is more than a source of temporary employment during the summer months. It is a structured bridge between post-secondary education and the workplace, enabling [Bermudian] college and university students to apply their academic learning, gain relevant experience, build professional networks and make more informed decisions about their future careers.

In this way, the programme advances the Youth Employment Strategy's commitment to expanding career support, increasing access to meaningful work experience and strengthening the transition from [education] into sustainable employment.

Mr. Speaker, in 2026, the Department of Workforce Development placed 102 college and university students through the Summer Employment Programme. Together with the 72 high school students who participated in the Summer Internship Programme, 174 young Bermudians gained meaningful exposure to the workplace this summer. Their placements were made possible through collaboration with government ministries and departments, public authorities, educational institutions and private-sector employers.

Mr. Speaker, I want to thank each participating organisation for providing our young people with meaningful opportunities to gain workplace experi-

ence, develop their skills, explore career pathways and build professional relationships, while also contributing to the development of the future Bermudian workforce.

The value of that partnership extends well beyond a single summer. Employers help students understand workplace expectations, develop technical and transferable skills, explore career pathways and establish professional relationships that can support their long-term success. At the same time, employers gain early access to emerging Bermudian talent and an opportunity to help shape the workforce they will need in the years ahead.

Mr. Speaker, the department's [work] begins well before the summer students report on duty. The career development team engages with employers, assesses applications, matches students with suitable opportunities and coordinates the administrative requirements necessary to support each placement. Throughout the programme, the department remains engaged with both students and employers, providing career guidance, monitoring placements and supporting students' professional development.

Wherever possible, placements should align with a student's field of study and career interests while also meeting a genuine workplace need. This helps transform a summer job into a meaningful workforce development opportunity, one that is intentional, supported, and connected to a longer-term career pathway.

Mr. Speaker, meaningful work experience must be supported by meaningful preparation. This year's orientation programme, delivered under the theme "Level Up: From [Participant] to Professional," prepared students for the workplace by focusing on professionalism, communication, teamwork, ethics, accountability, personal branding, financial literacy, career planning and the development of a growth mindset.

Students also benefited from continued career-development activities during the programme, including career coaching, employability training and participation in the National Youth Conference. Through these opportunities, students were able to strengthen their leadership, civic engagement, public speaking, innovation, media communication and problem-solving skills.

The department further introduced learning opportunities in artificial intelligence for personal and professional productivity, workplace communication, emotional intelligence and resilience. These competencies are increasingly important as technology reshapes the nature of work and employers place greater value on adaptability, sound judgment, initiative and effective collaboration.

Mr. Speaker, a defining feature of this year's programme was Future Forward, a conversation with myself, as the Minister, hosted at the Bermuda College. This interactive forum gave Summer Employ-

ment Programme students an opportunity to speak directly and candidly about Bermuda's workforce, economy and the issues influencing their decisions concerning education, employment and life in Bermuda.

The forum was guided by a simple but important message: "Your voice matters. Your ideas matter. Your future matters." The discussions explored employment opportunities, scholarships and education, entrepreneurship, artificial intelligence, affordable housing, the cost of living and the skills required for future employment. Students spoke about their aspirations, the barriers they face as they prepare to enter the workforce as well as the conditions that would encourage them to return to Bermuda after completing school or to remain here and build their careers.

The opening conversation was facilitated by Callahj Simons, a former Bermuda College Student Government President, youth advocate and proud product of Bermuda's public school system. Her leadership helped establish an open and thoughtful exchange before the wider student audience was invited to participate.

Mr. Speaker, I commend the students who approached their placements with professionalism, curiosity and ambition. I thank their parents and guardians, the participating employers, and our educational and community partners for supporting their development.

I also recognise the management and staff of the Department of Workforce Development, particularly the career development team, whose careful planning, coordination and continued support made the 2026 Summer Employment Programme possible.

When we invest in the development of our young people, we strengthen the resilience of our workforce, the competitiveness of our economy and the future of Bermuda.

This Government will continue working to ensure that young Bermudians have access not only to summer employment, but also to the experience, guidance, professional networks and pathways needed to progress into meaningful and sustainable careers.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement this morning, Members, is in the name of the Minister of Home Affairs.
Minister.

**NATIONAL ELECTRICITY SECTOR POLICY 2026,
MINISTERIAL DIRECTION TO THE REGULATORY
AUTHORITY, AND THE INDEPENDENT ANALYSIS
OF ELECTRICITY COST DRIVERS, TABLING OF**

Hon. Alexa Lightbourne: Good morning again, Mr. Speaker.

Mr. Speaker, today I tabled two documents in this Honourable House: The National Electricity Sector Policy [2026] and the . . . the Statement of the Government's electricity sector and the independent report commissioned by the Ministry of Home Affairs on the drivers of electricity costs in Bermuda. Together they record the body of work that this Government has completed since February 2025, the authority on which that work rests, and the independent evidence that affirms its direction.

Mr. Speaker, [The National Electricity Sector Policy 2026](#) [replaces] the policy of 2015 and sets the Government's direction for the electricity sector through to 2045. The Ministry opened the consultation draft on 16 April 2026, accepted submissions to 21 May and held public meetings at St. Paul AME Church Centennial Hall on 18 May. The final policy incorporates that consultation.

The policy is technology agnostic and every resource option is compared on a levelised cost-of-electricity basis through the Integrated Resource Plan, and lower carbon generation proceeds where it holds or reduces rates against the business-as-usual case. Affordability is a requirement tied to measurable [customer] outcomes. The government's policy fixes the 2025 average retail tariff as the reference point against which future plans are measured.

Mr. Speaker, the Ministerial Direction which I also speak to today represents the legal vehicle for which the Government's policy is sent to the regulator. It is made under sections 4 and 7(1) of the Regulatory Authority Act [2011] and section 8(1), (2) and (3) of the Electricity Act [2016]. And section 15(1) of the Regulatory Authority Act which requires the Authority to regulate the sector in accordance with the policies.

The direction delivers the Government's policy formally and treats the National Electricity Sector Policy [2026] as the statement of the Government's intentions for the regulatory environment. The direction respects the Authority's independence in individual regulatory and licensing decisions.

Mr. Speaker, the third document is the "Analysis of Electricity Cost Drivers, Recommendations, and Impact Assessment Final Report." [It was] commissioned by the Ministry in 2025, was prepared by Castalia, and finalised on 29 July 2026.

Castalia is the consultancy group that designed the framework that governs Bermuda's electricity sector today. Under the former administration, the firm drafted the National Electricity Sector Policy 2015, which Cabinet approved that year. Castalia assisted with the drafting of the Regulatory Authority Act 2011 and the Electricity Act 2016, including the licensing framework and the tariff setting rules, and prepared the assessment of the viability of LNG [liquefied natural gas] tabled in this House in 2016.

The Ministry commissioned this report early in my term as Minister, in May of 2025. And we thought it important to return to the framework's original archi-

tefacts to identify where practice had departed from the design and to test the direction this Government had declared.

Certain matters concerning the 2026 IRP are before the [Supreme] Court, and I will not address them here. But the findings of this report stand apart from those proceedings. The report confirms the statutory division of responsibility on which the direction tabled and the Minister sets policy for the sector, and the Authority therefore applies it.

Mr. Speaker, the report confirms the experience that Bermudians have: That electricity costs are too high. It estimates an average electricity tariff of approximately 46 cents per kilowatt-hour for the 2026 tariff review period, placing Bermuda (as we already know) among the higher cost for electricity in the region. These costs place pressure on household budgets, increase business expenses, affect competitiveness and contribute to the wider cost of living.

Castalia's independent assessment finds that there is no single solution to Bermuda's electricity affordability challenge. However, the principal cost drivers include operating expenditure and depreciation, fuel costs, and the return on the regulated asset base. The report also identifies structural issues in electricity planning, tariff design, distributed generation and licensing that can place further upward pressure on costs if they are not addressed in a coordinated manner.

Mr. Speaker, the report finds that delays, duplication of technical work and insufficient alignment between the Government's policy and sector planning have weakened the present process and increased the risk of avoidable costs and uncertainty.

This reinforces the Government's position and policy that affordability must be established as a clear objective before detailed electricity planning begins. Affordability is central to the National Electricity Sector Policy 2026, alongside reliability, resilience, sustainability, and energy security. The report records that a standard [IRP] process is typically completed between 12 and 24 months. Castalia attributes the length and cost of that process to the absence of clear policy direction at its outset, which forced repeated iterations of scenarios and assumptions at continuing expense to the sector.

Mr. Speaker, the Government is therefore affirmed in its strategy. Every industry decision must align to one energy policy for the betterment of Bermuda. The tariff, the resource plan, the fuel strategy, the licensing framework, and every major investment belong inside that alignment.

Mr. Speaker, the report also considers the continued growth of distributed generation, particularly rooftop solar. It recognises the potential of distributed generation to reduce costs for participating consumers, support resilience and advance Bermuda's clean energy objectives. However, this growth must be

properly planned and integrated so that grid stability is protected and system costs are shared fairly.

Castalia therefore recommends that distributed generation be more fully integrated, supported by stronger information, appropriate grid assessments and a clearer interconnection process. It also proposes greater clarity and certainty in feed-in tariff arrangements for distributed generation, while safeguarding other consumers from excessive or unfair cost shifting. Consumers and Government should be able to understand how the allowed rate of return is determined, how expenditure is assessed and how the Regulatory Authority has satisfied itself that only reasonable, prudent and efficiently incurred costs are recovered through the tariffs.

Mr. Speaker, the report identifies opportunities to modernise the licensing framework, including clearer legal treatment for third party electric vehicle charging, arrangements for qualifying large users, where these are demonstrated to serve the public interest and reduce overall system costs.

Taken together, Mr. Speaker, the findings demonstrate that electricity affordability cannot be delivered through one amendment, one tariff decision or one technology. It requires coordinated policy, regulatory and sector wide reform. Operational efficiency and sound independent regulation must all, therefore, be critical. But this Government also has a critical responsibility, Mr. Speaker, to provide clear direction and ensure that the sector planning advances in the public interest.

Mr. Speaker, the Government signalled this direction before the report was written, and each step is on the public record and is held alongside this report.

Mr. Speaker, the Government will use Castalia's findings to inform the next phase of the Electricity Reform Programme. The recommendations will be considered through the appropriate policy, legal, regulatory and technical processes.

And, Mr. Speaker, the people of Bermuda rightly expect that electricity reform to produce practical results: greater transparency in how tariffs are determined, better protection for avoidable risks, more efficient sector planning, fairer allocation of system costs, and investment decisions that reflect Bermuda's long-term needs.

Mr. Speaker, the next step is one harmonious energy plan, informed by the Government's policy, to which every tariff, planning and investment decision aligns. The Government will measure every plan against what Bermudian families paid [for] electricity in 2025. Affordability will be our destination.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Members, that brings us to a close of the Statements by Ministers and Junior Ministers for this morning.

We will now move on to the next items on the Order Paper.

REPORTS OF COMMITTEES

The Speaker: There are none.

PREMIER'S QUESTION PERIOD

The Speaker: We will now move on from there.

I should explain this next item. The next item is Premier's Questions. And for those who normally follow the proceedings at the House and for the public audience who is listening, we know Premier's Questions normally come on the second Friday of the month if the House is sitting. And today is not that day. However, to show that there's cooperation between the two sides of the House, the Opposition and the Government agreed on that particular day to carry it over so they will do it today.

So, as an example to the public of how there is cooperation that takes place in these Chambers, I just want to acknowledge both sides of the House for working together to resolve this matter and working to resolve having to carry it today rather than doing it at the last sitting.

Hon. E. David Burt: Let's hope they are friendly—

The Speaker: So, I was about to say, in that spirit of cooperation, we expect that the question and answer period this morning will go extremely smoothly. Not only the Premier's Questions, but all the questions for today.

And with that said, I will start the clock for the 30 minutes allocated for the Premier's Questions. And the first question this morning is going to be put by the Opposition Leader.

Opposition leader, you have the floor.

Hon. Ben Smith: Thank you, and good morning, Mr. Speaker.

The Speaker: Good morning.

QUESTION 1: PREMIER'S RECORD OF LEADERSHIP

Hon. Ben Smith: Mr. Speaker, the Honourable Minister Hayward has spoken publicly of the need for better execution of cost of living, housing, healthcare and education, while MP Curtis Dickinson has spoken of the need for integrity and telling Bermuda the truth.

After nine years of the Premier's leadership, does the Honourable Premier recognise any weakness of his Government's execution and integrity under his leadership?

The Speaker: Premier.

Hon. E. David Burt: I see that we are off to a wonderful start, Mr. Speaker, this morning, and it is incredible. And I am happy that the Opposition Leader has recognised that.

[Crosstalk]

Hon. E. David Burt: I mean, hopefully it will be my last Premier's Question Period. We shall see.

Nonetheless, Mr. Speaker, let me say this. Having served in this office for nine years, it has been an immense privilege to have held this office and expect that I will, I think at this point in time, be the second longest-serving Premier in this country's history.

In regard to the matters of which he has put forward, I would say that we have a balanced record over nine years. Have mistakes been made? Yes. I have made mention of that in many points of time. But the reality is also that we have made tremendous progress in balancing a budget, returning the country to surplus—

Hon. Zane J. S. De Silva: That's right.

Hon. E. David Burt: —making sure that we have introduced a minimum wage, making sure we have record investments in affordable housing, making sure we cut taxes on workers across this country, while also making sure that we bolstered labour protections.

There's a significant amount of work of which we have done. And we are going to continue to make progress on those particular matters as long as I am in office. And I have no doubt that after I leave office, and the Progressive Labour Party Government continues in office, we will continue to make the progress in line with our manifesto commitments to this country.

The Speaker: Thank you, Premier.

Opposition Leader, do you have a supplementary or a new question?

Hon. Ben Smith: I have a supplementary for that, Mr. Speaker.

The Speaker: Okay.

SUPPLEMENTARIES

Hon. Ben Smith: Mr. Speaker, considering that it is a Cabinet Minister who has called for better execution, what has prevented the Government from delivering that execution?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, in any case and instance, there could always be something better. And so, I am not going to try to take on the Honourable Minister's . . . I mean the Honourable Opposition

Leader's statements, who is trying to turn around. Because I have said in other cases that in places we need to execute better, I do not believe that there is any leader of any government in any particular country who has not at one particular time said that we can do better on execution on a number of things.

That is the reason why we reformed the public service, that is the reason why we are making sure that we are increasing salaries inside the public service to ensure that we can retain capacity. And that is the reason why we are putting forward additional funds, that is the reason why we streamlined the procurement code to make sure that more projects can come. So that is the reality, Mr. Speaker. You look at what you have, you figure out how you adjust and then you make things better. That is the reality, Mr. Speaker.

So, I do not believe there is a single government leader that would not say that we can execute things better, because that is the process. You find what you have and you continuously try to improve on it for the benefit of the country. And that, Mr. Speaker, is what this Government has done.

[Inaudible interjections]

The Speaker: Thank you.

Supplementary or your second question?

Hon. Ben Smith: Supplementary, Mr. Speaker.

Mr. Speaker, considering that another one of his caucus members, MP Curtis Dickinson, is talking about integrity, would the—

[Laughter and inaudible interjection]

Hon. Ben Smith: —Honourable Premier please tell us whether he sees any specific deficiencies in the integrity of the leadership?

Hon. E. David Burt: The answer to that question, Mr. Speaker, is no. And if you look at the record of this Government, the work of which we have done, the things of which we have accomplished on behalf of the people of this country, I think that that is it. So, we can look back on my history and recognise that mistakes have been made, mistakes that I have admitted to, but the reality is we press forward and we press ahead.

Here's what's important, Mr. Speaker, let's remember what we have delivered. And a significant delivery . . . a few weeks ago there was an advertisement that went out for 500 jobs at the Fairmont Southampton—

Hon. Zane J. S. De Silva: Mm-hmm.

Hon. E. David Burt: —a project that is coming towards its completion. This is progress that we make

because we continue to do the work inside of this Honourable House. Continued investment coming to this country, continued construction growth. That is the work of which we are doing. And, Mr. Speaker, as I said, no matter who takes office after me, it will be a Progressive Labour Party Government that will lead this country forward executing our election manifesto commitments, committed to a more affordable and a fairer and better Bermuda for all.

The Speaker: Your second question now, you used the two supplementaries.

QUESTION 2: ECONOMIC DIVERSIFICATION ANNOUNCED BUT NOT DELIVERED

Hon. Ben Smith: Yes, thank you, Mr. Speaker, second question.

Mr. Speaker, the Premier's Government has announced an arbitration centre, casino gaming, vertical farming, and fisheries development centre. Considering the Government's record on these economic initiatives, does the Premier accept that economic diversification should be measured by results, not announcements?

The Speaker: Premier.

Hon. E. David Burt: Absolutely, and we have plenty of results to speak [about], Mr. Speaker.

Hon. Zane J. S. De Silva: Yes, we do.

Hon. E. David Burt: But what the Government will not do is we will not go through something without making sure we think it through and get it right. And so that is our plan and that is our record. Look at what we have delivered—

Hon. Zane J. S. De Silva: That's right.

Hon. E. David Burt: —on what we have gotten right.

The Speaker: Supplementary or third question?

Hon. Ben Smith: Supplementary, Mr. Speaker.

SUPPLEMENTARIES

Hon. Ben Smith: Mr. Speaker, on those specific initiatives that I pointed out that were announced by this Government, can the Premier tell us how many permanent Bermudian jobs were actually created from those initiatives?

The Speaker: Premier?

Hon. E. David Burt: Mr. Speaker, I cannot speak to that because I do not have that off the top of my head.

The Speaker: Thank you.
Second supplementary?

Hon. Ben Smith: Second supplementary, Mr. Speaker.

The Speaker: Yes.

Hon. Ben Smith: Would the Honourable Premier and Finance Minister be able to tell us any tangible economic results that came from those initiatives that I spoke of?

Hon. E. David Burt: So, Mr. Speaker, let's talk about tangible economic results if the Honourable Member wants to do so. We can talk about the fact that that Government promised, or that party promised to create 2,000 jobs while in office and lost 2,000 jobs in office.

Hon. Zane J. S. De Silva: Oh, that's right.

Hon. E. David Burt: But we can talk about this Government, which took the country through a once-in-a-century pandemic, executed an economic recovery plan and has seen strong and sustained growth, the largest number of unions in international business ever, while also continuing to deliver on reducing taxes, while balancing things and balancing the budget before a single—

[Inaudible interjections]

Hon. E. David Burt: —a single—

Mr. Scott Pearman: —he protects his own . . . lies!

Hon. E. David Burt: And here he comes, Mr. Speaker.

The Speaker: I'll ask you . . . just withdraw that word.

[Inaudible interjection]

Mr. Scott Pearman: I'll drop it.

The Speaker: Thank you.

Mr. Scott Pearman: I will gladly . . . the Premier put taxes up last week.

The Speaker: But, but . . . just withdraw the word. That's all. That's all.

[Inaudible interjections]

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, it is rich to hear from an Opposition that increased taxes on workers to the highest level in history complain about a tax rate that is lower than where they left this country. Mr. Speaker, that is the reality of where we find ourselves.

So, I am sure the Honourable Member will have an opportunity to ask this question, and I am sure I will have an opportunity to set the record correct. But let's go ahead and continue down the path, Mr. Speaker, because the work that is taking place on our economy is real.

And let me quote some statistics, Mr. Speaker, because I actually think that it is particularly important when we are talking about this to actually look at what the facts say.

Mr. Scott Pearman: The facts are that tax is up.

Hon. E. David Burt: So, the Government reported real GDP growth that took place this year. Consumer spending has risen. We have employment income that's up 6.3 per cent overall.

Hon. Zane J. S. De Silva: Aah!

Hon. E. David Burt: They like to say that it's only on international business.

The construction sector up by 12 per cent. Public administration and defence up by 11.6 per cent. Banking, insurance, and real estate up by 6 per cent. All of them higher than the international business sector, which went up by 5.3 per cent. Hotel and restaurant sector up by 4.5 per cent. Wholesale and retail up by 3.3 per cent. Construction investment increased by 8.1 per cent. And air arrivals up on year over the next.

Mr. Speaker, we are continuing to make progress, and we will continue to do so.

The Speaker: Your third question.

Hon. Ben Smith: Yes, my third question, Mr. Speaker, and it's always wonderful to hear the Premier answer the question the way he feels like it.

The Speaker: Put the question. Put the question.

QUESTION 3: MARKET CONSOLIDATION LEGISLATION

Hon. Ben Smith: Mr. Speaker, in 2024 the Government acknowledged that there was a lack of legislation tools to address harmful market consolidation and committed to introducing them. Two years later, that legislation is not here, and the consolidation is impacting Bermudians.

Can the Premier please explain why it has taken so long?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, we will continue to work through the issues in methodical fashion. The Honourable Member will know that there is currently a consultation out for a Competition Act. The Honourable Member will also know, in the matters related to health care, that there is also a consultation out regarding reforms and changes to the monitoring and regulation of changes inside the health care sector. The Honourable Member knows that. He gets it. But the reality is that we are not going to be rushed into getting policy decisions right.

What you must do is you have to look at the thing. But it is interesting, because in one particular case and instance they will say, *What's taking you so long?* And then when the Government brings things to actually deal with the particular issues, it is either "rushed" or "gone too fast" or they don't support it.

Let's look at cost of living. Let's look at cost of living. We have a party opposite that does not believe that the public should know where tax cuts go when it comes to retailers and wholesalers.

Dr. Douglas DeCouto: Point of order, Mr. Speaker.

Hon. E. David Burt: That is the reality.

The Speaker: Point of . . . what is your point of order?

POINT OF ORDER

[Misleading]

Dr. Douglas DeCouto: The Premier is no doubt unintentionally misleading the House.

The Speaker: What is your point?

Dr. Douglas DeCouto: We are on the record saying that we opposed that Bill because of the price controls aspects of that Bill. But we supported the price and information transparency aspects of that Bill.

[Desk thumping]

Dr. Douglas DeCouto: So, I would invite the Premier to retract his statement.

An Hon. Member: Yes.

Dr. Douglas DeCouto: Thank you, Mr. Speaker.

The Speaker: Premier, they want to go . . . the Opposition would like to go on record that they are in support of the Bill.

An Hon. Member: Hmm.

The Speaker: They are just—

Hon. E. David Burt: Mr. Speaker, they can't be in support of a Bill they voted against.

The Speaker: Wait, wait—

[Inaudible interjections]

Hon. E. David Burt: They can't be in support of the Bill they voted against.

The Speaker: Wait, wait! Let me take that context. They are in support of the principle of the Bill. It's a wording or a piece of the Bill that they want to clarify.

[Inaudible interjections]

The Speaker: But they want to be—

[Inaudible interjections]

The Speaker: —and we know where the vote went, so I am not disputing the vote.

Hon. E. David Burt: But, Mr. Speaker—

The Speaker: We know where it went. But they want to go on record that they support the policy. How's that?

Hon. E. David Burt: Mr. Speaker, it's very funny. You support the policy but vote against the Bill. That's the One Bermuda Alliance.

[Laughter]

Hon. E. David Burt: It's almost like—

Dr. Douglas DeCouto: Point of order, Mr. Speaker.

Hon. E. David Burt: —all the things of which they say—

POINT OF ORDER

[Misleading]

Dr. Douglas DeCouto: Point of order, Mr. Speaker.

Again, the Premier misleads the House. The Bill had multiple components, one of which was price transparency and things related to that, and one of which was price control. And unfortunately, we are not in a position to pick and choose. And therefore, we believe strongly that the price control component—

[Gavel]

Dr. Douglas DeCouto: —was detrimental and therefore we opposed the Bill.

The Speaker: Member, that's just what I said. I was supporting your case just now when I said to the Premier that you supported the principle, but it was a piece of it that prevented you from voting for it.

That's what was said, Premier.

Hon. E. David Burt: Mr. Speaker—

POINT OF ORDER

Hon. L. Craig Cannonier: Point of order, Mr. Speaker. He needs to retract an incorrect statement.

An Hon. Member: He does!

Hon. L. Craig Cannonier: We have had to [correct] incorrect statements before that we have made. He needs to retract it.

The Speaker: Okay, got you.

Hon. L. Craig Cannonier: He is incorrect.

The Speaker: Premier, Premier.

Take your seat, Opposition Whip.

[Inaudible interjections]

The Speaker: Premier, Premier, what they want you to clarify is the fact that they supported the Bill in principle.

[Inaudible interjections]

The Speaker: Even though they didn't vote for it, they are in support of it in principle. That's what they want to hear. That's all.

Hon. E. David Burt: Mr. Speaker, the record would reflect that the Opposition neither proposed an amendment and they voted against the Bill.

[Inaudible interjections]

Hon. E. David Burt: And so, and so, Mr. Speaker, let's be clear: They talk a good game. But when it comes time to support and vote along with the Government on measures to protect Bermudians, they are always on the wrong side.

POINT OF ORDER

[Misleading]

Mr. Dwayne Robinson: Point of order, Mr. Speaker. Point of order. The Premier is intentionally misleading the House.

We have voted along with Government on measures that help Bermudians every House session when we come here. And also, it is rich that the Prem-

ier would suggest that we need to bring amendments, because when we bring legislation and amendments to this House, they don't accept it.

[Desk thumping]

Mr. Dwayne Robinson: So, he needs to retract that, Mr. Speaker.

An Hon. Member: One hundred per cent.

The Speaker: Okay.

[Inaudible interjections]

Mr. Dwayne Robinson: He needs to retract that.

The Speaker: Premier, the record . . . the Member would like the record to reflect that they do support Bills that Government brings.

An Hon. Member: Yes!

The Speaker: Because—

Hon. E. David Burt: Mr. Speaker,—

The Speaker: —the interpretation was that they did not support Government Bills; but they do want [the record] to reflect that they do support—

Hon. E. David Burt: Mr. Speaker, I remember how you started this thing, hoping that we would have co-operation.

[Inaudible interjection]

Hon. E. David Burt: And so, Mr. Speaker, let the record reflect. Here are the facts. There was a platform put before this country that said that price transparency is something that is wished and required.

An Hon. Member: Not controls.

Hon. E. David Burt: Here's the thing, Mr. Speaker, we brought a Bill to this House in order to do such.

An Hon. Member: With price controls.

Hon. E. David Burt: The Opposition did not support that Bill, and the Opposition did not propose an amendment to that Bill.

[Inaudible interjection]

Hon. E. David Burt: Whether or not what would happen, they can speculate on what may or may not [have] taken place. But the record reflects they brought no amendments and they voted down the Bill.

End of story.

[Inaudible interjections]

The Speaker: Now, the second question . . . where were we? Do you have a supplementary on your third question?

Hon. Ben Smith: Yes, thank you.

The Speaker: Your first supplementary.

SUPPLEMENTARIES

Hon. Ben Smith: Thank you, Mr. Speaker.

Mr. Speaker, during the two-year period that the Premier has not been able to get the legislation forward, even though at some point he said it was imminent—

An Hon. Member: Imminent?

Hon. Ben Smith: —what has happened is that major insurance companies have merged, which has actually had a significant impact because they cover insurance, medical services and pharmacies, which is impacting Bermudians.

The Speaker: Put your question.

Hon. Ben Smith: What action did the Government take to prevent this excessive concentration that is impacting Bermudians?

[Inaudible interjections]

Hon. E. David Burt: Mr. Speaker, I have spoken on this matter, particularly, in this House. And I will repeat again, as mentioned inside of the Throne Speech, as mentioned inside of Statements, as mentioned in previous Premier's Question Times in questions posed by the same Honourable Member and Members opposite. We understand the laws of this country. Unless they are asking for the Government to act outside of the law, there is no power to—

An Hon. Member: You write the laws.

Hon. E. David Burt: There is no power, Mr. Speaker.

[Inaudible interjections]

Hon. E. David Burt: I will wait for them to listen if they want to know the answer, Mr. Speaker.

Mr. Scott Pearman: Oh, there is no answer. You did nothing.

Hon. E. David Burt: I will wait for them to listen, Mr. Speaker.

So, Mr. Speaker, here is the reality. If you do not have the power to do so, you must then go ahead and change the law. I mentioned in the first answer there are currently two consultations out, one dealing with the health care sector, the second dealing with the Competitions Act. Both are platform commitments that I sincerely hope when they come to this Honourable House, the Opposition will support. But, given the history, they will probably find a reason not to.

The Speaker: Yes, you have a second supplementary?

Hon. Ben Smith: Second supplementary, thank you, Mr. Speaker.

So, Mr. Speaker, would the Premier agree that during that period it would be up to his Government to write the legislation that would have changed the issue that he talked about in 2024? Or was he waiting for the Opposition to write amendments for that Bill that hasn't arrived?

An Hon. Member: Hmm.

Hon. E. David Burt: Mr. Speaker, I am happy that he slammed his laptop closed. I think he feels like he was having a performance.

[Laughter and inaudible interjections]

Hon. E. David Burt: Hold a second.

The Speaker: Talk to the Chair. Talk to the Chair.

Hon. E. David Burt: And so, he doesn't like the answers; but the answers are what is actually taking place.

[Inaudible interjections]

Hon. E. David Burt: So, I will then go ahead, Mr. Speaker, and repeat for everyone who wants to hear.

[Inaudible interjections]

Hon. E. David Burt: The policy development process in this country requires—

Mr. Scott Pearman: Imminent.

Hon. E. David Burt: —requires—

Mr. Scott Pearman: Imminent.

Hon. E. David Burt: —consultation to take place.

We are talking about major changes to the power of the Government over matters that are relat-

ed to the private sector. It is something that we must make sure that we balance and get right.

And so, I urge the Honourable Members opposite to go ahead and respond—

[Inaudible interjection]

Hon. E. David Burt: —to the competition—

[Inaudible interjection]

Hon. E. David Burt: —respond to the competition . . . the consultation on the Competition Act, and also the consultation on health care reforms, so their matters can be taken into account so hopefully they cannot find a reason to vote against the Bill when it comes to this Honourable House.

The Speaker: Thank you.

Members, Opposition Leader, that was your three questions expired.

The next Member who has questions this morning is MP Campbell.

MP Campbell.

QUESTION: THRONE SPEECH PLAN

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

Mr. Speaker, I would like to ask the Premier, given the postponement of the processes leading to the election of his successor as PLP leader and therefore Premier,—

[Inaudible interjection]

Mr. Vance Campbell: —has any consideration been given to postponing the Speech from the Throne, thereby allowing (wherever possible) his successor to shape the legislative agenda over the next year so that it better aligns with their vision for Bermuda?

The Speaker: Premier.

An Hon. Member: That's an excellent question.

Hon. E. David Burt: Mr. Speaker, the Honourable Member opposite should know (well, I would hope because he served as a Minister) that there is not a Throne Speech unless the legislature is prorogued. And I have no intention of proroguing the Legislature until we are done with our work.

So, if there's no prorogation . . . you know, we had this conversation and discussion. So happy to inform the Honourable Member that a Throne Speech is not required. A Throne Speech only happens at the opening of a new session after a prorogation. A prorogation is done under our Constitution by the Premier. And what I will do is I will prorogue the legislature prior to my resignation from this post to enable a new

Premier to go ahead and call in a new session of the Legislature. That was always the plan and that will be the plan. It may be delayed; but it was always the plan.

[Inaudible interjections]

The Speaker: Supplementary?

Mr. Vance Campbell: No supplementary.

The Speaker: Okay, thank you.

The next Member who has questions this morning is MP Bean.

MP Bean, would you like to put your questions?

QUESTION: MANGROVE BAY HEALTH CENTRE REOPENING

Pastor Leroy Bean: Yes, good morning.

Mr. Speaker, with this Government reopening the Mangrove Bay Health Centre in Somerset, can the Honourable Premier update this Honourable House on this project, the commitment that Government has made in the West End community, and what services residents will now be able to access there?

The Speaker: Premier.

Hon. E. David Burt: Well, Mr. Speaker, I know for a fact that you would be very pleased to have seen the opening of this. And although you have to take the space of, you know, impartiality when you take the Speaker's Chair, inside of your community health services [are returning back] to the West End.

But I certainly thank the Honourable Member for his question because it is a great example of a commitment moving from an announcement, through funding and construction, to a service that Bermudians can actually use, Mr. Speaker. What I will call execution and delivery on matters related to the expansion of health care provisions in this country. So, whether or not it is St. George's, whether or not it's Somerset, whether the expansion of health care, whether it's free annual physicals throughout the country for FutureCare and HIP persons, or the expansion of health care, we have a very proud record on the expansion of health care services in this country.

And, Mr. Speaker, the opening on Wednesday by the Honourable Minister of Health and the Honourable Minister of Public Works and Environment was possible due to continued allocations from our record capital budget to make sure that we began the renovation of the Mangrove Bay clinic to ensure that the West End would be able to access important community health care service.

Now, what will the services provide there, Mr. Speaker? Oral health services, well baby visits and immunisations, physical and occupational therapy, speech language services, sexual and reproductive health care, adult wellness services, and integrated mental health services in partnership with the Mid-Atlantic Wellness Institute.

Full-service delivery is scheduled to begin on 5 October, and I am certain that the people in the West End will welcome the fact that there are purpose-built clinical rooms, a dedicated dental suite, laboratory and examination rooms, vaccine and isolation rooms, and significant structural upgrades.

So, I want to commend the Ministers who are responsible, and I want to say to the people of the West End that the Government will continue to make the investments to improve provision of [health care] in their community.

The Speaker: Supplementary?

SUPPLEMENTARY

Pastor Leroy Bean: Yes. Mr. Speaker, can the Honourable Premier also speak to the significance of the naming—

[Inaudible interjection]

The Speaker: Supplementary . . . go ahead.

Pastor Leroy Bean: —of this new facility after Alice Scott?

The Speaker: Premier.

[Inaudible interjection]

Hon. E. David Burt: Mr. Speaker, I think from a historical perspective it is important to note, because this Government has a record of making sure that we recognise Bermudians who have contributed to this country in the naming, whether it is the naming of ferries, whether it's the naming of buildings, or whether it is the naming or renaming of particular items. And I think that it is entirely fitting that a community health facility in Somerset carry the name of a woman whose life embodied service to that community and to the West End.

Alice Scott was one of the first Bermudians to qualify as a registered nurse. She served for decades as a nurse and midwife, established the Shady Rest Nursing Home, helped found Sandys Secondary, and was involved in Bermuda's women's suffrage movement.

And public buildings can do more than provide services, Mr. Speaker. They can also preserve stories of Bermudians whose contributions helped build the country we enjoy today. And every person in the West

End who visits that facility will now remember and know the history and the contributions of Miss Alice Scott to this country.

The Speaker: Thank you. No further supplementaries?

The next MP who has a question for you is MP King.

MP King.

QUESTION: CYBERSECURITY RISKS, MEASURES BEING TAKEN TO GUARD AGAINST

Mr. Robert King: Thank you, Mr. Speaker.

Yes, this question concerns cybersecurity risks. Would the Premier and Minister of Finance please inform this Honourable House what measures are being taken to protect Bermuda from cybersecurity risks understanding that on 20 September 2023 we had a cyberattack which shut down the government and we were required to pay a ransom. And given the recent developments with AI and the threats that it poses, what specific steps is the Government taking to protect Bermuda?

The Speaker: Premier.

Hon. E. David Burt: Thank you, Mr. Speaker. I thank the Honourable former Opposition Leader for his constructive question. I guess when you can become . . . you know, move seats, that you . . . you know, find things that are there.

So let me talk about this because this is a very good question, Mr. Speaker, and it's a question of which we spend a significant amount of time on, and it's a question of which we have certainly engaged in the recent meetings and discussions as recognised in the communique with the other leaders of Overseas Territories who were in Bermuda two weeks ago as they visited this Honourable House, Mr. Speaker.

So, on the question related to cybersecurity defences, artificial intelligence, frontier models, and the challenges which they pose, this is something that the Government had recognised early. It is something that was advanced through the Ministry of National Security. The Honourable Member would know that we have a cybersecurity unit. But what was further is because many high-level organisations and governments have been given pre-access to frontier models that have come out from the top AI firms, such as Anthropic and OpenAI, which have been shown to have significant power to penetrate cyber defences.

We made a special request to the UK National Crime Agency [NCA] and National Cyber Security Centre [NCSC] to ensure that those particular early access tools could be made available to regional governments as well so we can test our systems by using

that and make sure that we can identify any particular challenges.

On broader matters related to cybersecurity, the Honourable Member would know that there have been significant improvements and upgrades and investments on matters that are related to cybersecurity and additional funding. He will recognise that there was even a recent supplementary funding package that was passed in this House with additional funds towards cybersecurity and cybersecurity defences.

The approach of this Government is to take cybersecurity as national security. And so, from that particular perspective, Mr. Speaker, I think it is important to note and to recognise that this Government continues to do its work to upgrade the cybersecurity defences and to make sure that we have access to the latest tools to ensure that Bermuda can be prepared.

The Speaker: Thank you. Supplementary?

Mr. Robert King: No, Mr. Speaker, second question.

The Speaker: Second question? No, you only allowed one question.

Mr. Robert King: Sorry about that.

The Speaker: You are allowed one question and two supplementaries.

Mr. Robert King: Yes, yes, no worries.
Thank you for the answer.

The Speaker: Okay, no problem.

The next question this morning would be from MP Robinson.

QUESTION: SENATE, POLICY POSITION ON ABOLISHMENT OF

Mr. Dwayne Robinson: Thank you. Good morning, Mr. Speaker. Can I ask the Honourable Premier about his policy position on the abolishment of the Senate of Bermuda?

Thank you.

[Laughter]

Hon. E. David Burt: Well, I am certainly not going to make one up on the fly, Mr. Speaker, because I can assure the Honourable Member that I have no policy position on the Senate.

But what I can tell the Honourable Member is . . . and this is important. What I can tell the Honourable Member is I served in the Senate, as many other Honourable Members on this side served the Senate. And I think that he did as well. The Senate is a far different place now than it was before, Mr. Speaker, be-

cause the Senate is supposed to be a checking branch. It is not supposed to be a branch that blocks the democratic will of the people.

An Hon. Member: Aah!

Hon. E. David Burt: And in the United Kingdom, Mr. Speaker,—

[Inaudible interjection]

Hon. E. David Burt: —in the United Kingdom, there is a well-known convention called the Salisbury Convention, which applies to unelected Upper Houses. And what the Salisbury Convention says, Mr. Speaker, is that if a Lower House passes something that is a manifesto commitment, the Upper House may return views and thoughts on it, but it will not block its implementation.

That is something that was always observed when I was in the Senate long ago. But it is not something that is currently observed, Mr. Speaker.

Hon. Zane J. S. De Silva: Aah!

Hon. E. David Burt: So, on the matter related to the abolition of the Senate, I have absolutely no view. It is not ever something that I have considered. When it comes to matters related to constitutional reform, I have been very clear of the only matters that the Government is really concerned with. And I sincerely hope that we can work with the Opposition on this particular matter because we need to fix this belongsers issue. That is the biggest issue that is causing challenges when it comes to housing and other things inside this country.

But on other matters related to broader structural reforms and others, I have no view, Mr. Speaker, so I am not going to make one up.

The Speaker: Supplementary?

[Inaudible interjection]

The Speaker: No . . . supplementary?

SUPPLEMENTARY

Mr. Dwayne Robinson: Yes, supplementary. And I guess the Premier has led into my second question, because we have heard rhetoric from the Government, especially from a Government Minister, regarding the Senate. And so, my question to the Honourable Premier is, What is his value placed on the Senators who serve in his Cabinet when this rhetoric is displayed to the people of Bermuda?

The Speaker: I think I am missing something—

Hon. E. David Burt: Mr. Speaker, first of all, I am sure that we are supposed to refer to it as “the other place” in this Honourable House. And I think the Honourable Member should know that.

[Inaudible interjections]

The Speaker: Wait, wait, wait, wait, wait, wait—

Hon. E. David Burt: The second thing that I would say, Mr. Speaker, is I have no idea what the Honourable Member is referring to. So, if he wishes to qualify those statements, then he can do so.

The Speaker: I was trying to follow where your question came from, but I don't know where you were drawing from on that.

Mr. Dwayne Robinson: It is very hard to follow him.

So, here is the thing. In the public domain, there have been several releases made by a Cabinet Minister in this Honourable House undermining and also attempting to persuade, or in some cases shame, Members of the other House. And that has been something that has been put out on social media. It is well recorded, well documented. And it hasn't happened once or twice. And we have heard that same rhetoric now displayed from the Premier.

So, I am asking him, what value is he placing on his Cabinet colleagues that sit in that Upper House when he displays, or his Government displays, that rhetoric towards the Upper House?

The Speaker: Premier.

Hon. E. David Burt: I am as confused as everyone else. And, Mr. Speaker, I will not ascribe a view to the look on your face.

Here is what I will say, Mr. Speaker. I will fully support any Minister of this Government that is doing the work to tackle the number one issue faced by people in Bermuda. The number one issue, Mr. Speaker, as it has been for a long time, is the cost of living.

So when the Government is elected on a manifesto pledge that lays out in its very first chapter all of the particular measures that it is going to take on the cost of living, and when an unelected body will go with the Opposition and oppose that, which is a manifesto commitment, which is the number one thing, not make any suggestions not to say, you know, I will return it back to the House, or take my view, which they have the right to do—

Mr. Scott Pearman: Point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Mr. Scott Pearman: The Honourable Premier is misleading the House. It was not a manifesto commitment by the PLP to introduce price controls.

Hon. E. David Burt: Mr. Speaker, I can assure you that I know my manifesto a lot better than he does.

[Inaudible interjections]

Hon. E. David Burt: And the reality is, they call it price controls, but it is not price controls, Mr. Speaker.

[Inaudible interjections]

Hon. E. David Burt: It is to make sure that we understand why businesses are increasing prices—

[Timer chimes]

Hon. E. David Burt: —on citizens in this country—

The Speaker: Thank you. Time is up.

Hon. E. David Burt: —and that is something that this Government will stand up for.

The Speaker: Time is up. Time is up. Again, for the listening audience, the 30 minutes which were allocated for the Premier's Question Period have just expired.

QUESTION PERIOD

The Speaker: And now we are going to the 60 minutes for the regular Question Period. And that regular Question Period will start with the questions [submitted in writing], and then we will move on to the questions on the Statements from today. With that said, let me readjust the clock so we have our 60 minutes on the clock.

The first written question this morning, and for the members of the audience who are listening, written questions can have either a written response or an oral response. For those that have a written response, it just needs to be indicated by the Member who asked the question whether they received a written response. The oral questions will be answered here on the floor.

So, the first question this morning was a question from MP Fahy to the Minister of Housing. And MP, have you received [the written answers to] your questions?

Hon. Michael Fahy: Good morning, Mr. Speaker, I have indeed. Thank you.

The Speaker: You have them? Thank you.

Hon. Michael Fahy: I have.

QUESTIONS ANSWERED IN WRITING

QUESTIONS: AHAC PROCUREMENT AND DUE DILIGENCE INQUIRY

Hon. Michael Fahy: On 26 June 2026 the Honourable Minister Zane De Silva undertook to share with this Honourable House the "rigorous technical and procurement evaluation" conducted by the Affordable Housing Advisory Committee ("AHAC") before certain contracts were given out to Coastal Precast Systems and Preconco Ltd. Will the Honourable Minister please provide this Honourable House with the procurement methodology document(s) and detail the rigorous technical and procurement evaluation utilised by the Bermuda Housing Corporation ("BHC")/Bermuda Land Management Company ("BLMC")/AHAC for the purposes of evaluating proposals made for the projects listed in the Minister's Statement to this Honourable House on 26 June 2026?

Hon. Michael Fahy: Will the Honourable Minister please provide this Honourable House with a full listing of all proposals received and considered by the AHAC for the developments at Morgan's Point, Victoria Place and Albert Row and Tommy Fox Road to which the Minister referred in his Statement of 26 June 2026 to this Honourable House? Including (i) the name of the entities that made proposals, (ii) date(s) the proposal(s) was/were considered by the AHAC, (iii) the overall number of units that the entity was proposing to build, (iv) the cost per square foot of each unit in the proposal(s), and (v) the reason(s) each proposal was either recommended for acceptance or rejection by the AHAC?

Hon. Michael Fahy: A statement released to the media dated 21 July 2026, by the Ministry of Housing and Municipalities said, "Following the technical assessment, Committee representatives visited the manufacturing facilities of some vendors to conduct direct evaluations of completed housing installations utilising the proposed systems, including an on-site inspection of capsule housing units in use to assess performance under actual occupancy and environmental conditions. This formed part of the Committee's broader due diligence process prior to making its recommendations." Will the Honourable Minister please advise this Honour-

able House of (i) the names of each manufacturer visited by AHAC representatives and/or the Minister, (ii) the date of the visits to the manufacturer by AHAC representatives and/or the Minister, (iii) the identity of the representatives of the manufacturer that the AHAC representatives and/or the Minister met, and (iv) the costs of all travel expenses incurred by BHC/AHAC/BLMC/the Ministry of Housing and Municipalities to attend the meetings with the said manufacturers?

The Speaker: The Member has the answers. Thank you.

The second question this morning is an oral question from MP Linda Smith to the Minister of Works.

Would you prefer . . . would you like to put your question now?

Ms. Linda Smith: Good morning, Mr. Speaker—

The Speaker: Good morning.

Ms. Linda Smith: —and House. Yes, I would. Thank you very much.

The Speaker: There are two questions, for the listening audience. So put your question, read it. Three questions, rather. Read them as they are.

QUESTION 1: CLIMATE CHANGE TASK FORCE

Ms. Linda Smith: Will the Honourable Minister please inform this Honourable House as to the size and composition of the original Climate Change Task Force that was announced as having been established in 2021 by the former Minister responsible for the Environment?

The Speaker: Minister.

Hon. Jache Adams: Good morning, Mr. Speaker, and I thank the Honourable Member for her question.

The mentioned original Climate Change Task Force consisted of approximately 10 persons, senior technical officers from various government departments, including the Department of Environment and Natural Resources, Works and Engineering, Planning, Estates, et cetera. Once a project manager has been selected, the task force will be reassembled to ensure the team's work is tracked, progressed, productive, and effective.

Thank you, Mr. Speaker.

The Speaker: Supplementary question?

Ms. Linda Smith: Yes, I do.

The Speaker: Yes.

SUPPLEMENTARY

Ms. Linda Smith: I wasn't clear. Were all of the representatives on the Task Force government employees, the representatives of employees? And what is the intention going forward in terms of . . . will it just be government people or will you be looking for members of the public as well?

The Speaker: Minister.

Hon. Jache Adams: So, to be clear, the original Task Force was all government officials. And it is being considered to have additional stakeholders involved in the Task Force going forward.

The Speaker: Second [question]?

Ms. Linda Smith: Yes, thank you, Minister, and thank you, Mr. Speaker.

QUESTION 2: CLIMATE CHANGE TASK FORCE

Ms. Linda Smith: Will the Honourable Minister please inform this Honourable House as to what were the terms, in terms of the financial compensation that was provided to members of the Climate Change Task Force, over the course of their tenure?

The Speaker: Minister.

Hon. Jache Adams: Mr. Speaker, as I stated earlier, all of the individuals on the Task Force were senior technical officers. So there has been no financial compensation provided to any member of the Climate Change Task Force outside of their normal salaries.

The Speaker: Okay. Those were your supplementaries. Would you like to ask your second question?

[Inaudible interjection]

The Speaker: No, no, those are two supplementaries. Now she's got a second question.

Ms. Linda Smith: This is a supplementary, yes.

SUPPLEMENTARIES

Ms. Linda Smith: Is it anticipated that the new task force will be a paid-for government board? And what kind of category of a government board might it be? And is its longevity in perpetuity, or is it something that will . . . a board that will take a look at a specific issue or project and then be disbanded?

The Speaker: Minister.

Hon. Jache Adams: Respectfully, Mr. Speaker, that's like three questions. Which question am I answering?

The Speaker: Can you be more specific about the answer that you are seeking [with] a single question?

Ms. Linda Smith: Okay. What will be the terms of the new Climate Change Task Force in terms of its compensation?

The Speaker: The terms of the new Task Force.

[Inaudible interjection]

Hon. Jache Adams: Yes, exactly. Mr. Speaker, the terms have yet to be decided. We are still in discussions. But they will meet regularly to discuss measures to ensure that this country is prepared for the effects of climate change.

The Speaker: Now you can move on to the second written question. You have had your two supplementaries.

[Inaudible interjections]

The Speaker: Oh, that was the second question? Okay, all right.

So, you have a supplementary on that one now.

Ms. Linda Smith: Second supplementary.

[Inaudible interjection]

Ms. Linda Smith: I could hear myself very well. I don't know about the rest of you.

[Laughter]

Ms. Linda Smith: My second supplemental on the second question is: Is it intended that the Climate Change Task Force will be a committee that will extend itself into perpetuity, or is it something that the Government's looking at to tackle a specific issue and then disband, and regulation will be brought forward?

The Speaker: The life of the—

Hon. Jache Adams: I thank the Honourable Member again.

The vision is for it to be roughly three years. Ultimately, the Task Force is designed to set out a plan. And then it will be on the Government of the day to then execute on said plan. But this is effectively receiving information, and based on that information, correlating to make sure that we have a cohesive plan forward.

The Speaker: Okay.

Ms. Linda Smith: I would like to thank the Minister for the answer. This is my third question.

The Speaker: Third question, yes.

QUESTION 3: CLIMATE CHANGE TASK FORCE

Ms. Linda Smith: Will the Honourable Minister please inform this Honourable House of how the Bermuda Climate Change Report that was sponsored by the British government in 2022 and released in 2024 is being used by Government to help inform decisions on risk mitigation, specifically the threat of erosion to shoreline developments existing and new.

The Speaker: Minister.

Hon. Jache Adams: For those who may not be aware, the report referenced in the question is the Smith Warner climate change study, which provided important information on the potential impacts of climate change in Bermuda, including coastal erosion, sea level rise and increased storm intensity.

The Ministry, through the Department of Works and Engineering and the Department of Public Lands and Building, uses this information to support infrastructure planning, engineering design and long-term asset management. This includes considering higher and more inland locations for new public facilities, designing coastal protection measures, such as seawalls and shoreline stabilisation works, and identifying upgrades needed to existing infrastructure to address future sea level rise.

In addition, Mr. Speaker, the Department of Environment and Natural Resources has been working with the Department of Planning and other stakeholders to consider how the study's findings can inform Bermuda's long-term planning framework, most notably those discussions on possible amendments to building codes and the like.

Mr. Speaker, the study continues to inform the work of the relevant departments as they plan for and address the long-term impacts of climate change on Bermuda.

Thank you.

The Speaker: Thank you. Would you like a supplementary to that one?

Ms. Linda Smith: No supplementary.
Thank you, Minister.

The Speaker: Thank you. Okay.

Minister, that's the end of the written questions that were submitted to you.

The next written question this morning would have been from MP Cannonier to the Minister of Tourism and Transport. The Member asking the question

and the Minister have agreed to carry that over until next week.

[Inaudible interjection]

The Speaker: And it's an oral . . . yes, it would have been an oral response. It was a written question.

The next written question this morning is from the Opposition Leader to the Minister of Tourism [and] Transport, Culture [and Sport].

Minister, have you received your answers? Member, rather.

Hon. Ben Smith: Yes, thank you, Mr. Speaker.

QUESTIONS ANSWERED IN WRITING

QUESTIONS: NATIONAL SPORTS CENTRE—FACILITY CONDITION, REQUIRED WORKS AND MAINTENANCE SCHEDULING

Hon. Ben Smith: Will the Honourable Minister please provide this Honourable House with the most recent condition assessment of every facility, building, sporting surface, system and major asset at the National Sports Centre, stating for each the date it was last assessed or inspected, its current condition, and any maintenance, repair or replacement that has been identified as necessary?

Hon. Ben Smith: Will the Honourable Minister please provide this Honourable House with the estimated cost of every outstanding maintenance, repair or replacement identified as necessary across the National Sports Centre, stating for each item the estimated cost, whether funding has been allocated, the amount allocated and, where funding has not been allocated, the amount still required?

Hon. Ben Smith: Will the Honourable Minister please provide this Honourable House with the planned schedule for every outstanding maintenance, repair or replacement identified across the National Sports Centre, stating for each item its priority, anticipated commencement date, anticipated completion date and whether the affected facility or asset will remain fully operational while the work is undertaken?

The Speaker: Okay. The next written question this morning, which also requires a written answer, is from MP Cannonier to the Minister of Tourism [and] Transport, Culture and Sport.

Have you received your answers?

[No audible response]

The Speaker: Yes, thank you.

QUESTIONS ANSWERED IN WRITING

QUESTIONS: NATIONAL SPORTS CENTRE—SOLAR PROJECT REVIEW

Hon. L. Craig Cannonier: Will the Honourable Minister please provide this Honourable House with the total cost of the solar energy project installed at the National Sports Centre, including a breakdown of the original contract value, any subsequent variations or additional expenditure, the names of all contractors and subcontractors engaged on the project, and the amount paid to each as of the date of this response?

Hon. L. Craig Cannonier: Will the Honourable Minister please provide this Honourable House with the total electricity generated by the National Sports Centre solar energy system, measured in kilowatt-hours, for each month since the system became operational, together with the projected electricity generation for each corresponding month and details of any period during which the system was partially or fully non-operational?

Hon. L. Craig Cannonier: Will the Honourable Minister please provide this Honourable House with the National Sports Centre's electricity expenditure for the financial year immediately preceding the solar energy system becoming operational and for each financial year thereafter, together with the total value of electricity savings or credits attributable to the solar project to date and the original projected annual financial savings and payback period for the project?

The Speaker: And that brings us to the close of the written questions for this morning. We will now move on to the questions on Statements that were given today. The first Statement this morning was by the Premier and Minister of Finance. You have a question from the Shadow Finance Minister.

MP DeCouto, would you like to put your question?

QUESTION 1: PUBLIC SERVICE SUPERANNUATION FUND PHASED REDUCTION OF THE LUMP-SUM CONVERSION FACTOR

Dr. Douglas DeCouto: Yes, good morning, Mr. Speaker. Good morning, House, and good morning to anyone who may be listening.

In the past, we debated the Public Sector Superannuation Fund reforms, the PSSF, which the Premier discussed in his Statement. And the purpose of those reforms was to ensure that those funds could adequately support the public service pensioners.

At the time of that debate—

The Speaker: Put your question. Get to the question.

Dr. Douglas DeCouto: Yes, I have to—

Several Hon. Members: No, you don't.

The Speaker: No, no . . . get to the . . . we are trying to get to the question.

Dr. Douglas DeCouto: It was promised at that time that there should be space in the fund's strength to increase benefits. And we have heard previously that they were going to increase the benefits.

Given this most recent announcement about the lump sum changes, will the Government still be able to provide the increased benefits that were promised? Or will the fund remain the strength that it was intended to have after the public sector pension reforms?

Thank you.

An Hon. Member: Multiple questions.

The Speaker: I am trying to relate that to . . . okay. Premier . . . I am trying to relate that to the specific Statement that was given . . . in reference to your overall question.

Dr. Douglas DeCouto: Maybe I should restate, Mr. Speaker.

The Speaker: And, and, and, and, and—

[Inaudible interjections]

The Speaker: And it's clear—

[Inaudible interjections]

The Speaker: No, no, no . . . just put a clear . . . one question.

[Inaudible interjections]

Dr. Douglas DeCouto: There's a lot of moving pieces to this pension reform, Mr. Speaker. A lot of moving pieces.

The Speaker: That's why you have supplementary questions. You can put one now. Put your main question now, and then the supplementaries.

[Inaudible interjection]

Dr. Douglas DeCouto: Will the Government still be able to provide its promised benefit increases and maintain the intended strength of the pension fund?

Hon. Zane J. S. De Silva: That's two questions again.

[Inaudible interjections]

Dr. Douglas DeCouto: The Government's promises with respect to the pension, given these recent announced changes to the lump sum payments.

Thank you, Mr. Speaker.

[Inaudible interjections]

The Speaker: Premier, will we be able to maintain the benefits and do what you . . . this morning?

Hon. E. David Burt: Mr. Speaker, pension benefits are set out in law.

So, I have no idea what he's referring to about an increase in benefits. The benefits are set out in law. We passed the law already. That's the law. What is he talking about?

If he wants to refer to something that was specifically stated regarding an increase in benefits, that's fine. But maybe he is confused. The Public Service Superannuation Fund has set things on how things are accumulated. There was never any view insofar as changes to how much people get. And the only benefits that people get from pension is the pension of which they get. So, I am not sure what he is asking.

[Inaudible interjection]

The Speaker: Would you like to put a supplementary question?

[Laughter]

The Speaker: Your first supplementary?

Dr. Douglas DeCouto: I thought the Premier understood this stuff; but it sounds like not so much.

The Speaker: No, no, no, no, no, no, just—

Dr. Douglas DeCouto: He actually ignored the part of my question—

The Speaker: Put your first supplementary.

Dr. Douglas DeCouto: —about the pension funding levels, which the original reforms were intended to put the pension funds at a specific funding level.

The Speaker: Now put the question—

SUPPLEMENTARY

Dr. Douglas DeCouto: So, the supplemental will be—

The Speaker: Let me help you. Try to narrow your questions down. And when you go to law, you draw too many—

Dr. Douglas DeCouto: How would these lump sum changes impact—

The Speaker: —views on it. Just keep it precise.

Dr. Douglas DeCouto: —the funding strength of the public sector pension?
Thank you.

The Speaker: Premier.

Hon. E. David Burt: A simple question that can be answered.

Mr. Speaker, the changes, as we know, Mr. Speaker, that the . . . Let me get my podium.

Mr. Speaker, I am grateful that you are, I guess, helping the Honourable Member how to make sure we ask these questions.

[Inaudible interjection]

Hon. E. David Burt: And I say it from the perspective, Mr. Speaker, that there will be a new Minister of Finance. If he wants answers, he just needs to ask clear questions. We can give it to him.

So, the question that was posed was, how would these changes in the lump sum of—

[Inaudible interjections]

Hon. E. David Burt: I will wait for them unless they want to hear the answer.

The Speaker: Give the answer. I am listening.

Hon. E. David Burt: No, I can't hear myself think, Mr. Speaker.

The Speaker: I am catching every word. Go right ahead. Go right ahead. Come on; Give the answer.
I am listening.

[Inaudible interjection]

The Speaker: I am listening.

Hon. E. David Burt: I will wait for them, Mr. Speaker.

So, the question that was asked was, what would this do in the funding status of the fund? The policy which was announced as we discussed this, is that over . . . and the same thing that was discussed when we did the 10 per cent increase for public sector retirees. The view was to ensure that the fund over a 40-year period was at least a 90 per cent funding level. The earlier projection for the fund prior to these changes had the funding figure at 95 per cent. And these changes will have the 40-year funding level at 88 per cent.

So, we figured that it was good enough, of course adjustments can be made in the future. Those things can change and fluctuate, but that is the impact. So, 88 per cent funding level over the 40-year time horizon versus 95 per cent.

It should be noted, Mr. Speaker, that the original changes which we put into place had the funding level at 115 per cent, and that enabled us to do the increase for public sector retirees, which brought the funding level to 95 [per cent].

The Speaker: Thank you. Second supplementary or second question?

Dr. Douglas DeCouto: Second question, Mr. Speaker.

The Speaker: Okay.

QUESTION 2: PUBLIC SERVICE SUPERANNUATION FUND PHASED REDUCTION OF THE LUMP-SUM CONVERSION FACTOR

Dr. Douglas DeCouto: How many public service workers are eligible to retire and ask for lump sums at the April 2027 date referred to in the Statement?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, I don't want to give exact figures, but I think the figure is approximately . . . there are about 600 public servants currently who are eligible to retire. *Eligible*. And of course, eligible to retire can mean a lot of things. Eligible for early retirement, you know. That doesn't mean that there are 600 public servants who are about to hit the age of 68. That is 600 public servants overall who are eligible for retirement. And we know that many people work well past when they are eligible for retirement because they can do so.

The Speaker: Supplementary or third question?

QUESTION 3: PUBLIC SERVICE SUPERANNUATION FUND PHASED REDUCTION OF THE LUMP-SUM CONVERSION FACTOR

Dr. Douglas DeCouto: Third question, Mr. Speaker.

What specific plans is Government making with respect to workforce planning to accommodate these potential future retirement requirements, Mr. Speaker?

[Inaudible interjection]

The Speaker: It does fall outside of the Statement. I am trying to think how you can tie it into the financial aspect that was presented.

[Inaudible interjections]

The Speaker: And I am not sure.

Dr. Douglas DeCouto: Mr. Speaker, will you allow me to restate?

The Speaker: If you could readdress it, yes.

Dr. Douglas DeCouto: Yes, Mr. Speaker, the Statement made ample reference to public sector employees who were looking at retiring in April 2027 and how this lump sum conversion was perhaps causing some of them to retire early. And therefore, *da da da da da*.

So, Mr. Speaker—

The Speaker: The labour side will fall under another Ministry, though.

[Laughter]

The Speaker: The financial side will fall under this Ministry. But the labour side will fall under another Ministry in putting together a plan to address the labour issue.

Dr. Douglas DeCouto: As the leader of the executive, Mr. Speaker, I would have thought the Premier would be able to say something useful about the workforce plan for the Government.

The Speaker: But, but, but . . . part of it is when we [ask] questions on the Statement, it has to be guided by what was contained in the Statement. And what is contained in the Statement is reference to the financial impact and not the labour impact.

Dr. Douglas DeCouto: I will take your guidance. I certainly hope that the Premier is thinking about this with his colleagues.

Thank you, Mr. Speaker.

The Speaker: I am sure he is; but it's not in the Statement.

[Inaudible interjection]

The Speaker: Okay? No further question, then. Okay.

Dr. Douglas DeCouto: No.

Hon. E. David Burt: Mr. Speaker, can I respond? Can I respond?

The Speaker: After I cleared that it wasn't in the Statement, there is no need for you to state—

[Inaudible interjection]

Hon. E. David Burt: I can, Mr. Speaker. With the greatest of respect, this Honourable Member is allowed repeatedly to hurl epitaphs.

The Speaker: Okay.

Hon. E. David Burt: And just to say, *Oh, I hope the Premier is thinking about it. Maybe as the leader of the executive . . .* It's a nonsense, Mr. Speaker. It is a nonsense.

Of course, the Government engages in planning. And that is a matter for the head of the public service. And those matters are taking place.

The Speaker: And that's basically what I said, Premier. In defence of the Government, I said the question was related to another Ministry. And the other Ministry was well aware of them. I would assume that. It wasn't a financial matter that related to your Statement, Premier.

[Inaudible interjection]

The Speaker: Okay. That's why I took it back, Premier. That's why I didn't let the question continue as it was. Okay?

The next Statement this morning that has questions is the Statement by the Minister of Housing.

Your first Statement, Minister, has questions from MP Fahy.

MP Fahy.

Hon. Zane J. S. De Silva: Go ahead, Michael.

Hon. Michael Fahy: Good morning, Mr. Speaker.

The Speaker: Members.

Hon. Michael Fahy: Thank you to—

The Speaker: Go ahead. Come on.

QUESTION 1: BERMUDA AFFORDABLE HOUSING STRATEGY 2025–2035: CLOSING THE HOUSING GAP AND SECURING AFFORDABLE HOMES ACROSS GENERATIONS

Hon. Michael Fahy: —the Honourable Minister for putting before this House the final draft. And I am grateful as well for his explanation as to the dating of this paper that we have talked about many times. So, I am appreciative of the clarification.

[Inaudible interjection]

Hon. Michael Fahy: No, it is very good that we have received a lengthy explanation.

The Speaker: —talking across, but I need the question. He needs to put the question.

Hon. Michael Fahy: With that said—

The Speaker: We need to get the question.

Hon. Michael Fahy: Mr. Speaker, the strategy document lays out that there will be a Housing Authority Act by 2026. Can the Honourable Minister advise whether or not it is expected that a Housing Authority Act will in fact be tabled this side of Christmas?

The Speaker: Minister.

Hon. Zane J. S. De Silva: We are going to try our very best to do that, yes.

The Speaker: Okay. Supplementary?

SUPPLEMENTARY

Hon. Michael Fahy: It sounds like no, indeed.

[Inaudible interjection]

Hon. Michael Fahy: In respect of that Act, can the Minister confirm if prior to the laying of that Act there will be a consultation period in relation to the Housing Authority Act?

The Speaker: Deputy Premier?

Hon. Zane J. S. De Silva: Well, if he stops being so smart, we will be happy to consult.

The Speaker: I think the question was . . . the question was, is there a consultation with all those concerned?

Hon. Zane J. S. De Silva: Mr. Speaker, my history certainly shows that a lot of consultation takes place, and this will certainly follow that path.

The Speaker: There you go. Thank you.
Supplementary?

[Inaudible interjections]

Hon. Michael Fahy: No, no. No, thanks.

The Speaker: No supplementary?

Hon. Michael Fahy: No, not on that. Next question.

The Speaker: Oh, second question. Okay.

QUESTION 2: BERMUDA AFFORDABLE HOUSING STRATEGY 2025–2035: CLOSING THE HOUSING GAP AND SECURING AFFORDABLE HOMES ACROSS GENERATIONS

Hon. Michael Fahy: Thank you. The Affordable Housing Strategy, Mr. Speaker, lays out at Annex 6, a whole raft of commitments and different departments that are responsible for a whole bunch of different things.

Will the Minister actually lay out, or give an undertaking to bring to this House, a proper implementation schedule that lays out when dates would be actually anticipated for things to be done under Annex 6 of that strategy? There are actually no measurable outcomes in terms of dates.

The Speaker: Minister.

Hon. Zane J. S. De Silva: Mr. Speaker, I will gladly do that.

One thing I don't appreciate is the word "proper," because what he is doing is insulting all the people that work very hard to produce this document and produce future documentation.

The Speaker: There will be a schedule produced.

POINT OF ORDER

[Misleading]

Hon. Michael Fahy: Thank you. But point of order, Mr. Speaker. In his last statement he is misleading the House. Under no way have I suggested that this report is not proper. What I have suggested—

[Inaudible interjection]

Hon. Michael Fahy: —what I have suggested, and what I have said very clearly, is that there's no implementation schedule. That's not proper. It is improper to just say, *We'll do all of this*. But when? That's what people really want to know, Mr. Speaker.

So, it's not correct for him to say in any way that I have undermined anyone that has written this report. He needs to withdraw that comment, Mr. Speaker.

[Inaudible interjections]

Hon. Zane J. S. De Silva: Mr. Speaker, the word “proper” in the dictionary . . . I am sure the learned Member knows what it means, and I took it as it meant.

The Speaker: Okay. Supplementary or a second question . . . third question.

Hon. Michael Fahy: I have a third question.

The Speaker: Yes.

QUESTION 3: BERMUDA AFFORDABLE HOUSING STRATEGY 2025–2035: CLOSING THE HOUSING GAP AND SECURING AFFORDABLE HOMES ACROSS GENERATIONS

Hon. Michael Fahy: Thank you.

Mr. Speaker, the Affordable Housing Strategy does again make reference to the modular units. And again, there is an undertaking in that document that the modular units, which I believe were ordered back in April of last year, will be installed by the end of 2026. Can the Minister give an update to this Honourable House in respect of those particular units?

The Speaker: Minister.

Hon. Zane J. S. De Silva: I think what the Honourable Member is referring to are capsules, Mr. Speaker, not modular units.

Hon. Michael Fahy: That is correct. Thank you.

Hon. Zane J. S. De Silva: Yes. And those will be installed before the end of the year.

The Speaker: Supplementary?

SUPPLEMENTARIES

Hon. Michael Fahy: Thank you, Mr. Speaker. The Strategy, and also . . . and I thank you for the clarification of capsules, because the Minister is quite right. The Affordable Housing Strategy makes reference to the fact that there will be tenancies of 6 to 18 months in respect of those capsule homes. Can the Honourable Minister advise whether or not tenancies in fact have been entered into at this stage?

The Speaker: Minister.

Hon. Zane J. S. De Silva: No, they have not. But the Bermuda Housing Corporation has a list, and that list will take priority.

The Speaker: Okay. Supplementary?

Hon. Michael Fahy: Thank you. Can the Honourable Minister please advise what the number of persons currently is on that list of the Bermuda Housing Corporation to which he refers?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Well, I think the Honourable Member, when he says on that list, if he's talking about the critical list—

Hon. Michael Fahy: I am simply referring to the list the Minister made reference to in respect of those that would be in the capsule homes. What he said was that the persons that would be using those capsule homes would be firstly coming from the BHC list. If he meant the critical list, and I would be pleased to accept an answer about the critical list, if in fact it means to those capsule homes.

Hon. Zane J. S. De Silva: They will be from the critical list, yes.

The Speaker: Okay. And the number.

Hon. Michael Fahy: And the number, Mr. Speaker, was not answered in respect of that question.

Hon. Zane J. S. De Silva: The number is in excess of 130.

The Speaker: Thank you.

Minister, that is the end of questions for your Statement. However, your second Statement also has questions from the same MP.

MP Fahy, would you like to put your questions to the Minister in regard to his second Statement?

QUESTION 1: ADVANCING AFFORDABLE HOUSING: THE DR. CANN PARK II DEVELOPMENT

Hon. Michael Fahy: I would. Thank you, Mr. Speaker. I just would like to get, before I go into the other questions, some clarification.

So, question one. My understanding with the Dr. Cann Park II Development is that it is to be utilised for seniors. That was the beginning of the Minister's Statement. Later on in the Minister's Statement, he suggested that the people that would be, in fact, put into the units at Dr. Cann Park II would come from the BHC list for individuals and families. Perhaps he could add some clarification as to which list will be utilised for Dr. Cann Park II Development.

The Speaker: Minister.

Hon. Zane J. S. De Silva: Gladly, Mr. Speaker.

Mr. Speaker, Dr. Cann [Park] II will be predominantly seniors. But as you know, we have a pretty aggressive and significant . . . let's say, a very aggressive committee . . . and I shouldn't use the word aggressive. I should say very, very forward thinking. And in many of our conversations, there has been talk about mixing communities. So, there is a possibility that we may have some younger folks in Dr. Cann Park II. But it is yet to be determined.

You will know, Mr. Speaker, and so will the Honourable Member, that most of the people on our critical list are seniors. And they have to be given priority. But the intent is eventually [to] get to a stage, whether it be Dr. Cann Park II or whether it be Albert Row or Tommy Fox or any future development, certainly the feedback that we have received is to try and mix our communities such that we have better living conditions for all.

The Speaker: Thank you. Supplementary?

Hon. Michael Fahy: Thank you. And just to add—

The Speaker: Supplementary or second question?

SUPPLEMENTARY

Hon. Michael Fahy: Supplementary, please, Mr. Speaker, to get some further clarification in respect of that.

Is the Minister suggesting that once seniors are housed first, then others will be invited into that facility, or those units? Or is it certain seniors and then other families may or may not be given priority over seniors who are already on that list? How are those determinations going to be made as to who gets what first?

Hon. Zane J. S. De Silva: Mr. Speaker, to speculate the future is a little difficult at this stage. The one thing I can tell you, Mr. Speaker, is that we will build homes for people in this country like we have never seen before. Unlike the OBA during their period, where they done zero.

[Inaudible interjection]

The Speaker: Supplementary or . . . second supplementary or second question? Second supplementary or second question?

Hon. Michael Fahy: Second question, Mr. Speaker.

The Speaker: Okay.

QUESTION 2: ADVANCING AFFORDABLE HOUSING: THE DR. CANN PARK II DEVELOPMENT

Hon. Michael Fahy: Mr. Speaker, in respect of the BHC waiting list in this particular instance, not necessarily the critical waiting list, how many persons are currently on the waiting list to which the Minister will be referring to get people into these particular units?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Well, he did ask two questions, but I will answer the most important one. Our waiting list for families (he asked for individuals; for families) is over 665 at the present moment, Mr. Speaker.

The Speaker: Supplementary or third question?

Hon. Michael Fahy: Supplementary please, Mr. Speaker.

The Speaker: Supplementary.

SUPPLEMENTARY

Hon. Michael Fahy: In the Affordable Housing Strategy, that Strategy had said that from August 2025 onward it was hoped that the waiting list at BHC would decline by 8 [per cent] to 12 per cent year on year. Can the Minister advise whether or not that in fact has been a point that has been hit?

Thank you.

The Speaker: Minister.

Hon. Zane J. S. De Silva: Mr. Speaker, it will certainly be hit in the future. And my hope is, and I am sure the hope of the Honourable Member opposite is, that that number increases substantially in terms of percentages.

The Speaker: Supplementary or third question?

QUESTION 3: ADVANCING AFFORDABLE HOUSING: THE DR. CANN PARK II DEVELOPMENT

Hon. Michael Fahy: Third question, please, Mr. Speaker.

In terms of the development at Dr. Cann Park II, it's my understanding that Dr. Cann Park (we will call it [Dr. Cann Park] I) is actually under the Bermuda Housing Trust. And I am wondering if the Minister could add clarity as to . . . why is the mechanism BLMC renting (from what the Minister's Statement said) to the Bermuda Housing Corporation for onward rent by BHC to tenants?

Why was . . . I mean, has the Bermuda Housing Trust been considered in a different type of model than what the Minister is proposing in his Statement?

The Speaker: Minister.

Hon. Zane J. S. De Silva: BLMC own the property, Mr. Speaker. That's why we are going that route.

The Speaker: Thank you. Supplementary?

SUPPLEMENTARIES

Hon. Michael Fahy: Thank you, Mr. Speaker.

Could the Minister then, in respect of that particular build, please advise the House [of] the mechanism in terms of how those units are to be rented? The Minister said in the Statement that it is from BLMC to BHC to the tenant. Is that a straight cost through in respect of that arrangement? Is it . . . maybe he can give some explanation as to how that mechanism will actually work in practice.

The Speaker: Thank you. Minister.

Hon. Zane J. S. De Silva: I will be happy to give that mechanism to the Honourable Member by the end of play today.

The Speaker: Supplementary?

Hon. Michael Fahy: Thank you, Mr. Speaker. I appreciate the Minister's undertaking in that regard.

In addition, in relation to the rents that will be charged by the Bermuda Housing Corporation, the Bermuda Housing Strategy lays out about the definition of what is affordable. Can the Minister advise that the rents that will be charged for the units at Dr. Cann Park will fall within the definition of affordable housing that's laid out within the Affordable Housing Strategy?

Hon. Zane J. S. De Silva: Yes, they will.

Hon. Michael Fahy: Thank you, Mr. Speaker.

The Speaker: That's the close of the questions from MP Fahy to the Minister. And Minister, there are no more questions for your Statement.

The next Statement that has questions this morning is the Statement by the Minister of Youth, Sport, Development *[sic]* . . . gee, I am getting it wrong now, gee.

[Inaudible interjection]

The Speaker: Tourism *[sic]* . . . yes, Minister, in reference to your Statement on the litigation guardians.

MP King would like to put a question to you.

QUESTION 1: LITIGATION GUARDIAN SERVICE UPDATE

Mr. Robert King: Thank you, Mr. Speaker.

Understanding that the Office of the Litigation Guardian is to ensure that children have their voices clearly represented, the question I have is: Can the Minister confirm whether the Family Court considered section 35 of the Children Act 1998 in each of the 10 cases where children who were placed in overseas care did not have a litigation guardian representative?

[Crosstalk]

The Speaker: You need it to be repeated? Because I—

Hon. Tinee Furbert: I was waiting for you, Mr. Speaker.

The Speaker: Okay, I was trying to assess it too. Go ahead.

Hon. Tinee Furbert: Mr. Speaker, I can't answer that question. That is a question for the courts.

The Speaker: Supplementary or new question?

Mr. Robert King: Understanding the importance of the role of the litigation guardian—

The Speaker: Supplementary or new question?

Mr. Robert King: It's a supplementary question, sorry.

SUPPLEMENTARIES

Mr. Robert King: Understanding the critical importance of the role of the litigation guardian, and in the Minister's own Statement there was consultation with the judiciary, with the Department of Family Services, and other stakeholders. Can the Minister speak to what the reasons were for litigation guardians not being made to represent the children who were in care? Because with that consultation the Minister would understand why, because there were practice guidelines given for that very reason.

The Speaker: So, the question is, why was the litigation service not provided to the particular category of people?

Mr. Robert King: For what reason were they not, given that there are guidelines of practice?

The Speaker: Okay. Minister.

Hon. Tinee Furbert: Mr. Speaker, we can appreciate that the litigation guardian framework has been evolving since 2020, particularly under my Ministry. And you would have heard me report in my Statement as well that the number of young persons who have had

the opportunity to have litigation guardians has increased over the years. I can't speak to the reason why. I don't sit in the court proceedings. Again, that would be a question for the judiciary.

But I know if you followed the numbers that I shared in my Ministerial Statement, that those numbers and access to litigation guardians have increased year over year.

The Speaker: *[Microphone not on]*

Mr. Robert King: Supplementary, Mr. Speaker.

That answer is very concerning, understanding the critical importance of the role of the litigation guardian. And we all should be very concerned about that. Understanding vulnerable children and their needs, especially those who have been placed in overseas facilities, [and] not understanding the reasons why a child did not have representation by the very Minister who is responsible to ensure that those things happen—

Hon. E. David Burt: Point of order. Point of order. Point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

Hon. E. David Burt: The Honourable Member must retract his statement. It is very clear, and the Minister has stated on multiple occasions that the assignment of litigation guardians is a matter for the court.

Mr. Robert King: Mr. Speaker?

The Speaker: Be guided by the fact that it is a matter for the courts to govern and determine, in your questioning.

Mr. Robert King: Thank you, Mr. Speaker, for clarification.

According to the Practice Guidelines and training that the Minister and litigation guardians and members and staff from the Department of Child and Family Services received, there would have been a process, there would have been a protocol that established when a litigation guardian was required and when one was not. Understanding that there have been some historical problems—

Hon. Tinee Furbert: Point of clarity, Mr. Speaker.

Mr. Robert King: Let me finish, please, Mr. Speaker.

The Speaker: Wait, wait, wait, wait, wait, wait, one sec, one sec, one sec, one sec.

Somehow, we are trying to go down two different roads. And I am trying to put my ear to figuring out how we get back on the same road.

The litigation matter, what I am getting to understand from the Member right now, is that it actually falls under governing of the courts. Am I correct on that? Am I correct, Minister?

Hon. Tinee Furbert: Mr. Speaker, the appointment of a litigation guardian falls under the courts. Yes.

The Speaker: Which the Minister has no governing over how the courts interact with that.

Hon. Tinee Furbert: Correct, correct.

The Speaker: Okay, that is what I need a clarity on.

So, the question has to be understood that even though the Minister has brought this Statement on this today, how the litigation is governed and administered does not fall under the Ministry. It falls under the courts, which the Ministry and Government have no control over the courts in that regard.

So, your question has to be predicated to the Statement which [was] made and not necessarily to the governing of it, because the governing does not fall under the Government or the Minister. That falls under the courts. So, your question has to be aligned with that.

Mr. Robert King: Thank you, Mr. Speaker. I will ask a different question then.

By what performance measurement matrix can the Minister inform this Honourable House whether the current litigation guardian service is achieving its aims in respect of the children's representation?

The Speaker: Minister.

Hon. Tinee Furbert: Mr. Speaker, I just wanted to provide some clarity as well. The litigation guardian framework and guidelines are indeed for the litigation guardians. It is not for the magistrates or the courts to tell them how to run their courts. So, I just want to make that clear.

The litigation guardians . . . the litigation guardians provide a report that gives us information right now. The issue has . . . sorry, we have created an avenue for access for the voice of the child to be available in the courts through the service of litigation guardians. I cannot speak to every individual case because that information is confidential and kept per case. But we do collect satisfaction surveys through the parents as well as the children.

I don't have that information on me, but the litigation guardian . . . sorry, litigation guardian service does collect information on satisfaction surveys.

The Speaker: Supplementary—

Mr. Robert King: Second question, Mr. Speaker.

The Speaker: Second question.

QUESTION 2: LITIGATION GUARDIAN SERVICE UPDATE

Mr. Robert King: Minister, what mechanism currently exists to ensure that when the Department of Child and Family Services applies to the family court for a care order for a child to be sent overseas, the issue of independent representation is expressly identified and brought to the court's attention where appropriate without compromising judicial independence?

Hon. Tinee Furbert: Mr. Speaker, again, that question is for the judiciary. It is not for me to answer, Mr. Speaker.

The Speaker: Yes, I am trying to get . . . what I am trying to get clear here is that the administration of this guardian procedure, all the administration of it falls under the courts, Minister, and not under your Ministry.

Hon. Tinee Furbert: Mr. Speaker, it is . . . the court is the one that makes the decision on whether or not there is a need for a litigation guardian. They will also make a decision on whether or not there is litigation representation for a child in the courts. But that is not for the litigation guardians to determine.

The Speaker: Okay, so the court . . . the court will initiate the engagement and not the other way around.

So, your questions that speak to the administration—

Hon. Tinee Furbert: And just to, Mr. Speaker, just to be clear that neither does DCFS. I want to make that clear. There is a clear boundary of independence between DCFS and litigation guardians.

They have to speak on behalf . . . the litigation guardians have to speak on behalf of the child.

The Speaker: Member, when you put the question, be mindful of the framework that it should be in.

Mr. Robert King: No problem. I am going to simplify the question.

[Laughter]

The Speaker: That will help me greatly. Thank you.

[Laughter]

Mr. Robert King: No problem. I mean, it's a complex issue, especially because we understand the independence, the role of the judiciary, Department of

Child and Family Services, and the litigation guardian, whose fundamental role and responsibility—

The Speaker: Put the question.

Mr. Robert King: —is to ensure the rights of the child.

The Speaker: All right. Put the question.

Mr. Robert King: Simple question.

How . . . Can the Minister inform us whether the current system, as relates to litigation guardian services, is achieving its stated objectives, and what measurement is being used to measure that?

The Speaker: Minister.

Hon. Tinee Furbert: Mr. Speaker, if we could imagine that this service was not available before for young people, our children, it indeed would provide a valuable service for our children to have their voices heard in the court once the court deems that a litigation guardian is needed. And so, just knowing about the different reports coming back from the satisfaction surveys, those reports are stating that this is indeed a valuable service for our young people to have their voices heard in the courts. And I just want to mention as well, while we have the litigation guardians, it does not stop a magistrate from getting the voice of the child in the court as well. But it is helpful for the courts to be able to have this medium additionally.

The Speaker: Supplementary?

SUPPLEMENTARIES

Mr. Robert King: Yes, Mr. Speaker.

What I am hearing is anecdotal evidence or stories about the benefits of—

The Speaker: Okay, well put a question next—

Mr. Robert King: So, the question is,—

The Speaker: —so we can get an answer.

Mr. Robert King: —without an empirical measurement in terms of number of surveys, questions asked as it relates to performance in the overseas facilities here, tracking of progress and success of individuals who have exited the system or whilst in the system, how do we know if the system is working?

The Speaker: So, you are basically asking for benchmarks to measure against.

Mr. Robert King: Thank you, sir.

The Speaker: Okay. Whew, that was a long way around.

[Laughter]

The Speaker: Minister.

Hon. Tinee Furbert: Mr. Speaker, what the litigation guardian provides to the courts is a child case analysis. And so, they would go and they would meet with the child to gather information to find out how a child feels about a particular matter. And then they would report that back to the courts.

And so—

The Speaker: So, basically—

Hon. Tinee Furbert: It is—

The Speaker: Are there benchmarks in place that we can measure the success or the effectiveness of the programme?

Hon. Tinee Furbert: It is . . . I would say qualitative, right? And so that's why I say with the survey responses, how is the service being received, right? How is the service being received? I don't have the exact numbers, Mr. Speaker. I don't have that. I don't have that in front of me.

So—

The Speaker: But there are benchmarks.

Hon. Tinee Furbert: Correct.

The Speaker: Okay.
Where were we?

[Laughter]

The Speaker: Your third question now. You used your two supplementaries.

QUESTION 3: LITIGATION GUARDIAN SERVICE UPDATE

Mr. Robert King: No problem, Mr. Speaker. Would the Minister be prepared to provide the benchmarks and the measurements in written format to me? And that will be my final . . . final question.
Thank you.

The Speaker: Thank you.
Minister.

Hon. Tinee Furbert: Mr. Speaker, yes, I can do that.

The Speaker: The Minister has indicated that she will provide them for you at a future date. Okay? Thank you.

Minister, there are other MPs who have questions on that same Statement.

The next is the . . . MP Tucker.

QUESTION 1: LITIGATION GUARDIAN SERVICE UPDATE

Ms. Robin Tucker: Thank you, Mr. Speaker.

So, my first question is really just about clarity on something that was mentioned in the Statement. So, there was a point about capacity being under pressure during the first three quarters of 2025 when a pool of litigation guardians . . . when the pool of litigation guardians declined from five to three.

And then further on in the Statement, it said during 2025, Mr. Speaker, 27 new members . . . sorry, new matters were referred to litigation guardians and five were carried forward from 2024. So obviously a total of 32 cases were managed, which is what the Statement said during 2025.

So, what I am wondering is, did all, because obviously those—

The Speaker: Now put your question. Go ahead.

Ms. Robin Tucker: —cases would be managed at the last quarter of 2025.

So, does that then mean that there were five litigation guardians in place and they managed all 31 cases in the last quarter of 2025? Or were there three or four? Like how many of the guardians actually managed all of those cases in the last quarter of the year?

Thank you, Mr. Speaker.

The Speaker: All right.
Minister.

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

There was a period, Mr. Speaker, that we were down litigation guardians, and that was through illness or sickness. And so, it did not impact the service. The service was still being provided. It was just that there were increased caseloads between the three litigation guardian providers. We were able to bring back on board more litigation guardians in which now where we are today, there are approximately 26 cases are being managed through the five litigation guardians.

The Speaker: Okay.
Supplementary?

SUPPLEMENTARIES

Ms. Robin Tucker: Yes, Mr. Speaker. Thank you.

So, okay. So, my supplementary question is I would like to know whose responsibility is it to engage those persons who will be appointed as litigation guardians? Does that fall under the courts? Does it fall under the Ministry or some other?

Thank you, Mr. Speaker.

The Speaker: Minister.

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

That answer is in the Children's Act of 1991 [sic]. The Ministry does have responsible . . . the Minister has responsibility for appointing litigation guardians. And so, requests come in through the Ministry. There is an application process. There is also opportunity for training, which will actually . . . we are undergoing training with new litigation guardians who show interest come October. But that is managed through the Ministry because in the Children's Act of 1991 [sic], the Minister has responsibility for appointing litigation guardians.

The Speaker: Okay.

MP Tucker, do you have a supplementary or a new question?

Ms. Robin Tucker: A supplementary please, Mr. Speaker.

The Speaker: Go ahead.

Ms. Robin Tucker: Then can I just . . . if the Minister can just give some confirmation or not, as oh, sorry, can you hear me? Sorry. Yes, it's on.

Can the Minister give some confirmation, I guess, if the . . . if she and her Ministry are also responsible for monitoring, ensuring quality and consistency of the litigation guardians, or is that a responsibility of the courts? So, the Ministry is, or the Minister is, engaging and appointing. So, who has responsibility for oversight of the litigation guardians?

Hon. Tinee Furbert: Mr. Speaker, I did mention also in my Ministerial Statement that there is a practice manager. The practice manager is responsible for oversight of the litigation guardians, and also meets with the litigation guardians for supervision and training. And so that oversight falls with the practice manager—

The Speaker: Under the Ministry and—

Hon. Tinee Furbert: Under the Ministry. Yes.

The Speaker: Okay. MP, you have a second question? You have used to two supplementaries.

Ms. Robin Tucker: Yes, I do. Yes, I do have a second question, Mr. Speaker.

The Speaker: Put your second question.

QUESTION 2: LITIGATION GUARDIAN SERVICE UPDATE

Ms. Robin Tucker: So, my second question is, Does the Minister . . . of course, the Minister did mention that you know . . . we have to make sure that children . . . let me let me start again.

Does the Minister agree that every child should be assigned a litigation guardian and a case made in instances where the courts find it not necessary? So, in other words, should every child be awarded a litigation guardian and then let the courts decide if they need one or not?

The Speaker: Minister.

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

I do not believe that every child would require a litigation guardian. The court's job is to collect information and to collect data so that they can opine upon a decision in the end. And sometimes, Mr. Speaker, they get the information that they require without having to onboard a litigation guardian.

And so, they would make a decision themselves. They have the liberty, the courts, the magistrates, judiciary have the liberty to identify whether or not more information is required through the case analysis report that is provided through the litigation guardian.

But that is, again, depending on, you know, the information that they are trying to gather, they might get the information without needing a litigation guardian.

The Speaker: Supplementary or your third question?

Ms. Robin Tucker: Supplementary, Mr. Speaker.

The Speaker: Okay, yes.

SUPPLEMENTARIES

Ms. Robin Tucker: So, can the Minister, in view of the fact that the Minister doesn't think that every child should have one, have a litigation guardian, can the Minister then explain to us how the child's voice is . . . how the child's independent voice is protected if there is no litigation guardian present?

Thank you, Mr. Speaker.

The Speaker: Minister.

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

I did state earlier, for the record, that a child still has the opportunity to make their voice known in the court. They still have that opportunity. The magistrates have shared that with me, that they can provide

for an opportunity for a child's voice to be shared in the courts. So, there are still other avenues.

The Speaker: Supplementary, no? Yes?

Ms. Robin Tucker: Yes.

The Speaker: You got one more supplementary or your third question?

Ms. Robin Tucker: Yes. So, my supplementary to that is that . . . what I am actually asking about is protecting the child's voice. So, if the courts have decided that a litigation guardian is not needed, well then what mechanisms,—

[Inaudible interjection]

Ms. Robin Tucker: —exactly, where is the child's voice? What mechanisms are available to the child that has no advocate?

Thank you, Mr. Speaker.

The Speaker: Okay. Minister.

Mr. Robert King: Good question.

Hon. Tinee Furbert: I would assume, again, that information would come through the courts, through the magistrate. I cannot answer why—

Mr. Robert King: Imagine what it must be like to be a child—

Hon. Tinee Furbert: —why they are not assigning a litigation guardian.

Mr. Robert King: And you are the Minister. Imagine what it must be like for a child.

Hon. Tinee Furbert: I can't speak to that.

The Speaker: Okay. Third question?

Ms. Robin Tucker: No, thank you, Mr. Speaker.

The Speaker: Thank you. Okay.

MP Pearman, did you still want to put your questions?

Mr. Scott Pearman: Yes, one or two briefly. Thank you, Mr. Speaker.

The Speaker: Yes.

QUESTION 1: LITIGATION GUARDIAN SERVICE UPDATE

Mr. Scott Pearman: Honourable Minister, your Statement today in the House confirms that over the five-year period referred to in your Statement, there was never 100 per cent expenditure for litigation guardians. My question is this: How does the Minister expect the litigation guardian system to function if money is not being sufficiently expended?

The Speaker: Minister.

Hon. Tinee Furbert: Mr. Speaker, I welcome the opportunity to meet with the Opposition, too, so that . . . because it is obvious they don't understand how this service works. The litigation guardians submit to the Ministry their monthly invoices for the work that they perform. It is simple as that.

If they do not have the work, or they do not submit the hours, then the Ministry budget is not being used. But the Ministry has put aside funds to make sure that when the need is available for a litigation guardian, that funds are not the issue.

You would also note, I mentioned in the Statement, Mr. Speaker, the utilisation of those funds has increased year after year. And so, I would assume as the courts, the judiciary understand that the litigation guardians are there to serve our children, we will get a better utilisation.

The Speaker: Supplementary or new question?

Mr. Scott Pearman: Supplementary.

The Speaker: Yes.

SUPPLEMENTARIES

Mr. Scott Pearman: I thank the Minister for her answer. Is the Minister disappointed by the identified five-year shortfall in expenditure for litigation guardians?

The Speaker: That was a question? I missed it.

Mr. Scott Pearman: Is the Minister disappointed by the five-year shortfall in expenditure for litigation guardians?

The Speaker: Is the Minister . . . okay. Minister—

Hon. Tinee Furbert: Mr. Speaker, I am thankful that the funds are there for litigation guardians, for our children, if that service is given to them. And so, I would rather have the funds, Mr. Speaker, than not have the funds at all.

The Speaker: Second supplementary or new question?

Mr. Scott Pearman: Second supplementary.

The Speaker: Go ahead.

Mr. Scott Pearman: What does the Honourable Minister propose to do to see a further uptake in the expenditure?

The Speaker: Minister.

Hon. Tinee Furbert: I do anticipate, as does the litigation guardian practice manager, an uptake in the use of our litigation guardian framework. And so, time will tell the utilisation of litigation guardians.

The Speaker: Second question?

Mr. Scott Pearman: Second question.

The Speaker: Yes.

QUESTION 2: LITIGATION GUARDIAN SERVICE UPDATE

Mr. Scott Pearman: Is the Minister confident these failures in the litigation guardian system are now fixed?

[Inaudible interjections and crosstalk]

The Speaker: Okay—

Mr. Scott Pearman: Given the fact—

The Speaker: The word “failure” is the question. I know you are skilled enough to be able to get around that word and put your same question.

Mr. Scott Pearman: I stand by the word “failure”—

The Speaker: Okay.

Mr. Scott Pearman: And I am proud to do so. It is a failure. And I think the Minister would agree with me, it's a failure. I am asking about what the Minister proposes to do to fix the failure.

The Speaker: Okay.

An Hon. Member: Good question.

Hon. Tinee Furbert: Mr. Speaker, I am taking the Honourable Member . . . that Member is calling the courts a failure, because the courts are the ones who assign for a case a litigation guardian.

The Speaker: Supplementary?

SUPPLEMENTARIES

Mr. Scott Pearman: Supplementary. Does the Minister wash her hands of responsibility for her and the Ministry in relation to this issue?

[Inaudible interjections]

The Speaker: I think a better wording—

[Inaudible interjections]

The Speaker: Ah, ah, ah—wait, wait, wait. A better wording of your point. I know you are clever enough to use a better word.

Mr. Scott Pearman: My original question, and I will repeat it, is: What does the Minister propose to do about this? My opinion, this is a failure, my opinion. But what does the Minister propose to do about it?

Hon. Tinee Furbert: Mr. Speaker, it is not a failure.

Again, there are other avenues, particularly for our children who are utilising the overseas therapeutic programme.

[Inaudible interjections]

Hon. Tinee Furbert: There is a term of reference for the overseas therapeutic programme. There are steps, there are policies, there are procedures—

[Inaudible interjections]

Hon. Tinee Furbert: There are procedures for the . . . for our youth . . . to have a voice.

Mr. Robert King: It's not the same—

Hon. Tinee Furbert: There are procedures. And so I encourage, if the Opposition wants to see what that process and that policy looks like, I have no problem sharing that with them.

The Speaker: Supplementary, yes, second supplementary?

Mr. Scott Pearman: For the record, I have actually met with the litigation guardians about this issue. So, the fact that the suggestions that are being repeatedly said by the Minister that the Opposition doesn't understand the position, I am well aware of the position, and I am asking the Minister what she proposes to do about it, given that she just stated to this Honourable House that it is not a failure.

The Speaker: Hmmm.

Hon. Tinee Furbert: Mr. Speaker, the judiciary has the opportunity to undergo training. They have the opportunity so that they can learn how to best utilise

litigation guardians in their courts. We will continue to provide opportunities for training. I just mentioned training will occur again come October. We can only continue to provide training so that our judiciary are familiar with how to use our litigation guardians in the court.

[Inaudible interjections]

Hon. Tinee Furbert: But the litigation guardians, Mr. Speaker . . . we have developed an LG system, a litigation guardian system, so that whenever the courts feel or decide to order a litigation guardian, one is available for them to use.

[Inaudible interjection]

Hon. Tinee Furbert: We have provided that, Mr. Speaker.

[Timer chimes]

The Speaker: Members, that buzzer means that we have exhausted the 60 minutes allowed for the Question Period. And I want to thank the Members for their participation, and unfortunately there were other Statements that did have questions, but time does not allow us to get to those other Statements at this point.

We will now have to move on. It is now three minutes before the 12:30 adjournment . . . or rise for lunch period.

Premier, I am going to ask that you just take us to lunch at this time.

Any objections to that?

Hon. E. David Burt: With pleasure, Mr. Speaker.

The Speaker: No objections. Premier.

Hon. E. David Burt: I move that the House do now adjourn for lunch until 2:00 pm.

The Speaker: Thank you.

Members, the House now stands adjourned until 2:00 pm.

[Gavel]

Proceedings suspended at 12:28 pm

Proceedings resumed at 2:03 pm

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

The Speaker: Good afternoon, Members.

I trust everyone had a reasonable lunch in the time that we were out. I'm looking forward to a productive afternoon.

The House is now in session.

[Gavel]

The Speaker: When we stopped this morning, we were just about to do the Congratulatory and Obituary remarks, so we'll start there at this point.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: Does any Member wish to speak to it? MP King, you have your three minutes.

Mr. Robert King: Thank you, Mr. Speaker.

First off, I wish to express condolences to the family of Ms. Eula Robinson, whose brother, Alban Peters, passed on to the other side. So, our thoughts and prayers are with her and her family.

On a lighter note, I wish to extend congratulations to Ms. Kimberly Cowper, who passed her LPC [Legal Practice Course] and Master of Laws degree.

And I have a birthday message for MP Weeks as well. He shares the same birthday as my father-in-law, Saadi Shaya, who just turned 93 today, affectionately known as Papa Shaya. So, he's got his ears on now. So, I just wanted to let him know that I love him and appreciate all that he's done for me and my wife. And happy birthday and have a wonderful year.

Thank you, sir.

The Speaker: Is there any other . . . MP DeCouto. You have the floor.

Dr. Douglas DeCouto: Yes, good afternoon, Mr. Speaker.

Last time we were here, I spoke about the St. Mary's 400th anniversary. And I recently had the opportunity to attend, along with others in this House and other members of the community, their commemoration of the former enslaved persons' graves at the Rubber Tree.

It was reported as having dozens of attendees, Mr. Speaker. But I can assure you it was, in my mind, easily 100 to 150 or more. It had a very wide and large turnout from the community. And I wanted to thank the church, the parish council, and all the others. There were a lot of people involved in making this work. For what I found, a moving, fitting, and important tribute to those persons that had been buried there. Particularly moving was the members of the church had done the research and identified the names of the individuals, and those were read out. And there's a lot more to say about it, but time is short. And certainly, MP Tyrrell was there, and many others, like I said, who I forgot.

So, thank you, Mr. Speaker. And thank you to the church.

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

Government Whip, Mr. Tyrrell.

Mr. Neville S. Tyrrell: Thank you, Mr. Speaker, and good afternoon, colleagues.

Mr. Speaker, I want to move on from the comments made by the Opposition Member there just now about the Rubber Tree rededication. There is something in particular that I would like to speak about myself.

Two persons in particular I'd like to send congratulations to. The first is Reverend Carl Williams. Ever since he came down to St. Mary's Church, he took an interest in the Warwick community and we bumped into each other, as I'm the chair of the Warwick Parish Council, and we talked a lot about the Rubber Tree because that's actually where I do my monthly clinic, alongside there in front of the post office. And so, we talked about doing something about the Rubber Tree graveyard (as he described it), and so that's how this actually came about. So, I think he deserves a lot of credit for pushing it, because he did have some opposition from people who actually [are vendors] there and that sort of thing. So, he actually went the proper route through the right departments of government and actually came up with what we saw for that dedication day. And like MP DeCouto said, there were hundreds of people there on a very, very hot day too.

The other person that I'd like congratulations to go to in reference to that event was Mr. Andrew Bermingham. He actually did the legwork of research and actually came up with those 70-odd names. He is actually doing a book on the event, not so much the event, but the historical aspect of the graveyards in Warwick, and more particularly St. Mary's. So, I certainly want to, as I said, congratulate specifically Father Carl Williams for coming up with the idea of rededicating it, and Mr. Bearingham—

An Hon. Member: Bermingham.

Mr. Neville S. Tyrrell: —Bermingham—for actually doing the legwork on it.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Mr. Tyrrell.

MP Cannonier, would you like your three minutes, sir.

Hon. L. Craig Cannonier: Yes.

The Speaker: Go ahead.

[Crosstalk]

Hon. L. Craig Cannonier: Thank you and good afternoon, colleagues.

[There is] bereavement on behalf of two families, actually. Donna Gibbons in St. George's is a

long-time Seventh-day Adventist member. Her daughter worked for me for many, many years.

[Inaudible interjections]

Hon. L. Craig Cannonier: I associate Members from constituencies 1 *[sic]* and 3.

[Inaudible interjections]

Hon. L. Craig Cannonier: I am sorry, [constituencies] 2 and 3.

So, a long-time friend, really. I'm sad to see that this scourge of cancer continues on. So, a bereavement to the family, her daughter Tawana, on the passing.

There's another passing that is a bit more . . . even closer, another Adventist member, and that is Eric Smith passed away just recently, a few days ago. Eric and I, back when we were 15 and 16 . . . I'll admit that we were riding bikes even before we were 16—

An Hon. Member: No!

[Inaudible interjections]

Hon. L. Craig Cannonier: —and unfortunately . . . yes, yes, yes. Those were the days, yes.

Unfortunately, from one of those bike episodes, he lost his legs and was in a chair ever since 16. So, it really, really, really . . . I think St. George's and the Smith family—Isabell, his sister . . . Edwin actually worked at the college, their older brother, as an artist therein, teacher. They've done a lot for the community. And so, my bereavement goes out to the family, Eric Smith's family.

And one other thing, congratulations, I want to give to Dorian Spencer. He's gone five now. And his older brother . . . I don't see [MP] Weeks here, was, . . . They're from St. George's, but his older brother, a big time Dandy Town player, who's now away in school playing for the number seventh-ranked high school in the country—

[Inaudible interjection]

Hon. L. Craig Cannonier: —football. I'm getting there.

[Laughter and inaudible interjections]

Hon. L. Craig Cannonier: We are getting there. We are getting there. We are getting there.

And so, he's five, and he's joined Dandy Town. It's my grandson. He's extremely excited, and I'm excited for him as well. Dandy Town has a great programme. And so, to the [Western Stars Sports] Club, I want to just say congrats to them for that fantastic programme they have, and I'm excited to get

around the town field and start screaming and shouting.

Thank you, Mr. Speaker.

The Speaker: MP Swan, would you like your three minutes, sir?

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

I'd like to be associated with the condolences to the Gibbons family on the passing of Donna Gibbons. The family I've known all my St. George's life, because her late son, Kieshaun, and her nephews and stuff, they all worked for me at the golf club back in the 1980s. And I got to know the family and her mom and her brother, Sinclair, and all of them. They have had a tremendous loss in the family of recent years, and my heartfelt condolences go out to the family from Pain Lane East, good people from Pain Lane East and around Bermuda.

I'd also like to send condolences to the family of Valeria Saunders from Slip Road. I will associate Member Renee Ming and Member Lovitta Foggo with those condolences. This was the matriarch of a family that my family from Somerset, the Swan family, married into, the Bascome family, many, many, many, many, many, many, more than a half a decade ago. My uncle William married into "Diver" Bascome's family, married his sister, and died very young. And his first cousin, Gilbert, picked up the [mantle] and then married his widow and kept that connection going.

And our heartfelt condolences. I was able to go briefly to the funeral this morning to pay my condolences on her passing, Mr. Speaker. And she was a delightful lady, ever so delightful person, as is her daughter and her family are, great people. And I offer my sincere condolences to them and those who mourn her loss.

On a happier note, I'd like to express my congratulations to Nick Jones and Camiko Smith and Daniel Augustus, who qualified to participate in the PGA Butterfield Bermuda Championship coming up in October. Nick and Camiko will be taking place this year and Daniel will be in 2027. It's an awesome opportunity. I wish them . . . I certainly wish them well. And I know that they will carry the Bermuda flag well and use the experience to the best of their ability. And may they have a great, a great week, make lots of birdies and play on the weekend.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP.
Opposition Leader.

Hon. Ben Smith: Thank you, Mr. Speaker.

The Speaker: Would you like to make your contribution?

Hon. Ben Smith: Yes, thank you, Mr. Speaker.

Mr. Speaker, I'd like to have condolences sent to the family of [Arthur] "Ted" Gauntlett. Ted Gauntlett, was a member of the Somerset community, who actually ran for politics several times, but was known for his interaction with the youth, for working and campaigning for it. And even in the times that he was campaigning against an opponent, he was known to mention right away, let's work together to do what's in the best interest of the community. And I believe that your brother was one of the people that he worked with to make sure that certain things were done, including cleaning up Hog Bay during one of those campaigns.

For us specifically, it is a sad time for his son, Chris Gauntlett, who is the chair of our caucus. So, we wish condolences to the entire family. And we know that they will miss their father.

Thank you.

The Speaker: Minister Furbert. You have your three minutes.

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

I do want to take the opportunity to give congratulatory remarks. Particularly at lunchtime, I had the opportunity to spend time with the Salvation Army celebrating 130 years as a faith group church organisation providing many services to the people of Bermuda with North Street Shelter, as well as the Kettle Programme. They provide toys and things for persons during the Christmas season who may not otherwise be able to afford it. As well as the Harbour Light Programme. So, I just wanted to send congratulations for them to reach a 130[-year] milestone, giving and serving the people, not only in Bermuda, but also globally.

I would also like to take the opportunity to share my congratulations to the young people who recently graduated from the Springboard Programme through the Endeavour Programme. They had the opportunity to participate in training in skills, which is first aid, sailor skills, maritime skills. It's actually a really good formula for getting young people into fields in which they might be interested in or getting a deeper dive into fields that they would be more interested in. And I'd like to just call the names of these young persons who graduated.

This is the ninth cohort, Adonté Martin, Damani Assing, Derek Ingram, Jr., Devon Soto, Hannah Dill, JaVaughn Ible, Lennox Pantry, Noah Astwood, and Roger Dill. They were very excited about this opportunity, and I charged them with making sure that they left that programme, sharing it with other young people and their peers and the community so that they can also have the opportunity, if they should feel they would like to take advantage of it.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Minister Darrell, would you like your three minutes?

Hon. Owen Darrell: Absolutely, Mr. Speaker.

Mr. Speaker, before I get into a few other things, I want to first start by recognising a small, but [what] has become a very significant movement for Bermudian culture and heritage. As we've probably heard by now this week, the *Oxford English Dictionary* announced the addition of four words that are distinctly Bermudian, and they're part of our expressions that they did add to the pages of their dictionary.

And on the surface, Mr. Speaker, this may seem to be just a story about words. But I believe it's also a story about who we are, where we have come from, and the importance of preserving and celebrating things that make Bermuda distinctly Bermudian. So, Mr. Speaker, to all those who have been involved in getting this to the *Oxford [English] Dictionary*, I hear that it's around the [Bermuda] Spelling Bee as well, and it will be incorporated into that. So, I want to say job well done for bringing forth this very important part of Bermuda heritage.

Also, Mr. Speaker, I'd like to give congratulations to a good friend of mine. We've heard it been done before, but today he actually takes the reins of our Bermuda national football team, and that is Mr. John Barry Nusum.

[Desk thumping]

Hon. Owen Darrell: Those of you will know—I associate many colleagues of the House—that the Bermuda national team—

The Speaker: The whole House.

Hon. Owen Darrell: [I associate] the whole House to that.

—are participating in an international match this evening. I think it kicks off in a couple of hours, so he's probably not listening and probably not . . . probably getting the team ready, but I did want to just congratulate and put on record as he prepares, and the entire Bermuda national team prepares to move into competition this afternoon.

And on another sporting note, Mr. Speaker, I'd like to congratulate Mr. Daniel Augustus for a different accomplishment. I know the MP from constituency 2 did congratulate him for getting into the PGA next year, but there is a very significant local tournament that took place last weekend, and that is the Johnnie Walker Classic. And those of you know that Mr. Augustus—

[Inaudible interjection]

Hon. Owen Darrell: And I associate MP Kim Swan with this.

Those of you will know that Mr. Augustus has been a son of the soil when it comes to golf and grassroots golf, and in his acceptance speech for winning the overall prize of this very popular local tournament, he paid homage to everyone who has kind of mentored him and raised him on the golf course at Ocean View. So, it was a delight to be there and be part of those celebrations and congratulations as he won the Johnnie Walker.

[Timer chimes]

Hon. Owen Darrell: Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Minister, you didn't say what those four words were, though, that went into the dictionary.

[Inaudible interjection and laughter]

The Speaker: I was waiting for you to announce the four words.

[Inaudible interjections and laughter]

The Speaker: I was giving you a little leniency if you want to at least announce it.

Hon. Owen Darrell: All right.

The Speaker: Go ahead.

Hon. Owen Darrell: So, Mr. Speaker, the words that have been added to the dictionary are “bimpert.” That is one of them. The other one is “hamma.” “Shadeesh” is another one when it comes to food culture. And the other one was not but a word but a phrase. It was “cut tail” So those were the four words that have been added to the *Oxford [English] Dictionary*.

The Speaker: All right.

Hon. Owen Darrell: Thank you, Mr. Speaker.

The Speaker: The last one referred to Cup Match this year, *in 'it*?

[Inaudible interjections and laughter]

Some Hon. Members: Aah!

The Speaker: Mr. Famous.

[Inaudible interjections]

An Hon. Member: Yes, yes, yes.

The Speaker: Yes, yes.

[Laughter]

The Speaker: Mr. Famous, would you like your three minutes after that comment?

Mr. Christopher Famous: Mr. Speaker, I'm going to endeavour not to be a bimpert, so you don't cut my tail.

An Hon. Member: Whoa!

[Inaudible interjections]

The Speaker: Go ahead.

Mr. Christopher Famous: Mr. Speaker, the last few weeks has been kind of rough for the Devonshire and Smith's community. I want to give condolences to the Lewis family on the loss of their matriarch, Mrs. (I might pronounce it wrong) Aline Lewis. She's the mother of a good friend of mine, Eldon Lewis. She lived in the Sayle Road/Fairmont Road area. And then there was her . . . oh, yes, associate, her MP.

An Hon. Member: It looks like you forgot his name.

Mr. Christopher Famous: No, no. He is my mate. He is my mate. Vance Campbell, constituency 9. I helped him win that seat. Anyway.

[Inaudible interjections and laughter]

Mr. Christopher Famous: Gave them a cut tail, right?

[Laughter]

Mr. Christopher Famous: Anyway.

Mr. Speaker, there's also Mrs. Joan Pike-Daniels of Green Acres [Road]. She was a matriarch of that family. I think she had, like, four children and many, many grandchildren and great-grandchildren. She had lived long enough to see her great-great-grandchild in England.

And then there's Mr. Jermaine Pearman of Hermitage Road. Jermaine Pearman originally came from up the west, but he migrated to Devonshire, married one of our ladies. And he was one of those who were the beneficiary of the Solo Sweeper Programme. So, it was himself and another gentleman who used to clean up all of Hermitage Road, Middle Road, Collectors Hill. What's the other road? By Lindo's. And they used to keep those areas pristine. And unfortunately, he took sick and has passed away.

And last but not least, one of *the* main families in eastern Devonshire, Mr. George Boyles, [Sr.]. Mr. Boyles come from a family related to the Augustuses and others. I associate Mr. MP Tyrrell. Mr. Boyles come from a family of 10 . . . 10 siblings, I should say. Larger than 10, but 10 siblings.

If anyone has ever driven South Shore by the pet store, you'll see a purple house on top of the hill there called "Eye Spy." He built that himself, along with many other houses that he helped to build for his family. But more importantly, he was one affectionately known as "Uncle George." And during his service, all his nephews came and wore a T-shirt. And the T-shirt said "Gone Fishing" because his favourite pastime was going out fishing and teaching others how to fish. So, I want to give condolences to the Boyles, Augustus, and Douglas clan of Devonshire, because that is one of the mainstays of [constituency] 11.

Thank you, Mr. Speaker.

The Speaker: Thank you, sir.

Minister Lightbourne, would you like your three minutes?

Hon. Alexa Lightbourne: Yes, good afternoon, Mr. Speaker.

I rise this afternoon just to send congratulatory remarks to two Bermudian young people who demonstrate the value of us, not only investing in their education, but recognising that it means that we are investing in their future as well.

First, Ms. D'Angele Symonds, who has been selected as the Department of Energy's 2026/27 Bursary Award recipient. And she will now pursue a Master of Science in Engineering Geology at the University of Portsmouth, developing specialist skills in the areas relating to ground stability, infrastructure planning and environmental risks. And so, as a Ministry and also the Government seeks to invest in a resilient future, I thought it important to highlight not only her accomplishment, but her passion to come back to Bermuda and also contribute meaningfully. And so, the selection committee had noted how impressed they were with not only her academic record, but her commitment to return to Bermuda to meaningfully engage and invest. And so, I thought it fitting to celebrate her today.

The second young man that I wish to celebrate is Mr. Amari Bean, who is a Somersfield student. And he represented Bermuda in the inaugural St. Kitts and Nevis Diaspora Heritage Emergence Programme, which was held July of this year. And Amari is the youngest participant in this international group of young people, both from Bermuda, United States, the United Kingdom, Ireland and Canada. He travelled to St. Kitts. And in noting his time there, it was particularly meaningful because his grandparents . . . or great grandparents actually had origins from St. Kitts. And so, he spoke of being able to not only visit, but having an opportunity to visit as a descendant of his lineage.

He notes the experience to also meet with Prime Minister Dr. Drew, Governor General Dame Marcella Liburd, as well as the Premier of Nevis, Mr. Mark Brantley. And in noting his experience, Mr. Bean

also spoke of his opportunity to engage with the cultural dances there, noting the similarities between both their dances and Bermuda's Gombeyes, and left not only with the costume, but also had an opportunity to perform as well.

And so, I want to thank and also honour these two young people today for their participation and also the value that it has both for the young people's future.

In my final moments, I want to also give thanks to Dr. Christine Walwyn, Ms. Louise Tannock, the Honorary Consul of St. Kitts and Nevis and Bermuda. And my colleague, Mr. MP Famous, who also helped to support this opportunity.

Thank you, Mr. Speaker.

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

Okay, MP Lister.

Mr. Dennis Lister III: Good afternoon, Mr. Speaker. Good afternoon to the listening audience.

Mr. Speaker, I first, on a sad note, want to send condolences to the family of Mrs. Elvira Seymour, the wife of the late Walter J. Seymour—

[Inaudible interjection]

Mr. Dennis Lister III: I associate MP De Silva.

While I didn't know Mrs. [Seymour], you know very well we knew her husband—

[Inaudible interjections]

Mr. Dennis Lister III: —and I also know her grandchildren and her son. And also, again, just want to send condolences to the family on the loss and know that your support family is there sharing in this loss with you.

Mr. Speaker, I also want to associate with the comments of St. Mary's Church and the 400th year and also the recognition of the slave graveyard that was once buried under the Rubber Tree. Mr. Speaker, you will know that we have familial connections with that as your mother is a Lightbourne from Khyber Pass and her earlier descendants, some were buried in that slave graveyard. So, it is good to know that it is now being recognised, and I want to thank the efforts of Father Carl Williams, the Warwick Parish Council, and all those involved in making this happen.

And lastly, Mr. Speaker, the last time we were in this House, I stood up and I gave congratulations to Somerset Cricket Club on winning the Cup Match. Well, Mr. Speaker, I did overlook, but attending the Cup Match prize-giving last weekend, it reminded me that I want to take time out to recognise the Cup Match careers of two prominent cricket players that represented Somerset Cricket Club: Mr. Dion Stovell and Mr. Malachi Jones, who both announced their retirement from Cup Match at the end of this Cup

Match Classic. Mr. Malachi Jones had been in the Cup Match team for 20 years. So, to be that long, every year representing, and in the last 14 years being on the winning team, it sure goes to show—

[Inaudible interjections and laughter]

Mr. Dennis Lister III: —his level of commitment to the game and performance. And also, to Mr. Dion Stovell, better known, or factually known, by those: "Bang" Stovell. You know, when he gets on the field, it's either 50s, 100s. And, you know, you know that he's going to have the crowd on their feet. So, again, I want to recognise those two on their retirement and to the service they give to Somerset Cricket Club Cup Match team.

And for those that were red and blue, you know, we can stand our heads proud in knowing that when they were on the field, we had a very good chance of either keeping that Cup or getting the Cup back.

[Inaudible interjections]

Mr. Dennis Lister III: And I just want to add to that, Mr. Speaker, is that, you know, not . . . they were both very, very prominent dual sports. They played football and cricket. And I had the privilege of playing football with Somerset Trojans with both of them. Winning the league in 2015, we won the Bermuda Premier Division League. And so, I got to share the field with both of them. And again, just want to recognise them on their efforts.

Thank you, Mr. Speaker.

[Timer chimes]

The Speaker: Is there any other any other Member? MP Campbell.

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

I'd like condolences to go out to the family of Mr. Lionel Roberts, Sr. of Sugar Apple Lane in Spanish Point. He's the father of Lionel Jr. and Jason Roberts, also Toraino and Eric Dunkley. He was predeceased by his wife, Sherry, and his daughter, Scherrie. He was a family man, a quiet man, a tradesman, and specifically a master mason. And I just want to send out condolences to his family. Let them know that we are thinking about them in this time.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to make any congratulatory or obituary remarks at this point? MP Pearman.

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

I'd just like to convey condolences to the family of Eve Todd. Although she was born in Wales, her heart was very much Bermudian. She was married to Bermudian, had two Bermudian children, Jamie and Samantha, and died in her 89th year. Her funeral is this afternoon at Christ Church Warwick at four o'clock for those who wish to attend. I regret that I can do two of the grandchildren's names, but not all of them. But to Charis and Thea, my condolences, and also to her sister who's still with us, my condolences.

Thank you.

The Speaker: Thank you.

Any other Member wish to make a contribution?

Premier.

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

Mr. Speaker, I certainly wish to be associated with the congratulations that have been extended by the Minister of Tourism and Transport, Culture and Sport to the appointment of Mr. John Barry Nusum at the national team. I know that he did associate the whole House, but it would be remiss of me if I did not go on record to support that along with his assistant coaches.

And I would also like to be associated with remarks from the Junior Minister of Justice and Finance on the congratulations to the careers of, or I should say the Cup Match careers of Mr. Malachi Jones and Dion Stovell, recognising and understanding that, you know, as I demit this office, I will have the proud privilege of saying that during the time that I've been in this office,—

Some Hon. Members: Ooh!

Hon. E. David Burt: —St. George's have never touched that Cup, and it has remained firmly ensconced in the West End since 2012, I believe. I mean, mercy. That's, that's, that's, I mean, Cannonier and Dunkley and all the rest, the whole time.

[Inaudible interjections and laughter]

Hon. E. David Burt: They ain't touched it since Paula Cox was around. Mercy! It has . . . some time.

[Inaudible interjections]

Hon. E. David Burt: Anyhow, Mr. Speaker, on a more sombre note, I'd like to ask that the Honourable House to send a letter of condolence to the family of the late George Edward [Skater], known as Eddie Skater, who was a resident of constituency 18 and who recently passed away. Mr. Skater was a familiar face to many in the City of Hamilton and could often be found alongside Washington Mall on Church Street or along

Berkeley Road near Elroy's Laundromat, greeting passersby and sharing kind words. Through those daily interactions he became known to many and will be remembered for his friendly presence and connection to the community. And there is no question that thoughts and prayers [go] with his family and I ask for a letter of condolence to be sent.

Thank you very much, Mr. Speaker.

The Speaker: Thank you.

Any other Member?

Okay. Yes.

[Crosstalk]

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker.

The Speaker: Minister De Silva.

Hon. Zane J. S. De Silva: Mr. Speaker, I have quite a few to go through, so I will wheel through as quickly as I possibly can. Hopefully I won't run out of time.

I would like the House to send condolences to [the family of] Maurice Damon Lorenzo Masters. Damon was the mother *[sic]* of the great Anita Masters, who we lost a couple of years ago, as you know, Mr. Speaker. And we lost Damon at a time when no one expected him to be gone. So, I do send my condolences to the family.

And I know that Dennis [III] associated me with condolences for Elvira Seymour. But I have to say that I do know his family well, just like he does. And Walter Seymour, who you know was one of our early Black entrepreneurs in this country, nominated me in 2007. And, of course, Walter passed away a couple of years ago. And hopefully they'll enjoy each other in heaven.

Sunnyside Park lost another stalwart, Wesley Ming, last week, Mr. Speaker. And he will be put to rest this weekend.

Mr. Speaker, I would also like the House to send condolences to [the family of] Eunice Ilene Rosclair Pitt (who is the aunt of my hard-working Chairman, Sean Simons) who passed away recently. And she will be sorely missed. And she was certainly a pillar in that family. And I know she meant a lot to my chairman. And he will miss her dearly.

Now, Mr. Speaker, on a brighter note, I would like to congratulate Orbis Bermuda team. Orbis' local investment team has won the prestigious Fund Manager of the Year Award from the UK financial publication *Investment Week*. And Mr. Alec Cutler, who is Orbis' director, heads that wealth fund that they run. And I think this is four years running that they actually won this award. So, I'd certainly like to congratulate Orbis.

And, Mr. Speaker, before I take my seat, I would also like to congratulate Mr. Stephen Weinstein. And some of us in this House may know that Stephen

was the long-time attorney for RenRe before he ventured out on his own. And he's a new Florida insurer. And he's been shortlisted for an industry publications 2026 Start-Up of the Year award.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Does any other Member wish to make a contribution?

None other?

Thank you, Members, for your contribution during that section of the Order Paper today. We'll now move on.

MATTERS OF PRIVILEGE

The Speaker: There are none.

PERSONAL EXPLANATIONS

The Speaker: Again, 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 two Bills to be introduced today, the first is in the name of the Minister of Housing.

Would you like to present your Bill at this time, Minister? The Bill for the Land Management Corp—

[Inaudible interjections]

Hon. Zane J. S. De Silva: Yes, Mr. Speaker.

The Speaker: No problem. Go ahead.

BILL

FIRST READING

BERMUDA LAND MANAGEMENT CORPORATION AMENDMENT ACT 2026

Hon. Zane J. S. De Silva: Yes, Mr. Speaker. Mr. Speaker, I'm introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting, the Bermuda Land Management Corporation Amendment Act 2026.

The Speaker: Thank you.

The second Bill to be introduced is in the name of the Minister of Health.

Minister.

BILL

FIRST READING

HEALTH PROFESSIONALS (COMPLAINTS COMMITTEES) AMENDMENT ACT 2026

Hon. Kim N. Wilson: Yes, good afternoon, Mr. Speaker.

Mr. Speaker, I'm introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting, namely, the Health Professionals (Complaints Committees) Amendment Act 2026.

The Speaker: Thank you.

That is all the Bills to be introduced.

OPPOSITION BILLS

The Speaker: There are none.

PRIVATE MEMBERS' BILLS

The Speaker: There are none.

NOTICES OF MOTIONS

The Speaker: There are two motions to be introduced today. The first is in the name of the Minister of Housing.

Minister.

BERMUDA AFFORDABLE HOUSING STRATEGY 2025–2035, TAKE NOTE MOTION

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker.

Mr. Speaker, I hereby give notice that on the next day of meeting I propose to move the following motion:

That this Honourable House consider and approve the Ministry of Housing and Municipalities Report entitled: [Bermuda Affordable Housing Strategy 2025–2035](#).

The Speaker: Okay.

The next is in the name of the Minister Works. Minister.

[Pause]

**VESTING OF GOVERNMENT-OWNED LAND
IDENTIFIED ON CADASTRAL PLAN SHEET
NO. 4030/001/28**

Hon. Jache Adams: Thank you, Mr. Speaker.

Mr. Speaker, I intend to move the following motion at the next available opportunity.

"BE IT RESOLVED, pursuant to section 8(3) of the Public Lands Act 1984, that this Honourable House approve the vesting in the Bermuda Land Management Corporation of the Government-owned parcel of land identified on Cadastral Plan Sheet No. 4030/001/28, comprising approximately 0.801 hectares [1.979 acres] at the former Morgans Point site in Southampton Parish and bounded by lands of Caroline Bay Ltd., Sea Express Lane, Tribe Road No. 5, and the Railway Trail."

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

There are no more motions to be introduced.

Members, that brings us to the end of the preliminaries, and we now get to the Orders of the Day.

ORDERS OF THE DAY

The Speaker: And the first item, which is the second reading of the Insurance Amendment Act 2026, is in the name of the Premier and Minister of Finance.

Would you like to introduce it?

Oh, the Junior Minister is introducing it.
Junior Minister.

Mr. Dennis Lister III: Good afternoon, Mr. Speaker.

The Speaker: Good afternoon.

Mr. Dennis Lister III: Mr. Speaker, I move that the Bill entitled the Insurance Amendment Act 2026 be now read the second time.

The Speaker: Are there any objections to it being read a second time?

Continue.

BILL

SECOND READING

INSURANCE AMENDMENT ACT 2026

Mr. Dennis Lister III: Mr. Speaker, I am pleased to present to this House the Bill entitled the Insurance Amendment Act 2026 (the Bill.)

This Bill amends the Insurance Act 1978 (the principal Act) to strengthen the public disclosure regime for certain long-term insurers by requiring them to file asset and liability statements with the Bermuda

Monetary Authority (the Authority) enabling the Authority to publish those statements and apply the existing enforcement provisions where an insurer fails to file.

Mr. Speaker, can I just ask for the . . .

The Speaker: The podium?

Mr. Dennis Lister III: Yes.

The Speaker: If someone could . . .

Mr. Dennis Lister III: Yes.

[Crosstalk]

Mr. Dennis Lister III: All right. Thanks.

Mr. Speaker, the Authority was established under the Bermuda Monetary [Authority] Act 1969, which mandates the Authority to act as advisor to the Minister of Finance on policy matters related to financial institutions. This includes matters related to the insurance industry. This Act provides the Authority with licensing, supervisory, and intervention powers to regulate Bermuda's insurance industry. The Authority regularly monitors developments in the industry to ensure that the powers conferred on it remain relevant, appropriate, and aligned with international standards. Consequently, the Authority may propose regulatory amendments, as necessary, to maintain an effective insurance supervisory regime and protect policyholders.

Mr. Speaker, in 2025 the Authority identified an opportunity to strengthen the supervisory regime for long-term commercial insurers by enhancing the public disclosure requirements for assets and liabilities through the Insurance (Prudential Standards) (Class C, Class D [and] Class E Solvency Requirement) Amendment Rules 2025. The relevant Prudential Standards Rules came into operation on the 1st of January 2026. The new statutory requirement applies to every Class C, Class D, and Class E insurer, other than any insurer carrying on domestic business, and requires it to file an asset and liability statement with the Authority.

Mr. Speaker, the enhancements to public disclosure of assets and liabilities are largely motivated by emerging global trends in the life and annuity sector of increased investments in illiquid, complex, and non-traded assets. Given the nature of these investment exposures, greater transparency is needed to help policyholders and stakeholders better understand the investment composition and risk profile of insurers. This enhanced disclosure will also encourage greater scrutiny of investment strategies by stakeholders.

Mr. Speaker, the enhancements proposed promote alignment with leading international regulatory standards, such as those of the US National Asso-

ciation of Insurance Commissioners (NAIC). They also reinforce the prudent person principle by encouraging insurers to prioritise capital adequacy, liquidity, and responsible assumption of market risk related to policyholder obligations.

Mr. Speaker, clause 2 inserts new section 17AA into the Act. New section 17AA requires every Class C, Class D, and Class E insurer, other than an insurer carrying on domestic business, to file with the Authority an asset [and] liability statement in accordance with section 17(4). It also requires the Authority to publish the statements in such a manner as it considers appropriate.

Mr. Speaker, clause 3 applies the existing late fee provisions where an insurer fails to comply with the new filing requirement. Clause 3(c) also extends the Authority's existing power to appoint an inspector to investigate the affairs of an insurer that fails to file an asset and liability statement within the required period.

Clause 4 provides for the Act to be deemed to have come into operation on January 1, 2026. This aligns the amendments with the relevant prudential standards rules, and supports the Authority's intention to publish statements filed as at December 31, 2025.

Mr. Speaker, the Authority takes a collaborative approach to the development of its regulatory framework. In this vein, the Authority has engaged with the insurance industry, international standard setters, and other stakeholders regarding the proposals presented in this Bill.

The Authority pre-consulted with members of the Bermuda International Long-Term Insurers and Reinsurers (BILTIR) and the Association of Bermuda Insurers and Reinsurers (ABIR), and this process was followed by a broader consultation exercise in December 2024, where members of the public and other stakeholder groups were invited to provide feedback. Mr. Speaker, some stakeholders expressed concern that the proposed disclosure requirements may exceed those of peer jurisdictions and potentially expose proprietary investment strategies. Others noted that QCIP-level granularity could overwhelm users, expose sensitive information, and risk misinterpretation. Additionally, some stakeholders highlighted the potential operational burden, especially for runoff entities or insurers with immaterial business and suggested materiality thresholds or simplified disclosure formats.

Mr. Speaker, the Authority carefully considered the feedback and, where appropriate, adjusted the proposals. The feedback and the Authority's responses were published on the Authority's website on the 29th of September 2025 in a document titled, "Stakeholder Letter, Re: Consultation Paper, Proposed [Enhancements] to the Public Disclosure Regime Public Disclosure of Assets and Liabilities for Commercial Long-Term Insurers."

To address competitiveness concerns, the Authority will consider case-by-case requests for mod-

ified disclosures to preserve competitiveness while retaining the essential requirements. To reduce the risk of misinterpretation, the Authority will require registrants to answer qualitative questions on investment strategy, and the disclosure template will include a summary sheet designed to provide a high-level overview for general audiences.

Mr. Speaker, to reduce operational burdens associated with additional disclosure requirements, the Authority designed the asset and liability statement to leverage existing regulatory returns, such as the Laps and Liquidity SBA (or LLSBA) return, and the Bermuda Sovereignty and Capital Requirement (BSCR) return. Data for liabilities should be readily accessible through GAAP-based financial statements.

The Authority also remains committed to engaging directly with run-off entities that believe the preparation of public disclosure documents may adversely affect policyholder value.

Mr. Speaker, the Authority will remain engaged with the stakeholder's post-implementation to ensure that the intended policyholder protection outcomes are achieved, and to mitigate any unforeseen circumstances.

In closing, I would like to thank those within the Authority, the Attorney General's Chambers, the Ministry of Finance, the private sector, and other stakeholders who have assisted with the development of this Bill.

Thank you, Mr. Speaker.

The Speaker: Thank you, Junior Minister.

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

MP DeCouto, you have the floor.

Dr. Douglas DeCouto: Thank you, Mr. Speaker, and thank you to the Junior Minister for his presentation.

Clearly, we support this Bill. We've had the opportunity to go out and consult with the industry groups ourselves, so we also understand that they are on board. And once again, the BMA, we feel, as is quite typical and befitting our jurisdictional reputation, has done a good job of engaging with the industry while maintaining a strong regulatory grip, but in a practical way.

For those who follow this stuff, you'll know that this is a hot political topic in other jurisdictions. You have people in the US Senate writing letters back and forth to various industry groups. They are having an election season over there, so these sorts of things are popping up. So, this is very important, and I'm just glad to see that the industry and that the BMA have been out in front because, as is befitting our status as a high-quality jurisdiction with a strong regulator that is business-friendly, but not a place where you can just come to try to hide or not carry on in a good business-like manner that is fair to your clients as an insurer. It

also adds to our value proposition as a jurisdiction, which, again, is also important.

Now, a couple comments that I did have, and the Junior Minister did get into the public disclosure part. I would like if he was able to answer a little bit more about that. I know from my research that the public disclosure aspect is not going to be, *Hey, we'll put this on a website, and anybody can come and download it*. And the Junior Minister did allude to the discretion that the BMA would provide because, as he said, this data is voluminous, it is actually quite sensitive, and it is easily (for those who don't work in the industry) open to misinterpretation. And so, there is a difference between transparency and the data being available to the appropriate people and just, like, sticking everything out there for anybody who comes along to see potentially sensitive business information.

So, I guess my question is: Could the Junior Minister advise if the BMA has developed any written guidelines or policies that it will use to guide its decision-making? I'd like to think that they would have these sort of outlined up front rather than it be completely ad hoc. Which is not to say that I don't trust the judgment of the BMA, but we know it's always great to get these policies out before they come to the test.

So, my example would be, okay, you know, obviously we can see that a regulator from a peer jurisdiction might want the information. And that's pretty straightforward to understand. We might understand that a rating agency might come seeking some of this information. Again, that's pretty easy to understand. We might understand that an association like the, I think it's the National Association of Insurance Commissioners, NAIC, United States, might want access to some level of this information to help it develop its own confidence and what's going on in the US insurance industry. But, you know, where would the line get drawn? You know, could an investment company trying to look around at who to invest in come and seek this information from the BMA as part of its market research? Could a journalist come and get it? Things like that.

So that's the kind of thing that I'm . . . not concerned about, Mr. Speaker, because I'm sure the BMA will have an answer. They typically do on these things, but I'd like to get that information out on the record.

And so, with that, I will leave it and say thank you to the Ministry, to the BMA and the industry for getting out in front of this and reinforcing Bermuda as a strong jurisdiction for this growing and important industry for us.

Thank you, Mr. Speaker.

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

No other Member?

Junior Minister, would you like to . . .

Mr. Dennis Lister III: Mr. Speaker, I want to thank the Member from the Opposition in stating the support from the Opposition side for this Bill. As he mentioned, we have a very strong regulatory system around us, and this is going to improve that structure. So, I thank him for his comments.

And, Mr. Speaker, I now move that the Bill be committed.

The Speaker: Thank you.

Deputy Speaker, will you take the Chairman, please?

House in Committee at 2:53 pm

[Ms. Lovitta F. Foggo, Chairman]

COMMITTEE ON BILL

INSURANCE AMENDMENT ACT 2026

The Chairman: Good afternoon to the House and the listening public. We are now in Committee of the Whole [House] on the Bill entitled [Insurance Amendment Act 2026](#).

I call on the Junior Minister.

Mr. Dennis Lister III: Thank you, Madam Chairman.

Madam Chairman, clause 1 . . . actually, let me go back, Madam [Chairman].

The Chairman: Yes.

Mr. Dennis Lister III: There are four clauses. I will move them all at one time.

The Chairman: You would like to move that the clauses be considered?

Mr. Dennis Lister III: Yes.

The Chairman: Yes.

Mr. Dennis Lister III: Thank you, Madam Chairman.

The Chairman: It has been moved that clauses . . . 1 through 4 be considered. You're doing all of them, correct?

Are there any objections to that?

There appear to be none.

Minister.

Mr. Dennis Lister III: Thank you.

Clause 1. Madam Chairman, clause 1 provides for the citation of the Bill.

Clause 2 inserts section 17AA. Madam Chairman, clause 2 inserts new section 17AA into the Act.

New section 17AA(1) requires every Class C, Class D, and Class E insurer, other than an insurer carrying on domestic business, to file with the Authority an asset and liability statement in accordance with section 17(4). New section 17AA(2) requires the Authority to publish the asset and liability statements filed under subsection (1) in such a manner as it considers appropriate.

Clause 3 amends section 18A by updating the heading and inserting a new paragraph (c) in subsection (1) so that an insurer that fails to comply with the requirement to file an asset and liability statement under section 17AA(1) is liable to a late fee. Also, clause 3(c) amends subsection (5) to extend the Authority's existing power to appoint an inspector where an insurer fails to file an asset and liability statement within the required period.

Clause 4 provides for the Act to be deemed to have come into operation on January 1, 2026.

Thank you, Madam Chairman.

The Chairman: Are there any other Members who wish to speak to clauses 1 through 4?

I recognise the Member from constituency 25. Member, you have the floor.

Dr. Douglas DeCouto: Yes, thank you, Madam Chairman.

I will repeat the questions from my original comments, plus an additional question. With respect to clause 2, which adds 17AA(2), "The Authority shall cause to be published in such manner as it considers appropriate," et cetera.

My original question had been: What policies or guidelines has the BMA put in place? Or will they put any in place that will guide their thinking when a request comes so that the appropriate . . . I want to say the appropriate bureaucratic (I mean in the good sense) procedures can be followed, so that nobody feels hard done by and that people can feel confident in who will have access to these items?

Regarding [clause] 4 with the commencement date to 1 January 2026, as we know this is retroactive. This may not be an issue because, of course, it depends on what the return will look like and the scope of the data. So, if the Junior Minister could provide some information about what the time scope is of the data that will be provided. So, for example, will it be: *Please provide what your assets and liabilities were as at 1 January 2026?* And how often will these need to be filed? Quarterly? Annually? And so forth.

Thank you, Madam Chairman.

The Chairman: Okay. Thank you.

Are there any other Members who wish to speak to clauses 1 through 4?

There being no other Members at this time, I call on the Junior Minister.

Mr. Dennis Lister III: Thank you, Madam Chairman.

I thank the Member for limiting himself to two questions. The first question that he asked in regard to the disclosure protections or guidelines, the data will be published on the website. However, we have created a summary table for the benefit of non-sophisticated readers. We have internal guidelines on companies that can be exempted, but we have not made it public yet. And so, I hope that answers your first question.

And for your second question, the data will be as at December 31, 2025, and the data will be submitted annually.

The Chairman: Okay.

Are there any other Members who wish to speak to clauses 1 through 4?

I recognise the Member from constituency 25. Member, you have the floor.

Dr. Douglas DeCouto: Yes, thank you, Madam Chairman.

Regarding the internal guidelines, will those be made public so people know ahead of time, *Hey, here's what I can ask for, here's what I can't?* Because, of course, if you say there are guidelines, but you don't know what they are, and people just say no, we just want people to be really confident that they understand what's being followed. So, my question would be: Will the internal guidelines be made available so people know ahead of time who can have access or not?

The Chairman: Okay.

Dr. Douglas DeCouto: Thank you, Madam Chairman.

The Chairman: Thank you.

Are there any other persons who wish to speak to clauses 1 through 4?

There being none at this time . . . Junior Minister.

Mr. Dennis Lister III: Thank you, Madam Chairman.

In response to that question, MP, those guidelines will not be made public to avoid abuse.

I'm just waiting for further . . .

The Chairman: Okay.

Mr. Dennis Lister III: Yes.

The Chairman: Junior Minister, you're still on your feet, so did you have something else to say at this time?

Mr. Dennis Lister III: Okay. So, they won't be made public to avoid abuse of it.

Thank you.

The Chairman: Okay.

Mr. Dennis Lister III: I'd—

The Chairman: So, are there any other persons—
Junior Minister.

Mr. Dennis Lister III: I'd just like to further that response.

The Chairman: Okay.

Mr. Dennis Lister III: They won't be made public, but we will continue to monitor depending on feedback from industry.

The Chairman: Okay. Thank you.

Are there any other persons who wish to speak to clauses 1 through 4?

I recognise the Member from constituency 25.

Dr. Douglas DeCouto: Thank you, and I promise, my last comments, Madam Chairman.

The Chairman: It's okay.

Dr. Douglas DeCouto: The scenario is you have a journalist who wants to, you know, write an article about all these big, bad insurance companies in Bermuda. Right? And how they're taking away all the business, whatever. Right? They're going to go and say, *Oh, the BMA just said no; and they're just hiding information.*

Whereas if you know ahead of time, *Hey, here are the guidelines by which . . . here are the types of organisations that will have access to this information, and so forth*, ahead of time, then it's clear and no one can say things like, *Oh, they're just denying this because they don't want us to know what's going on.*

What I'm trying to say, and I'll leave it right there, is that it's great when people understand why information might be limited or not limited and they can understand the principles behind it ahead of time and then it doesn't look, you know, . . . what's the word? . . . arbitrary.

Thank you, Madam Chairman, and those are my comments.

The Chairman: Thank you.

Are there any other persons who wish to speak to clauses 1 through 4?

There being none at this time, I call on the Junior Minister.

Mr. Dennis Lister III: Madam Chairman, in response to that, I'll just reiterate that while the information won't be made public, again, depending on feedback from industry, that can be adjusted. But I just want to note that any Member of the public can have access to the

data. And this is similar to what is being done in other leading jurisdictions, such as the NAIC. So, no one will need to request for access to the data. It will be made public.

The Chairman: Okay. Thank you, Junior Minister.

Are there any other persons who wish to speak to clauses 1 through 4?

There being none . . . Junior Minister.

Mr. Dennis Lister III: Thank you, Madam Chairman.

I actually just want to clarify, not that it will be made public, but the access to the data will be public—

The Chairman: Be made available.

Mr. Dennis Lister III: I just want to clarify that. Yes.

The Chairman: Okay. Thank you for that clarification.

Mr. Dennis Lister III: Yes.

The Chairman: Continue, Junior Minister.

Mr. Dennis Lister III: Madam Chairman, I ask that the preamble be . . . I move that the preamble be approved.

The Chairman: Would you like to move the clauses first?

Mr. Dennis Lister III: Oh, yes. I got ahead of myself.

Madam Chairman, I'd like to ask for clauses 1 through 4 be approved.

The Chairman: It has been moved that clauses 1 through 4 be approved.

Are there any objections?

There are none.

Approved.

[Motion carried: Clauses 1 through 4 passed.]

The Chairman: Continue.

Mr. Dennis Lister III: Madam 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 are none.

So approved.

Go ahead.

Mr. Dennis Lister III: Madam 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 are none.

So approved.

[Gavel]

[Motion carried: The Insurance Amendment Act 2026 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 3:03 pm

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

REPORT OF COMMITTEE

INSURANCE AMENDMENT ACT 2026

The Speaker: Members, are there any objections to the Bill entitled the Insurance Amendment Act 2026 being reported to the House as printed?

There are none.

The Bill has been reported as printed.

Thank you, Members.

I will now move on to the next item on the Order Paper, which is the second reading of the Employment Amendment (No. 2) Act 2026, in the name of the Minister of Economy and Labour.

Minister.

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

The Speaker: Good afternoon.

Hon. Jason Hayward: Mr. Speaker, I move that the Bill entitled the Employment Amendment (No. 2) Act 2026 be now read a second time.

The Speaker: [Are there] any objections?

There are none.

Continue on, Minister.

BILL

SECOND READING

EMPLOYMENT AMENDMENT (NO. 2) ACT 2026

Hon. Jason Hayward: Mr. Speaker, when I tabled the Bill in this Honourable House on the 11th of September 2026, I outlined its principal purpose, which is to strengthen the procedural and enforcement framework governing the Employment and Labour Relations Tribunal. I would like to use this opportunity to provide the House with greater detail on the proposed

amendments, the issues they are intended to address, and the practical effect of the changes.

Mr. Speaker, the Tribunal is an important part of Bermuda's Employment Relations Framework. It provides employees and employers with an accessible forum for the resolution of employment complaints and labour disputes without requiring every matter to proceed through the courts. However, the effectiveness of any Tribunal is dependent not only on its ability to hear and determine matters, but also on having appropriate procedural powers to manage those matters efficiently and, more importantly, on its decisions having practical effect. The policy paper which I laid before this Honourable House in June of this year identified a number of areas where the existing legislative framework could be strengthened. Those proposals have informed the Bill now before the Honourable House.

Mr. Speaker, the first area addressed by this Bill concerns the timing of disciplinary action and termination, and employee protection from disciplinary action during rest days, approved leave, and off-duty periods. The existing legislation protects employees from disciplinary action during particular periods of leave. However, the Government identified a need to clarify and extend those protections so that employees are not subjected to disciplinary actions or terminations during any period when they are not ordinarily required to be at work. The Bill, therefore, extends the relevant protections to include rest days, approved leave, and off-duty periods. This is intended to provide greater clarity for both employers and employees and to establish an appropriate boundary between the employee's working time and periods of rest or approved absence.

Mr. Speaker, this amendment is not intended to prevent an employer from responding to circumstances where immediate action is reasonably required. The Bill maintains appropriate exceptions for circumstances where the nature or urgency of the matter warrants actions. The objective is to ensure that disciplinary processes are undertaken in an appropriate and orderly manner while recognising that there may be circumstances in which an employer cannot reasonably wait until an employee's next scheduled working day to address an urgent matter. This is a measured approach that seeks to protect employees from undue pressure while preserving the legitimate interests of employers.

Mr. Speaker, the second area of reform concerns the Tribunal's ability to manage its cases effectively. A tribunal can only provide timely access to justice if cases can be brought to hearings within a reasonable period. The policy work undertaken by the Ministry identified concerns regarding delays associated with scheduling, repeated requests to change hearing dates, and circumstances in which parties did not adequately engage with the scheduling process.

Mr. Speaker, the Bill therefore provides the Tribunal with additional authority to establish a clearer framework for the scheduling of hearings and the management of adjournment in circumstances where a party does not adequately engage with the Tribunal's scheduling process. The purpose of these provisions is not to restrict a party's right to be heard, but, rather, to ensure that the Tribunal has the tools necessary to distinguish between a legitimate need for additional time and conduct that unnecessarily delays the resolution of employment complaints and labour disputes.

Mr. Speaker, both employees and employers benefit when disputes are resolved efficiently. For an employee, prolonged proceedings can mean prolonged uncertainty about employment, wages, or other rights, while for an employer, prolonged proceedings may result in additional and otherwise avoidable cost. The proposed amendments therefore support the interests of both sides.

Mr. Speaker, the third area the Bill addresses is the statutory timeframe within which the Tribunal is required to issue its decisions. The existing provisions require decisions to be issued within 30 calendar days. While the intention behind the requirement is understandable, experience has demonstrated that a strict calendar-day framework does not always provide Tribunal members with sufficient time to properly consider the evidence and submissions and prepare a comprehensive and well-reasoned decision. The Bill therefore changes the timeframe from 30 calendar days to 30 business days. I want to emphasise that this amendment should not be viewed as an attempt to delay justice. The objective is to establish a timeframe that is both meaningful and realistic.

Mr. Speaker, a Tribunal's decision may involve the consideration of witness evidence, documentary evidence, legal submissions, and in some cases sufficient significant questions concerning employment rights or financial awards. The quality and reasoning of Tribunal decisions are important. A decision that is rushed simply to meet an unrealistic statutory deadline does not serve the interests of either party. The proposed 30-day period seeks to strike an appropriate balance between timeliness and the need for properly considering decisions.

Mr. Speaker, the most significant aspect of the Bill concerns the enforcement of the Tribunal orders. This is an area where Government considers legislative action is particularly important. When an employee brings a claim before the Tribunal and the Tribunal determines that an award is due, the determination should provide a meaningful remedy. A Tribunal order should not simply establish an entitlement on paper. It should provide a realistic pathway for an employee to receive what the Tribunal has determined is owed.

Mr. Speaker, the Bill establishes a statutory framework for addressing continued noncompliance

with Tribunal orders. The intention is to be proportionate and graduated, and the objective is not to impose an immediate penalty in every case where there is failure to comply, but to create a framework which provides an opportunity for compliance, and recognises that there may be legitimate circumstances requiring consideration before further enforcement measures can be taken. However, where noncompliance persists, there must be consequences.

Mr. Speaker, the Bill also provides for a naming register for unpaid Tribunal awards. This is an important development as the register is intended to provide transparency and to encourage compliance. The Government recognises that the publication of information concerning noncompliance is a significant measure. It is therefore important that the statutory framework governing the register provides appropriate safeguards and due process not to [punish] a person but to adequately address continued noncompliance and to create a practical incentive for compliance.

Mr. Speaker, I wish to emphasise that the Government has sought to ensure that these enforcement provisions are balanced. Employment legislation must protect employees; but it must also provide employers with a clear set of rules and a fair process. The Government does not consider that every failure to comply with an order should automatically result in the same consequence. There must be an opportunity to address the failure and to distinguish genuine circumstances from persistent disregard of a Tribunal order. The objective is to create a system in which parties understand that a Tribunal order has legal significance and that continued failure to comply will have consequences.

Mr. Speaker, in developing the Bill, two additional consequential provisions have been included to support the effective operation of the new framework. The first provides immunity from suits for members of the Employment and Labour Relations Tribunal in the exercise of their functions. This is an appropriate protection for Members carrying out their statutory function and is intended to support the proper and independent exercise of the Tribunal's jurisdiction.

The second requires the director of labour to submit an annual report to the Minister in relation to parties included on the proposed naming register for unpaid Tribunal awards. This provides an appropriate mechanism for ministerial oversight of the operation of the register and will support accountability and transparency in its administration. These provisions complement the principal reforms contained in the Bill and provide an appropriate legislative framework for their operations.

Mr. Speaker, I wish to address the broader implications of the Bill. For employees, this Bill provides greater protection during rest periods, approved leave and off-duty periods, and strengthens the likelihood that a successful Tribunal award will result in a meaningful remedy.

For employers, the Bill provides greater clarity concerning Tribunal case management, disciplinary process, and the consequences of failing to comply with Tribunal orders. The amendments also provide a more practical framework for all parties appearing before the Tribunal. It is important, as confidence in an employment justice system depends upon both sides understanding the rules and having confidence that those rules will be applied fairly.

I wish to remind this Honourable House that these reforms have not been developed in isolation. The Ministry engaged with the Employment and Labour Relations Tribunal, the Labour Advisory Council, and considered the practical issues of the current legislative framework against international best practise. Legislative reform is most effective when it is informed by the experience of those who have administered the law and those who are required to operate within it.

Mr. Speaker, in conclusion, the Bill before the House is a targeted modernisation of Bermuda's employment relations framework. It gives the Tribunal greater ability to manage its cases and avoid unnecessary delays. It also strengthens protections for employees during rest periods, approved leave, or while off duty. It provides a more workable framework for delivery of decisions and, most importantly, it establishes a clearer statutory framework for addressing continued non-compliance with Tribunal orders, including the proposed naming register for unpaid Tribunal awards.

At its core, this Bill is about ensuring that the employment justice system works not only in principle but in practise. When an employee has a statutory right, that right should have a meaningful remedy, and when an employer is required to comply with a Tribunal order, there should be a clear and fair framework for ensuring compliance.

The Government believes that these amendments will strengthen confidence in the Employment and Labour Relations Tribunal and contribute to a more effective, balanced and credible Employment Relations Framework for Bermuda.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

MP Fahy.

Hon. Michael Fahy: Thank you and good afternoon again, Mr. Speaker.

Mr. Speaker, originally I thought this was going to be a very straightforward Bill to deal with.

The Speaker: Mm-hmm.

Hon. Michael Fahy: And unfortunately, it probably will not be, at least from the Opposition's perspective.

And my opening comments deal with it in this way: This Bill is almost in two very distinct parts. There are many pieces of this Bill that make a lot of sense and can be fully supported. And I'm going to put that on record. And the reason why (given some of the things we heard earlier in another debate and questions about where the Opposition stands on certain things), when you mix things together in a Bill, some things are not supportable because it's damaging in other areas. And that's a very big point I'm going to be making throughout my opening comments.

I will also make comments in this general part of the debate that do skirt around some of the clauses, knowing that we're going to go into Committee, so that the Minister will be at least flagged with it so that when we go into Committee perhaps he'll be forewarned and forearmed from his technical officers about those points.

The Speaker: So, you're going to step over that little line and speak to the clause.

Hon. Michael Fahy: Thank you, Mr. Speaker. Exactly right.

So, with those opening comments in mind, I want to say this: We support the purposes of the Bill and what it's trying to achieve, as I've said. And who is going to deny that it makes sense that nobody, when they are on holiday, should be getting notices of misconduct or grievances and the like? So equally, we support a tribunal where awards are paid and not ignored. It's abhorrent when that happens. People get an award; they should be paid. And equally, tribunals should be hearing cases promptly.

And I have to say, Mr. Speaker, that I guess I hadn't looked at some of these areas for quite some time, that I had just assumed that a lot of these things were already in place, maybe in regulations or some Guidance Notes from within the department and the way in which these tribunals operate. That it would become enshrined in a Bill gives things more clarity for those who are making applications, and especially for those who may not have an attorney present for their hearing. It probably gives more clarity so they know that they can look in one space rather than dancing around for regulations.

And again, the Minister did address the point about changing the time in which tribunals would give awards from 30 days to 30 business days. It gives people a little bit more time. Again, there's a delay. But the Minister has explained the reasoning behind that already.

Mr. Speaker, the problem is good intentions don't always make good law. And that's going to be the thing that we're going to address later today. And some of the questions that I pose are, for example, if you look at the way in which the Bill is worded, and what the Minister's comments were, the test, for example, is what happens on, say, a Monday morning in

a small business in Hamilton, or maybe at a hotel in Southampton, where a manager has to work out what the law asks them to do? So, what I mean by that is there's no provisions really that yet talk about a definition of "off duty." So, what does that actually mean? And that's going to be a problem for those who are going to be interpreting what this Bill means. Off duty; it's a concept, especially in different types of areas of employment. Off duty to an insurance executive may be never because it's not shift work. Off duty for a police officer may mean slightly something else than to an off-duty nurse. So those concepts have to be fleshed out a little bit, in our opinion, to kind of give some clarity to what is being dealt with.

As I've said, we'll give credit where we believe that credit is due. And I've kind of slightly addressed that at the opening paragraph. Woe betide anyone to say that we're not supportive of different pieces, because we are. But, Mr. Speaker, let's face it. It's good that we can have a tribunal award that's enforceable, and this Act says as if it's almost acting as a court of summary jurisdiction. The naming register, publicly naming and shaming, absolutely is a way to get people to understand that when you get an award, you're going to be having to pay, and if not, you're named and shamed. Nobody likes to see themselves embarrassed, and a lot of the times that's the way people will pay. They're not so worried about the amount of the award. It's the fact they don't want to be in there.

But again, in Committee I'll get into some of the problems that come with that in terms of how that register will actually work in practise. Can people be taken off after they have been paid? What's the time limit? Things like that are going to be very important so that people have that clarity about what is trying to be achieved here. Whilst I say that, there are safeguards that have been put in here about rights to appeal and the like. But there are other areas we'll address, as I say, in Committee.

Again, there are good sections in here that deal with early case management and dates and times. All very good. Stronger civil penalties. Civil penalties, again, are an excellent way of getting awards paid, and these are sensible things that tribunals can consider, especially when you consider particular parties' financial circumstances, and the like.

And as I've said, finally, in terms of the idea of protecting those from being given disciplinary action when on leave, take worst-case scenarios. Some horrible employer says, *Well, I'm going to serve a letter of discipline on someone while they're at a funeral.* But this leads to the question which I'm going to pose to the Minister now: What is the absolute necessity of bringing these particular pieces in terms of the notice, making sure that people are not given notice of disciplinary actions whilst they are on leave? Have there been so many cases overwhelming the employment Tribunal that this is a necessity at this time? Why are we doing it? Is really the question.

I understand the rest. I understand why we would want to make sure that awards from tribunals are paid. I understand that the Tribunal needs more powers. I understand all of that. I'm not really following what the purposes of this notice piece is because I've not really ever seen something where a notice is given without real due process. People have employment handbooks that they follow. Most good employers, most employers have to have these things that are followed well. So maybe the Minister can give some clarity to that.

[Crosstalk]

Hon. Michael Fahy: Again, a lot of my other comments on some of these get into the definitions. And again, I'll put that into clauses.

But when I talk about off duty, again, let me give some examples. Does it cover an employee on their lunch break? Right? It doesn't say. When the law doesn't say, Mr. Speaker, it leads to issues of potential litigation. It leads to all kinds of attendant issues that now that Tribunal may very well have to deal with that it did not in the first place have to deal with.

There are issues about what is disciplinary action. That has extended matters involved. So, for example, Mr. Speaker, if you're going to speak to an employee because they've behaved badly at an office function, is that going to be considered a verbal warning?

Hon. Jason Hayward: At the function?

Hon. Michael Fahy: No, right after the function. These can be addressed by the Minister in his remarks. But if someone's at a function, it's a work function, it's after hours, they're probably off duty, but they misbehave in a way, and the employer says, *That's not acceptable. I need to talk to you tomorrow.* That could be a verbal warning.

And they sound like silly examples, Mr. Speaker. This is what the lawyers spend their time arguing about in front of courts and tribunals on what are proper notices.

[Inaudible interjection]

Hon. Michael Fahy: They argue about what are verbal warnings. They argue about is a verbal warning documented properly on paper that you can demonstrate it to a tribunal. These are the things that the Tribunal has to consistently make decisions on.

[Inaudible interjection]

Hon. Michael Fahy: And the point that we're making is that sometimes when you're trying to correct a problem that might not really be that big of a deal, [you're]

creating other problems that we don't actually need to be facing.

An Hon. Member: Attendant consequences.

Hon. Michael Fahy: Okay? As my colleague is saying, I agree, the attendant consequences.

An Hon. Member: Yes.

Hon. Michael Fahy: Right? Of some of these types of issues.

Again, when we look at summary dismissal, there are no particular exceptions. And we'll get into that. But let's take an example on that, Mr. Speaker, the way in which these examples can pan out. So, let's say you're an employer. Your employee is on holiday, and you discover that this individual has been defrauding you. Okay? Now, under the Act, you can say, *You're suspended*. Okay? That is what the Act says as it's currently, or the Bill, as it's currently drafted.

But it doesn't seem that you can then dismiss them for that fraud until they come back from leave or they are no longer off duty.

An Hon. Member: But that was the very provision in law.

Hon. Michael Fahy: So, it's kind of, they're not interacting, that's part of the problem. So, one clause allows what the next clause forbids is the point. We'll get into that.

We've heard about some of the deadlines. Again, in the clause by clause you will see that there are contradictions in respect of what's being proposed versus how it interacts with some of the sections of the Employment Act as it currently exists, Mr. Speaker.

Mr. Speaker, as well, there are prohibitions that are in this Bill. But there are no consequences that actually relate to some of those prohibitions. So, again, there seem to be sections that are possibly missing. If an employer, for example, gives a warning to an off-duty employee, is the warning void? We don't know. Is a dismissal automatically going to be determined to be unfair because you haven't given the type of warning, or you gave it just maybe [at] the wrong time, or it's been interpreted to be a warning that should be verbal but maybe it should be written? Maybe the person was off duty but you're going to argue the point. And these are points not to just be dismissed.

If, for example, Mr. Speaker, you have the urgent risk exception, which is embedded within this Bill, what it says is you have to send written reasons within seven days not only to the employee and their union but also to the Department of Labour. Now, that seems to me to be overreach of having what I would

think would be private information between an employee and an employer to then put a burden on the employer to send a notice to the Department of Labour.

Now, that is something that I would have . . . obviously if that's in a collective bargaining agreement, there's no objection. That's what people wish. But now you're putting this burden on employers generally that have no collective bargaining agreements to say you're now under a duty to send this to the Department of Labour. I'm not following why.

[Inaudible interjections]

Hon. Michael Fahy: Okay? It doesn't add up to me. What this means is that unproven allegations and personal information could potentially end up in the hands of the Government. That's what that actually leads to because the employer is duty-bound to do it.

Hon. Jason Hayward: To what are you referring?

Hon. Michael Fahy: And we'll get into clause by clause. And, again, if I'm—

Hon. Jason Hayward: Be—

Hon. Michael Fahy: I'll sit down.

The Speaker: Point of order?

Hon. Jason Hayward: For clarification.

Because it's prohibited from referring to a specific section he's generalising something and then making a specific comment on a generalisation to which myself nor, I believe, the technical officers can actually follow. So, when he is talking about specific things it would be good if he raises what specific things he is actually talking about so that he can get a response.

But he's skirting around it because he can't refer to the clause. So, we don't know to what provision that he is actually talking about or what point within law.

The Speaker: Okay. I think what he's trying to do is be broad right now. And when he gets into Committee, then he can talk clause by clause because at the moment [if] he references clauses now, I'm going to have to stop him.

Hon. Jason Hayward: I understand. But how is one supposed to legitimately answer the questions that he's asking?

The Speaker: I think [he] is looking for the answers when we get to Committee. Because when we get to Committee, then you can address it directly.

[Inaudible interjections]

The Speaker: He can't address it directly right now, so he's just building the—

Hon. L. Craig Cannonier: That's what the debate is for. It is a general debate.

The Speaker: Yes.

Hon. L. Craig Cannonier: Then he can go into clauses.

The Speaker: Yes.

Hon. Michael Fahy: Thank you, Mr. Speaker. I think that that's added clarity.

[Inaudible interjections]

Hon. Michael Fahy: And the Minister is getting himself quite upset.

Hon. Jason Hayward: No.

Hon. Michael Fahy: And I'm not following . . . I've said from the beginning of my remarks.

Hon. Jason Hayward: Point of order.

The Speaker: Point of order. Okay.

POINT OF ORDER
[Misleading]

Hon. Jason Hayward: The Minister . . . the Honourable Member, is intentionally misleading the House. I am not getting upset.

We generally, as a practise of debate have persons rise to the floor and ask a number of questions. We then answer those questions and then go into Committee. And if that is not the process where you're not really seeking answers to the questions, but you're just raising questions for the sake of raising questions, then, okay, it's fine. Then we can move to Committee, and we can then answer the questions when we get into Committee.

The Speaker: I think he's trying to not necessarily [ask the] question right now but trying to paint the picture of his concerns. Knowing that he can't go fully in-depth with it now, when he gets to Committee he'll go fully in-depth on it.

So, I know you're . . . I'm not necessarily expecting the answers now. I'm expecting when he gets into Committee he will paint the real picture. So, you know, the answers for you will come in . . . your response to his questions will come in Committee rather than now. That's the way I'm looking at it, you know.

Don't build up a case to answer now because it's going to go right into those matters in Committee.

[Inaudible interjections]

The Speaker: Yes.

Hon. Michael Fahy: Thank you for the clarity, Mr. Speaker.

Indeed, I led my original comments by saying I'm going to do my best to lay out my concerns without going clause by clause. And the Minister will have, again, every opportunity to ask me as many questions as he wishes in response to the questions I'm asking in the Committee stage on clause by clause. So, I think the Minister, unfortunately, will have to follow along as best he can—

The Speaker: He was trying to be—

Hon. Michael Fahy: —and I'll try to be as clear as I can.

[Crosstalk]

The Speaker: —responsive now. But we will say hold the responses until we are in Committee—

Hon. Michael Fahy: It is a general debate.

The Speaker: —and you get a full package of what you're saying. But the point is here . . . I'm going to use your wording. You're *skirting* around it. Don't skirt so much that you are putting up so many issues that may seek to have some response now. Leave your response to then.

Hon. Michael Fahy: And whilst I do appreciate that guidance, Mr. Speaker, I do think it is important that the listening audience who won't follow clause by clause have at least a general understanding of what some of these concerns are. And if they're so inclined, after I make those open remarks, to look at this Bill and go clause by clause and listen to the Minister's responses, then all the better.

The Speaker: They'll get the answers when you close.

Hon. Michael Fahy: Correct.

The Speaker: They'll be listening to you.

Hon. Michael Fahy: So, there are a whole bunch of things here that I have concerns with.

Now, in terms of some of the provisions, again—

The Speaker: What I might suggest to help you out there,—

Hon. Michael Fahy: Yes.

The Speaker: —if you're going through each part of the Bill right now,—

Hon. Michael Fahy: Mm-hmm.

The Speaker: —maybe you are stretching it too far where you can stay in that until clause. Because when you get to clause by clause, you're going to go through each line by line by line.

Hon. Michael Fahy: Yes, Mr. Speaker—

The Speaker: So, you don't want to go through line by line now—

[Crosstalk]

Hon. Michael Fahy: And I'm not, Mr. Speaker.

What I am doing is I'm setting the table (as I heard someone from the back say). I was saying and hoping that what would happen is the Minister's technical officer would at least be able to hear what I'm trying to get across to them to say, *Okay, there are problems with this Bill*. Right? Before we go to Committee to say, *Look, there are issues here. Maybe the Minister can reconsider*. Maybe these are the things that need to be taken away and considered again.

The Speaker: Well, well—

Hon. Michael Fahy: Before we go . . . but anyway, listen—

The Speaker: You can easily say that you like the Bill, but there are problems with the Bill.

Hon. Michael Fahy: I can.

The Speaker: You are going to address it under clause by clause.

Hon. Michael Fahy: I have not gone clause by clause, Mr. Speaker.

The Speaker: No, no, no. I'm saying when you get to that point—

[Crosstalk]

Hon. Michael Fahy: I don't disagree with you whatsoever.

In terms of, again, what I'm concerned with (taking your guidance) is that it would seem that we're taking a hammer to crack a nut on something that

does not seem, to me at least, to be a massively problematic issue in the first part of this Bill.

The second part that deals with the Tribunal overall in terms of the concept is supportable, notwithstanding the comments I will make, Mr. Speaker, in the rest of the clause-by-clause debate. With that in mind, and given that I know the Minister is very keen, very keen indeed, to get to clause by clause so he can have further clarification from me in terms of those concerns, I'll take my seat.

[Laughter]

The Speaker: Thank you. I appreciate that.

Does any other Member wish to make a contribution or do we move to Committee now?

No other Member?

Minister, would you like to move it to Committee? Or do your response and then move to Committee if you like. It's your call.

Hon. Jason Hayward: Yes. No, I have tons to say.

The Speaker: Very good.

Hon. Jason Hayward: I just want to outline the process that has led us to where we are.

The Speaker: Okay.

Hon. Jason Hayward: The Employment and Labour Relations Tribunal would have drafted a report, a report that I would have brought to this particular House and tabled with a Statement as it pertains to their concerns and which was their observations.

The report contained some administrative amendments, but then also some amendments that required legal changes, all in the aim of strengthening the administration of the Tribunal and strengthening the enforcement of the Tribunal. A responsible Minister will receive a report, read through it, and determine whether or not we should move forward with the recommendations. I do not do so in isolation. I then take the Employment and Labour Relations Tribunal's report and go to the Labour Advisory Council. At the Labour Advisory Council there's a tripartite organisation. So, there is a government representative, a representative of employers, and a representative of employees. We collectively went over the provisions and the recommendations of the Tribunal report, and then we approved the way forward.

While the Minister or the Honourable Member can come up here and make a meal as though the Government is doing overreach, the consensus of the group was extremely supportive. And it included employers. It included the representative of employees.

Hon. Michael Fahy: Mr. Speaker, the Minister is misleading the House.

The Speaker: State your point.

Minister.

Hon. Jason Hayward: He has to rise on a point of order.

The Speaker: Yes. Do your point of order that you want to . . .

Hon. Michael Fahy: I'm sorry. I thought I said a point of order. I apologise.

POINT OF ORDER
[Misleading]

Hon. Michael Fahy: A point of order, Mr. Speaker. The Minister is misleading the House.

We have not said the entire Bill is overreach. Let's make that clear. We're not going to hear what we heard earlier today.

The Speaker: All right.

Hon. Jason Hayward: So, portions of this are overreach. But we have worked through it with employers and the representative of employees to get to a common position. And so, I'm unsure what stakeholder group finds any portion of this to be overreach when all groups were represented when we developed the policy paper to bring this Bill to the House. And so, I just want to say that robust consultation has been completed.

It was a general question in terms of what is off duty? Every employment establishment and within employment contracts have defined periods of on and off duty, have defined periods of working hours and non-working hours. Every employment contract must have defined working hours.

Hon. Michael Fahy: Mr. Speaker.

The Speaker: Point of order?

Hon. Michael Fahy: Point of order.

The Speaker: What's your—

POINT OF ORDER
[Misleading]

Hon. Michael Fahy: The Minister is misleading the House.

There may be defined portions in someone's employment contract that say that they have a holiday, but there's no . . . I've not seen or ever had a contract that says, this is my off-duty time. There's no definition of this. Off duty, what is it? And that's what we're going to have to get into the clause by clause.

The Speaker: Yes. All right.

Hon. Jason Hayward: So, the Honourable Member doesn't have a time period where he can determine whether or not he is under the scope of his employer throughout the day? He doesn't have a time period when he is actually off the clock, when he is not being remunerated, when he is on vacation, when he is on sick leave? He is unclear? The law actually speaks to defined periods of time where persons have breaks. When persons are not on the clock. And so, I guess we're going to get into that in a clause by clause, but I think we've made it abundantly clear, and we have also mirrored other provisions in law. Because when we say you can't terminate somebody during specific periods, it has never been questioned that there is this grey area as it pertains to when terminations can and can't take place.

We've mirrored that provision and then included disciplinary procedures in that particular provision. This is not a new practise. Whatever is practised with terminations, we're saying then every employer adopt the same practise for disciplinary procedures. And this is something that was requested for by the Tribunal.

The other matter of concern that was raised was: How does one come off the register? There's an entire clause within the Bill that speaks to a period of time in which how one will come off the register. It's even named *removal from the register*. And so, I guess we can address that there. But I'm not sure what confusion the Honourable Member would actually have.

But I think we're losing focus of what we're trying to achieve, and we're trying to ensure that employees, for the main part of this particular Bill, when they are awarded compensation or remuneration or an award from the Tribunal, that the employer actually lives up to the obligation to pay that individual.

What we are finding within our framework is victimisation of a victim. And so, one is already disadvantaged from a financial standpoint by getting an unnecessary deduction or being terminated unfairly. The Tribunal awards an award to the employee, and then the employer, even after losing a binding process, refuses to pay. That is unacceptable. And then the recourse that an employee has is then they have to go to court? We created the entire Employment and Labour Relations Tribunal to take this out of the hands of the judicial system so that the average man can get justice.

For lawyers to continue to try to put this back in the judicial system, knowing that the worker is limited on the resources they have to represent themselves . . . Could you imagine somebody unfairly terminated, loses a salary for six months, is then finally awarded six months of their salary, and then after that award is given, the employer fails to acknowledge or pay that award? So, while we can get caught up in

these little nuances, it has a huge impact on people's lives.

The outcome of what we are doing today will have a meaningful impact on those persons who are actually trying to seek justice. Do we have to settle for perfect before we can get there? And I think that is oftentimes what we actually hear. *These things are overreach. You're doing too much.* But what happens when that employee then can't pay their rent? Can't pay their children's school fees? Is evicted from their house? I don't hear the other side saying, *We need to do more.* I don't hear that advocacy. I hear advocacy that when we put in place, *oh, you're doing too much. There are portions of this Bill that we accept.* However, there's a "but" and a caveat.

How about we collectively stand up and say, *What is going on now is wrong?* How come we can't collectively say that if somebody is on vacation, a disciplinary procedure should not be happening in their absence?

Hon. Michael Fahy: Mr. Speaker, point of order.

The Speaker: Point of order.

POINT OF ORDER [Misleading]

Hon. Michael Fahy: The Minister, again, is misleading, maybe unintentionally.

He is painting a picture, again, as if we have not accepted most of what is in this Bill. We are going to point out a number of things that are problematic, and that is the role of the Opposition, to point those things out. We cannot, as legislators, just stand and say, *Oh, this is good enough.* It should be almost perfect, and as perfect as we can get it, not bring stuff to this place that just isn't correct to get what the Minister wants from the Bill. We'll support it. That's the point. He's misleading this House on the comments that he's making.

The Speaker: The Member is saying, again, that in principle they're in support. They want to highlight the issues that they've got concerns about. And that's why I was trying to get us to clause earlier, because then we can go to those issues that they've got the concerns on.

Hon. Jason Hayward: Mr. Speaker, the Member rose on a point of order and said I'm misleading the House. It is very . . . and I made abundantly clear I am not misleading the House. I am just providing the rationale as to why the Government has brought this Bill before this Honourable House.

I'm highlighting why employers and employees will look forward to this particular Bill. I'm highlighting that this Bill emanated from the desire of the Employment and Labour Relations Tribunal, those

persons who are on the ground and the front line of adjudicating disputes.

I've highlighted how that report then went to a body which contains representatives of employers, employees, and the government. All so we get here. So, it's a systematic approach to how we actually develop this particular Bill. And all have been favourable as it pertains to the direction of travel.

The first "but," however, comes from the Opposition. And I just want that to be abundantly clear. That the first time we heard that words such as "overreach" has come from the Opposition. The first time we heard "this doesn't make sense" has come from the Opposition. People who live this believe it makes practical sense. It makes practical sense for us to give employees the justice in which they deserve. It makes practical sense to allow the Tribunal extended time frame so that they can provide their judgments.

If you cannot be terminated on a rest period, then we're saying that provision should also apply to being disciplined. But then we have caveats as it pertains to if an activity is severe that that can take place in the best interest of the organisation. So, we are trying to be balanced as much as we possibly can.

And so, with that said, Mr. Speaker, I'm glad that the Opposition supports the vast majority of the Bill.

[Inaudible interjections]

Hon. Jason Hayward: And I'll move that the Bill be committed so that they can go through clause by clause and nitpick where there is overreach, where there is concern, where things don't make sense.

The Speaker: And Members, I'm glad we got to this stage because most of the debate is going to take place in Committee on the actual clauses and stuff. I wouldn't necessarily call it nitpicking because part of the scrutiny of the Bill is Committee. And so, the right of Committee is to go line by line and highlight, highlight—

[Inaudible interjections]

The Speaker: No, no, no.

And highlight where they agree and highlight where they disagree. That's the process. And I would hope that in this Bill that there would be much in there that you agree on.

[Inaudible interjections]

The Speaker: There's going to be much in there you agree on, but I expect there will be stuff that you will disagree on. But that's part of the process. So, the sooner we get into that there, the inferences back and forth, were not getting us nowhere to the clauses. And

nowhere to address them to the points. So now we can get to the points and address them.

With that, Deputy Speaker, take the Chair, please.

House in Committee at 3:52 pm

[Ms. Lovitta F. Foggo, Chairman]

COMMITTEE ON BILL

EMPLOYMENT AMENDMENT (NO. 2) ACT 2026

The Chairman: Good afternoon, Members.

An Hon. Member: Good afternoon.

The Chairman: Yes. We are now in Committee of the Whole [House] on the Bill entitled [Employment Amendment \(No. 2\) Act 2026](#).

I call on the Minister to . . .

Hon. Jason Hayward: Madam Chairman, I move clauses 1 through 3.

The Chairman: You would like to move that clauses 1 through 3 be considered at this time?

It has been moved that clauses 1 through 3 be considered at this time.

Are there any objections?

There are none. Continue.

[Inaudible interjections]

The Chairman: Continue.

Hon. Jason Hayward: No, I saw the Honourable Member stand up, but I don't know where he was going.

The Chairman: Right.

[Laughter]

The Chairman: He just wasn't paying attention just now.

[Laughter]

Hon. Jason Hayward: That's called chomping at the bit.

[Inaudible interjections]

Hon. Jason Hayward: Madam Chairman, this Bill amends the Employment Act 2000 (the principal Act) to provide for measures that prohibit an employer from taking disciplinary action against an employee while on leave or off duty, the imposition of civil penalties by

the Employment and Labour Relations Tribunal for noncompliance, and the extension of the timeline for the delivery of Tribunal decisions.

Madam Chairman, clause 1 is self-explanatory.

Clause 2 amends section 3AA of the principal Act to grant the Director the power to delegate his function to any member of staff of the Department subject to the conditions as specified by the Director.

Clause 3 amends section 20 (Notice periods) of the principal Act in subsection (3) to provide that a notice of termination shall not be given to an employee during his absence on leave to which he is entitled under any agreement or contract of employment while off duty.

The Chairman: Thank you.

Are there any other persons who wish to speak to clauses 1 through 3?

I recognise the Member from constituency 20.

Member, you have the floor.

Hon. Michael Fahy: Thank you, Madam Chairman.

Turning to clause 1, I have no questions. On clause 2, Madam Chairman, this clause, as the Minister has said, allows the Director to delegate, which obviously makes sense for an increasingly busy department with these things that are going on.

It says that the Director will have such conditions as the Director may specify, words to that effect. We believe that should be in writing so everyone knows who holds which power. Presumably that's going to be gazetted. It's going to be done in some way. If he's delegating his authority to someone else, hopefully, everyone will know who that person is going to be. There should be guidelines.

Maybe we can get explanations as to why that authority will be delegated. Is it because there's a conflict of interest? Maybe he's off duty. I don't know. Again, there's no guidance in here. Again, it's the conditions as the Director may specify. Presumably it's going to be an individual with commensurate powers in terms of seniority, at least an assistant director or someone like that.

The Chairman: Those are all your questions? You are asking whether—

Hon. Michael Fahy: Well, yes, in terms of those very specific questions: Will those delegations be recorded and published? We would also recommend and ask the Minister to consider when you look at another clause later on, which is [clause] 44LC, that particular clause deals with exclusion of objections. I just want to tie them in so the Minister is aware of why—

The Chairman: But—

Hon. Michael Fahy: —there is a concern, if I may get a little leeway, because it is tying in, and I'll go back to it again, [clause] 44LC. But this is the issue of that delegation. There are powers that then get delegated that are appearing within this Act or in this Bill that don't add up. So, I put that there. That's clause 2.

Would you like me to go clause by clause and let the Minister answer clause by clause?

The Chairman: Well, we're considering clauses 1, 2 and 3, so you—

Hon. Michael Fahy: So, I will move on to clause 3 then, Madam Chairman.

The Chairman: Yes.

Hon. Michael Fahy: This particular clause is deleting or, sorry, inserting the paragraph on any other leave that the employee is entitled to under any agreement, contract, or while off duty. And that is part of the issue. What does “off duty” mean? There is no defined term of off duty, and that is problematic, and that is going to become problematic in these Tribunal hearings, and that's something that I really hope the Minister can address. And the reason we're raising it is so that it's in the Hansard so that someone can answer what off duty is. Maybe that's helpful to someone.

Does the clause apply to redundancy notices and to the end of probation in this particular addition, and how does this interact with the urgent risk exception in [clause] 24(1B), which is a new clause?

So, moving on to clause 4.

The Chairman: No.

Hon. Michael Fahy: Sorry, it was just [clauses] 1, 2, and 3.

The Chairman: Yes.

Hon. Michael Fahy: Thank you. Those are my questions.

The Chairman: Yes. Thank you.

Are there any other Members who wish to speak to clauses 1, 2 and 3?

There being none . . . Minister.

Hon. Jason Hayward: The delegated function is to any Member of staff of the department subject to the provisions as specified by the Director. I think that you will find similar and mirror provisions in other pieces of legislation where the Director can actually specify the areas of functions and delegation. Normally, it is formally done.

In order for the Director to communicate that they are delegating certain authority to the staff, it will be that the staff has written communication of such

delegation. If the staff Member is involved in a process, then the staff Member would then provide communication that under the delegated authority of section such-and-such, they have the right to do whatever they seek to do, which is set out in law.

And so, I'm not sure where that comes as an area of concern. Maybe . . . the Member said he's going to try to tie it in at a different portion of this, but it is a very normal function for the Director to have the ability to delegate. You don't want to get in a position, and it is true, if the Director is on vacation that that's the only person who can do certain functions.

Even when we start to talk about then . . . because it's a statutory position you should have somebody acting. Not all the time that somebody [who is the] acting director has the technical competency to handle the matter as well, and so the Director may see fit to delegate to a staff member who has those functions. Or if you have multiple matters happening simultaneously, it would be of an advantage for the Director to have that ability to delegate.

If the Member can repeat the question that he had on the clause 3.

Hon. Michael Fahy: I can indeed. Thank you. There were a couple of questions.

There's obviously the meaning of “off duty.” The next was does the clause apply to redundancy notices and other items that are, say, in your employment handbook rather than just the contract? Because normally they're included as part of the whole package.

The Chairman: And I think you said probation, the ending of—

Hon. Michael Fahy: I did. So, redundancy, probation, et cetera.

The Chairman: Yes.

Hon. Michael Fahy: And then there was another question in terms of how it interacts with the urgent risk exception in the new section 24(1B). Thank you.

The Chairman: Minister.

Hon. Jason Hayward: So “off duty” has an ordinary meaning, and it's where a person is free from work tasks or job responsibilities. Okay?

[Inaudible interjections]

Hon. Jason Hayward: So, are we . . . you are saying that the term “off duty” should be . . . specified—

The Chairman: In legislation.

Hon. Jason Hayward: —in definition underneath the legislation?

The Chairman: That's what I think, he is getting at. Is that what you're getting at, Member?

Hon. Michael Fahy: That is exactly right, Madam Chairman.

The Chairman: Okay.

Hon. Michael Fahy: And it would help because, and if I may,—

The Chairman: Mm-hmm.

Hon. Michael Fahy: That is something that says off duty. And I accept the Minister has said obviously people have defined terms in contracts that when they may or may not be off work, a lot of contracts say, but you are also a professional and you're pretty much on all the time.

The Chairman: Mm-hmm.

Hon. Michael Fahy: So, if it's going to be something specific, it needs to be defined in our view.

The Chairman: Okay. I think he understands where you're coming from now. Yes.

Hon. Jason Hayward: I think if we look at the specific clause in the Act, the . . . well, we refer to—

The Chairman: To what? The main Act?

Hon. Jason Hayward: No, in the Amendment Act.

The Chairman: In the Amendment Act.

Hon. Jason Hayward: So, amendment, I mean, on section 24(4).

The Chairman: So, here's what I'm going to do.

Because we are not . . . because he has specifically tied it into something else so that he can appreciate where you're coming from in terms of what "off duty" means, I will allow you to do exactly what you're doing right now. Go ahead.

Hon. Jason Hayward: Okay.

The Chairman: Yes.

Hon. Jason Hayward: So, in that, it says: "Disciplinary action [under] subsection [(1)] shall not be taken while an employee is—" (and it specifies these . . .) on vacation leave, maternity leave, paternity leave, [parental leave] or bereavement leave; on sick leave, un-

less the period of sick leave extends beyond six weeks; [or] any other leave that an employee is entitled to under any agreement or contract of employment; or off duty.

And so, it is not just off duty in isolation, and people have to determine what off duty encapsulates. Off duty is relevant to periods of times. It could be for persons who are on schedule. You know when you're on and off duty. If there is not . . . if that term is not applicable to that workplace setting then it's not utilised because it could be covered by one of these other provisions. But I think everyone is abundantly . . . based off of the way in which the wording is in the Act, everybody should be abundantly clear as to when disciplinary action can actually take place.

The Chairman: Okay. Thank you, Minister.

Does anyone else wish to speak to clauses 1 through 3?

I recognise the Member from constituency 20.

Hon. Michael Fahy: Whilst I appreciate the Minister's explanation, it's still, in our view, insufficient. It needs to be a defined term. It says, "or off duty." That means those other ones are covered, yes, but off duty is very specific. It's "or off duty."

I will say, if everyone was always abundantly clear, lawyers would be very poor because everybody would be abundantly clear what every clause means. It says off duty. So, it seems to me, at least it seems to us, amend the Bill today. Find a term that someone can put their hat on and say: *We've heard it; we're going to amend it.* And a lot of this other nitpicking stuff falls away (using the Minister's words). It's not nitpicking. This is a very serious point because it will appear in the Tribunal later, I can absolutely assure you. That's bad law otherwise.

The Chairman: Thank you.

Are there any other persons who wish to speak to clauses 1 through 3?

Minister . . . Minister, can you yield?

I recognise the Member from constituency 9.

Member, you have the floor.

Mr. Vance Campbell: So specific to the off duty definition, or lack thereof of a clear definition, just as an example, if an employee does not show up to work from Monday to Friday, and they're doing a Monday to Friday work week, they don't show up Monday to Friday. There's no call in, no outreach from the employee. The same thing happens the following week. In both weeks, the employer has reached out via phone calls and/or emails with no response from the employee. And then the employee shows up on the Monday of week three.

How would you classify those two weeks where they were just MIA? They weren't sick, so it was none of the other things. So how would that be

classified? That's an example of where it's not captured, I don't believe, in "off duty" being when you're not ordinarily required to be at work. It doesn't capture that because you are required to be at work, but you're not. And it's not for any of the other reasons. Thank you.

The Chairman: Thank you.

Are there any other persons who wish to speak to clauses 1 through 3?

There being none . . . Minister.

Hon. Jason Hayward: Employment law doesn't exist in isolation. And so there are contracts of employment, there are employee handbooks which are referred to, and there are provisions which treat when one fails to show up for work for a number of days. There are tons of clauses that says after three days of non-response, then it could be considered abandonment of post, or breach of contract, or whatever it may be. And so, no, you cannot classify what that two-week period is because there could be multiple scenarios that led to why that person was out of office for a two-week period.

The reality is this Bill also speaks to other leave. So, it specifies leave, and then it speaks to "other leave." I don't hear the Opposition asking, *but what is other leave?* And "other leave" is not defined in law as well. And this is where I'm talking about . . . "other leave" is a general term that has been enshrined in law that we are allowed to accept. But we are not allowed to accept off duty? So, what I would say is, the circumstances outside of [paragraphs] (a), (b), (c), when one would be off of work.

So, we accept that an employee works 9:00 to 5:00. At 5:30, that employee is now at the bus stop. Because that is not considered as vacation leave, it is not maternity leave, it is not paternity leave, it is not sick leave, it is not bereavement leave, when that employee is standing at the bus stop at 5:30, can we not say that the employee is off duty? And if we can say, *Yes, that's typically referred to as off duty*, then we know what this provision seeks to cover.

And do we say it is allowable for that person to be disciplined while standing at the bus stop? And we would say: *No, it is unreasonable*. When that person returns to work the next day it should be clear that that is the period of time in which the employee can be disciplined.

The Chairman: Okay. Thank you, Minister.

Are there any other persons who wish to speak to clauses 1 through 3?

I recognise the Member from constituency 20. Member, you have the floor.

Hon. Michael Fahy: Thank you, Madam Chairman.

The Minister has presented an example. That particular example may very well define a particular job. It may be a particular employee contract.

The Chairman: Can you speak into your . . . is your microphone on?

Hon. Michael Fahy: Yes. Sorry.

The Chairman: Okay.

Hon. Michael Fahy: I, again, in many roles, you're never off duty. You are not off duty. There's just no definition of that. It's got to be a very specific thing. When are you off duty? Let me tell you, if I was employed in a job where an employer was going to call me, and I'm standing at the bus stop or whatever I'm doing at 5:30, I'm going to answer that call. And if I've made a mistake, I can't just say, *Too bad, call me tomorrow*. That doesn't happen that way. It just doesn't. It just does not happen that way.

And the Minister can say he's going to enshrine it. What I'm hearing from his other comments is that maybe what he's suggesting is that now it's going to be a problem for the employer to put a defined term in their employee handbooks to say, *Oh, off duty means X, Y, and Z*. Then what you're doing is you're almost creating what goes on in France. And in France, they've made a huge deal to say employees, no matter which type of job category, cannot be contacted after hours, and it's very defined. The moment you leave that office, if your job is 9:00 to 5:00 and that employer calls you after 5:00 pm, they can be fined all types of penalties in France on that issue. If that is what the Minister is trying to create, then bring legislation where that makes sense. This does not.

And the problem that we now have is that what the Minister described does not apply across the board. And so, for the rest of these clauses, I will be saying exactly the same thing, and we'll be here a long time, Madam Chairman, because it's important. This is absolutely not nitpicking.

And again, I'd invite the Minister to make an amendment to give a defined term for what "off duty" is. But that's a big policy point. That probably needs further consultation. I suspect this point was not raised officially or probably not discussed at depth in some of the consultation, because I can assure you this would have been and should have been discussed. What does off duty mean?

The Chairman: Thank you.

Are there any other persons who wish to speak to clauses 1 through 3?

There are none.

So, Minister, you may answer.

Hon. Jason Hayward: I now see what the Member is trying to get at. The Member is trying to box in a very

defined definition of “off duty” so that it generally cannot be applied. So that people who are generally—

Hon. Michael Fahy: Madam Chairman, that is . . . the Member—

The Chairman: Do you have a point of order?
Do you have a—

Hon. Michael Fahy: Yes. I said he's misleading the House.

The Chairman: I didn't hear you. I didn't even hear you say point of order.

Hon. Michael Fahy: I said point of order. Sometimes I need to lean in a little bit.

The Chairman: Yes.

Hon. Michael Fahy: There we go.

The Chairman: We can't hear.

Hon. Michael Fahy: Maybe we need longer [microphones].

POINT OF ORDER
[Misleading]

Hon. Michael Fahy: Point of order. The Minister is misleading the House.

In no way have I made a suggestion to be boxed in. In fact, what I would say—

[Inaudible interjection]

Hon. Michael Fahy: No, what I would say is the Minister's example is boxing people in. That's the point here. Get a defined term. Make it as wide as you want. But define it.

The Chairman: Thank you.
Minister, you are on your feet.

Hon. Jason Hayward: So, here is the beauty of employment law and the Employment Tribunal.

The Chairman: Mm-hmm.

Hon. Jason Hayward: It will be left to the Employment Tribunal to do the reasonable interpretation.

[Crosstalk]

The Chairman: Okay.

Are there any other persons who . . . Are you finished, Minister? Yes? Were you getting me to take this—

Hon. Jason Hayward: I was going to—

The Chairman: Okay.

Well, I have to ask if anybody else wishes to speak.

Hon. Jason Hayward: Okay.

The Chairman: Are there any other persons who wish to speak to clauses 1 through 3?

I recognise the Member from constituency 25. Member, you have the floor.

Dr. Douglas DeCouto: Thank you, Madam Chairman.

Just for the purposes, just to provide some colour, maybe a different perspective. We know there are a lot of different types of jobs. There are jobs where if you are not swinging the pickaxe, you're not working. Right?

Hon. Jason Hayward: You what?

Dr. Douglas DeCouto: You're not doing the manual labour between the hours when you go to the gate and when you leave. You're not working.

[Crosstalk]

Dr. Douglas DeCouto: There are jobs when you are deemed to be representing the company because you're wearing a uniform.

Hon. Jason Hayward: What is a pickaxe?

Dr. Douglas DeCouto: If you work—

[Crosstalk]

Dr. Douglas DeCouto: What's a pickaxe? From the Labour Party benches, Madam Chairman? What's a pickaxe? Come on [to] my house. I'll show you, Minister.

[Crosstalk]

Dr. Douglas DeCouto: If you're out and you're wearing the . . . Let's say you work at one of Bermuda's premier tourist destinations, [this] luxury five-star hotels, and you're wearing the uniform. And then you behave in a way that casts, you know, reflects poorly on your employer because you're wearing their uniform and carrying on [this] behaviour. So that's the second type of example.

I just reviewed my employment contract. It provides hours of work.

Hon. Jason Hayward: Correct.

Dr. Douglas DeCouto: Let me tell you, Madam Chairman, let me attend an ABIR event and hand out my business card and then get up to no good. No one's going to want to talk about on duty, off duty, or think that those hours in that contract are going to constrain what the company wants to talk about with me to reflect on my behaviour. That's the kind of example I'm trying to talk about.

And that is why my colleagues are trying to talk about what this means. Now, if my company put in my contract a definition of off duty . . . actually, it will probably say something like: *You are always on duty*. You know? And then that's going to probably not achieve the goals of the Minister.

That's the kind of example that illustrates the breadth of different types of employment. And I still extend the invite to the Minister of Labour to come by my house, and I will show him a pickaxe.

Thank you, Madam Chairman.

The Chairman: Are there any other persons who wish to speak to clauses 1 through 3?

There being none . . . Minister.

Hon. Jason Hayward: Madam Chairman, we are now creating this notion that somehow persons are on the clock 24/7, 365 days a year.

An Hon. Member: Oh, wow.

[Inaudible interjections]

Hon. Jason Hayward: That does not exist. When I look at a person's contracts of employment and their salary, they are not compensated for every hour of the day, 365 days a year.

And so, we should be mindful that what we're talking about is what is actually reasonable, what is practical for a Tribunal to understand, and where we're going from a standpoint of reasonableness. This is mirroring a provision that is already in place. It is already commonly accepted that you cannot be terminated on leave periods or while away from work.

We are just repeating that to ensure that we're extending it now to disciplinary procedures. And so, there is enough past practise to understand what those periods are from a termination standpoint, and they can be applied from a disciplinary standpoint. And so, we will leave it up to the Tribunal to interpret where there is interpretation required, because there's no way you can define the term that covers every single scenario.

And if there is recommended language that the Honourable Member Robin [Tucker] wants to share, she's happy to rise to [her] feet and say: *Look Minister, this is the language I believe will provide the necessary clarity, so everybody is clear what is off hours*. But she has failed to do so, so I'll ask that clauses 1 and 3 *[sic]* be approved.

The Chairman: [Clauses] 1, 2 and 3. Yes.

It has been moved that clauses 1 through 3 be approved.

Are there any objections?

Some Hon. Members: Yes.

The Chairman: Okay. The objections are noted. No division.

So, approved.

[Motion carried: Clauses 1 through 3 passed.]

The Chairman: That takes us on to the next few clauses.

[Crosstalk]

The Chairman: If you were serious about a vote going on that, you would have to stand on your feet. And the clauses have already been approved. But if you have an objection that you want a count on, you have to stand to your feet in a division.

The clauses have been approved.

[Inaudible interjections]

The Chairman: I'm just saying, just in case you didn't—

Hon. Jason Hayward: Madam Chairman, I want to move clauses 4 through 8.

The Chairman: I'm just saying, because I just saw some, it seemed like, acrimony—

[Inaudible interjections]

The Chairman: —and I just wanted to cite the rules to you.

Hon. Jason Hayward: Madam Chairman, I just want to move clauses 4 through 8.

The Chairman: It has been moved that clauses 4 through 8 be considered.

Are there any objections to that?

There are none.

Minister.

Hon. Jason Hayward: Clause 4 amends section 24 (Disciplinary action) of the principal Act to specify that disciplinary action shall not be taken against an employee while the employee is on leave to which he is entitled under any agreement or contract of employment or while off duty. An employer may however, in the case of urgent documented risks, proceed with disciplinary action.

Clause 5 amends section 25 (Summary of dismissal for serious misconduct) of the principal Act to specify that summary dismissal action shall not be taken against an employee while the employee is on leave to which he is entitled to under this Act, any agreement or contract of employment or while off duty.

Clause 6 amends section 26 (Termination for repeated misconduct) of the principal Act to specify that a written warning or termination of employee's contract of employment shall not be taken while the employee is on leave to which he is entitled under the Act, any agreement or contract of employment or while off duty.

Clause 7 amends section 27 (Termination of unsatisfactory performance) of the principal Act to specify that a written warning or termination of the employee's contract of employment shall not be taken while the employee is on leave to which he is entitled under the Act, any agreement or contract of employment or while off duty.

And clause 8 amends section 44A (Interpretation and application of Part) of the principal Act in the definition of "award" to include an order for [payment] of compensation and to insert the new definition of "Naming Register."

The Chairman: Okay.

Are there any other persons who wish to speak to clauses 4 through 8?

I recognise the Member from constituency 20. Member, you have the floor.

Hon. Michael Fahy: Thank you, Madam Chairman. In relation to clause 4—

The Chairman: Member, could you speak into your microphone?

Hon. Michael Fahy: Sorry, yes.

Again, in relation to clause 4, perhaps the Minister would be kind enough to give a definition of "off duty."

[Laughter]

Hon. Michael Fahy: Because it is here again and it is yet to be defined. And if the Minister is looking for us to provide a definition, then we can start thinking about that in more detail if he will actually consider it—

[Inaudible interjection]

Hon. Michael Fahy: Yes. And what could be done is simply add a few words. You could say off duty as defined in the employee's employment contract. If you want to put the burden somewhere else, put it on the employer. Give a definition.

Anyway, there is some "off duty" in that section.

The Chairman: Okay. So let me just say this. I think during the discourse that that reference was made, that there are certain things in people's specific employment contracts.

So, what I am saying is that in terms of the specific concern around the term, I guess, "leave" or "off duty." Sorry, that was the term that people are taking exception to. I think the Minister, before he took his seat, made it clear that employment Tribunals will, if there is a need, be provided some sort of definition as it relates to off duty, as it relates to whatever specific type of employment is associated with the employer.

And so it seems to me if we are going to have a debate and we are going to keep discussing what that means when I think there have been reasonable efforts to give explanations of why people think that it can vary, and reasonable explanations as to how that term can be dealt with in an employment situation, especially if it is under a Tribunal, I think we have heard that debate go back and forth.

So, I would hope that we are mindful of that as we continue to go through these sections clause by clause, because we can't take 15 minutes going on or . . . Let's put it this way; we don't want to keep repeating ourselves. Because when it becomes repetitive, at some point, as the Chairman, then I get to weigh in and say this has been done a thousand times, and I don't think that we are going to come to maybe whatever solution those who seek some sort of resolution on.

If we can't seem to come to an agreeable decision regarding that, it's my duty to not allow that to impact the continuance of this debate. And I want to be fair to everybody. Okay?

Minister.

Hon. Jason Hayward: Madam Chairman, if the quantum of the questions are referring to the same matter that has already been addressed and explained—

The Chairman: Yes.

Hon. Jason Hayward: —then I would like for us to move clauses 4 through 8.

The Chairman: Are there any other persons who wish to speak to clauses 4 through 8?

Hon. Michael Fahy: Yes, thank you. I hadn't even gotten past my first question on clause 4.

The Chairman: Yes, I know that.

Hon. Michael Fahy: Thank you.

The Chairman: You did say one thing, and I just thought I would interject.

Hon. Michael Fahy: We're grateful for your guidance, Madam Chairman.

The Chairman: Yes.

Hon. Michael Fahy: In respect of clause 4 [new section 24](1C), you will see that an employer who takes immediate disciplinary action in circumstances specified in subsection (1B), which is where an employee engages in harassment, intimidation (and there's a list of items there), that an employer now needs to give in writing providing reasons for the disciplinary action taken to the employee, Department of Labour, and the employee's trade representative or union, if any.

Again, we believe this is overreach and now starts to get into the sphere of putting quite a burden on an employer. If an employee has a disagreement or wishes to take an employer to a disciplinary Tribunal, that is absolutely their right and they should do if they believe it's incorrect.

But now what we're doing is putting the cart before the horse. If it's an absolutely legitimate issue that has to be dealt with, it seems very over the top (to me) for an employer to say: *Now we're going to tell the labour Tribunal*. What if that person doesn't want to have their personal business put forward.

Hon. Jason Hayward: Point of order.

The Chairman: Your point of order is?

POINT OF ORDER

[Misleading]

Hon. Jason Hayward: I believe the Member is inadvertently misleading the House. There is no reference to the employer making a report to the labour Tribunal.

The Chairman: Okay.

[Inaudible interjection]

Hon. Jason Hayward: You did.

Hon. Michael Fahy: Thank you, Madam Chairman.

If I did, that was certainly not my intent. What it says here is the Department of Labour. So, if I said Tribunal, then I accept that it was an inadvertent misleading of the House—

An Hon. Member: Ooh!

Hon. Michael Fahy: —because it was absolutely inadvertent.

What it says is giving reasons for the employee, the Department of Labour and employee, but the employer shall in writing provide reasons. Again, I understand the point there, but again, it seems over the top.

In terms of clause 5, you've given guidance already, Madam Chairman, in relation to a few of those matters there. In terms of clause 5, I have no questions.

In terms of clause 6 . . . [looking at] my notes.

[Pause]

Hon. Michael Fahy: I think that's clear.

And we're all the way up to [clause] 8. Is that what the Minister moved?

The Chairman: Yes. [Clauses] 4 through 8 are under consideration.

Hon. Michael Fahy: I have no further questions on those clauses.

Thank you.

The Chairman: Thank you.

Are there any other persons who wish to speak to clauses 4 through 8?

There being none . . . Minister.

Hon. Jason Hayward: We set out to have a balanced Bill. So, what we tell an employer they can't do is discipline an employee while they are on leave or away from work. Then the employer says, but we've determined that there could be some things that are egregious that took place. And what we're simply saying is we accept that. So that everybody is clear and so that it doesn't cause confusion, simply write to the employee, let the department [keep a] copy, and just give the Department of Labour a copy of the file so that everything is above board and that we're all clear.

[Inaudible interjections]

Hon. Jason Hayward: Because what we find happening is—

The Chairman: Members.

I can't hear the Minister.

Hon. Jason Hayward: What we find happening is you are out at a family picnic on a Saturday, and you just get a text message. And the text message says: *Don't bother coming to work on Monday*, or whatever it may be. That's not acceptable.

I think this is the thing which we're trying to prevent. And I think if persons recognise the practical examples, then what they would then understand is, okay, there should be reasonable periods in which this communication takes place. There should be reason-

able periods in which, you know, how these matters are actually adjudicated.

And so, I think that this is the Government trying to be flexible. And we are trying to work with employers so that they do have the ability, where necessary, to discipline an employee for these very serious things which are listed within the Bill.

With there be no further questions for those clauses, I'd like to move clauses 4 through 8.

The Chairman: It has been moved that we approve clauses 4 through 8.

Are there any objections to that?

Hon. Michael Fahy: Madam Chairman, I thought you might ask if there's any other speakers.

The Chairman: Just so that you know, I did. I asked, are there any other persons who wish to speak to clauses 4 through 8? And nobody else got up.

So, I went to the Minister.

An Hon. Member: Yes.

The Chairman: I asked that. I did.

[Inaudible interjections]

The Chairman: Yes. Okay.

Are there any objections to clauses 4 through 8?

[Inaudible interjections]

The Chairman: There seem to be none.

[Motion carried: Clauses 4 through 8 passed.]

The Chairman: Minister.

Hon. Jason Hayward: I'd now like to move clauses 9 through 12.

The Chairman: It has been moved that clauses 9 through 12 be considered.

Are there any objections to that?

There are none.

Hon. Jason Hayward: Clause 9 inserts a new section, 44BA (Immunity from suit) and provides that no action, suit, prosecution or other proceeding shall lie against the members of the Tribunal in respect to any act done in good faith in execution of any functions under this Act.

Clause 10 inserts [new] section 44CA (Case management powers of the Tribunal) to specify the Tribunal's powers to manage matters to ensure they are dealt with expeditiously. In doing so, the Tribunal may set hearing dates, limit the number of adjourn-

ments available to any party and grant or refuse a request for an adjournment after considering all the circumstances. The Tribunal may at any stage during proceedings give an order or direction to be complied with. The Tribunal may also impose a civil penalty on a person who seeks to delay or frustrate the Tribunal's ability to [deal] with matters expeditiously by refusing to confirm availability to attend set hearing dates or refusing to participate in the scheduling of hearing dates where required to do so.

Clause 11 amends section 44F (Notification and publication of award) of the principal Act to provide that parties to a matter must be notified of the Tribunal's award within 30 business days after the conclusion of the hearing.

Clause 12 amends section 44I (Tribunal award binding) of the principal Act by replacing the headnote and providing that an award made by the Tribunal shall be enforceable as if it were an order made by a court of summary jurisdiction in civil proceedings.

The Chairman: Thank you.

Are there any other persons who wish to speak to clauses 9 through 12?

I recognise the Member from constituency 9.

Member, you have the floor.

Mr. Vance Campbell: Yes, thank you, Madam Chairman. I just want clarity on clause 10. When we go to clause 10, [new section 44CA](3)(b) in the language it says . . . Well, with your leave, I'd like to read clause 10, [new section 44CA](3).

The Chairman: Yes, you may.

Mr. Vance Campbell: It says: "(3) A person who attempts to delay or frustrate the Tribunal's ability to deal with a matter expeditiously by refusing to—"(a) confirm his availability to attend set hearing dates; or "(b) participate in the scheduling of hearing dates, where required to do so, shall be deemed non-compliant with an award . . ."

I just want clarity on that. Does this mean that these actions by the individual would be equated to being noncompliant to award if it had reached that stage?

Because we're talking about prior to an award in the proceeding, confirming their availability, participating in scheduled hearing. For the sake of clarity, what that is saying is that if you fail to do . . . (3)(a) and (3)(b), you'll be deemed, or be considered equivalent to being noncompliant in a scenario where an award was made and you would then be liable for civil penalties. So, just for clarity from the Minister on that.

The Chairman: Okay.

Are there any other persons who wish to speak to clauses 9 through 12?

Not at this time.
Minister.

[Pause]

Hon. Jason Hayward: I'm seeking the answer from the technical officers as it pertains to what "an award" refers to. Because obviously the adjudication of a matter wouldn't have taken place yet.

The Chairman: Mm-hmm.

Hon. Jason Hayward: So, I'll receive clarification on that particular point. But I think that the scenario will be useful to the general public.

What we do have is employers who are reluctant to come in front of a Tribunal for whatever reason. And it is frustrating a process. And so, you can have an employee that is denied justice for years because the employer has failed to come, or continuously pushes back dates, or seeks to reschedule dates, or the lawyer is not available, and then the lawyer is not available the next time. And you can appreciate the stress that it would have on an employee who is simply trying to get their matter adjudicated.

And so, this is the Tribunal trying to understand. This is actually the Tribunal trying to ensure that persons know that if you don't come to the table in a reasonable manner, then there will be a penalty.

The Chairman: Okay. So that's the general meaning of that. Okay.

Hon. Jason Hayward: So, the award or order of the Tribunal will acknowledge that noncompliance of the process and therefore the definition of "award" in section 44A [of the principal Act], as follows, means: "Any determination, order, declaration or other decision made by the Tribunal in respect of the hearing of any matter before it."

The Chairman: Okay.

Hon. Jason Hayward: And so, that is . . . I guess this one refers to *after* the process.

The Chairman: Okay. Thank you.

Are there any other persons who wish to speak to clauses 9 through 12?

There being none . . . Minister.

Hon. Jason Hayward: Madam Chairman, I move that clauses 9 through 12 be approved.

The Chairman: It has been moved that clauses 9 through 12 be approved.

Are there any objections?

There appear to be none.

So approved.

[Motion carried: Clauses 9 through 12 passed.]

The Chairman: Continue, Minister.

Hon. Jason Hayward: Madam Chairman, I want to move clauses 13 through 18.

The Chairman: It has been moved that we consider clauses 13 through 18.

Are there any objections to that?

There being none . . . Continue.

Hon. Jason Hayward: Clause 13 inserts new section 44LA (Notice of continuing non-compliance), 44LB (Naming Register for Unpaid Tribunal Awards), 44LC (Objection to entry on Naming Register) and 44LD (Correction, and nomination—

The Chairman: Annotation.

Hon. Jason Hayward: —annotation or removal from the Naming Register) to make provision for the Director to serve a notice of continuing non-compliance on a party for non-payment of an award or a civil penalty. A Naming Register for the Unpaid Tribunal Awards is also established, in the new section 44LB, whereby the name of a party non-compliant with an award of the Tribunal or non-payment of a civil penalty may be entered after the relevant period elapses. The relevant period is the date by which an appeal must be filed or where an appeal is filed, the date of withdrawal or determination of the appeal. There are also provisions made whereby a person materially affected or aggrieved by an entry on the Naming Register may make representation or appeal.

Clause 14 amends section 44M (Power of the Tribunal to impose civil penalties) of the principal Act to grant the Tribunal the power to impose a civil penalty not exceeding \$15,000 for each contravention of an award.

Clause 15 amends section 44N (Tribunal to submit reports) of the principal Act by replacing the headnote and providing that the Director shall submit, to the Minister, a report of the parties on the Naming Register at least once in each calendar year.

Clause 16 amends Schedule 2 of the principal Act providing that the Tribunal shall as soon as practicable after a matter is referred set a case management hearing to give the parties orders and directions and to set hearing dates.

Clause 17 provides for transitional measures in relation to outstanding awards which remain outstanding at the date of commencement of this Act and such outstanding awards shall be treated as awards made under this Act in relation to the issuance of a notice of continuing non-compliance and entry on the Naming Register for Unpaid Tribunal Awards.

Clause 18 provides for the commencement of the Bill.

The Chairman: Are there any other persons who wish to speak to clauses 13 through to 18?

I recognise the Member from constituency 20. Member, you have the floor.

Hon. Michael Fahy: Thank you. I heard you this time.

[Laughter]

Hon. Michael Fahy: Thank you, Madam Chairman.

In relation to clause 13 and that is the insertion of [new section] 44LD—

The Chairman: LD? Yes.

Hon. Michael Fahy: Yes. [New section] 44LD (D for David)—

The Chairman: Okay.

Hon. Michael Fahy: Subsection (3). It says: “Notwithstanding subsection (1) where the amount of an award or civil penalty is paid in full the Director shall within 30 days after receiving satisfactory proof of payment— (a) remove the entry in relation to the party; or (b) annotate the entry in relation to the party as paid.”

Is there any outer limit that is going to be put in place as to when someone who has in fact paid does eventually get taken off the register? Are they there indefinitely? Because maybe they are bad actors. Maybe the Director has the ability to make determinations based on someone's continued poor behaviour in ignoring Tribunal awards.

I'm just looking for clarity on that point. Because again, it does allow the Director to remove the name. But then there's this *or they can stay on until*, or just annotate the entry to say that it was paid and maybe it would presumably have a date as well when that was satisfied. I think it would be helpful to understand.

In terms of . . . I think I don't really have many other questions on that. Just bear with me for one moment.

The Chairman: Okay.

[Pause]

Hon. Michael Fahy: In relation to clause 16 . . . this is in relation to Schedule 2. It's not that big of a deal, but I never think it's helpful to have language “as soon as practicable after a matter is referred” to the Tribunal. It says it shall hold a “case management hearing to give all parties orders and directions and to set hearing dates” to allow other parties . . . It would be, I think, more practicable to have some form of time limitation or time put in place that says within a certain time pe-

riod, maybe no less or no more than 45 days or something like that, or in the Tribunal's discretion thereafter.

But just using the words “as soon as practicable” is very kind of out . . . it is just very wide. That is [clause] 16, and that's amending Schedule 2. But again, not much turns on it. I think if we're trying to give the Tribunal a more definitive understanding of what their powers are, it's always helpful to be definitive with some days in place. I have no further questions.

Thank you.

The Chairman: Okay.

Are there any other persons who wish to speak to clauses 13 through to 18?

I recognise the Member from constituency 7.

Ms. Robin Tucker: Thank you, Madam [Chairman].

I have a question as it relates to clause 13 and [new section] 44LA.

The Chairman: I'm having a little problem hearing today. Can you just speak into the microphone?

Ms. Robin Tucker: All right. Is that better?

The Chairman: Yes, it is. It's clearer.

Ms. Robin Tucker: Okay. Perfect.

The Chairman: Yes.

Ms. Robin Tucker: Okay. So, this would be [subsection] (2) . . . sorry (3), [subsection] (3)(e). And this is where it says that: “A notice served [under subsection (1)] shall— . . . (e) inform the party of his right to make written representations or submit proof of payment of the award or civil penalty, to the Director, within 14 days of service of the notice.”

I will declare my interest. I am an HR manager. And I have been faced with a lot of these nebulous things over the years. And some of these things are very important, what we've already discussed today, to define them correctly. So, the question that I have on this for [paragraph] (e) is it says within 14 days of service. Is that calendar days? Is that business days? And that is throughout this piece of legislation. We just don't know. Right?

And then I have a question on [new section] 44LB, [subsection] (2). It says: “A party” . . . This is to do with the naming register for unpaid Tribunal awards. And so, [subsection] (2) says: “A party may be entered on the Naming Register.” So, this to me says that it is possible that although you have unpaid Tribunal awards, but then I'm taking this to mean it's up to the Director to decide if you actually go on this register or not.

And my understanding based on what we have talked about is that this is going to be expected.

Right? Because the words are “A party may be entered.” So, what determines if their details get entered or not? Because I’ve understood from all the other stuff, all the other information, that you *will* be entered. So, I’d like to get some clarity on is it that you will be entered or not?

The Chairman: So, are you asking the Minister to amend “may” to “shall”?

Ms. Robin Tucker: Yes. Please. If that’s the intention.

The Chairman: No, are you . . . are you—

Ms. Robin Tucker: I am. I am Madam [Chairman]. If that’s the intention. Because it’s important.

The Chairman: [New section] 44LB.

Ms. Robin Tucker: Yes, [new section] 44LB(2).

The Chairman: And yes, [subsection] (2).

Ms. Robin Tucker: And again, [subsection] (2)(a) says . . . just . . . it says: “An amount due under an award or civil penalty remains unpaid after a period of 14 days . . .” Again, is that business days or is that calendar days? Because that’s going to be important for people to know and understand.

In the same [new] section 44LB [paragraph] (g). So, this is [new section 44LB](3)(g). [New section 44LB(3)] “The Naming Register shall contain—” It has a list of criteria. Looking at [paragraph] (g). It says: “an annotation of the party’s status as unpaid, partially [un]paid, paid, under review or stayed pending appeal.”

So, if an employer has gone before an employment Tribunal and they have appealed, then that period between appeal and the hearing of the appeal . . . let’s say that the employer was found not to be negligent, but their name is already on the register. And that is a reputational risk.

So, my . . . so an employer—

The Chairman: So, are you asking the question: Is this register available to the public? Because I think that’s what you’re asking.

Ms. Robin Tucker: Yes.

The Chairman: Okay. So, you can ask that question.

Ms. Robin Tucker: Yes. Okay. So, that is the question because that is what I’m getting from this.

The Chairman: But I need you Member to ask the question because—

Ms. Robin Tucker: Can the Minister please let us know if this register, if this Naming Register, is going

to be available to the public? Because if that is the case, this section then, what I just read out in [paragraph] (g), could potentially give the employer a reputational issue.

Especially in circumstances where their appeal, you know, they’re dealing with an appeal, and it’s found that the employer wasn’t negligent at all.

The Chairman: Okay.

Ms. Robin Tucker: So that’s that. So, if the Minister can explain that.

Again [new section] 44LC talks about 14 days after serving a notice under [new] section 44LA(1). Again, just a clarification on business days or calendar days.

Three . . . sorry, [subsection] (4). So, this is [clause 13, new section] 44LA [sic] (4): “A party shall not be entered on the Naming Register until—” (and then subsection (4)(b) says:) “the Director gives written reasons for the decision.”

So am I safe to assume that . . . this is a question for the Minister for my own clarification. [Am I] safe to assume that the Director gives written reasons to the employer and employee? Or who is he giving the written reasons to? Just for clarity.

The Chairman: Okay.

Ms. Robin Tucker: [New section] 44LD[3], again, “Notwithstanding subsection (1)” (it speaks to the fact that) “the amount of award or civil penalty is paid in full the Director shall within 30 days . . .” Again, is that calendar days is that business days?

[Inaudible interjection]

Ms. Robin Tucker: Yes. Well, we talked about, you know, time off so—

The Chairman: Speak, speak, speak to me.

Ms. Robin Tucker: We need to make sure we understand exactly and precisely what we’re saying. Because employers are going to be relying on this information whatever is decided here today.

And then there is . . . I have a question on clause 15.

The Chairman: Yes, because we are considering [clauses] 13 through 15. So, yes.

Ms. Robin Tucker: Fifteen, yes.

So, clause 15(2), “Notwithstanding subsection (1) the Director shall at least once in each calendar year submit, to the Minister, a report of the parties appearing on the Naming Register, but such report shall not reveal the names of employees.”

So, all the employer names obviously are going to be on it. So, if—

[Inaudible interjections]

Ms. Robin Tucker: —and again, this is part of the question I asked earlier about whether this register will be—

The Chairman: Excuse me. I can't hear the Member.

Ms. Robin Tucker: So, this is around the question I asked, if the register is going to be public. Because if the register is going to be public, can the Minister explain why a separate report will have to go to the Minister reporting the parties appearing in the Naming Register that's already public? So, I just wanted clarity about that because if it's public, why is a separate report going? So, for transparency purposes, to ensure that if I'm an aggrieved employee, I want to look at that register, if it's public, to make sure that my employer's name is on it. So, for everybody, for transparency for everybody, then if it's public, I just want to understand why a separate report has to go to the Minister.

The Chairman: Okay.

Ms. Robin Tucker: Thank you.

The Chairman: All right.

Are there any other persons who wish to speak to clauses 13 through to 18?

There being none . . . Minister.

Hon. Jason Hayward: There were a lot of questions around business days versus calendar days. Where something does not refer to business days, it is a calendar days.

The Chairman: Mm-hmm.

[Inaudible interjection]

Hon. Jason Hayward: Yes.

There was a lot of commentary around the register, so I'll try to answer it all in one bit. If a person fails to pay a Tribunal, or an order is made against an employer and they have not paid, then they will go on the register. The word "may" is used. But I believe that once you look at the framework that we have in place, you should see that persons will go on the register. The "may" gives a little bit of discretion for the Director, but there would have to be some method within reason that will avoid that from taking place. It will be a transparent register.

It is good that reports actually go to the Minister himself. It is not all the time that the Minister will know changes to the register or when things are actu-

ally gazetted. If the Minister receives a copy of that, it could be the very same report so that the Minister is cognisant of the companies which are on a register whether or not they are increasing or decreasing. Because then you're going to ask me about the effectiveness of the legislation that we have put in place and the effectiveness would be if we see a contraction of companies on that particular business register.

The Tribunal awards are made public. And so even if you say somebody is being stated as being found guilty of something, that doesn't mean that that person doesn't have a right to appeal. When you go to Supreme Court and you're found guilty, the verdict of the judge is still the verdict. It doesn't change. You then go to appeal it at the Privy Council. But until it is appealed to the Privy Council, you are still found guilty or liable. And that's what we're actually saying. You will remain on the register until your matter is adjudicated in the courts and then if your matter is adjudicated in the courts and your appeal is successful, then you will be removed from the register. There is a reasonable notation to say that this matter is being appealed.

But what we don't want to do is lose the record of that employer.

[Inaudible interjections]

Hon. Jason Hayward: What we don't want to do is lose the record of that employer who is due to give the employee judgment.

[Inaudible interjection]

Hon. Jason Hayward: And the reality is that while we're talking about process for an employer we're talking about justice denied for an employee as well. And so, we have to be mindful of that.

I'm just going to check to see if the technical officer has any further clarification for me.

[Pause]

Hon. Jason Hayward: I think the questions asked were sufficiently covered.

Hon. Michael Fahy: If I may, would the Minister give way?

The Chairman: Yes.

Hon. Michael Fahy: It's in relation to a question, Madam Chairman, that was posed and I would like—

The Chairman: Okay. Is this a point of clarification or you have—

Hon. Michael Fahy: It's a point of clarification to assist the Minister.

The Chairman: Yes.

POINT OF CLARIFICATION

Hon. Michael Fahy: Thank you.

The question . . . and forgive me in advance if I didn't hear you, but the question that I asked was in relation to the [new section] 44LD[(3)] insertion which says that the . . . it says: "Notwithstanding subsection (1) where the amount of an reward or civil penalty is paid in full the Director shall within 30 days after receiving satisfactory proof of payment—[(a)] remove the entry in relation to the party; or [(b)] annotate the entry in relation to the party as paid."

Is that indefinite? I just seek some clarification on that.

Thanks.

The Chairman: Okay. Thank you.
Minister.

Hon. Jason Hayward: It is the intention of the department to remove that individual from the register once paid in full.

The Chairman: Thank you.

Hon. Michael Fahy: Sorry, if I may on that, because it has to be that much more clearer then. It shouldn't then have the "or." It should in just fact say "remove the entry in relation to the party;". The "or" then doesn't make a lot of sense if in fact it's the intent to remove them.

The Chairman: Okay. So, you're inviting the Minister to maybe amend it—

Hon. Michael Fahy: Or give a different explanation to . . . to . . . for further clarification, only because that's what the Minister has now said. It isn't what the clause says.

The Chairman: Okay. And I'm not . . . I don't . . . before the Minister answers, the reason why I'm asking this is because simple amendments like that are allowed on the floor if the Minister isn't . . . but he may have an explanation for why it says "or." Okay.

Hon. Michael Fahy: Yes. Thank you.

Hon. Jason Hayward: It actually ties into another area within the legislation and so I can try to clarify.

So, the intention is to remove once paid in full if the party requests the annotation as noted in [new section] 44LD(1), that we will acknowledge. The person may also, under [new section] 44LD ask for the name to be removed at any time if the amount is paid in full.

And so, there is another piece which would allow for the annotation to be made in another portion of the legislation. And so, if it is requested by the employer that the annotation is made, then we will make the annotation. But what we won't want to do is remove those individuals. So, an employer can request that the annotation be made, and if the employer requests that the annotation be made, then we will honour it.

The Chairman: Okay. Thank you.

So, are there any . . . I recognise the Member from constituency . . .

Hon. Michael Fahy: Thank you.

The Chairman: Twenty.

Hon. Michael Fahy: Thank you. In that case then it would appear to me that there should be something in that clause that says *at the employer's request*, or the party who has paid, at their request. Because it's still it still gives discretion within this Act to give the Director that discretion. Because it's clear: remove the entry in relation to the party "or." It's not an "and." It's not "I will put an annotation paid and now I'll remove you." It's one or the other, it's not both. So, if it's up to the employer, if it's up to the party to make the clarification, then they can they can do that, but maybe make the amendment to do that.

The Chairman: Thank you.

I recognise the Minister who seeks to clarify, further clarify.

Minister, you have the floor.

Hon. Jason Hayward: [New section] 44LD(1) highlights the request from the employer. So, [new section] 44LD(1) is the request.

The Chairman: Mm-hmm.

Hon. Jason Hayward: So, the annotation is triggered by the request from the employer. And so, I think, let's not make a meal out of this. We have a register. The register exists to make abundantly clear that those individuals on that particular register have not paid the award as directed by the Tribunal in a reasonable manner. If an employer pays the award in full, they will be removed from the register. An employer can be on the register but request that an annotation be made and we can make an annotation to the register based off of the grants. But the aim is to remove the employer from the register once the award is actually paid in full.

The Chairman: Okay.

Are there any other persons who wish to speak to clauses 13 through 18?

I recognise the Member from the constituency 20.

Member.

Hon. Michael Fahy: I've heard what the Minister said. I'm grateful. I don't want to make a meal of this. Again, I'm just not following.

If the Minister says the intent is to remove the person's name from the register, that's it. It's not after 30 days or within 30 days of someone paying. And it says "notwithstanding." So, a party can, as the Minister said, under [new section] 44LD (which is the insertion) [subsection] (1), "A party or other person materially affected by an entry on the Naming Register may, . . . apply. . . for its correction, annotation, or removal." No problem.

But what also . . . never mind that application. Then it says very clearly [at new section 44LD(3): ". . . where the amount of an award or civil penalty is paid in full the Director shall within 30 days after receiving satisfactory proof of payment— [(a)] remove the entry in relation to [the] party;". And what I've heard from the Minister is that is the intent. That the Director shall remove that person. There should not be an "or." "[O]r annotate the entry . . .".

If the person wants an annotation, they can make that application to have an annotation. But what this section is saying is whilst a party has the right to make an application, the Director *shall* do something within a defined period of time, *shall* within 30 days. If they receive satisfactory proof of payment, the Director *shall*. No one has to make an application. This is the Director's duty to do it.

And if the intent is to remove that person from the register, there should not be an "or." "[O]r annotate the entry . . .". Because then it's leaving a discretion to the Director to say, *Well,—*

[Inaudible interjection]

Hon. Michael Fahy: No, it's the Director. The Director has the ability. *Shall* do something, it says. *Shall* do either, essentially remove the entry in relation to the party *or* annotate the entry.

[Inaudible interjections]

Hon. Michael Fahy: No. No.

But the point is if someone has paid, the Minister has said the intent is to remove them from the register. Remove them from the register. If that's the intent, then just remove them.

I would urge the Minister to consider, given his own statements, to remove [new section] 44LD(3)(b). And the word "or" from [new section] 44LD(3)(a). That is the duty of the Director. Remove the person. They paid. They're done. That's it. And then no one makes an application. They're paid.

That's the intent. The Tribunal's gotten what they want. There's been the public naming and shaming.

The person comes along and says: *I paid*. Done. Okay? You're now off the register.

But in this instance, it gives the Director discretion to say, *Ah, no*.

Hon. Jason Hayward: Uh-uh.

Hon. Michael Fahy: Annotate. It does give the Director that discretion. Not saying it would be abused or misused, but it does give the Director that discretion—"or." But if the intent is to remove, then remove.

The Chairman: Thank you.

Are there any other persons who wish to speak to clauses 13 through 18?

There appear to be none at this point.

Minister, did you wish to respond to Members?

Hon. Jason Hayward: There is another matter that the Honourable Member is not considering. And it is that the Supreme Court can also order an annotation. So, that allows the Director to make an annotation based off an order of the court.

And so, if you look at [new section] 44LD(7)(a).

The Chairman: Okay. Yes, I see it.

Hon. Jason Hayward: It allows for the Supreme Court to make an annotation. And as a result of that that gives the Director the flexibility to abide by the Supreme Court order.

The Chairman: Okay. All right.

Are there any other persons who wish to speak to clauses 13 through 18?

I recognise the Member from constituency 20. Member you have the floor.

Hon. Michael Fahy: Sorry. Thank you.

The Minister has given an explanation. I am not following that explanation, because it is different.

Let me again point out what it says. It makes it clear. All right? This is [new section] 44LD. It is a new insertion proposed. And it says: "[(1)] A party or other person materially affected by an entry on the Naming Register may, . . . at anytime apply to the Director for its correction, annotation, or removal."

And they make the application. They go through the application. It lists what that application is supposed to contain.

What that [subsection] (7) that the Minister is making reference to is telling me is that the Supreme Court may indeed order the correction, annotation or removal based on [subsection] (1). Based on that application that someone makes. Someone is aggrieved

by the decision of their Director. They go to the Supreme Court and say: *I don't like what the Director has done.*

The problem is, that we have is, again, when you look at subsection (3) it says: "Notwithstanding subsection (1)." So, forget all about the application process. When someone has paid "the Director shall within 30 days [after] receiving satisfactory proof of payment—(a) remove the entry in relation to that party;"

An Hon. Member: Or.

Hon. Michael Fahy: But again, it leaves the discretion . . . in the Minister's own words, he said the intent is to remove them. And yet we are saying, *Well, actually, we are going to leave some discretion to the Director.*

Hon. Jason Hayward: No.

Hon. Michael Fahy: But that's what the clause says.
T

he clause says if someone pays the Director shall do something within a defined period of time. That's what it says. And he'll do one of two things.

Hon. Jason Hayward: Right.

Hon. Michael Fahy: He will either remove the party which is . . . And the reason I'm going through this little bit is because the Minister said the intent is to remove them.

So, if the intent of the Bill is to remove the person once they have paid, "shall within 30 days", the moment they've paid, notwithstanding all the other applications they can make, that's what the Bill says. Then they shall be removed.

Now if the Minister is saying, *Well, actually, we want the Director to have discretion. I misspoke. In fact, I do want discretion for the Director to do this.* Then so be it. And bring some more matters to court. But it seems to me if someone has paid, unless the intent is to name and shame poor actors or bad employers to leave them on, and the Director can use his discretion to say, *Well, this person . . . it's repeated inaction and it's been egregious. They haven't paid for three years. Now they've paid and that's not fair.* And, look, I think people would accept that.

But if that's the discretion that the Director is going to use then there should be published guidelines . . . and it leaves all of these things wide open. If the intent is: You paid, you're off the register. That's it.

The Chairman: So, Member, maybe you may want to invite the Minister to change the word "shall" to "may." And it's then those two objects apply.

Hon. Michael Fahy: If I may, I'm not even concerned about "shall." The *Minister [sic] shall* do it . . . sorry, the Director shall do it.

The Chairman: Yes.

Hon. Michael Fahy: And he can do one of two things. What I'm saying is, if . . . based on the Minister's statement. If the Minister—

The Chairman: I understand what you're saying and—

Hon. Michael Fahy: —and delete it. If the Minister is saying, *No, in fact, it's going to be both.* So be it.

The Chairman: Right. And that's why I understand. Because then you're saying, based on the way that you're interpreting this, and I think many may interpret it that way. If the language which makes it mandatory is amended from "shall," [to] the Director "may" change it,—

[Crosstalk]

The Chairman: —and remove it after receiving 30 days.

[Crosstalk]

The Chairman: I'm talking please. Thank you.

Or she may make, or he may make an annotation of having received that payment. I'm just saying that your argument is that it makes no sense to have "or" may annotate it. So, I am saying that . . . all I am suggesting (and it's up to the Minister to accept or reject) is change the word "shall" to "may" because it doesn't discard or . . .

Hon. Michael Fahy: If I may, Madam Chairman—

The Chairman: —negate . . . sorry, what the Minister has said, and that is that the intention is for it to be removed. That's all I'm saying.

Hon. Michael Fahy: No, I understand that. If I may—

The Chairman: We don't have to debate that.

Hon. Michael Fahy: No.

The Chairman: Yes.

Hon. Michael Fahy: I think . . . if I can't make that recommendation to the Minister because if it's "may" then the Director doesn't have to do either, because it's "may." He *may* have to. He *may* do one of those two things. Or he may say: *I'm not doing it all.*

The Chairman: It—yes.

Hon. Michael Fahy: He *shall*, he *shall* do one or the other.

The Chairman: I don't necessarily agree with that comment because if they have to do it within a 30-day period they have the option of either removing it or making the annotation. That's how I'm interpreting it.

Hon. Michael Fahy: I will leave you with that.—

The Chairman: No, no.

Hon. Michael Fahy: Respectfully, if it's "shall" he must do one of those two things.

The Chairman: I accept that.

Hon. Michael Fahy: That's right. And where the Minister has said . . . in his previous utterances he has said the intent—

Hon. Jason Hayward: Why do they have to be *utterances*?

Hon. Michael Fahy: But that's . . . no, no. Sorry.

[Laughter]

The Chairman: Yes.

Hon. Michael Fahy: There were comments back and forth and the Minister had said the intent is for the Director to remove the name.

The Chairman: Yes, and he made that clear.

Hon. Michael Fahy: And if that is the intent, then this little (b), the word "or" afterward—

The Chairman: And your answer to him was that the rest falls away.

Hon. Michael Fahy: And the rest falls away.

The Chairman: And so . . .

Hon. Michael Fahy: However, I'm giving the Minister the opportunity to explain further on this basis.

The Chairman: Okay. So, you want the Minister to explain further.

Hon. Jason Hayward: So, you can yield at this point.

Hon. Michael Fahy: Okay.

The Chairman: The Minister wishes to make a point of clarification.

Hon. Michael Fahy: I'll give way on that.

The Chairman: Yes.
Minister.

POINT OF CLARIFICATION

Hon. Jason Hayward: The reality is the "shall" gives way to two different things that can be done.

The Chairman: Okay.

Hon. Jason Hayward: And we can accept that.

The argument is that the annotation is not necessary if you just remove them within 30 days. I have highlighted two separate pieces that there can be a request for annotation or the Supreme Court can order an annotation. In those particular matters, okay then, I can see why the flexibility is actually required for one's ability to make an annotation. But then also an annotation could also be a more immediate process than a removal. And so it—

[Inaudible interjections]

The Chairman: Speak to the Chairman.

Hon. Jason Hayward: So, when I look at this particular matter, I say what harm are we seeking to correct by all of this dialogue. And the conclusion is, in actual fact, whether you annotate or simply remove, at a period of time that person will be actually removed from the register. There is no harm to the employer or the employee if an annotation is actually made.

And as a result of that, I would like to move the relevant clauses.

The Chairman: Okay.

Before you do that Minister, I have to see if anyone else wishes to speak to clauses 13 through 18.

Go ahead.

Hon. Michael Fahy: Thank you, Madam Chairman.

The Chairman: Member [from constituency] 20 has the floor.

Hon. Michael Fahy: I am grateful for the Minister's patience in responding to these questions because here's the thing. Now what the Minister has said is that, okay, he believes that the annotation is a perfectly acceptable way to go forward. But what he's now also said is that eventually the person will come off the register. But there's nothing in this that says that has to happen unless someone makes an application.

So, if you have an employer who says: *You know what? I don't have the ability, I don't have the smarts. I don't have whatever to actually make the application.* They can just be on this register, essentially, I guess, what? forever?

Hon. Jason Hayward: No.

Hon. Michael Fahy: Or is there another clause on it?

But at what stage would they eventually come off? Is there a process that's going to be put in place that says, Okay . . . And again, the reason I was going to give that further clarification is because if the intent . . . a lot of this Bill is to try and correct poor behaviour by employers. I think we can agree to that. Right? So, if the importance of this Bill is to demonstrate that there are poor employers about and the intent of the register is to publish it, keep people on, they're bad actors. Look, if you've got a consistent company showing up again and again and again leave them on. But tell them when they're going to come off. It's the embarrassment factor that actually was the purpose of this. I would believe that the Tribunal is saying [to] put the register out there. If people know they're going to go on a register, they're more likely to pay. Now they paid. So, there's got to be a time limit on it, though. And if there's not, then say so.

The Chairman: Are you speaking specifically to [new section] 44LD(5)?

Hon. Michael Fahy: I am. Yes.

The Chairman: Okay. I just wanted to make sure.

Hon. Michael Fahy: Thank you.

The Chairman: Yes.

Hon. Jason Hayward: It is understood, and what the Honourable Member has articulated . . . I don't think the legislation is the problem. The process can be handled internally as it pertains to how we actually remove persons.

Nothing prohibits a paid-up person from being removed from the register. And so, while I understand what has been articulated, I think that it is certainly a problem that we can fix internally and it doesn't require a full legislative amendment with a timeline specified in law for that particular action.

The Chairman: Okay.

Are there any other persons who wish to speak to clauses 13 through 18?

I recognise the Member from constituency 7. Member, you have the floor.

[Inaudible interjection]

The Chairman: [Member,] 7 . . . 7 . . . 7.

Hon. Michael Fahy: Twenty. Oh, sorry.

[Laughter and crosstalk]

Ms. Robin Tucker: Thank you, Madam Chairman.

Just a general question on clause 17 and actually [clause] 18 because they're both related. So, obviously employers will be bound by these conditions on commencement of this piece of legislation. So, I'm wondering whether there's any consideration for a grace period for employers to kind of get them, especially people who have fines to pay or awards to distribute, that type of thing. And particularly . . . I'm not talking about the big companies of this world but I'm talking about the little ones. The small businesses, right?, that may not have free cash flow immediately to go and settle these things.

So, I'm just asking if the Minister will consider providing employers with a grace period because obviously people will end up on a Naming Register and we at least need to (in my view) give them some little bit of time to be able to get themselves together.

Thank you, Madam Chairman.

The Chairman: Thank you.

Are there any other persons who wish to speak to clauses 13 through 20—I mean 18. [Clause] 18.

[Laughter]

Hon. Michael Fahy: Thank you, Madam Chairman.

In relation to the Minister's statement, in relation to his gracious acceptance that he at least understands where we're going.

The Chairman: Yes.

Hon. Michael Fahy: It's going to be fixed within the department by the Director or his staff. Would the Minister undertake to ensure that there are Guidance Notes published that people would have an understanding of what that expectation is, should they end up on this register? They may be in a position where they don't make an application. They've made the payment. A lot of people might not even look at this. But then at least if they find out, *Well, actually, okay, I'm not going to make the application because eventually if I'm annotated, I know it's going to disappear at some point. I know that 60 days from the time I pay it's eventually going to fall off anyway.*

And at least I think that gives people some comfort that there is a process that they disappear. Otherwise, it could be they have to make the application to come off the way this is currently worded. Unless there are some specific Guidance Notes that someone can rely on and go to the Director and say:

Look, mate, 60 days have passed. I'm still on there.
And that's got to be something the Minister surely can consider.

The Chairman: Okay.

Are there any other persons who wish to speak to clauses 13 through 18?

There being none . . . Minister.

Hon. Jason Hayward: Certainly, I can endeavour to ensure that there is guidance as to how one gets on the register in very clear, plain language and how one gets removed from the register.

And then you talk about the grace period for the small business or the little person. I think it was referred to as the little—

[Inaudible interjections]

Hon. Jason Hayward: Small.

But let's be mindful here. Sometimes persons have received unauthorised deductions for years. Or a person has been terminated unfairly. And the Tribunal adjudicates on that particular matter. The payment should be made immediately to ensure that there is restitution to that employee.

And so, while I'm happy to ensure that we have proper timelines that are set out in the legislation, it should be made abundantly clear that we are in this position because employers are refusing to pay and have failed to pay. And the persons who are being disadvantaged are what I consider to be the small, the little persons, the persons who can least afford to be disadvantaged in our society.

With that said, Madam Chairman, I'd like to move that—

The Chairman: [Clauses] 13 through 18.

Hon. Jason Hayward: —[clauses] 13 through 18 be approved.

The Chairman: It has been moved that clauses 13 through 18 be approved.

Are there any objections?

There are none.

So approved.

[Motion carried: Clauses 13 through 18 passed.]

The Chairman: Continue.

Hon. Jason Hayward: I'd like to move that the preamble be approved.

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

Are there any objections?

There are none.

Continue.

Hon. Jason Hayward: I'd like to 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 are none.

So approved.

[Motion carried: The Employment Amendment (No. 2) Act 2026 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 5:23 pm

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

REPORT OF COMMITTEE

EMPLOYMENT AMENDMENT (NO. 2) ACT 2026

The Speaker: Members, are there any objections to the Bill entitled the Employment Amendment (No. 2) Act 2026 being reported to the House?

There are none.

It has been reported to the House.

Members, that finishes the two Bills for today.

The next item is a motion on the table, and the motion is in the name of the Premier. The notice was given on the 15th of May [2026], and extended on for three months.

Premier, would you like to introduce your motion now?

Hon. E. David Burt: Sure, Mr. Speaker.

Mr. Speaker, I move that this House do now take under consideration the following motion, notice of which was given on the 15th of May 2026.

The Speaker: Are there any objections to that?

There are no objections.

Continue, Premier.

MOTION

COMMISSION OF INQUIRY INTO HISTORIC LAND LOSSES IN BERMUDA TAKE NOTE OF REPORT

Hon. E. David Burt: Mr. Speaker, I will complete the motion, certainly:

“THAT THIS Honourable House take note of the Report of the Commission of Inquiry into Historic Land Losses in Bermuda [which was] tabled for the information of the House of Assembly on 10th December 2021.”

Shall I proceed, Mr. Speaker?

The Speaker: Yes, go right ahead.

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

Mr. Speaker, the journey to today's debate has been a long one. Twelve years ago, on the 4th of July 2014, this Honourable House supported the resolution brought by our late colleague, the Honourable Walton Brown, calling for the establishment of a Commission of Inquiry into Historic Losses of Land in Bermuda.

Mr. Speaker, Walton Brown was very clear about why he believed that work was necessary. He spoke of a time when justice was a fleeting illusion for many Bermudians and said what the victims of these alleged acts often shared was, and I quote, "an inability to secure a just outcome." He also said something which is particularly important for today's debate. He asked Members to view the matter as one which transcends party lines

Mr. Speaker, I believe that is how this House should approach the motion today. The events documented in this report occurred over many years, under different governments, in different circumstances, and involved public authorities, private interests, and individuals. What brings us here is not a desire to score political points over history. It is the obligation of this House to consider what happened, what the Commission found, and what should properly follow.

Mr. Speaker, this Honourable House spoke in 2014. I remember, Mr. Speaker, you were on the benches like me. Joining our honourable colleague in calling for a Commission of Inquiry, which at that time was solely under the authority of the Governor. The then Governor did not establish the Commission requested by this Honourable House, and in declining to do so, he expressed the view that the concerns raised were neither sufficiently clear, nor sufficiently urgent to justify a Commission of Inquiry. That, in and of itself, Mr. Speaker, is a most unfortunate history, as the thought that in 2014 the then occupant of the largest house on Langton Hill would deny the call passed by resolution of this democratically elected Honourable House is, in my opinion, a stain on Bermuda's democratic traditions.

In response, Mr. Speaker, the late Honourable Walton Brown called for an amendment to the Commission of Inquiry Act 1835, and in a rare moment of unity and consensus during that particular Parliament, but one that I must guess was spurred by the rejection of the Honourable House's motion by the occupant of the largest house on Langton Hill, the Government and the Opposition of the day voted in favour of that amendment, giving the Premier the authority alongside the Government to appoint to Commission of Inquiry.

Now, Mr. Speaker, we all know that the former Government did not follow through with that motion and did not appoint a Commission of Inquiry to look

into historic land losses. But, as I said, we do not want to score political points today, so I will move forward.

Mr. Speaker, however, once this Government was returned to office, this Progressive Labour Party Government was returned to office, with the legislation in place that provided the Premier with the authority to issue or to call a Commission of Inquiry, we acted, and the Commission of Inquiry into Historic Land Losses in Bermuda was appointed in November 2019.

Honourable Members will recall that the Commission was chaired by Justice Norma Wade-Miller, who sat with Commissioners, the Honourable Wayne Perinchief, a former Honourable Member of this House, Mrs. Maxine Binns, Mrs. Fredrica Forth (who I understand, Mr. Speaker, is in the Gallery . . . oh, and that's Mrs. Maxine Binns as well, in the Gallery, joining), the late Mrs. Lynda Milligan-Whyte, Mr. Jonathan Starling, and Mr. Quintin Stovell.

Mr. Speaker, I have previously expressed my gratitude for the work of these women and men, but I do so again today. The task before them was not an easy one, technically or logistically or emotionally. And I would ask Honourable Members to please indicate their thanks for the Members who are here for the significant work that was done by the Committee.

[Desk thumping]

Hon. E. David Burt: Mr. Speaker, they were asked to examine claims, which in some instances went back several generations. They had to consider deeds, wills, maps, correspondence, oral histories, and expert evidence. They had to hear from families for whom these matters were not simply questions of property law but matters which had caused pain and division for many years.

Mr. Speaker, in addition, this work was also carried out during the COVID-19 pandemic, with all the difficulties that were imposed on hearings, access to records, and research. Despite those challenges, the Commission held 74 hearings and considered 53 claims.

Mr. Speaker, the motion before this Honourable House is that this Honourable House take note of the report of the Commission of Inquiry into Historic Land Losses in Bermuda, which was tabled for the information of the House of Assembly on 10 December 2021. In addition to the background I provided, Mr. Speaker, it is useful to remind Honourable Members, and members of the public who may be listening, of the Commission's terms of reference.

They were to:

1. Inquire into historic land losses of citizens' property in Bermuda through theft of property, dispossession of property, adverse possession claims, and/or such other unlawful or irregular means by which land was lost in Bermuda.

2. Collect and collate any and all evidence and information relating to the nature and extent of such historic losses of citizens' property.
3. Prepare a list of all land to which such historic losses relate.
4. Identify any persons, whether individuals or bodies corporate, responsible for such historic losses of property.
5. Refer as appropriate matters to the Director of Public Prosecutions for such further action as may be determined as necessary by that office.

Mr. Speaker, the report was laid before this Honourable House on 10 December 2021. Honourable Members will recall that the motion to debate the report remained on the Order Paper while various matters concerning the Commission were before the courts, and was ultimately withdrawn while those matters remained sub judice.

Mr. Speaker, in March of last year, I advised this Honourable House that counsel had indicated that those matters had been substantially disposed of and the motion was renewed.

Mr. Speaker, it has taken longer than any of us would have wished to arrive at this debate. But I also believe that it's important to say why this Government did not seek to implement the report while those matters were outstanding. That was the proper course. And with proceedings before the courts challenging aspects of the Commission's work, the Government considered it appropriate to allow those proceedings to take their course and to give Honourable Members the opportunity to debate the report before final decisions were taken on its recommendations.

Mr. Speaker, I am pleased to say that after the many years of waiting by this Honourable House, the people of Bermuda and those who worked tirelessly on the report, and most of all the Bermudian families impacted, we are now able to debate this matter in this Honourable House. And that is what we will do today, and hopefully hear from Honourable Members on both sides of this House and also in Independent, into the findings of the Commission and the recommendations that are contained in its report.

Mr. Speaker, this is a Take Note Motion. That is important for all to note, and I will explain why. The purpose of today's debate is not simply for the Government to announce a final position on every recommendation contained in a report of more than 500 pages. While there are recommendations on which the Government is prepared to indicate a course of action today (and I will indicate that action in this Honourable House later in my presentation), there are other recommendations on which the Government has not yet settled a final position. And on those matters, I want to hear from Honourable Members.

Mr. Speaker, this report has waited a long time for debate in this Honourable House, and Members have had the opportunity to consider it. I genu-

inely welcome the views on the findings of the recommendation before the Government completes its wider consideration and implementation. The claims brought before the Commission reflected individual circumstances, which, in some instances, represented decades of personal familial anguish. Not every claim could be verified to the standard required for further action. Some lacked documentation. Some were outside of the Commission's jurisdiction. Some involved issues that had been or could properly be addressed by the courts.

But, Mr. Speaker, my hope remains that even where the outcomes were not what a claimant had wished, the opportunity to speak openly and have these matters examined afforded those Bermudians some measure of fairness after decades of being unheard. That was one of the most important purposes of this Commission of Inquiry.

For many years, stories of land loss had been shared within families, but had never been subjected to any independent scrutiny. The Commission of Inquiry into Historic Land Losses gave Bermudians the opportunity to bring forward those stories, to provide whatever records existed, and to have those claims examined.

Mr. Speaker, one of the most important conclusions of the report concerns the distinction between what was lawful and what was fair. In considering the expropriations at Tucker's Town and St. David's Island, the Commission concluded that the expropriations were lawful in the sense that they were carried out under statutory authority approved at [that] time by, of course, Mr. Speaker, this House.

However, the Commission also concluded that the procedures used in dealing with those expropriations were in many cases irregular and powers were exercised in, and I quote, "an unfair and inequitable manner," end quote. That distinction matters, Mr. Speaker, because the question before us is not whether or not the Acts were passed. They were. The question is whether the people whose land was taken were treated fairly in the process, whether they received fair compensation, whether their interests were properly protected, and what Bermuda should do now with that history.

Mr. Speaker, the injustice associated with Tucker's Town cannot simply be reduced to the question of the value of the land today. Before the expropriations of the 1920s, Tucker's Town was a community. People lived there. They farmed there. They fished there. Families worshipped there and buried their relatives there. There were schools, churches, and established homesteads.

The Commission heard extensive evidence concerning the compulsory acquisition of that land, the process by which residents were displaced, and the development which followed. It also heard evidence concerning the Marsden Methodist Cemetery

and the continuing concerns of descendants about the treatment and preservation of that burial ground.

Mr. Speaker, the circumstances surrounding Southside, St. David's, were different. But the impact on families was no less real. In the 1940s, land was required for the establishment of the United States military base during the Second World War. Bermudian families were displaced from their homes and land, and a community that had developed around farming, fishing, and close access to the sea was permanently changed.

Mr. Speaker, it is possible to recognise the strategic importance of the base and the later economic importance of the airport, while also recognising that the price paid by the Bermudians who were displaced in order for that importance to become a reality. Likewise, Mr. Speaker, it is possible to recognise the contribution that tourism development made to Bermuda, while acknowledging that the people removed from Tucker's Town bore a burden that others did not. Those are not contradictory positions, Mr. Speaker. They are part of the same history.

Mr. Speaker, the report also makes clear that the Commission's work was not confined to Tucker's Town and St. David's. Claims were made by Bermudians in other parts of the Island relating to inheritance, title, adverse possession, alleged fraud, mortgage practises, encroachments, and other circumstances in which families believe land had been improperly lost.

Beyond the histories of Tucker's Town and St. David's, Mr. Speaker, I can go to some of the cases, such as in one Sandys' case, the Commission concluded that two major transactions involving a Bermudian's land were fraudulent. It found that a 1969 sales agreement was a false document, that it was probable that the landowner had not signed either that agreement or the subsequent conveyance, and there had been a conspiracy to dispossess him of his property.

And, Mr. Speaker, the Commission did not stop there. In examining how those transactions were able to proceed, it described the role of the Central Planning Authority as tantamount to, and I quote, "corruption enabling mechanism" end quote, which facilitated the wrongdoing. Those, Mr. Speaker, are the words and the finding of the Commission, not allegations repeated across the dinner table decades later. Findings reached after documents were produced, evidence was heard, and expert testimony was considered.

Then there was a case in Hamilton Parish. Government compulsorily acquired land in 1956. The former owner retained adjoining waterfront property and needed access across the land Government had taken. The Attorney General of Bermuda wrote at the time that she, and I quote, "obviously must be granted a right of way," end quote, to reach her remaining land. Mr. Speaker, that was in 1956. The right [of] way was never provided, and more than six decades later

this Commission was still being required to recommend that Government finally give effect to what its own Attorney General had said should have happened at the time.

Then there were the claims at Boss's Cove. There the Commission was satisfied that a family had established its historic ownership of property. The family still had original deeds. Yet the Commission was also satisfied that the family had nevertheless been dispossessed of that property. Because of the passage of time and the state of the records, the Commission could not determine whether that loss had occurred through adverse possession, theft, or some other unlawful or regular means. But it was able to say this: The family had owned the land, and the family had been dispossessed of it.

Mr. Speaker, that is why we should be careful not to reduce this report to an abstract discussion about events which happened a long time ago. Because, Mr. Speaker, behind these pages are Bermudian families, their deeds, conveyances, government records, false documents identified by the Commission, and decisions which should have been acted upon decades ago, but they were not. And in some cases, after all those years, families were still asking the most basic question of all. *What happened to our land?*

Again, Mr. Speaker, not every allegation brought before the Commission was established. But the evidence taken as a whole demonstrates why the original motion moved by the late Honourable Walton Brown in 2014 was necessary. Because these matters deserved thorough examination.

Mr. Speaker, having considered the report, the Government accepts it in principle and has reviewed the implementation of its recommendations. Accepting the report in principle does not mean the Government is committing to implementing every recommendation precisely as drafted. Some recommendations concern functions which properly belong on the courts. Others are directed to the Director of Public Prosecutions, the Commissioner of Police, or private parties. Others require legal advice for the research or policy work before decisions can be properly made. However, as I advised in my earlier statement, there are areas where the Government is prepared to indicate a way forward today.

Mr. Speaker, the first concerns the Commission's recommendation for a permanent mechanism to assist with claims of historic land loss. The report proposes a properly resourced and permanent mechanism to review claims and, where appropriate, facilitate remedies.

The courts have ultimate jurisdiction in determining many property disputes, and it would not be appropriate for the Executive to establish a mechanism which seeks to replace Judiciary. However, Mr. Speaker, there is a practical problem which the Commission has properly identified. For an individual or

family who believes there is an issue concerning historic land loss, it is often unclear where to begin. Their issue may involve land title registration, it may involve the Registry General, it may involve the Office of the Tax Commissioner, and it may require advice from another public authority, or ultimately the courts.

Mr. Speaker, I have conferred with the Honourable Member, the Minister of Home Affairs, and I will task her Ministry with developing a simple public interface similar to its concept in its consumer affairs function where individuals and families can be properly directed in cases of this nature. And, Mr. Speaker, it is important to know and recognise that that must be supported with resources from this House, and we will make sure that that particular body has the resources to carry on its functions so that persons do not have to wait for a Commission of Inquiry to get the justice of which they require.

The purpose is simple: to provide a clear starting point and help people understand which agency or agencies possess relevant . . . sorry, which agency. Let me start again, Mr. Speaker. The purpose will be to provide a clear starting point and help people understand which agency or process is relevant to their circumstances.

Mr. Speaker, it will not decide the ownership of land, and it will not replace the courts. The aim will be to make the government easier to navigate for people who are seeking answers.

Mr. Speaker, the second area concerns the history of Tucker's Town and Southside, St. David's. The Commission recommends that this history be properly preserved, that it form part of the teaching of Bermuda history, and that it be available in our libraries and repositories, and that those affected by the expropriations be suitably memorialised. Mr. Speaker, the Government accepts that recommendation in principle, and I will leave the specific question of the school curriculum, including what is to be presently taught and what additional material may be required to the Honourable Minister of Education. However, the wider principle of this recommendation is not complicated.

The story of Tucker's Town and the story of Southside should not depend on whether a child happens to hear it from a grandparent or encounters it later in life by chance. These stories are part of Bermuda's history and should be treated as such. Mr. Speaker, the Government will also pursue suitable physical memorialisation of the people and communities affected by those expropriations. The precise form and location should be determined, following appropriate consultation, particularly with descendants and those with a direct connection to those communities. Mr. Speaker, the Government agrees that those sacrifices should be visible and should have a place in our national memory.

Mr. Speaker, the third recommendation I wish to address concerns the establishment of an inde-

pendent land tribunal to address outstanding legacy issues. As I indicated earlier, they already established legal and administrative mechanisms for land ownership, title, and disputes through our judiciary. It would not be appropriate for the Government to create a parallel court without careful consideration of how a body would operate alongside the Judiciary and existing statutory authorities.

However, Mr. Speaker, the underlying concern identified by the Commission is legitimate. People should have a clearer route through the system when they're attempting to establish what happened to family land, locate records, and determine what remedies may be available. The relevant agencies will therefore be asked to consider how best to give effect to the spirit and intent of that recommendation within the existing legal framework, and what, if any, further changes are required.

Mr. Speaker, the report also makes a number of recommendations concerning public legislation. Those recommendations are being taken under advisement and will inform the ongoing review of the Acquisition of Land Act 1970 and related legislation.

Mr. Speaker, the Commission has also highlighted legitimate questions concerning transparency, fairness, compensation, conflicts of interest, and the rights of persons whose property may have been compulsorily acquired. Whatever view one takes of the events of a century ago, our responsibility is to ensure that the legislation today provides proper safeguards for Bermudians whose land may be required for a public purpose.

Mr. Speaker, I should also address the question of compensation. The report contains recommendations concerning compensation in various forms. The Government has not reached a final decision on those recommendations, and I do not intend to pre-judge that issue today. This is precisely the type of matter on which I want to hear the views of all Honourable Members during this debate before the Government determines how that aspect of the report should be addressed. Because of course, Mr. Speaker, compensation is a difficult issue, but it's one that I honestly want the feedback of Members of this Honourable House.

Mr. Speaker, there are a number of other recommendations which invites action on the part of the Commissioner of Police, the Director of Public Prosecutions, private persons, and other bodies. Those bodies must determine for themselves how matters will be properly handled within their respective functions and how they will be addressed. Mr. Speaker, the Government recognises the importance of the work undertaken by the Commission and the court proceedings themselves [which] form part of the process by which public bodies are held accountable. But neither should those proceedings cause us to lose sight of why this work began.

This work began because Bermudian families said that something had happened to their land and that for far too long, no one had properly examined what they were saying. The Commission's hearings took stories that have been told around those dinner tables and family gatherings and placed them on the public record where they could be examined. Mr. Speaker, that is why today's debate matters. The report should not be simply tabled, acknowledged, and put away. Nor should the Government act as though if every answer is already known. This report should be discussed in this Honourable House where the process began, so that the next steps can be promptly determined by those of us elected to represent the people of Bermuda.

So, Mr. Speaker, I want to hear from Honourable Members. I want to hear their views on recommendations, on the matters where the Government has indicated the intention to proceed, and on those issues where further consideration is required, such as the very important issue of compensation. That is the proper purpose of a take note debate.

Mr. Speaker, when the late Honourable Walton Brown brought the original motion in 2014, he asked this House to look beyond party and to subject these claims to independent scrutiny.

Mr. Speaker, I'm pleased that members of our late colleague's family are here in the Gallery today.

[Desk thumping]

Hon. E. David Burt: And it is fitting that as this House finally debates the report which flowed from his motion of 12 years ago, we should hear his own words. Two days after this Honourable House approved this motion, our late colleague wrote, and I quote, "The call for this Commission was never meant to be a divisive party issue, as Members of Parliament all accepted that there was substantial injustice around this issue." He closed that column by saying, Mr. Speaker, and I quote, "Those Members who voted in favour of this motion helped push this Island further along the road to a more just society."

Mr. Speaker, 12 years later, those words remain an appropriate guide for this Honourable House. This Honourable House agreed with that Honourable Member. Necessary amendments were made to legislation when the request of this Honourable House was not granted. This Government acted, and the Commission was ultimately established. Hearings were held, families were heard, and from those hearings, a report was constructed, and the substantive work was done. The report was tabled in this Honourable House, and after a delay which has been longer than expected, this Honourable House now has the opportunity to consider what comes next.

Mr. Speaker, on behalf of this Government, I am pleased to commend this motion to the Honourable House, and I do so reminding Honourable Mem-

bers and the public of the words that I have used before in describing this process. Truth can be uncomfortable. Unearthing historic wrongs may be inconvenient for some. It may well be that some of those who were victims and those who committed wrongdoing have since passed on, but it is never too late for justice.

That justice can take many forms. For some, it may simply be the opportunity to be heard and have their claims acknowledged, while for others, it may confirm the legal standing that they have long asserted.

The process of proving justice starts with a step towards the truth. With that, Mr. Speaker, I commend this motion to this Honourable House.

Thank you, Mr. Speaker.

The Speaker: Thank you, Premier.

[Desk thumping]

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

Any other?

MP King.

Mr. Robert King: Thank you, Mr. Speaker, Members of this Honourable House, and to the families of those represented in this report.

I think, first and foremost, the starting point should be the acknowledgement of the wrongs that were done publicly in the form of a meaningful apology to all those impacted and affected by the wrongs of years ago, which dispossessed them of their lands.

I also think that the second part should be the memorialisation of those particular points of the Island, in terms of St. David's and Tucker's Town. That would be, for me, the starting point so everybody can focus and remember the harm that was done for generations. That is what I think should be the starting point.

Thank you.

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution?

MP Cannonier.

Hon. L. Craig Cannonier: Thank you, and good evening or good afternoon to all in the House and the listening public. I believe that the Premier has laid out quite well the reason we're here today. I want to thank the Commission and [Walton] Brown's family for being here. I believe that this is something that has been talked about for many years now, as far back as we go to 2014, which was mentioned by the Premier, by the former Honourable Member Walton Brown.

I've also, in this particular House, spoken to the fact that coming from St. David's, I thought it was

very egregious that many St. David's Islanders, having to give up their property, which then established the airport, there were many islands within that area. It was water, plus islands that was owned by St. David's Islanders. And, of course, that history, quite frankly, is gone. But if you were to take some of those homes that were on these particular St. David's Islands, today they would be worth millions, beachfront properties, and the like. The difficulty is, how do we then go and bring about a mechanism that allows us to be able to award the loss that has taken place? And that really is the crux of it, this loss. And how do we then measure, moving forward, what to do with that loss?

And so, as the Premier has asked for us, as he has said, when it comes to compensation and the like, that the Government has not come to any conclusions as of yet. And I can understand why. If you take a look at the Commission and some of the difficulties that I'm sure they ran into, especially some of those that were, quite frankly, legal issues, we know already that, as the courts have already judged, there are many cases that still need to come before a Commission of Inquiry or come before the courts. And so, before we come to any type of conclusion, I believe that it is necessary that we engage all of these opportunities, because these families who have taken a loss now are in a position whereby there's no recourse.

We've had a Commission of Inquiry that has made its recommendations, that has looked at some of the cases that are out there, but there are still dozens of cases that we have not had the opportunity through a Commission of Inquiry or the courts to be able to sit down and to look at the unfairness, this injustice.

And I don't think there is a Member amongst the 36 of us here who does not feel that these injustices need to be dealt with. It needs to be dealt with. The unfortunate situation that we are in is that we are having to look at a report, but the courts don't have the teeth right now, and the Commission doesn't have the teeth to do, quite frankly, anything.

And so, what I'm hoping out of this here is that it will charge the Government to either put in place another Commission of Inquiry that will look at the cases that the courts judge should have been looked at, and that also the Government will look at the fact that it needs to give the courts legislation that it can work with to make awards in this instance. Right now, we are at a standstill, and the fact that . . . If we are factual and fair to everyone, we have got families who are spending out money in court trying to get back the very thing that they lost. And they are spending more money. And right now, we are sitting in purgatory with no teeth whatsoever to deal with the situation. So, it is . . . it is fine for the Premier to say [that] he has not come to any conclusions with his team, but yet we are here having a debate expecting for some conclusions to come out of the debate.

I believe that the recommendation to the Government is twofold. Take these recommendations and now put in place, based on these recommendations, a Commission of Inquiry that will allow for these other cases to be heard because it is an injustice to these other cases to not be heard. And in the same essence, sit down with the team and say: *Listen, we have to deal with this here. We have made the start. It has been since 2014 that we have been talking about this here, and in the honour of a past Member, we need to move with some swiftness to give the courts teeth to make the awards.*

And there is an array of different cases out there that are broad-spectrum, that, quite frankly, we are all trying to wrap our minds around how in the world this could possibly happen. How did this take place? We know what has taken place, but here we are now, over a hundred years, land being stolen and no recourse. None whatsoever. So, I commend this. I believe that this is a great step in the right direction.

What I do believe is we need to come to some conclusions on how we give this thing teeth. Otherwise, what are we doing? We are just talking. And tonight we are just going to talk for the next two hours about this here. But there are no teeth. There are no teeth whatsoever to affect anything. And so, I am hoping that out of this recommendation that I am making here that we can move with some swiftness. And maybe a joint committee is put together that starts looking at exactly how we make this happen.

Where does the money come from, you know, if we have to make financial awards? How does that come from . . . and where does it fairly come from? It certainly cannot be a case where the Government is dishing out the money, because the very people who took the loss are paying their taxes. And we are basically asking the Government to make an award based on the people who lost the land in the first place paying their taxes. It is wrong! That is double taxing the very people [who] have taken a loss. So, we want to hear what some of these mechanisms are that we can . . . What are the pathways that we can start looking at?

What we all agree that this is an injustice. And thank goodness that the Commission has gone ahead and made its recommendations . . . again recognising it does not have the teeth to pretty much do anything other than make recommendations. So, now the next phase, so that these families who have taken the loss do not lose any more money, is let's give it some teeth. It has to have bite. It just cannot be a PR exercise. [It has been] since 2014, and we are just here.

Now, again, I said all of this is vitally important. And all we have to do is read the newspaper to see the desperation of some of the families who have had no recourse for years and years and years and years. Now, it may mean some hard truths need to come to light. I get it—some hard truths. The theft that took place . . . quite frankly, I am surprised. I am

literally surprised that there has not been some fallout with some of these families in knowing what was done to them, quite frankly. And I can think of some scary outcomes because these atrocities happened.

Then I go back, and I think about the fact that there was land that was given up even to the Americans for war. They have long since gone. And what about those families who gave up that property, [who] had to give it up? Nothing. Nothing whatsoever. I mentioned in this House before that I have a map of the original homeowners—and I am just using St. David's as an example because there are examples all over the Island of this—of the original homeowners and identified there [that] one or two families have basically just died off and gone, disappeared [with] no compensation. Some have moved away. And nothing. Nothing.

So, when the base moved out, St. David's Islanders were wondering what was going to happen to the property.

[Inaudible interjection]

Hon. L. Craig Cannonier: Yes. What is going to happen to the property?

We wind up having to lease property that belonged to us in the very first place. This is unbelievable. Unbelievable.

Now I am sure that there are far worse cases than that. It was given up for a good cause, a war. Now that it was given up for war, the war is long over, give it back! Give it back! And that should come with some interest.

How do you calculate what that interest is? Is it in land? Is it in . . . is it in property? You know, is it . . . is it financial? How do we do that? And I think it is going to take a little bit more than a debate in the House over the Commission of Inquiry here into this land grab on how we resolve these issues. And until we come up with a mechanism to resolve the issues, again, it is just talk.

[Inaudible interjections]

Hon. L. Craig Cannonier: It is just talk.

And so, I am grateful. There is a lot that could be said. I am grateful that the Government put this in place. Grateful. [It is] long overdue and well-needed, but talk is just talk. And I am talking about all 36 of us. What we now want is, let's sit down and really hash out . . . and it is not . . . and 36 is too, too big of a group to do that. Let's hash out how we make this thing actually work.

And so, I will say this here. I want to again thank the Commission. I know it could not have been easy, and I am sure that some of the horror stories that you heard have kept you up at night, that some of this could actually happen. It is 2026. People are

passing on, and some of the stories actually are being lost.

Now, there was some mention of an independent commission and the like. Hey, I am all for it. Let's go. Put this group together, and let's deal with this thing. And let's deal with those, whether it be organisations or individuals. Let's deal with it and deal with them. But we are talking about things lost to legacy issues that in 2026 we should be dealing with. And in today's world a lot of information is available to us, so we can get to the facts real quick, real quick.

I will give this one story in closing. My grandmother Ethel Cannonier, hard worker, serious entrepreneur, made a lot of money. And she was able to get a house not too far from town right now, like three or four minutes from here, straight out of St. David's—beautiful house. Her kids were able to use the equity in the house to get their own homes. Unfortunately, for some reason when she passed no one wanted to take the house on. They all had their own houses, kids, and the like. And so, the bank was encouraging them, [since] no one wanted to take over the house, [to] sell it—true story—sell it. So, I came and stepped in, and said: *Well, look. You know, I am the eldest grandson out of the family. I would like to consider buying the home.* I was told no straight up. *No, no, no, no, no, no. It is in arrears for three months, and you know we are probably going to . . .*

And I said, *Well, I will pay the arrears, and can I take over the rest, you know, the mortgage that is left?* [There was] very little money left on the house. That was the perplexing part, very little money left on the house. So, it is like, well, you know . . . I am being told no. Come to find out they had already organised for a contractor to take the house without even entertaining . . . So, of course, you all know that when it is time, I can be pretty bold.

[Inaudible interjection]

Hon. L. Craig Cannonier: Yes. So, I went down there and made off.

[Laughter]

Hon. L. Craig Cannonier: The next week I got the house.

So, what I am getting at is, we got to make off. This is crazy what has happened. So, yes, we are going to sit around here and talk. Yes, we are going to talk. We are going to talk; all 36 of you will probably get up and talk. Well, I know that there are a whole bunch of my Members who are not going to get up, but we got a whole bunch of people who are going to get up and talk. And at the end of it, I want to know what has come out of it, because at the end of tonight the Commission still does not have any teeth. And at the end of the night, the courts do not have any teeth. So, maybe what we should be hearing is: *We are go-*

ing to give them teeth to do what they have to do to fix this. And that is all that needs to be said.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

MP Scott jumped up down there in the back before you, Minister.

MP Scott, would you like your 30 minutes?

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

It is interesting that the Honourable Member that just took his seat talked about making off, that we need to have teeth, and told stories and the like. And I remained quiet while he was speaking because he brought up an issue. He brought up a point of the airport and how the Americans were awarded that land during the war. And when it came time to give it back, what happened? It was not given back.

Mr. Speaker, the Honourable Member failed to mention that it was not given back because of a decision made by the previous administration prior to the PLP taking office in 2017.

[Inaudible interjections]

Mr. Hubert (Kim) E. Swan: It was given away!

Mr. W. Lawrence Scott: And so, now for another 30 years that land in St. David's is, arguably, in [the] control of a foreign entity—

POINT OF ORDER

[Misleading]

Hon. L. Craig Cannonier: Point of order, Mr. Speaker. The Honourable Member is misleading the House. The airport largely is landfill, and if you looked at the map (that I know that I have) much of that land—not the airport—belonged to St. David's. Mr. Speaker, 90 per cent of the airport is landfill. What is he talking about?

The Speaker: Member, before you . . . Take your seat again . . . both of you, please. I was listening.

[Crosstalk]

The Speaker: MP . . . Whip.

I was sitting there listening cautiously to see where you were leading on that point. The base lands were turned back to the Government long before the recent development of the airport. They were turned back long before that. And I think that you should be mindful in your comments.

And there is no need . . . My point I am trying to stress [is] this debate started with the Premier stressing what the former Member Mr. Brown said when he introduced this. Let's not make it political. The guys who made these decisions years ago . . . do

not need to bring the politics into this. We are trying to move this forward, but we have become political.

What was stressed by Walton Brown was that this should be a common conversation from both sides of the House leaving the politics out. Bringing in the airport that was done in the tenure of the former Government . . . [it] was long after that airport had been turned back to the Bermuda Government. Is that correct?

Am I correct?

Mr. W. Lawrence Scott: Yes, Mr. Speaker.

The Speaker: Okay. So, let's not drive down this and try and put a political wedge in this conversation at that point.

Mr. W. Lawrence Scott: Well, Mr. Speaker, I am actually trying to make a bigger . . . a bigger long-standing point than just that. I am actually talking about how . . . And I will go down that road, but I will be minded and guided by you, Mr. Speaker.

So, Mr. Speaker, have you ever been part of a group project where everybody does their share of the work except for one individual? But that one individual does not really impact your grade because the group is still doing the work, and they still get the A. But it niggles at you. It bothers you so much that the majority of the group did the work. There is one person who is freeloading, did not do the work, but yet they still get an A just like you did. And, Mr. Speaker, you might even go so far as to want to go to the professor and make sure that the professor understands that this person did not do the work.

And in behavioural science, Mr. Speaker, that is called altruistic punishment. It is the willingness to bear personal cost to hold others accountable for unfair behaviour even though you do not necessarily benefit from holding them accountable. You're doing it because it is the right thing to do. And this was put forth by economists Ernst Fehr and Simon Gächter, and demonstrated in 2002 not too far before this motion was originally passed.

And the broader principle is that people care more about fairness even when they have nothing to personally gain. And that is what I would say the Commission and former Member Walton Brown were driven by—doing what was right and being fair about it.

And Mr. Speaker, I declare my interest as I go into the next aspect of my talking points. I am a manager of the of Rosewood hotel, Rosewood Bermuda, that actually occupies 240 acres of the 350 acres known as Tucker's Town. And so, for those who may or may not know, Tucker's Town was a failed township which was created by Governor Daniel Tucker in the 17th century. It then went on in the 19th century to become a self-sufficient community populated by Black Bermudians.

And, Mr. Speaker, for some, land represents a home. Land represents inheritance. Land represents opportunity to build a future. And what the Commission has done has recognised both the loss that was described by the former landowners and the persistence required to have their experiences heard. And so, Mr. Speaker, what I want this Honourable House to take into consideration and the Government to take into consideration moving forward is how this being deprived of the land has impacted the generational wealth of the individuals. Because if you look at the lost income that the property could have generated, the security that it could have provided, the borrowing that it could have supported, and the inheritance that could have been passed down from one generation to the next, those consequences can extend to children, grandchildren, who had no part of the original transaction.

And so, Mr. Speaker, we have to also look at what was going on in and around that time. So, what I want to do is sort of take us . . . In my former life I was a DJ for a brief second, and [it] was called “taking you through the crates” or “digging through the crates.” And so, I want to take you basically from 1920 to 1968, Mr. Speaker. We were mainly governed by the property vote. And so, now what you have done is you have taken (and not you yourself, Mr. Speaker, the Government of the day) individuals away from land that met that requirement for being able to vote and placed them and displaced them into an area that did not qualify for voting rights.

And so, as we go through the crates, Mr. Speaker, if we look at the economy of Bermuda from 1920 to 1968, that was the greatest growth in Bermuda’s economy, arguably in Bermuda’s history. In the 1920s, and from 1920 to 1933, you had the prohibition boom, meaning that we were making money providing adult beverages to the United States when it was hard to get elsewhere. And then in the 1930s, or 1930, you had the death of our agriculture economy based off of the [US] Smoot-Hawley Tariff Act [Tariff Act 1930] which was basically a tariff that made agriculture and shipping and exporting to the United States, our biggest trading partner, not economically viable anymore, followed by what the Honourable Member spoke about briefly was the war in 1941 to 1945.

And then from 1950 to 1968 was the jet age and international business. And so, Mr. Speaker, during all of this boom and growth, people who were displaced from the Tucker’s Town area did not get a say because they did not get a vote because the land that they were placed on or displaced to did not qualify. And so, how did they participate in a system that ignored or excluded them? And this is sort of where I was going and taking the scenic route, Mr. Speaker, earlier with the airport—

[Inaudible interjections]

Mr. W. Lawrence Scott: —is that—

[Inaudible interjections and laughter]

Mr. W. Lawrence Scott: —is . . . No no no. But Mr. Speaker, is—

[Inaudible interjections]

Mr. W. Lawrence Scott: When I talk about the airport, [I] mean that it is the systemic inequality that we see. And we still make decisions. And there were decisions still being made in recent times that would still lead persons to be further, I will say, displaced.

[Inaudible interjections]

Mr. W. Lawrence Scott: And this is why we must examine the relationship between land, wealth, and power, Mr. Speaker, because if you start looking at that you can look at . . .

Imagine, and look at some of the policies that we still have in place today. And I understand that the Minister responsible is working to change what am I about to talk about, which is rent control. Mr. Speaker, I cannot think of a piece of property in the Tucker’s Town 350 acres that would qualify for rent control. But there may be some properties in the Devil’s Hole area, in Smith’s [Parish] area, in Hamilton Parish area, where they were displaced and relocated to, which would fall under or fall within rent control, which means that it limits the earning potential of the equity or the asset of which they were given.

And so, Mr. Speaker, these are the systemic issues that are coming from there, from a decision based in 1920. And keep in mind, Mr. Speaker, that it is just, I believe, the good Lord’s irony that from 1920 it took until 2020, a hundred years, for that area of Devil’s Hole to be represented by a PLP MP, Mr. Anthony Richardson.

Now arguably, if you are going to google 2011, you did have Darius Richardson *[sic]* who crossed the floor from the—

Some Hon. Members: Tucker. Tucker.

Mr. W. Lawrence Scott: Sorry. Darius Tucker who crossed the floor and became PLP. But we are not going to hold it against him for coming home.

[Inaudible interjections and laughter]

Mr. W. Lawrence Scott: And so, Mr. Speaker, that is why what I do like about this report is under section I. They recommend a system to determine whether compensation paid was fair, equitable, and/or if there is a regime to compensate some of the dependents. That is something that I believe we should explore more on.

Or section VI under [a] Heritage Trust—this is speaking to the property vote, the Bermuda economy from 1920 to 1968, where [a] Heritage Trust . . . “to make reparations or . . . distributions to the descendants” possibly funded through the “Economic Empowerment Zone using dispossessed land [already] under the Bermuda Land Development Company” trust-ship [*sic*]. Meaning, Mr. Speaker, that we could go and create an economic empowerment zone that would be able to cater to those persons who were impacted by this wrongful dispossession and allow them to participate in our economy in some meaningful way.

Mr. Speaker, as you know, I do not talk for too long. And what I really wanted to talk about, or at least share in my closing comments, is that I want to go back to the altruistic punishment. And I want to give credit to the late Honourable [Member] Walton Brown who did just that. He did . . . He took on the work. He did the necessary legwork and did the heavy lifting so that this motion would pass. It would then take on and become the Commission of Inquiry [into Historical Land Losses], and we can now start to hold those accountable.

I am not going to say we are going to make it right; but we can hold those persons accountable. And we can acknowledge in the best way forward that we need to do what is right, not because any one of us in this House benefits from it, but because it is the right thing to do. And it so goes with his personality and the man that he was.

And, Mr. Speaker, I think that the recommendation that resonates the most with me, Mr. Speaker, is probably in section V, section VI, a permanent mechanism to review claims fully resourced with a legal framework for remedies, and then a land tribunal for outstanding legacy issues. And then the last one is probably the first one of my recommendations, which was to locate missing documents in Tucker’s Town and St. David’s, pre-1971, to be able to assist those who are looking for what happened with their family, looking for the answers, looking for a resolution of some sort.

Mr. Speaker, I am a member of one of the oldest churches in the country, the Cobbs Hill Methodist Church built by slaves in the moonlight. And what comes to mind and the words I would like to use to close are found in John 8:32—

An Hon. Member: Go ahead, pastor. Here we go.

Mr. W. Lawrence Scott: —“the truth shall set you free.”

The Speaker: Thank you, Member.

Does any other Member . . .
Minister. You have the floor.

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker. And thank you to everyone that has spoken earlier. I

certainly do appreciate the comments from Members opposite, especially MP Cannonier. Yes, I do believe that we do need to get on with it and get on to doing the things that we can take from this necessary report, Mr. Speaker.

But when I rise today to give my contribution to this very necessary and important debate here in Bermuda, I do not intend to cover any of the ground that has been covered so far, Mr. Speaker, because there is one part of this report and the history of it that speaks very personally to me. And that is the Tucker’s Town part. So, as I stand and I speak not just as a Member of this House and as the Minister of Education, I speak as someone who grew up in Devil’s Hole. I speak as a proud member of St. Philip AME Church. I speak as the vice president of the Harrington Workmen’s Club and the Cleveland County Cricket Club. But most importantly I speak as a person who received some of this history—

[Inaudible interjections]

Hon. Diallo V. S. Rabain: I feel like a person who’s received some of this history, Mr. Speaker, by the way many Bermudians did prior to this report, and that is through stories from our elders.

Mr. Speaker, Tucker’s Town was more than just the land or a failed township. It was a community. The report of the Commission of Inquiry into Historic Land Losses in Bermuda records how the transformation of Tucker’s Town resulted in residents not just giving up land, Mr. Speaker, but also institutions, an agricultural way of life, livelihoods, community, and even sacred places of rest. It speaks also of the family stories subsequently handed down by our descendants. That part resonates deeply with me because the history of Tucker’s Town did not begin with this report. For me, it began with my grandmother.

My grandmother told me stories that had been handed down to her from her aunt who was alive during that period, and how history has travelled from many Bermuda families from an aunt to a niece, from a grandmother to a grandchild, from generation to generation. But as I grew older, I began to understand how important these stories were, and they were not just simply family stories. They were Bermudian history. Interestingly the Commission itself recognised the importance of that oral tradition, Mr. Speaker. People who did not possess deeds or wills but knew family stories that have been passed down generation to generation were invited to make their stories known.

Mr. Speaker, one of the most powerful examples of that living history is that little church by the sound, St. Philip AME Church. St. Philip originally stood in Tucker’s Town. And this year is particularly significant for our church community because, Mr. Speaker, on June 3 we celebrated 100 years since being removed from Tucker’s Town. And next month we will celebrate 141 years of ministry. Think about

that, Mr. Speaker. A century in its present home; 140 years in existence. There have been generations of baptisms, generations of marriages, generations of funerals, generations of Sunday school, generations of families gathering to worship. And St. Philip has survived. But we remember this church as more than just a building. This church carries the institutional memory of this community. It preserves names, families, relationships, records, stories, faith, memory, and the community.

As previously mentioned, historical records were lost in the removal and demolition of the original church, and those records can never be recreated. But the people still rebuilt. My grandmother told me stories passed on from her aunt about helping rebuild that church in that place. And when I do attend church, often they will speak about my great aunt and the infamous stories of her going out there to secure the building during an impending hurricane. But at that time, Mr. Speaker, I pause to think of what that really does represent. One hundred years later, I stand in this Honourable House as a member of the church that their generation helped to build. The building has moved, but the faith has not. The community was displaced, but the community did not disappear. And this, Mr. Speaker, is the enduring spirit of us that have been transplanted from the Tucker's Town area.

And then, Mr. Speaker, there is cricket, which we talk about up here on a regular basis. And this summer again we celebrated one of the oldest and most important sporting traditions in our country, the Eastern Counties Cricket competition. The Eastern Counties began in 1904. Let's think about that and put it in perspective. Cup Match is dated at 1902, so it only separated by two years. And [122 years later the Eastern Counties tradition remains alive.

For many of us that are connected with Cleveland County, that is another element of that history. Their roots lie in the Tucker's Town Cricket Club of which the Eastern Counties trophy still bears that name. As vice president of the Cleveland County Cricket Club, that legacy means something to me. Our old-timers ensured that we knew, they ensured that younger generations understood where we come from and why those traditions matter. This summer Cleveland entered the competitions as champions before Bailey's Bay [Cricket Club] took the Cup from us in a dramatic first-round match at Lords [St. David's Cricket Club Ground]. And I admit it, Mr. Speaker; that is one part of history I would not mind being rewritten.

[Laughter]

Hon. Diallo V. S. Rabain: But that result is not really the point. The survival of the competition is.

More than a century later, families still gather. Rivalries still continue. The stories continue to be told. And the community connections still remain because, Mr. Speaker, for those of us who do not know, the

original competition started between the Tucker's Town Cricket Club and the St. David's Cricket Club. We added those other people later, Mr. Speaker.

An Hon. Member: Where was it played?

Hon. Diallo V. S. Rabain: It was played at Darrell's Oval right across the street from John Smith's Bay. And you could even see pictures of the cricket game having to stop while the horse and buggy came through because the road went straight through the field. They used to row across to each other to continue to play this game.

So, when I look at Eastern County, I do not see just cricket; I see history still breathing. St. Philip endured. Eastern Counties endured. Their families endured. And the memories have endured.

Mr. Speaker, there is another piece of history that should not be overlooked. And when I read through this report, I also had to look at the Ombudsman's 2014 report entitled *A Grave Error*, which described the Marsden Methodist Memorial Cemetery, which is the last intact physical relic evidencing communal life in the Tucker's Town population. Unfortunately, I was listening to a conversation today, and we are hearing about this area being overgrown and not being kept up. And that is something that we will certainly have to have a conversation about as we move forward.

Mr. Speaker, why I mentioned that is because history does survive in different forms. Some of it is in documents. Some of it is in buildings. Some of it is beneath the ground. Some of it is in sporting trophies. And some of it only survives because it is the memory of an elder repeating it to a child. And they are saying: *Let me tell you where I come from.*

But as the Minister responsible for Education, Mr. Speaker, the Premier said the history of Tucker's Town and Southside, St. David's, should not depend upon whether a child happens to hear it from a grandparent or encounters it later in life by chance. For me this history did begin with my grandmother, but I was fortunate that she understood the importance of telling me the stories that had been told to her.

But the Premier is right. The preservation of Bermuda's history cannot be left to chance. The Premier has left the specific question of what is presently taught and what additional materials may be required of me as the Minister of Education. And I fully accept that responsibility. I accept it simply not as the Minister, but I accept it as someone who grew up in Devil's Hole. I accept it as a member of St. Philip AME Church. I accept it as the vice president of Cleveland County Cricket Club and Harrington Workmen's Club. I accept it as the grandson of a woman who understood the importance of telling the stories that have been told to her because before this history was written in reports it was carried by our people. And the

challenge now is to ensure that the history does not disappear as those people leave us.

Mr. Speaker, the Commission recommended the history of Tucker's Town and St. David's be suitably memorialised, including in the institution of Bermuda's history that is taught in our schools, preserved in our libraries, and taught through physical memorials. But I want to say something important today. Teaching history, Mr. Speaker, does not simply mean adding another paragraph to a textbook. We have living classrooms all around us. St. Philip is a classroom. Cleveland County is a classroom. The Eastern Counties is a classroom. Devil's Hole is a classroom. Our cemeteries and historical sites are classrooms. And perhaps more importantly, our elders are classrooms.

So, the question we have for education now is: How do we appropriately connect our young people to those stories so they understand not just what happened, but why it happened, and why it matters? That work will require thought, consultation, and sensitivity. But I believe it is work worth doing.

Now let me make another point, Mr. Speaker. Teaching difficult history should not be about telling our children who to blame. It should be teaching them about how to understand. Understand the decisions made by governments that affect people's lives for generations. Understand that decisions made by governments can affect the economic development and limit the opportunities while also creating human consequences.

To understand land is more than its monetary value. Land can mean inheritance. Land can mean economic security, and it can also mean opportunity. But sometimes it just simply means home. And if we teach our children only comfortable chapters of Bermuda's story, we have not really taught them Bermuda's history. A mature society should be able to confront both parts of that history that make us proud and the parts that make us uncomfortable. That is not division; that is understanding.

Now, Mr. Speaker, I returned to where I began. For me, Tucker's Town is not simply a chapter in a report. It is my grandmother's voice. It is my great-aunt's experience. It is Devil's Hole. It is St. Philip. It is Cleveland County. It is Eastern Counties. It is a part of who I am. More than a century later, what strikes me most is that they moved the community, but they could not remove its spirit. One hundred years after St. Philip established itself in its present home, the congregation continues to minister.

Mr. Speaker, 122 years after Eastern Counties began, our community still gathers around for that tradition. And generations later, Bermudian families are still telling their children where they came from. That is resilience. But resilience does not relieve us of the responsibility, the responsibility that the generations closest to this history are leaving us.

Every time an elder passes without a story being recorded, we risk another piece of ourselves. And that, Mr. Speaker, is where education must play its part. Our responsibility is to preserve, to research, to listen, to record, and to teach because these stories no longer depend solely upon a grandmother remembering to tell her grandchild. Every Bermudian child whether they have family connections to Tucker's Town in St. David's [or not] should understand it is not everybody else's history; it is Bermudian history.

Mr. Speaker, the Premier has also indicated physical memorials will form part of the Government's response following appropriate consultation. I believe there is also something that we should call educational memorials. A physical monument preserves memory in a particular place; education carries that memory from generation to generation.

So, as this Honourable House takes note of this report today, I take note particularly of the responsibility entrusted in education. Let us preserve this history. Let us listen to the stories. Let us honour those who came before us. And let us teach those who will come after us because reconciliation cannot begin with forgetting. Understanding cannot begin with silence. Progress cannot be sustained if we do not understand the road that brought us here. And, Mr. Speaker, as I said, they have moved the community, but they could not move its spirit. Our responsibility now is to make sure that that story is never moved out of Bermuda's national memory.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Member.

Does any other Member wish to make a contribution?

MP Robinson.

Mr. Dwayne Robinson: Yes. Thank you, Mr. Speaker. And I will say thank you to the speaker who previously took his seat, the Minister who alleviated a lot of my concerns when it came to reading this Commission of Inquiry [report], because Bermuda . . . we struggle to capture our stories in our history. We have a hard time condensing that into ways in which people can easily access it or greatly matriculate it through our system. And I think that that speech will alleviate a lot of concerns for me.

One of the first things that I think would be a great step for us to get this into the community and to bring people along is to condense this report into pieces that can be distributed to the community, because it is a very highly detail-orientated report, as it needs to be, but it is very dense. And as somebody who was reading through it, I thought to myself, *This is a great opportunity for us to kind of rework our outlook when it comes to preserving our history and when it comes to sharing that history.*

As somebody who is young—and I was very honoured to be able to enter into politics and go talk to people on the doorstep—I was overwhelmed at the number of stories and history that families carry that they pass on to you. And you have a conversation with them in various parts of my neighbourhood that I did not even realise, you know, existed or were a part of the fabric of our community. So, I think that this is a great opportunity for us to not only, you know, endorse the Government going forward and finding restitution for the families, but also to be sure that we empower our society and all members of it to make sure that this history is not repeated, because what we have seen overseas is how easily history can be re-written and how easily we can find ourselves in times we thought our grandparents lived through.

And to see rights and various democracies around the world being repealed and rolled back, Bermuda has to realise that, though we are small, we have to guard against the same thing, because at the end of the day all of us are temporary. And the best thing we can do is try to educate and to make sure that there is restitution for the past, because that is important. And it is an important part of who we are.

I agree with what was said earlier that we have to tell the whole story. But we also have a duty in this House to make sure that future generations are empowered so that they do not make, or can see the signs, because I think that in a larger democracy, which I will not name, people were very duped by a specific leader. And they are now seeing how easily democracy can be unwound and how easily people's rights can be trampled. And so, for me, one of the main reasons I wanted to get to my feet today is to ensure that we are not just thinking of the past, as important as it is. But also, the future and the present. And so, I just wanted to add my thoughts to that.

I think that the Premier was correct in saying that compensation is a very difficult topic, because when you come to the topic of compensation . . . And you know, I am following the talks of reparations and various things and how hard of a hurdle that can be for the disaffected members of a community who are looking for compensation for the losses that they incurred, and how, you know, the question becomes whether it is the property value of when the injustice happened or whether they are compensated for the property value of today, and various questions of who pays.

Do the descendants of the egregious party pay? Or does Government step to the plate and basically, as my colleague mentioned, double taxation to the victims who will basically fund in their own compensation? So, I think it is a very tricky conversation. And I think that when the Government does come up with ways in which they seek compensation for the affected members [in] this report, I think it will be great if we had another take note motion to discuss the specific proposals of compensation that the Govern-

ment has in mind, because I think it will help narrow the conversation. And we can, as my Whip said earlier, you know, give the Commission teeth, give the Judicial branch teeth. But I think we need to focus the conversation a bit because it is such a wide conversation.

I would like to hear a bit more about what Government is proposing so that we can, or I myself personally can, endorse or support that going forward, because I think we all want to see justice served to the families who are victims of land loss and theft. But I also want to hear the specifics. Because for me, we can go down six and seven different trails of how you can compensate a person who has suffered a loss like that and how is the best way to do it in a way in which the family feels that their long fight was rewarded because we do not want to have families out here still having to pay legal fees and the legal fees are not considered in that. And you are getting a compensation, but it does not match what you paid to get to this point.

So, I think that it is a very nuanced situation, and I hope to hear before any decisions are taken swiftly some of the options in which, you know, this House is being asked to take note of.

You know, we are speaking about people's lives. And I want to be sure that whatever path progresses forward for those affected individuals that it has been worth the fight, that it has been worth the sweat and labour, because at the end of day you cannot replace lives. People have passed on. People have literally been stressed into health conditions and various things. It is not something that we can ever fully heal or reverse. But if we are to compensate, it must be a package that is suitable and agreeable with the affected parties.

I find that with these particular atrocities and various parts of our history, we may not do enough to bring our young people along. We may not do enough to really explain why we are doing something or why something happens. You know, Cup Match is not just for folks to get dressed up and, you know, go down to the field. As much as we like doing that, it is a way deeper meaning. And I think that we have to make sure that we rewire ourselves that, yes, we want to compensate. But we also want to learn. We also want to adapt. We also want to be sure that as we move forward, we have fine-tuned our processes.

As other Members have mentioned, we still have laws on the books that disproportionately disenfranchise some of the members of our community. That is something that neither side will dispute. There are still laws that need to be repealed and untangled, and it is not a simple task for any one government. And I think that I want to commend the way in which this motion was brought forward because it brings us together as a parliamentary group to understand that this is something that we all have a responsibility for because as descendants of the parliaments of old,

whether we align with views or not, we inherited that responsibility to make something right. And sometimes it falls on your lap, something that your grandfather or great-grandfather did. But because they are gone, the responsibility can, if you have benefited from the crimes and atrocities done, fall to you to make right. Does that mean that you should bear the label of criminal? No. You did not commit the crime. However, if you benefit from it, you must answer for it.

I think that at the end of the day I am very happy to hear that division is not the goal, that when we come out of this process and folks are properly compensated and those conversations are had, it is for an educational purpose to ensure that as a society we come out more unified where people feel like their thoughts have been heard, that their atrocities have been answered, and we can have a conversation about how we can improve the present and the future to ensure equity and equality in our society.

I think that these conversations are hard because, you know, I have had to have a few conversations with some of the affected members, and seeing the pain in their face and their eyes talking about a relative who will never see the benefit or be able to participate in this conversation that we are having now. So, we have a duty, and we have a responsibility. And I am glad to see that this motion has been brought forward.

I will make myself available to hear any follow-up conversations that may happen as far as which direction the Government is going to take to handle such a massive undertaking when it comes to figuring out compensation, when it comes to addressing how the courts will be able to investigate addressing a whole heap of things that will come from this take note motion. But what I can say is that I fully endorse starting the journey and getting to a point where we can say as a parliament, we ensured that justice was done and that folks who have been robbed from, and stolen from, and displaced have a parliament that heard that and decided to address it. So, whether or not someone else kicked the can down the road, it is our can now, and I hope that we do follow up on this and make sure that it gets done and that people are given the proper justice they deserve.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

Does any other . . .

Minister Adams.

Hon. Jache Adams: Good evening, Mr. Speaker.

I certainly thank each Member who has contributed to the discussion thus far. But I do think there is an opportunity to provide clarity, because what the Premier was referring to is that this is an opportunity for the legislators of this country to provide feedback from the result of analysing this report. And from that feedback the Government will then present a pro-

posed path. So, to sit here and, you know, sort of jump the gun and talk about teeth all that stuff . . . This is part of the process. The first process is to at least garner the feedback from the legislators of this country.

And so, Mr. Speaker, I rise today to contribute to this motion and thank the Premier for bringing it forward as I believe all of us can agree that this is an important topic. And perhaps all of us can also agree that this is long overdue. And I say that because every Bermudian knows someone in their family or in their community who talks about family legacy, and the importance of family history, and a family homestead, and so forth. And sometimes those conversations are filled with pride as people recall fond memories of yesterday. But we must also recognise that for some families those conversations are cloaked in years of frustration and cries for justice.

Mr. Speaker, we cannot simply sweep under the rug of the fact that for some Bermudian families the story of their land or family homestead is not a proud story of how it was acquired and who it was passed down to. Instead, it is a gut-wrenching story about how that land was lost and whether that loss was just. That is why today's debate matters.

Mr. Speaker, I would like to take this opportunity to again thank each of the commissioners for their hard work. Clearly a lot of time went into this. As I will remind the public, this report is more than 500 pages long. But what makes this conversation so important is that behind the words on those pages are our people, real stories of injustices. And so, today, Mr. Speaker, I want to speak about two of those stories involving families that I have the privilege of representing. The first is the estate of Mr. John Augustus Alexander Virgil who more than half a century ago owned land at Spring Benny in Sandy's [Parish]—

An Hon. Member: Oh, I know Spring Benny.

Another Hon. Member: Go ahead, brother.

Hon. Jache Adams: —near Port Royal Golf course—

[Inaudible interjection]

Hon. Jache Adams: Mr. Virgil—

The Speaker: Minister, one second.

Let me caution you, because in the beginning of this when we did the ruling, we were asked not to bring names into this. Some of these names may still have matters coming back and forth in the courts. I am going to caution you—

Hon. Jache Adams: Okay.

The Speaker: —to be careful [not] to bring names. Speak to it very general because we do not want to go—

Hon. Jache Adams: Understood.

The Speaker: —down a road—

Hon. Jache Adams: Understood.

The Speaker: —to something that is sitting elsewhere.

Hon. Jache Adams: I do not remember hearing that, but fair enough.

The Speaker: That was a ruling that was done two weeks [ago], back when this was allowed to go forward. Okay?

Hon. Jache Adams: I shall take your guidance.

The Speaker: All right.

Hon. Jache Adams: So, what we are talking about are beneficiaries from some of these instances who believed that they would rightfully inherit their property, but instead what followed was a journey that has lasted for decades.

Mr. Speaker, to give this context and to really appreciate how one would feel, I would encourage the public to just imagine believing that land that belonged to your family had been wrongfully taken. Imagine your family holding on to deeds and other important documents for generations convinced that these documents support your family's claim. Imagine pursuing the matter through institutions and through the courts, paying lawyer after lawyer, feeling as though you were getting nowhere and still finding the determination to keep going. That is what we are talking about and who I am representing today.

Mr. Speaker, when I was first elected in 2020, one of the first families that I met with as their new Member of Parliament spoke of these issues. They sat with me and collectively shared their story. I can tell you that I personally saw the decades of frustration in their eyes. And so, that is one reason today's debate is personal for me, because I have seen it.

But Mr. Speaker, I fully recognise that the Commission of Inquiry is not a court of law. Its findings do not determine civil or criminal liability. And I am not attempting to retry this matter from the floor of this House. It is not where we are [or] what I am doing. But I certainly believe we should not dismiss or minimise what the Commission found either.

You see, let me be clear. After examining the evidence, the Commission concluded that two major transactions involving a piece of property were fraudulent. The Commission then did not stop there. It went

further and concluded that several individuals participated in a criminal conspiracy to dispossess these individuals of their land. The Commission then also heard expert evidence that these documents were probably falsified. Again, let us just imagine what that must feel like.

Mr. Speaker, before anyone can claim that I am being . . . or that I am politicising this, I will remind the public that these are not my words. These are the findings recorded in the Commission's report. I then feel duty-bound to highlight that the Commission then went further by recommending that the Government consider establishing a mechanism through which compensation could be considered for losses through theft, dispossession, or unlawful or irregular means.

For decades, the family that I met with insisted that what happened to them was wrong. They preserved documents. They asked the questions. They pursued legal avenues. And when another door closed, they continued to persevere. They continued to fight on. I cannot tell you how much it saddens me to know that some who carried that fight for so long did not live long enough to see this debate. You see, Mr. Speaker, for this family the Commission was not simply about land; it was about dignity. It was about somebody finally stopping long enough to listen.

Mr. Speaker, there is another family that I represent whose story also deserves to be heard today. In this particular matter the claim was brought by the individual family. The report states that this particular property was acquired, or [by] this particular individual, was acquired back in 1946. Public notice of that transfer was published. Lawyers were notified of from the Pembroke vestry. And the Commission recorded that these individuals continued paying the land tax associated with the property. Eight months later coincidentally legal proceedings began, and what followed became another multi-generational battle. The Commission identified significant concerns surrounding the 1947 court proceedings. In its own list of key issues, it described that the trial was unfair, and identified what it regarded as a clear conflict of interest. Again, Mr. Speaker, just imagine how that must feel to be these individuals, the family members.

Now I am not here today to reopen court cases or determine ownership from the floor of Parliament, nor do I wish to turn this debate into a dispute between neighbours or members of our community. I am simply highlighting what the Commission themselves reported. And the human side of that report is difficult to ignore. Individuals fought their entire lives, and now today another generation has to carry it forward.

The report also records the family's long-standing concerns relating to access to their property, water rights, [and] water views. Again, I cannot ignore the Commission's recommendation that the Department of Planning—this is their recommendation—the Department of Planning investigate the subdivision of

this particular property, an encroachment of a lot in Spanish Point, Pembroke.

Mr. Speaker, let's just think about what this means. We are talking about multiple generations carrying essentially the same unanswered questions. And just like the first family I spoke about, they too came before the Commission. They too produced documents. They too told their story. And they too are entitled to ask: *What happens now?*

Mr. Speaker, there was a time for investigation. There was a time for the Commission to do its work and for the courts to consider challenges arising from that work. We have now reached another stage. We must decide what we do with what we have learned. So, I for one welcome the proposed mechanism to give families with historic land loss concerns a clear point of entry into the Government. In fact, I now have constituents asking me a very basic question: *Which Ministry, which department, which office do we go to next, so I too can be heard?* The question alone demonstrates why a clear mechanism is necessary.

There also remains the difficult question of compensation. And I think colleagues before me, Members before me, spoke to this. We recognise that this is just not simple. There are legal considerations, financial considerations, questions of precedence. But where this Commission has made specific findings and recommended that compensation be considered, we cannot simply acknowledge those recommendations and just move on.

As a Member of Parliament privileged to represent people directly affected by this report, I believe these recommendations deserve serious consideration by the Government. These families did what we asked of them. They came forward. They produced their evidence. They subjected their claims to independent scrutiny. And where the independent process resulted in findings or recommendations relevant to their cases, I believe they are entitled to a meaningful conversation about what comes next.

Notice I am not prescribing any amount or even prescribing what the mechanism is; not even attempting to determine legal liability, again, from this House. But after decades of asking to be heard, now being heard cannot become the end of the process. So, taking note today must mark the beginning of the next chapter.

Mr. Speaker, there is another Bermudian whose contribution should not be forgotten. We have spoken about him earlier, and I suspect we will speak about him later as well. And that is the late Walton Brown who brought this motion to this Honourable House, as the Premier said, in 2014 that ultimately led to this Commission. The motion specifically called for historic claims to be investigated and for recommendations to be made where possible so that victims of wrongful action could receive compensation and justice.

What may be noteworthy to us all, but is something that I do not forget, is that in two weeks it will be the seventh anniversary of our dear brother's passing. He understood that Bermuda could not move forward simply by refusing to look backwards. Time does not necessarily erase injustice. And so, his determination created a forum through which Bermudians who believe their voices had been ignored could finally tell their stories. That contribution, Mr. Speaker, from our dear brother Walton Brown deserves to be remembered.

Mr. Speaker, as Minister responsible for public lands, I am reminded constantly that land is unlike almost any other asset. You see, a building can be replaced. A road can be rebuilt. Infrastructure can be renewed. But land carries history, carries identity. It carries economic opportunity. And perhaps most importantly it carries something from one generation to the next. Our parents and grandparents understood that owning a piece of the rock gave the next generation something they can build on, a home, security, an inheritance, a future. That is why the loss of land can have consequences far beyond the generation that originally lost it. We are talking about a compounding effect.

Now, Mr. Speaker, I fully recognise that we cannot undo every poor decision made in Bermuda's past. But what we can do is endeavour to ensure credible evidence will be taken seriously. And we can promise that where our institutions have fallen short, we as a Government will not be afraid to acknowledge it.

Mr. Speaker, I represent families for whom those journeys have already spanned generations, and I would hate for another generation to inherit nothing but the same unanswered questions. That is why today's debate is not simply about looking backwards; it is about deciding the country we wish to leave behind, a country with institutions our children can trust, a country willing to confront uncomfortable truths, a parliament prepared not merely to hear people but to actually listen to them, and a Bermuda where no family has to spend generations wondering whether anyone will ever take their story seriously.

So, Mr. Speaker, I will close quite simply. In relation to our discussions and these reports, I will say that the Commission listened. It investigated. It has reported. And today, it falls on us as legislators to decide what we do with what it found.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member . . .

Opposition Leader, you have the floor.

Hon. Ben Smith: Thank you, Mr. Speaker.

Mr. Speaker, I am going to start by acknowledging the family of my late friend Walton Brown. Well before I got involved with politics Walton and I were

having discussions about this very subject on my porch, sharing stories of the loss on his family's side and on mine.

Mr. Speaker, the Honourable Premier started this debate and gave some of the information of the timeline that led to where we are today. But there was an important moment when both sides of the House, together, bipartisan, made the decision that this subject was too important. And they changed legislation in order for the Commission to happen.

Mr. Speaker, the reason I bring that point is because the first step before today should have been bipartisan because many of the things that we heard being discussed by the Government I had to sit and listen to for the first time today. And knowing who Walton was as my friend, I know that was not the spirit of what he would have wanted this to be because, Mr. Speaker, you have already heard that the support is on both sides of this Chamber. So, we need to move forward in that spirit. So, it is important to acknowledge the contribution of the honourable Walton Brown who allowed us to get to where we are today. But as has been said by several Members, this cannot be the end of this journey.

Mr. Speaker, I am going to talk about the personal meaning of this to me. In December of this year, my father will have passed on 25 years ago. And the reason I have to go to that point is because my father was born in 1918. So, he grew up in the exact time that we are referring to. The stories that we are hearing second hand, I heard. And in his 80 years of life—80-plus years of life—the hurt was still there to his dying day remembering being removed from his childhood home when he was a young man . . . young . . . a young boy I should say, family put into a boat to go across the harbour because their land had been taken from them. Those are scars that people carry with them throughout their life. That pain does not go away. And when he repeated those stories, every time it was as if he was picking that scab and reminding [me] of what that meant to their family.

Mr. Speaker, in those days the land near the water was not looked at as the land that people wanted. So, what you actually found was a lot of the poor families lived near the water. But the difficulty is, as the country shifted and the change for the demand of that land changed, there were people within our community that decided, *I want that valuable land, and I will figure out how to get it by any means necessary.*

So, Mr. Speaker, my father carried those deeds with him. And Walton and I sat and we discussed these exact issues and what it meant. So, him bringing this forward and pushing it as far as he could, it is a shame that he could not be here today to see us get to this point. But he is not the only person who is not here to see us get to this point of the journey.

Mr. Speaker, I heard some of the potential parts of the Commission's report that the Premier said that . . . looking to take on board some of them . . .

obviously the history . . . But Mr. Speaker, we have to really drive that message of the history and what it actually means.

I just had a meeting last week with the Bermuda College. And we discussed Bermuda history, what it meant, and how it is being taught to the next generation. Mr. Speaker, there were several classes that taught Bermuda history up to 1973 [*sic*], as if history stopped. Sorry, 1963 I think is the actual date, 1963. I apologise. But Mr. Speaker, the number of courses has actually decreased significantly because there was not any money to pay for the person to teach those classes. And just because we put something in the curriculum, we have to make sure that we are following up so that it is actually being implemented across the entire Island. This cannot be lip service. This has to be something that we continue to push for and continue to remind people of how we got here.

My young colleague mentioned that it is important so that we do not repeat the same mistakes because, Mr. Speaker, from 1918 to his death, that is a story that my father repeated over and over again. And there are people in multiple houses that that is the way that history has been passed on.

Mr. Speaker, 25 years on, a lot of our young people do not even know what Bermuda's "another world" is. So, just imagine if you go back 25 years before that, and then back to 1918 and 1920 when the things that we are talking about continue to happen. You have to continue to repeat and remind.

But Mr. Speaker, within the report . . . And I thank the commissioners for the time that they put in and the amount of work that went into creating the report. And I know it was not their choice that we would have to wait so long before we got to this point, but obviously [it] takes time for everything to go through the legal system. But Mr. Speaker, in that process we learned that many of the people did not actually have the ability to be heard. And there were mistakes made that potentially should have been heard. So, that is something that has to be addressed.

Mr. Speaker, the Premier asked what it is that we would be recommending, because I think that that is the important part. We can stand here and repeat the stories and repeat others' stories, and as I said it is important that those stories are told. But talk is cheap. So, you are hearing the support on both sides of the Chamber.

So, Mr. Speaker, my recommendation is that we form a bipartisan committee to actually look at each of the recommendations, put forward exactly what needs to be done, and come up with the answers so that we can do the implementation and put a timeline on it so that we can get to work. There are too many reports that are done in Bermuda that grow dust on shelves. My good friend did not get to see it. My father did not have the opportunity to even know that it was possible. We cannot wait until others do not get the results, do not get the justice that they deserve.

So, let's take the fact that we are showing on both sides how important this is and what it is that we believe.

Looking at the report, they have given us recommendations. There are things that need to be fixed. You heard some of us talk about teeth. Let's have the bipartisan committee. Let's put it together, and let's figure out what needs to happen where. When does that need to happen? How can we implement that? Who do we need to talk to to make sure that the right decisions are being made so that we are getting to the result that is in the best interest of the people that have suffered for far too long?

Mr. Speaker, this is an opportunity for us to show the country that we understand, that we listen, that we feel, that we are connected to our past. We are mindful that we cannot allow our future [generations] to forget what happened. And it is more than just acknowledging the hurt because, Mr. Speaker, in many cases the healing had not even begun before some of these people passed on. And those are the ones that we need to be now fighting for, not just the ones who have the ability. Having to fight in the courts after you have already had to go through the injustice, spending money in most cases that they did not actually have, knowing that the land that was taken from you, the value of it now that everybody wants to be near the ocean, or in what is called prime real estate, that impact . . . we have no idea what that did to some of our people's future back then to now. So, think about it. It was their future. And now we are speaking of it as the past. But Mr. Speaker, you know that if a decision that is made [is] negative, it could change the trajectory of somebody's life forever. [It] changes the entire family's life.

So, Mr. Speaker, I ask that what we do is form the committee as fast as we possibly can, start to put the recommendations in place, and put ourselves in a position that the Legislature does the job that we have been put here to do. Let's actually implement what we can. And what needs to have changes, have that committee recommend them, bring them to the House. If legislation has to be changed, we do that. All of those things can happen in a bipartisan way so that we can move it as quickly as possible. And if both sides of this Chamber are in the room during that negotiation we get here, and it is a very simple move next.

There are not a lot of amendments if we have already been part of the discussion from the beginning. That is why we cannot worry about the misstep, because it was a misstep. There was an opportunity where we could have started this. That is okay. We can fix that now. Everybody here wants the same result, so let's take this opportunity to not stand here and talk. The words need to lead to action, and the action needs to happen immediately so that all the families who have continued to suffer, all the families who have heard those stories, all the families who

have felt this injustice understand that the people in this Chamber are going to work to make sure that we get to a result.

It will not make you whole. We cannot promise that, because so many of these losses have caused damage that we cannot even express. But what we can do is do everything we possibly can to make sure we are not just going to say we are going to have the history. We will keep pushing it so that everybody hears it enough that they understand what happened here, so that we do not make those mistakes in the future, and so that the families can maybe start to heal.

Thank you, Mr. Speaker.

The Speaker: [Thank you,] Member.

Does any other Member wish to . . . Now I see three hands.

MP Famous. MP Famous, you got your 30 minutes. You have got the floor.

[Inaudible interjection]

The Speaker: Yes. I hope not.

[Inaudible interjections]

The Speaker: Your microphone? I knew you.

[Inaudible interjection]

The Speaker: Is your microphone on?

Mr. Christopher Famous: Oh. It is important to get some facts out, Mr. Speaker, if you do not mind me reading from *The Royal Gazette*.

The Speaker: Okay.

Mr. Christopher Famous: *The Royal Gazette*: "Despite the OBA's general opposition"—

The Speaker: Um, let me . . . let me . . . let me . . . let me caution you. This debate started—

[Inaudible interjection]

The Speaker: Take a minute.

This debate started with the Premier making reference to Walton Brown's view of this debate. And Walton Brown's view, his position, was such that we do not make this political.

I cautioned one of your Members earlier when they started to go political, and I am going to caution everybody who goes that way. Let's do this debate without being political, because that is what Walton called for when he brought this to the House. He brought it for a bipartisan view and not a political view.

Mr. Christopher Famous: Mr. Speaker, I would take your advice, but I consider that history, factual even.

The Speaker: Mm-hmm.

Mr. Christopher Famous: Mr. Speaker, I want to take a moment for the House to recognise the passing of a Berkeleyite (this is tied in) Judith[-Ann Maria] Joell-Chambers Raynor. She did a lot of legwork in 2014 because her family was affected by this. Her ex-husband Bobby and her children had land stolen from them, so I just want to take a moment to recognise her.

Mr. Speaker, there is a UN [United Nations] resolution about slavery being the worst thing happening to humankind. Along with slavery comes land theft, resources theft—so as Minister Adams said, *generational death*. Mr. Speaker, governments around the world are grappling [with] how we compensate those who had things stolen from them. There is no way we can pay them. We find a way for those that stole stuff to keep it; but we do not find a way for those who got stuff stolen from them to get something back. It seems sort of oxymoron-ish [*sic*], if there is such a word.

Mr. Speaker, these desks that we stand at, sit at, write on, the chair that you sit in, some hundred-odd years ago laws were passed at these very desks to allow people to steal land. Whatever word they want to say, land was stolen. [It] was not just banks. It was not just big companies. The Anglican Church was involved, Mr. Speaker. Can I can I say that? The Anglican Church was involved, Mr. Speaker. It is where it is called Glebe Land, people suddenly had land. And suddenly the church says: *Oh no, no, no. That is Glebe Land*. And these desks—you know, there were not any PLP MPs at the time (let's be clear) historically—allowed the Glebe to take people's land.

Mr. Speaker, I do not come from St. David's. I do not come from Tucker's Town. My family comes from Devonshire and Pembroke. There is a part in Pembroke called St. Monica's Road, Mr. Speaker, and at one point half of that road belonged to my aunt. The other half belonged to my grandfather. And the Glebe, it suddenly became Glebe Land. My grandfather would be the great grandfather of Honourable Jason Hayward, so his family got robbed as well. Suddenly that land is Glebe Land, so now there are buildings there that do not belong to us anymore or never belonged to us. But the land was ours.

So, along with that theft, my grandfather had to start all over, build another house . . . buy a piece of land, build another house, and start all over. So, that set him back as to what he could leave for his children. He was able to leave a lot, but had they not stolen that land, he could have left a lot more. So, that has had a direct effect on myself, my siblings, my cousins, my children. So, it gives me a kind of raw taste to even think about the Anglican Church at

times, Mr. Speaker, when they have actually stolen land.

You see, Mr. Speaker, at these same desks in 2014 in a House over there—mind you it was a different Speaker at the time—the Honourable Walton Brown, one of our heroes, brought a bipartisan Bill to the House, or the thoughts, the hopes were that it be bipartisan. And it was passed with the help of someone. And I remember distinctly, we were at a People's Campaign movement meeting down at Clearwater [Middle] School, Honourable Lovitta Foggo's territory, and Walton came to us with this look on his face. And we were like, *What's up?* (It was a good meeting.) He had just got a message that the Governor is rejecting the Bill. What [are] we going to do?

The leader at the time of the PLP was the Honourable Marc Bean. And the next day we formulated a plan, and we were marching on Government House, Mr. Speaker. So, in the morning Marc Bean, I, and the then inspector Glasford went up there and surveyed the land. We saw where we can march, where we cannot march, so on and so forth. And we were wondering: *Would people actually show up? Would people actually show up?* But we took a stance to say if one person shows up, there is one more than zero. I cannot remember the exact time we told people to show up, but we did not have WhatsApp and all that back in those days.

An Hon. Member: Blackberry. Blackberry.

Mr. Christopher Famous: Blackberry. That is it.

And, Mr. Speaker, by whatever time we asked people to show up, hundreds were there before that. Hundreds. By the time we start marching in, we could not even count how many people there were. That is why it is good to have pictures.

We marched from the gate all the way down. Most people had never been in Government House grounds, past the nice tennis court, and right up the steps to the Government House. The Governor at that time had cut a tail in England. And then there was this English lady [who] came out, Ginny [Ferson], [Deputy] Governor. And Honourable Marc Bean [and] Honourable Walton Brown went up and spoke to her, and she, you know [with] typical English politeness, [said] *I thank you very much for bringing this, and I will see what the Governor has to say*. History would record that the Governor said, *I am not passing it*.

So, I say all that, Mr. Speaker, that in the spirit of your word *bipartisanship*, I will forget about [that] there was people wearing only one colour up there. But Mr. Speaker, the reality is this was taken back up in 2018 by this party, by this administration, and we have followed the letter of the law according to the rules. And now we are at a point where maybe we do actually have bipartisanship that we have to make the next step, because I do not want my grandchildren, the folks behind me (thank you all for coming), to be

saying that this Government, their Government, did not do anything to right the wrongs.

We cannot talk about current cases. I understand that, Mr. Speaker. But I speak to you as a grandson and a great-nephew of someone who had their land stolen that we know we are never going to get back. There is nothing this Government or any government in the future can ever do to give us our land back. But let it be known, Mr. Speaker, at these very desks 100 years ago the banks were allowed to steal people's land, businesses were allowed to steal people's land, and the church was allowed to steal people's land. And at these very desks this PLP Government in one way or the other is going to sort something out.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

MP Swan, would you like your time with the microphone?

Mr. Hubert (Kim) E. Swan: Thank you, Mr. Speaker. Ever so briefly tonight, Mr. Speaker—

The Speaker: Yes.

Mr. Hubert (Kim) E. Swan: I did not get any vittles, so . . .

[Laughter and inaudible interjections]

Mr. Hubert (Kim) E. Swan: I first want to start off by acknowledging the presence of the Brown family and all . . . and all . . . and also members of the Commission.

I want to say that the precursor or the common denominator for this problem that Bermuda has to grapple with in 2026 is . . . In the words of a great lady for Bermuda, Dr. Eva Hodgson, and her studies, the root cause is institutional racism. It is the common denominator. And I would urge us in a bipartisan framework to take a page out of the book that was used to actually get us in this problem in the first place. I am going to go to the Slave Compensation Act 1837, which was paid off in 2015, just a year after brother Walton Brown first brought this Bill to the House. It was passed with the help of Suzanne Holshouser, and the Governor rejected [it]. And then [it] was brought back again for the Premier to be able to make a Commission of Inquiry, and then later on the first of this Government's administration actually put that in work.

If in fact over a 150 years to pay off a debt that . . . says the Slave Compensation Act [1837], which did not compensate one slave . . . It compensated slave owners, which included persons in Bermuda. But when someone can put that into place and set the amortisation for it as far out as 2015, it shows you that persons were playing the long game a long

time ago. And so, I would not urge us to be in any hurry to expect anything hurriedly to be able to remediate what has been . . . what persons have put in place for generations.

I believe that what we have to do is to be more matter of fact and play the long game on this. And you hear in the Caribbean, our brothers and sisters and family members down there who are who are looking at this whole subject and in the subject of reparations . . . And many of us certainly do not look at things the way in which they would look at it. I believe we have started the process of repairing a significant damage in our community, in our world really, but as it relates to us.

I certainly declare my interest. I have family members who have had properties compulsorily acquired for the greater good of tourism as it relates to different areas in Bermuda who now see some of those properties sold off privately for residences in high ends. And thankfully I remember the late Dame Lois Browne-Evans telling me that she represented my great grandmother Ms. Emily Burrows Hall and got her a proper remuneration for a property that the powers that be in the late 1960s did not want to pay her [for]. She said . . . In her words she said, *They were going to take that widow to the cleaners, but I showed up down there, and Conyers Dill and Pearman were not going to take Mrs. Hall. I made sure she got a fair compensation.* So, my great grandmother and my grandmother's mother had to deal with that, and that was from the voice right there off of St. John's Road from the great then Attorney General of Bermuda. I was the Opposition Senate leader at the time, and I had to go and seek her counsel on a . . . on another matter.

So, as we look at this problem, let us just appreciate so that generations know that this is a system that we have fought against. Let us know . . . Let us also appreciate that the friendly societies of Bermuda, those many derelict buildings that sat up there on great . . . They participated in empowering Black families to buy homes, to get loans, and the like. And we need to look at that as well because, you know, as we look at what we are talking about in the holistic point of it, there are the personal circumstances, which are painful as has been described by persons. But it is also the systemic problem that will impact generations unless we are courageous enough to address how we are going to repair this system, the structural system.

You are not going to do it in one fell swoop. We have got to play the long game, too, and . . . and . . . and . . . say what we are prepared to lay down today that will benefit our family 20 years from now, 40 years from now, 50 years from now. I think that is the . . . that is the mindset that our forefathers had when they established Cup Match at least and stood up for . . . for that.

And I commend my good brother from . . . from . . . from, the spokesman for Tucker's Town, Min-

ister Diallo Rabain. But I do have to . . . I did . . . I declare my interest. I did come back to Bermuda and worked in Tucker's Town. And one of the recommendations of the Commission was to recognise some areas. I am going to name one or two that maybe people do not even know.

When I came back to Bermuda in 1981 and worked in Tucker's Town, in that glorious community, I heard those stories too. I heard them from people like Paisley Burgess, from [Lionel] "Spooky" Paynter, and persons like that whose families go . . . I heard them from Keith Smith, my partner, when we represented Bermuda in 1984 in the in the World Cup of Golf there, playing and practising every day in Tucker's Town. I remember on Paynters Road and South Road right there on the 12 green of [the] Mid Ocean [Club], there was a . . . there was a building up there. It housed a lot of the Portuguese workers who worked for [the] Mid Ocean Club. That was the actual building in 1981, 1982, 1983. That was the St. Philip AME Church. [It] still stood there. And if you went to that same location today you would still see the steps. I go there, and I look. I say, *The steps are still there.*

I can remember. I can remember in 1981 going to work every day on South Road, and . . . and . . . and . . . and I will just digress. South Road, when you pass Pink Beach, [it] actually turned right. It went down that little path down there that I believe leads to a house that could very well technically be a tribe road, but I do not think it is because they tell me there are no tribe roads in Mid Ocean. But there is a public dock at the end of the road that then became South Road. Right there in Tucker's Town, there is a public dock still there. Right? And South Road actually went down to the south of Mid Ocean's number 12, cut down [to] number 4, went down [to] number 3, went down [to] number 2, and then took a . . . and then took a northerly turn along [the] 15th fairway, went across what I believe was another church. And that might have been Marsden [First United Methodist Church] because it is right across from the cemetery. And it probably connected up (someone can clarify that that may be a survey or something) right round where when you go on Harrington Sound Road. There you will see a sign that says St. George's Parish and then Hamilton Parish, I believe, because St. George's Parish is in Tucker's Town, too.

An Hon. Member: Charcoal Hill.

Mr. Hubert (Kim) E. Swan: Charcoal Hill. Right there where my mate used to live, right there in that derelict place right on the corner, my mate used to caddy, and that was . . . that was his . . . that was his . . . that was his flat. And he used to caddy for me. May he rest in peace.

And so, there are a lot of nuances, and I . . . and as I go . . . and as I digress right there on Castle Harbour property, Castle Harbour was developed in

1931. There was a house right there, which is now bathroom facilities for hole number . . . the now hole number 7. In my day it was hole number 8. And the now hole number 15 in my day was hole number 12.

Devent Smith whose son, Merkel, and his offspring played for Cleveland County, they used to live in that very house, [a] little two-bedroom place. [It] probably housed about . . . a lot of people. And I have seen pictures of them around there. Merkel showed me pictures of his father, a young father, and as prophetic as it is, when we won the Goodwill golf tournament, there representing Ocean View with Cleveland Smith and me. And Devent Smith was in the team. Devent made his last winning putt in that tournament on Tucker's Town golf course, hole number 18.

I think of that. I say: *Wow! Ain't that something.* Keith Smith used to tell me he's related to the Talbots that is the Smith . . . "Frankie" Smith his fellow . . . his family down there in Devil's . . . Devil's Hole. And when we won the World Cup qualifying in 1984, and . . . and it was, like, magical. And we were right there playing over . . . hitting over the graveyard that we . . . that . . . we only could see one tomb then . . . right there, and it was magical. [We] beat everybody in . . . in South America and Central America that had to qualify in 1984, right there in that . . . in that . . . in that . . . in that community. It is very spiritual.

And you know, there is a . . . there is a . . . there is a . . . there is a saying that the story . . . *Until the lion learns to write, every story will glorify the hunter*—until the lion learns to write. And so, it might take us a long time to teach this lion how to write, but for a long time those stories that were coming out of Tucker's Town that were coming out of Southampton up there in the areas up there near Sinky Bay, and up on the hill over there where my granny used to live on top of . . . the property on top of where the Hamilton Princess [hotel] is today and other areas in Bermuda that . . . You have not heard of all the areas, you know. You really have not. [You] haven't just scratched the surface. Those stories were just considered words by people. Our history passed on was not respected because the lion was not able to write. The lion legally was not even allowed to protest during those time periods.

I am here to say that we have to play the long game because in 1837, Mr. Speaker, £20 million was paid to make sure that slave owners can continue on doing business. And they equated to the Industrial Revolution that would have taken place.

[Inaudible interjections]

Mr. Hubert (Kim) E. Swan: Slaves? Nothing. Over 150 years paying off that debt. We have to appreciate that, and we have to unapologetically share that truth with current generations of all iterations, every community throughout this world that has seen injustices. Make no apologies about making sure that future

generations can climb up from what injustices were done to them. And we need to treat this no differently for our people. We finally reached a period of time when we have some collaborative spirit and recognise that it needs to be done. I mentioned the steps there at St. Philips that are still there.

I also want to clarify one thing my honourable friend from . . . from . . . from Tucker's Town shared in his very extensive history (and I appreciate it) that the first County Game between the Tucker's Town . . . And I had the honour when I was the Opposition Senate leader and working for Gosling's down there as a marketing manager to present the Tucket's Town Cup. That was a very proud moment for me down at Bailey's Bay to present the Tucker's Town . . . And I read it. You know, the first game (and I knew this from stories coming . . . working in Tucker's Town) was played right there on the 12th fairway (Al says the 13th fairway, but everybody that ever told me [said it] was on the 12th fairway right down in the valley), and both of those fairways are just below St. Philip AME Church. But to declare my interest, when we talk about the AME Church, I am the great-great-great . . . Well, I would put it this way. My great-grandmother Harriet "Babes" Ratteray's grandfather was Charles Roach Ratteray, and he and two others were the ones who went to the White Episcopal church and convinced them to help bring the charter of the African Methodist Church to Bermuda. And that institution has served Bermuda . . . Bermuda well.

The public dock could be another commemorative, and as people start to research, start charging our historians, particularly the ones who are well-versed in the African . . . the transatlantic slave trade overseas in universities, like Dr. Quito Swan and also Dr. Clarence Maxwell and others who are out there. Have them start to help us. Help us with this very . . . And there are other people; my good friend Dr. Jeffrey Sammons, who retired from New York University, has a keen interest in Bermuda through golf. And he also does a lot of research on Bermudians who participated in different wars, from World War I and World War II, which is some of the same time frame that we are talking about right now.

Mr. Speaker, I intended only to deal with this matter as it relates to the historical context of what we grapple with as a people throughout this country, particularly those of us of African descent living in Bermuda, with our diaspora going through the Caribbean predominantly, intertwined with some of our family who didn't come from that area. Some of us are interspersed with folks from all other parts of the world as well, and we are more than likely the ones who would embrace [them] far quicker than others would embrace us. But we have reached a time, and we need to be soberly reflective and deliberately aggressive in crafting a long-term strategy, because we're not unravelling something that just happened yesterday. We are dealing with a systemic system.

And I remember, Dr. Hodgson, her father, that was his sister-in-law, and of course, where I once sat, I'm sure you could well expect, Mr. Speaker, that she and I must have had a lot of heated exchanges before we became very close, before I used to go and pick her up and take her to NAR functions that I helped with. But before then, those arguments might have been . . . those things wouldn't just . . . and that's right on Burnaby Street, right outside Cousin Walter Brangman's building. I can remember some of them. And you know, short in stature she was, she would stand her ground and tell you. More letters to the editor calling her everything, every name, because she used to speak the truth. You'd never have thought it was the same people who were saying those things about Dr. Hodgson when she passed away. But thank God that there were people like her in our community.

Let us not forget that solving this isn't . . . if the great Walton Brown, who was a long-term person when it came to tackling problems like this, and a matter-of-fact type of person, could recognise that he needed to bring that motion, and then when the Governor did what he did, he strategised with others and figured out that another motion would be necessary. And then recognise that if you worked hard enough, you'd be [a] Government able to do what needed to be done. And then when you go through this.

And when you go through the Commission of Enquiry . . . because I do know a little bit about what the work of the Commission of Enquiry was doing at that particular time. And some of the landowners were people close to the wicket, close to the wicket of Government, close to the wicket of business. And it's not that easy navigating through that, when people are there worried about whether or not their name might get called up, or whether or not some of the things that they might know more about would get called upon. And commissions of enquiry (and I declare my interest: I did chair a joint select committee) have powers. And with respect to Parliament, could very well have the power to subpoena people, just like any court. Because the laws that the court goes by are the same laws that we put in place, aren't they?

The Speaker: Yes

Mr. Hubert (Kim) E. Swan: And so, I think it is important that we recognise that the more we can plan a long-game strategy, and a comprehensive one at that, this issue becomes less personal to someone or some people that might be able to look at deeds and see, *Well, that is a little close for comfort for me.*

Now I remember, Mr. Speaker, as you would remember, there was a time when I ran around Sandys South, knocking on a door or two in my family community. And I'll never forget knocking on the door of Uncle Kenny, the great barber from White Hill. He cut my hair when he was at the foot of Scaur Hill, just

across from Somerset Bridge Hotel. And he cut my hair when he moved across from White Hill Field.

But when I did knock on his door as UBP, he didn't cut my hair; he cut my tail. And because it's in the dictionary now, I can use that word affectionately and be the first to refer to it. And he cut my proverbial tail because at that particular time, there was a political figure who was very prolific in land development. And he was convinced that a lot of the land where the Poinciana Tree was, which we played on, was a victim of some of that. And he was very angry, by extension of me, because as I walked on his yard I was representing what he was very upset about. And he remained upset for all his life, or the remainder of his life.

And so, when people tell you about family members feeling aggrieved, I can remember. And I won't call the name of the gentleman in the Scenic Heights community up there in Southampton, up there back of Heron Bay School. But I remember in the 1980s, this gentleman, or maybe his son, writing letters to the editor every week. Every single week. I guess that's what being, you know, a little bit older can recall. You don't have to rely on AI to do that. But guess what? AI did confirm it and reminded me that the grandpa, his father before him carried it on. Both of them going to the grave. And some of the recommendations are included of that particular family.

But was he taken seriously? No. And so when you ask yourself why would the late Walton Brown not settle for Government House telling him no, it's because in a bygone era the Governor's Council ran Bermuda.

The Speaker, your counterpart back there, Mr. Speaker, sat in Cabinet, along with other people who were part of the Colonial Parliament. And they ran things. And the parish vestry was strong.

An Hon. Member: How strong?

Mr. Hubert (Kim) E. Swan: Well, they held all the records of people's properties and stuff. You would know that in your capacity, Honourable Member from Tucker's Town.

An Hon. Member: Yes sir

Mr. Hubert (Kim) E. Swan: And as a consequence, in an era when it was legal to discriminate—

An Hon. Member: He discriminated.

Mr. Hubert (Kim) E. Swan: And did it without any reservation.

An Hon. Member: With impunity.

Mr. Hubert (Kim) E. Swan: With Impunity.

The Speaker: While you're taking that breather, you've got five minutes left.

Mr. Hubert (Kim) E. Swan: Mr. Speaker, I really appreciate that because most of the time, Uncle Stanley used to tell me, "*Swan, you've got 50 seconds left. It's time to get off that bully pulpit*"

The Speaker: I'm telling you right now.

Mr. Hubert (Kim) E. Swan: I appreciate that. I appreciate that. I really do, Mr. Speaker. We should make that the five-minute rule. But I hadn't intended to need those five minutes. But I'll just wind up this way.

The Speaker: Yes

Mr. Hubert (Kim) E. Swan: By thanking our PLP administration for following through on an initiative that predated my joining the PLP in 2014.

In 2014, my wife probably attended her first Bermuda Real march up at Governor's House. And the next month I joined the PLP with the Honourable Marc Bean and joined the radio station as well at that time.

And I know, Mr. Speaker, that advancing what we are doing today was not something that was just thought of in 2018, when the Honourable Premier Burt became the leader. And even before the Honourable Marc Bean became the leader of the PLP in Opposition. And so, if we play the long game and collectively come up with strategies to educate people on how to deal with this, to honestly accept and appreciate that the whole crux of institutional racism is to advance the economic abilities of one people over another . . . And we won't get to where the colour of your skin matters as much as the colour of your eyes until we start doing some things.

And it doesn't mean I'm going to take out of somebody else's pocket. I'm going to level the playing field. As a person . . . and I have not mentioned golf once except for this—

[Laughter]

Mr. Hubert (Kim) E. Swan: As a person who plays a sport, who would call a penalty on themselves—

An Hon. Member: Now you're complete, Swan.

Mr. Hubert (Kim) E. Swan: —right? I am urging us to do likewise and be our brother's keeper and do the right thing. And accept that if the British Government, of which there are high officers represented here, can approve a Parliamentary Act to ensure that slave owners can pay off that debt. And guess what the irony is? Taxpayers paid it off. So, they're saying people are worrying about if we get things right. Look at the model that made everything wrong.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

[Desk thumping]

The Speaker: Any other Member, Minister Lightbourne.

Hon. Alexa Lightbourne: Mr. Speaker, I rise and take note of the report of the Commission this evening. And I join with colleagues before me in first pausing to not only acknowledge the families, some of whom are gathered in the Chamber this evening, but the many families who took the time to give their archives, their stories, those who were our ancestors who cultivated the land, they were buried on the land, buried their loved ones on the land, built communities upon it and then watched it disappear beneath the decisions of others.

Mr. Speaker, I also honour the legacy of our colleague, the Honourable Walton Brown, and his determination to ensure that Bermuda would finally have an opportunity and the courage to ask some of the difficult questions of itself. And this report, Mr. Speaker, represents his legacy. And I do want to celebrate his efforts this evening.

Mr. Speaker, every photograph carries a caption. The caption often tells us what we're looking at. But the captions also tell us how we should remember that picture.

And Mr. Speaker, we live in an age where history is travelling at the speed of a thumb. We know we have technology. We have AI. And photographs can often travel the world in just seconds. Images and headlines in classrooms, brochures, all carry captions that matter. Because people rarely remember only what they saw. They also remember what they were told when they were seeing it.

And [for] more than a century, Bermuda has been looking at itself through the captions written by other hands. This report shows us that Tucker's Town was labelled as backwards, and that St. David's was labelled as a necessary sacrifice, told that development demanded displacement, that tourism required transformation. And eventually we, as a community, stopped questioning the caption and almost accepted it as history. But this Commission has now asked us to pause to look again, and to read again, and to remember again. Because this report doesn't just correct our history, it's correcting the caption beneath it.

And so, Mr. Speaker, every generation has inherited two things. They inherit the land beneath our feet. And we also inherit the story that we have been told about that land. Sometimes these things agree, and sometimes they don't. And so, this evening, in this Honourable House, we are asked to decide which story we will pass on to other generations.

And in preparing for this evening's contribution, Mr. Speaker . . . and those who know me well would know that I like Chronixx, the artist. I reflected on his song "Capture Land." And this evening I'll present the lyrics as the caption that draws parallels to this evening's discussion. "Capture Land" is often referred to as a song about just land. And if you will permit me, Mr. Speaker, just to quote a piece of his song.

An Hon. Member: Sing it!

Hon. Alexa Lightbourne: I'm not going to sing it. I'm not going to do that to us.

The Speaker: You have a request; everyone wants you to sing it.

[Laughter]

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

Hon. Alexa Lightbourne:

*"Watch dem 'pon di top a di hill
A look inna dem plate how it proper and it fill
Because down town have shotta fi kill
Dem tell the tourist say fi stop a Negril
So come mek we start a new chapter
We nah stay 'pon di the land weh dem capture."*

And so, "Capture Land," Mr. Speaker, or Madam Deputy Speaker, is a song that most may flip-pantly listen to and think that it is just about Africa and Jamaica. But really, it provides a contrast of those who are living up top, while others are struggling below. A "full plate" in the lyrics is drawing reference to food, but as a metaphor, which shows that there was access to wealth and opportunity, and also security. A picture that is an uncomfortable truth that this report has revealed. And it demonstrates land that was captured, families fighting for generations to reclaim their wealth, the opportunity and security. Madam Deputy Speaker, we see it as captured land.

Memory is captured. But before communities disappear they are renamed, families are removed, and they're described as obstacles. And we see each generation name obstacles differently. They talk about prime land, the need for development, in some ways progress, the requirement for us to cater to a narrative. But history also teaches us that the easiest way to take a place is to first convince everyone that it never truly belonged to anyone. And this is what the Commission has shown us is lost. We talk about land. I heard the stories of families, churches, graves, and livelihoods connected to votes. And so, I would also argue, Madam Deputy Speaker, that something even greater was taken. What was taken was a people's confidence in their own story.

Madam Deputy Speaker, we know that when you remove a family from its land you're not just removing them from their home, you are interrupting inheritance for generations. You are interrupting identity. You are interrupting memory. And you are interrupting legacy. Land for which grandparents would have become ancestors, and surnames became neighbourhoods where children would learn who they are without anyone having to tell them. We wouldn't have needed to see the stories because this is a reminder of why this report matters.

And the report is not an invitation, Madam Deputy Speaker, to relive the past. It reminds us that when memory is disconnected from a people, the impact that it has. And it invites us to confront not just the story of the land, but the story of Bermuda itself.

We in Bermuda may have become too comfortable with telling the world who we are. We think about geography. But really, it's about power, memory, and the oldest lesson the Empire ever learned. Before you capture the land, you capture their story. You displace the people, and you rename them. You convince them that the prosperity of some is the prosperity for everyone, and believe that it is for the collective good that some are served injustices.

This report has interrupted inevitability and invites us to look again and remember again. To honour those who have not only toiled and rightfully deserve their place, not only in history, but to be compensated accordingly. And it also invites us as a country to ask who has not only been telling our story, but also who is writing our caption.

We know that we are sold and told about Bermuda overseas, once as Britain's fortress and a winter playground, the report tells, to the jewel of the Atlantic and the world's risk capital. And the reality is none of these captions are inherently inaccurate, but none of them are also complete. Because outside of these captions that we have told about ourselves, there are further truths: The truth that we were Black farmers. And outside of the frame, we were fishermen. And outside of the frame, there were mothers whose children inherited memories instead of their rightful land. Outside of the frame were these churches and schools and cricket clubs, burial grounds, and communities. And they did not disappear; they were just edited out. A reminder that this report presents, Madam Deputy Speaker, is that what has been edited out has allowed for wealth to compound, while injustice, on the other hand, has also compounded for another.

And so, the song talks about tourists being sent to Negril. But what it also talks about is the divided two realities. And evidence of what is promoted and socialised abroad isn't often reflective of the country and its people. Tourism is deliberately directed towards sanitised areas. And Bermuda may need to reconcile how it has been socialised, packaged, and sold overseas. We know that before we sold sunsets, the report reminds us we sold onions. Before we sold

golf, we also sold arrowroot. And before Bermuda sold exclusivity, we were producers, traders, and growers. We were builders. And we were not waiting for someone to discover us. But rather we had already discovered ourselves.

And so, I cannot help but also draw parallels to affordability. Because Bermudians are often asking about cost and affordability. And why groceries cost so much money, why electricity costs so much money, why housing costs so much money, and ask why the opportunities for them and their family feels further away. And I believe those are the right questions to place at the feet of the Government.

But perhaps we've also been asking these questions at the wrong part and point of this story. Because affordability did not just begin at the check-out. It is when exporting communities became importing communities. When local production gave way to structural dependence. Every discussion that we've had about affordability and cost also rests on that same foundation. And the question is: Who is controlling the captions of our essential life?

We import an overwhelming majority of what we consume. And we are highly exposed to global shipping costs, supply chain disruptions, and decisions that are made 1,000 miles from our shores out of our hands. And it is why affordability cannot be just solved with temporary relief. Because, as my colleague and friend MP Kim Swan said, we must also rebuild the structures that will create resilience. Otherwise, we will be forever treating the symptoms while leaving the foundations untouched. And so, this [report] and its contents invite us and Bermuda to once again possess enough confidence, the confidence in ourselves and our capacity and in one another, to build an economy that serves our people before it serves anyone else.

Madam Deputy Speaker, the invitation is not to recreate what took place in 1920. But it is to remember and re-embrace the belief that Bermudians are capable. Bermudians are capable of producing, trading, innovating, and prospering, as we once did. It is who we've actually always been. That Bermuda that we believe is so out of reach actually existed.

And so, the Commission is teaching us another lesson through its report that is reaching directly into our present. It begins to demonstrate what happens when a system lawfully yet unjustly moves displaced Bermudians from access to their land. And it is a caution. It is a caution to legislators about using lawful means to justify acts of injustice.

Using lawful means to justify acts of injustice.

Our duty as a Parliament is to expand tomorrow's opportunity. And the song "Capture Land" goes on to talk about starting a new chapter. It says we do not have to stay in the place that we currently are. It is an invitation to actually move forward. But moving forward is moving from observation to resistance, and a rejection of accepting to live intellectually, economi-

cally or culturally within a system created through unjust domination. It is about moving from surviving to thriving, from paying someone else's mortgage to being owners, creating legacies for our children and the next generation. That is a lesson that history places before this Parliament, the caption that connects so deeply to the caption that we write about ourselves. The greatest consequence of losing such a land over time is that we have now become less confident in who we are as people. Because when enough generations are told that prosperity arrived from somewhere else, eventually they stop believing they ever created prosperity themselves. That may be the greatest theft of it all.

The Commission does not simply tell us that land was taken. It reminds us that a narrative about who we are in Bermuda was replaced. And planted in its place [was] a narrative that Bermuda has always depended on someone else, that our future has always arrived by ship, and that our economy has always been built upon serving others. That we have never been producers, that we have never been farmers or capable of export. And we know now, through the reminder in this report now cemented as our history, that that is not our story.

This is why I've often reflected on the discussion around CARICOM. And we hear about the fact that Bermuda has nothing to offer that region and that somehow we are just so different that we are only consumers rather than contributors. And, Madam Deputy Speaker, that argument rests upon exactly the same caption that the Commission has asked us to reject. It is the caption that says that Bermudians have always stood apart, too exceptional to belong, too dependent to trade. Yet our own history tells us otherwise. Bermuda's history is not one of isolation. It is one of exchange. It is one of movement. And evidence is that we have traded before and we can trade again. We have fed markets before with lilies, arrowroot, and onions. And we can strengthen food security again here.

History has settled the truce on our capability, the truce of our capacity as people. And so, the question becomes: How long will we allow someone else's description of Bermuda and Bermudians to become stronger than our own memory and our own truth?

May we be reminded through this report of our self-resilience, that we can learn by remembering who we once were, that we begin to embody and express confidence, confidence that Bermuda has something to offer, confidence that Bermuda once had the capacity and that the descendants of onion farmers should never again be told that they have nothing to contribute to the region that helped to shape them. It is about rediscovering confidence that colonial history persuaded us to surrender.

Around the world, nations have wrestled with the same question. What do you do when the histori-

cal record demonstrates that the state itself became part of the injustice?

And Madam Deputy Speaker, I reflected on New Zealand, as an example, where they themselves established a tribunal and a permanent body charged with investigating whether the Crown had breached the treaty for the Māori people and the communities. And what is remarkable is not just simply investigating the history, but it also allowed the communities to recognise their truth by itself.

And we often are trying to manufacture ways in which we can make things right, as if we are the only country or the only community to have to navigate similar things. We are not dissimilar from other countries. They have navigated successfully, and we ought to navigate it successfully as well.

May we likewise prioritise investigations that led to negotiated settlements, formal acknowledgement, apologies, compensation and return of significant lands. And we find ways to restore the names to our history books taught in our educational classrooms. And reassert our cultural and historical importance. History, in their context, became policy. Not because the past could be changed, but because the future could.

While I accept that Bermuda's history is different, our constitutional status is different, and our circumstances are different, I am not suggesting for a minute that we import and plug and play another country's solutions. What I am saying is that we can learn from another country's courage and Acts to ensure that a nation has its truth and its people do as well.

So, the question that we have is also about what does justice require? What does justice look like? Because we cannot just remember injustice, we must also respond. And so, I am grateful for the contributions of all those who have risen to their feet this evening. I am equally grateful for the point at which there is bipartisan support and acknowledgement for the injustice that a Parliament would have co-signed.

We as a Government must be the country's memory keeper. It is our duty to teach and archive and digitise and map, restore, protect, review, and consult, and invest, because that memory becomes our infrastructure. We cannot be a nation that forgets itself because eventually it will be governed through someone else's imagination. We accept that we cannot make yesterday disappear, but what we can do is make tomorrow impossible to repeat.

For hundreds of years, others have held the pen. They attempted to caption Bermuda. They measured Bermuda. They marketed Bermuda. And they decided which stories would travel. And today the commission is now handing the pen back to us.

I hope that the history now will record that this Parliament chose memory over mythology, truth over convenience, justice over silence, and community over outward promotion. That we chose legacy over

comfort, and we asked the critical question, not about how we will rewrite history, because we already accept that we cannot, but it will tell us and cement for us as an ethos that we will not repeat someone else's version of our history. That the caption will now read that Black Bermudian families built prosperous communities upon this land, that they were farmers, and they were traders, and they worshipped, voted and they belonged. That the history now also reads that this Parliament chose truth over convenience, that this memory becomes a part of our policy, and that the truth that it includes becomes our responsibility. And the injustice that we found and have all acknowledged becomes justice in action.

May the history also show that Bermuda finally found the courage to tell its own story because those who lost the land must never again lose their story. Each one of us is gathered in this Chamber, and we have a duty. We have a duty to right what was wronged to previous ancestors because long after we've left this Chamber, we have a responsibility to the record.

The Premier this evening spoke of my expanded remit to engage with and take part in this Commission's work. And I can say on the record that it will be my unwavering application to its execution on the matters that now will be a part of my responsibility. It will be my duty to ensure that children yet unborn will inherit whatever story we choose to leave behind. And that they will never have to ask us why we knew the truth but lacked the courage not only to tell it, but also to do something about it.

The greatest act of sovereignty is telling your own story. And today, Madam Deputy Speaker, the caption of our story has been given back to us.

Thank you.

The Deputy Speaker: Thank you, Member.

Just before I recognise the next person, I need to make one comment. And I would like to recognise people in the Gallery.

I would like to remind Members that we are not allowed, unless we're the Minister giving a brief, to read our speeches. And I just want to make that clear for a few Members who have participated in that this evening.

At this time, I'm going to recognise a Member from constituency 1 who got to her feet a little quicker than you, Minister. Sorry. Everybody wants to speak on this important notion, so . . .

Mrs. Renee Ming: Every once in a while, St. George's is a little faster. Madam Deputy Speaker.

[Laughter]

The Deputy Speaker: Quite often. I don't know if I like you characterising it that way.

Member, you have the floor. Thirty minutes, let me just remind you.

Mrs. Renee Ming: I don't need 30 minutes.

I would like to start my comments this evening by thanking the [Commission] for such a fulsome and honest report of integrity.

Madam Deputy Speaker. I would also like to thank and recognise the families that are here this evening representing their families, their loved ones, for these uncomfortable atrocities that happened years ago.

Every once in a while, as a Member of Parliament, I get the unfortunate opportunity to stand in our House, and we get to sometimes speak about the good, the bad, and the ugly. And this portion of our history is not one that we are extremely proud of, Madam Deputy Speaker.

For those of us who had the honour of serving with the Honourable Walton Brown, he spoke passionately about this subject. He wanted to see change come about as a result of this House and this Government. He wanted to see it even before this PLP Government. Walton (as he was commonly known to me from a family standpoint) was passionate about people who were displaced in a manner that they had no control over. It was a conversation that he and his family had often.

I know that there are parameters around what we can and cannot say in here this evening, and I'm going to do my best to respect this, Madam Deputy Speaker.

The Deputy Speaker: Yes, and let me just remind you that primarily it is not to speak about specific cases using names in particular. But you can speak generally to the issue.

And before you continue with your thought, let me recognise the former Sergeant at Arms, Mr. Albert Fox.

[Desk thumping]

The Deputy Speaker: And former OBA Leader, former Member Cole Simons.

Thank you.

Mrs. Renee Ming: That would be Nelson Cole Hedley.

The Deputy Speaker: Well—

Mrs. Renee Ming: But the government names.

The Deputy Speaker: —thank you for that collage.

Mrs. Renee Ming: Okay.

The Deputy Speaker: Please, Member, continue.

Thank you. I didn't see anybody else.
Okay, you have the floor. You may continue.

Mrs. Renee Ming: Okay. One of the larger, or the greater conversations, if you had one with Walton, was that he actually wanted us to do the right thing. And he knew that doing the right thing would be kind of difficult because it would touch on emotional things as it relates to families that were displaced. It would touch on our racial history. It would touch on our institutional history, which was not so good as well.

I know a family, Madam Deputy Speaker, who has been impacted by this land situation. For over 50 years they have lived this, this family that I know. The financial impact is great. The emotional impact is infinite, and the trauma has to be at least spoken about here as well, Madam Deputy Speaker.

Imagine, if you can, believing that the land that you owned was not yours. It was yours. And then it was not, not through your own doing but through someone else's actions that may not have been honest actions. Imagine how that family had to feel, Madam Deputy Speaker. It is probably difficult for us to sit in this space and in probably not that many years to comprehend some of the activities of our yesteryears. Because in our time right now, if you have a mortgage you have some deeds that go with your mortgage. You now have an opportunity to register this. You are taxed, and you have a charge to the Land Title and Registration Office, which is now an electronic footprint of your owning. But 50 plus years ago they did not have that. They had the deeds. They had those deeds. And maybe some of the maternal people in the family coveted these deeds.

I think that if we want to really honour the legacy of Walton Brown, we need to make sure that, one, we legislate in a way that this never happens again to anyone. But that, additionally, we educate our people as well to ensure that they make the necessary plans, and they take the actions or opportunities available to them to ensure that they are protected. We need our people to understand what having your documents registered at the Land Title and Registration Office means. We know that it's not working as fast as we would like for it to right now. But it is okay. It has to work. Because it is the one thing that will protect.

And when I say our people, I am not just talking about Black people, Madam Deputy Speaker. I am talking about all people, because everyone deserves to be protected. And when we legislate in this place, everyone should receive these protections as well. I think that part of Walton's legacy is for that to happen, to never see this happen again, because he had real-life stories of it. But also, to ensure that the legislation is in place to protect and that people can personally protect themselves through the Land Title and Registration Office.

With everything that I believe we do in this space, there has to be an educational component,

especially if we are acting in the best interests of our people. And they need to understand that that is what we want to do. So, I hope that as we proceed on this path and as we look for solutions, we consider that. That we bring our people with us in terms of the protections, educating them and have them understand the importance of registering and using these tools available to them.

I look forward to the day, Madam Deputy Speaker, when we can talk about this report openly. And that we can reflect on these stories within the report. And we can reflect on these stories that are being broken down and shared with us by the various families. Because that is also legacy as well. That is also helping us to ensure that we do not repeat. We must tell stories—good, bad, and ugly. Because that is what helps us to remember mistakes that may have been made in the past. And that we do not repeat these mistakes. There are many stories in this report, Madam Deputy Speaker. And they will be told. And they will be shared. And we will be able to talk about it. Every bit of it.

The real action, though, that comes from all of this is making sure that it never ever happens again. Because I can only imagine what that felt like to these families. And even as they passed on their information from generation to generation, right? Because that's kind of what we do. The families remember to tell the stories through the generations.

So, Madam Deputy Speaker, I thank you for allowing me this time to speak.

The Deputy Speaker: Thank you, Member.

I recognise the Minister.

Hon. Kim N. Wilson: Thank you, Madam Deputy Speaker.

Madam Deputy Speaker, I would like to spend a few moments this evening just discussing and adding my contribution to this take note motion regarding the Report of the Commission of Enquiry into Historic Land Losses. And I want to begin on a personal note.

The history of this Commission is in many ways the history of a promise made in this House. And as we have already heard, on July 4, 2014, my good friend, personal friend, and colleague, the late Honourable C. Walton Brown Jr., brought before this Honourable House the motion that ultimately led us here today. And Walton was not simply a colleague of mine. He was a very dear personal friend. And we shared conversations, many conversations, ideas, frustrations and hopes about Bermuda. And he was a fearless social advocate. He was a champion for social justice, workers' rights and, of course, Bermudian sovereignty. And Walton did not believe in empty rhetoric, and he refused to allow things to be swept under the carpet.

In fact, I can tell you that based on the hundreds of hours I spent in his presence, oftentimes

consuming vast quantities of Malbec, the topic of land losses was never lost. He always had that part of the discussion, always filtered to that. Because he believed that where there were Bermudians who felt that they had lost land unfairly, their stories deserved to be heard. And that is what is important. Because before we can talk about land, compensation, tribunals and legislation, we should remember that the process began with something very simple. People wanted to be heard.

And today, Madam Deputy Speaker, we have an opportunity to continue that dialogue and to continue to listen. As we have heard, the Commission was established in 2019 following the resolution of the House of 2014. And it subsequently held 74 hearings and considered 53 claims. And its work looked not only at the well-known historical travesties of Tuckers Town and St. David's. But it also looked at claims of historic land loss throughout Bermuda.

But I want to structure my contribution, Madam Deputy Speaker, around five very simple questions. What happened? Who was affected? What can be done? What does justice look like? And what are we going to do to change the future?

Point number one: What happened? Madam Deputy Speaker, when we hear the words historic land losses, it can sound like something that belongs in a history book. But land is not just land. For a Bermudian family, land can mean a home. It could be a farm. It could mean business. It could be inheritance. It can mean the ability to borrow money. And perhaps most importantly, it can mean something that a parent passes to a child, and that child passes on to their children.

So, when land is lost, the consequences may not end with the person who originally owned it. They can continue through generations upon generations.

The Commission was asked to enquire into historic losses of citizens' properties through theft, dispossession, adverse possession, and other unlawful or irregular mechanisms. And I think we should be careful with our language, because, as a lawyer, I know the importance of distinguishing between an allegation, evidence, a finding of fact, and a legal conclusion.

Madam Deputy Speaker, the Commission was tasked with examining the evidence, and determining whether that evidence demonstrated historic losses through the means within its terms of reference. And we have already heard people reference the terms of reference earlier today.

And Madam Deputy Speaker, that distinction matters. We should not say that every story of land loss was proven to be unlawful. Nor, on the other hand, can we dismiss stories simply because they happened so many years ago. The Commission provided a forum in which those stories could be examined. That, in and of itself, is very important.

Point number two: Who was affected? Madam Deputy Speaker, that is perhaps the question that remains and requires us to step away from the legal documents and think about the real people behind these stories. Behind every deed or conveyance is a person. Behind every property boundary is a family. And behind every family, there may be children or grandchildren who inherited not only property, but also the consequences of what happened to that property.

The Commission heard from Bermudians whose families had carried these stories for generations. And we should recognise what that means. Sometimes, Madam Deputy Speaker, history is written in books. Sometimes, history is kept in the family Bible. Sometimes, it's kept in an old deed drawer. Hopefully, they are registering their deeds like the Honourable Member who just took her seat [said], as opposed to keeping deeds in a drawer. But unfortunately, we know it happens. And sometimes, it is a story told by a grandparent to a child. Such as we heard the Honourable Member from constituency 13 speak about driving through areas of flats where his grandmother said that is an area of land that we used to own.

These stories deserve respect, Madam Deputy Speaker. But respect for those stories does not mean that Government should automatically accept every claim. It means that where there is evidence, there should be a fair process for examining that evidence.

And Madam Deputy Speaker, that brings me to the third question. What can be done now? This is where I believe the debate needs to move from history to action.

Suppose a Bermudian comes forward today and says, *My family lost land about a decade ago. I believe something was wrong and something was done improperly. What can I do about it?* What is the answer? Where do they go? What documents do they need? Who hears their claim? Who makes the decision? What happens if the original land cannot realistically be returned? These are not academic questions. They are practical questions. And the Commission recognised this. Amongst its recommendations, Madam Deputy Speaker, was consideration of a permanent mechanism to review historic land losses and their claims, supported by an appropriate legal framework for remedies and potential compensation.

Now, the idea of compensation is very valid. And we have to establish a framework and proper mechanisms to evaluate redress. And the redress must be an inevitable destination that requires a roadmap. Walton spoke during the debate, as you can look in the Hansard, and he called for the making of recommendations for victims of wrongful action to receive compensation and justice. Because, in his view, when we are addressing redress, that will provide closure for the families and the victims.

The Commission also recommended consideration of an independent land tribunal to deal with outstanding legacy issues. And Honourable Members have spoken about that, but I think it warrants repetition because it is incredibly important. This land tribunal must have teeth. It must have a mandate and a framework necessary to consider and deliver meaningful redress. And these recommendations deserve serious consideration, Madam Deputy Speaker.

Honourable Members have to ask ourselves a number of questions. What happened? But also, what can we reasonably do about it now?

Madam Deputy Speaker, this may be the hardest question of all: What does justice look like? Because justice does not necessarily mean the same thing in every case. For some people, justice may mean having their family's history formally recognised. For another person, it may mean an apology. And for another, it may mean compensation. And in some circumstances, perhaps the appropriate remedy could involve restoration of the property.

Madam Deputy Speaker, we have to recognise the realities of the present day. A piece of land may have changed hands many times. A house may now stand on it. A road may run through it. A public facility may now have been built there. Other people may have acquired an interest in that property who had nothing to do with the original events. So, we have to be careful. Justice for one person should not simply create a new injustice for someone else.

Madam Deputy Speaker, that is why I believe a proper framework is important. A framework where claims can be considered individually and where the evidence can be examined, where all affected parties can be heard, and where appropriate remedies can be determined according to the circumstances of each individual case. Madam Deputy Speaker, this is not about ignoring history. It is about responding to history responsibly. And Madam Deputy Speaker, we should also recognise that sometimes justice begins with acknowledgement.

The Commission made recommendations concerning the preservation and the teaching of the history of Tucker's Town and St. David's, including appropriate memorialisation. And this is a value in saying something for future generations. This happened. These people were affected. We remember it, and we have learned from it. What are we changing for the future?

Madam Deputy Speaker, that is where I believe we should ultimately arrive, because we cannot change the past, but we can decide what we want to do with the lessons from the past.

The question for us should therefore be: What safeguards do we have today to ensure that Bermudians do not face similar problems in the future? And, are our land records sufficiently protected? Are our systems sufficiently transparent? Do ordinary people understand their property rights? Can people obtain

the information that they need to protect their rights? And where there is a dispute, can a person access a fair and affordable process to resolve it?

These are the lessons that must come out of this exercise, because the Commission of Enquiry should not simply produce a report that sits on the shelf. It should help a country to understand itself better. And it should help Government to make better laws.

Madam Deputy Speaker, the Government has accepted the report in principle and is reviewing the implementation of its recommendations. The purpose of tonight's and today's debate is therefore particularly important, because it allows Members across both sides of the aisle to consider the findings and the recommendations before the Government determines the next steps. I believe those steps should be measured, transparent and practical.

First, we should identify the recommendations that can be implemented administratively.

Second, where legislation is required, we should determine what legislation is necessary.

Third, we should properly examine the question of an appropriate mechanism for outstanding historic claims, including the question of a land tribunal.

Fourth, we should consider how those who may have legitimate claims can obtain assistance in understanding and presenting their individual cases.

And finally, we have to preserve history. Because if we lose the documents, the records and the stories, we will make it harder for future generations to understand what happened.

So, Madam Deputy Speaker, I return to Walton. I wish he were here. I wish he could sit in this Chamber and hear this debate. Because 12 years ago, he stood in this House and asked his colleagues to take seriously the concerns of Bermudians who believed that their families had suffered historic land losses. That request ultimately led to the establishment of that Commission.

The Commission did its work. It listened. It examined the evidence. It heard from people all across Bermuda, and it produced this report.

So today we have the responsibility of deciding what we do with it. What do we do next? I do not believe that our responsibility is to rewrite history. Nor is it to pretend that every claim can be resolved in the same way. Our responsibility is more straightforward. We must listen to the evidence. We must acknowledge what the evidence establishes. We must provide a fair process for those who believe that they have suffered a historic loss. We must consider appropriate remedies where they are justified.

And perhaps most importantly, Madam Deputy Speaker, we must make sure that the Bermuda we leave for our children is fairer, more transparent and better protected than the Bermuda we inherited.

So, Madam Deputy Speaker, as we move forward, I believe the next step is not to let this report

become another historical document. The next step is action. Let us identify the recommendations that were contained in this report. Let us consider carefully the appropriate mechanisms for outstanding claims. Let us determine where legislation is required. Let us preserve the history of the communities affected. And let us continue to listen to the Bermudians whose families have carried these stories for generations.

That, I believe, is the best way to honour the work of the Commission and it is also the best way to honour my dear friend, Walton Brown.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Member.

Are there any other Members who wish to speak?

I recognise the Member from Constituency 21. Member, you have the floor.

Mr. Curtis L. Dickinson: Thank you, Madam Deputy Speaker.

Madam Deputy Speaker, there are many moments when Parliament is called to consider the future. And there are other moments when history reaches through the years and places its hand on our shoulders and demands that we turn around and look. Not because we wish to live in yesterday. Not because we are imprisoned by grievance. Because no people can walk confidently into tomorrow while refusing to confront the wounds beneath their feet.

The report of the Commission of Inquiry into Historical Land Losses presents Bermuda with such a moment. This is not simply a story about property. It is a story about people. About power. About pain. About perseverance. And ultimately, about whether the inheritance created by one generation can be protected for the generations that follow.

For Black people across the world, the road to ownership has never been an ordinary road. Our ancestors endured the unspeakable indignity of slavery. When slavery ended, freedom did not suddenly become equality. Segregation followed. Discrimination followed. Laws, customs, and institutions followed that too often told Black people where they could live, where they could work, where they could worship, where they could learn, and how far they were permitted to rise.

They were expected to build inside systems that were never designed for them to flourish. And still, they built. They worked when work was hard. They saved when there was very little to save. They sacrificed when sacrifice seemed to be permanent conditions of their existence. They raised children. They created businesses. They bought homes. They acquired land. They built legacies. They transformed sweat into security. They transformed sacrifice into shelter. They transformed pennies into property. And they transformed pain into possibility.

And when a Black Bermudian family finally secured a piece of this Island, that land was never merely soil; it was dignity made tangible. It was independence with an address. It was security with a boundary. It was an inheritance with a name. It was a parent saying to a child, *I may not have given much, but what I have built, I leave to you*. That is why historic dispossession carries such enormous weight.

When land is lost through unfair, irregular, or unlawful process, what disappears is not simply acreage on a deed. A future can disappear with it. A daughter's inheritance, a son's opportunity, a family's security, a home never built, a business never opened. Wealth should have travelled from hand to hand and generation to generation.

The Commission gave formal consideration to stories that Bermudian families had carried for generations, including claims involving dispossession, adverse possession, and questionable transactions. It held 74 hearings and considered 53 claims. In relation to Tucker's Town and St. David's, the Commission found the historic expropriation was authorised by statute, while also finding that procedures were in many instances irregular, and power was exercised in ways it considered unfair and inequitable. That distinction must not be lost.

Something can be clothed in legality and still demand the moral scrutiny of history. A law can authorise an Act without erasing the human consequence that flowed from it. And we must never sanitise those consequences simply because the people who endured them are no longer here to speak.

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

Mr. Curtis L. Dickinson: Mr. Speaker, there is something particularly haunting about land, upon which generations lived, laboured, loved, and were laid to rest, becoming detached from the people whose history is buried within it. When ancestral resting places become little more than scenery surrounding valuable property, recreation, or privilege, we must be prepared to ask what remembrance, dignity, and justice requires of us. The dead cannot enter this Chamber. The dead cannot petition Parliament. The dead cannot recover a deed, challenge a transaction, or tell us how it felt to watch an inheritance disappear. That responsibility now belongs to the living. And we will be naïve to believe that the danger of this possession simply disappeared with the passage of time.

The faces may change. The vocabulary may become more sophisticated. The transactions may become more polished. But power still knows how to seduce.

There remain powerful interests seeking access to land and assets that form part of our inheritance of the Bermudian people. We must therefore be vigilant whenever concentrated economic influence, privileged access, or private arrangements threaten to

separate Bermudians from assets that should continue to serve Bermuda and its people. Because the temptations remain. The trinkets remain. They may be shinier now. They come dressed as access, opportunity, friendship, influence, investment, prestige, or proximity to power. But a trinket is still a trinket. And what is surrendered in return is an inheritance.

And painful though it may be to say, there will always be some of us who can be beguiled by those trinkets. Some who become so enchanted by access that they fail to calculate its price. Some who are so pleased to be invited to the table that they forget to ask, who owns the table? Who owns the land beneath it? Whose labour built the rooms around it? And what was surrendered for them to be sitting there at that table?

We cannot allow ourselves to exchange inheritance for invitation. We cannot trade our birthright for belonging. We cannot surrender tomorrow for the good of today. Because access is not ownership. And friendship is not freedom. Proximity is not power. And trinkets are not inheritance.

Our ancestors endured way too much for us to become careless custodians of what they fought to leave behind. They purchased the future with yesterday's pain. We have no moral authority to trade that future away cheaply. That is why I salute those Bermudians who have refused to be seduced. Those who have possessed the courage to stand when standing was uncomfortable. Those with the discipline to reject the glitter when the price was principal. Those with the foresight to understand that some things entrusted to a generation are not ours merely to consume. They are ours to protect.

So, I applaud those who have been bold enough to speak truth to power, who have been strong enough to withstand pressure, and principled enough to become the conscience of their people. They are doing more than defending land. They are vindicating their ancestors. They are wiping away in some small measure the tears of men and women who worked, saved, sacrificed, and endured, believing that what they would build would survive them. They are saying to those whose sweat watered this soil, whose tears stained it, and whose bones now rest within it, you did not struggle for nothing. You did not build for nothing. You did not sacrifice for nothing. You did not endure for nothing. And we will not surrender cheaply what you fought so hard to leave behind.

Mr. Speaker, this is why acknowledgement alone cannot be the destination. Memory without action can become ceremony. Acknowledgement without remedy can become rhetoric. And justice endlessly postponed begins to feel indistinguishable from justice denied.

The Commission placed 56 recommendations before Bermuda, including proposals concerning unresolved claims, the consideration of an independent land tribunal, possible remedies and compensation,

preservation of historical records, and memorialisation of affected communities. Those recommendations deserve serious, disciplined consideration. There will be legal questions, and there will be very difficult questions. There will be competing rights and interests that must be handled carefully and fairly.

Parliament should not prejudge matters that properly belong before a court or another lawful process. But caution cannot become cowardice. Complexity cannot become an excuse for paralysis. And the passage of time cannot become a burial ground for justice.

This struggle is not about vengeance. It is about vindication. It is not about assigning historical inherited guilt. It is about accepting inherited responsibility. It is about ensuring that Bermuda possesses the courage to examine what happened, to preserve the truth, protect what remains, establish fair processes for credible claims, and provide meaningful remedies where wrongdoing is properly established.

Until legitimate claims arising from this history are properly addressed, our work is unfinished. Until the inheritance of the Bermudian people is guarded with the dignity it deserves, our work is unfinished. Until those who possess power understand that the patrimony of a people is not a prize to be bartered for access, influence, or trinkets, our work is unfinished. And until the bones of our ancestors can rest beneath a Bermuda that has had the courage to confront what happened above them, we must not rest either.

So let the truth stand in the daylight. Let the record remember the families. Let the land remember the footsteps. Let Bermuda remember the sacrifice. And let our actions say to those who came before us, we remember you. We honour you. We speak your name. We defend your legacy. We will protect what remains. And we will continue the struggle for truth, remedy, and justice until Bermuda has finished the work that history has left undone. Because land is not simply soil. It is memory. It is identity. It is inheritance. And when a people have paid for that inheritance with generations of labour, sacrifice, and tears, the least history can demand of us is that we possess the courage to protect it.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Is there any other Honourable Member who wishes to speak?

Minister Furbert

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

Mr. Speaker, I stand to show my respect and my honour to all the people and the families who were affected by land loss.

I want to take this time right now to acknowledge the Commission of Inquiry team and all the people and all the families who came forward to share their contribution. But I just want to start with

three words. Three words; but they are [all] the same word, Mr. Speaker. Compensation, compensation, compensation. And whether compensation is financial, whether it is an exchange, it is a recognition, it is a benefit, or it is a process. I believe, through the research, the findings and the recommendations of the Commission of Inquiry [they] are speaking to compensation.

I stand to my feet, Mr. Speaker, as a Representative of St. David's. I had a constituent who asked me to meet them at Clearwater Beach. We were on the Clearwater Beach property and they wanted me to stand on the edge of the water. They were explaining to me the land loss, or what life was like in St. David's before the land was taken away from St. David Islanders for the military base, so that I could get a visual of what this meant, what this looked like.

So, me not standing to my feet would not be me recognising or acknowledging the people of St. David's Islands and what it was that they had to endure. And if you want the details of the stories, you can definitely find them in the Commission of Inquiry report.

But I also stand to my feet as a little girl who used to attend Sunday school, walking up the hill to Marsden Methodist Church. And on my way to Marsden Methodist Church, I passed the graveyard there, that is now the new site for the graveyard. And my family grave is within the Marsden Methodist gravesite. And so, the former gravesite and what it stood for, and what it represented for Black enslaved people prior, is touching to me.

And so, Mr Speaker, we must take the opportunity to recognise our national responsibility. And our national responsibility is not, like other colleagues have stated, to have the Commission of Inquiry report sit on a shelf, but to action the findings and the recommendations out of this report.

I recently had the opportunity to travel and see a monument. Most of us, when we travel, we have the opportunity to learn about the history of the particular country that we visit. And this particular monument was called *Shoes on [the Danube Bank]*. And if anyone has had the opportunity to see it, it is a very touching monument. And I raise this particular monument because of what occurred to the people, the Jews during World War II, and I am linking it to Bermuda with the military base in Bermuda during World War II. The Jews would have to line up on the side of the river, and they were forced to take their shoes off. And they would take their shoes off, and the military army men would take their rifles, and they would shoot them, because they were Jews, into the river. The reason they had to take their shoes off was that they used their shoes for trade. They would sell them. And they would also make them take off their laces so that they could tie the hands together so that when they shot them, the other people who they were tied to would also fall into the river.

Today, when you visit this site, they created sculptures of the shoes of the people who were shot into the river as if they had just taken them off. And it captures a very significant time in history where people can come and visit and pay respect and reflect on a historical perspective in which people were left extremely hurt and suffered.

And it is important, particularly for Bermuda, to capture through a historical perspective, through the work of the St. David's Historical Society, as well as the Tucker's Town Historical Society, to preserve our history maybe through museums or through monuments, for us to never, ever forget our history.

And if you ask many young people, particularly about our history, particularly as it is recorded within the Commission of Inquiry, I bet not many people would know, because we do not seem to be really good at preserving and capturing our history. And so, if anything is to come out of the findings and the recommendations, it is our duty and our national responsibility to preserve and protect our history and to recognise the hurt that many families have suffered through their land loss.

So, I just want to end today, Mr. Speaker. I didn't want to speak for long because it's been a long night already and we still have much more to go through. But just to mention that words without actions are meaningless. And so, we have a duty after this debate. We have shared and heard on the floor what Members feel should be important to follow up on through the recommendations. And we have a duty to action these recommendations.

And so, I will end with that. This is what we need to pledge to do: Pledge to preserve and protect our history. Preserve and protect our property. Preserve and protect our people.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member?

Minister of Housing, Minister De Silva, you have the floor.

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker.

Mr. Speaker, I'm happy to contribute tonight to this very important topic.

The Speaker: Yes

Hon. Zane J. S. De Silva: Now, Mr. Speaker, I know that there have been many historical statements made tonight. But for anybody who might have tuned in late, I think it's important to mention a few things.

Our dear friend and colleague, Walton Brown, brought this motion in 2014, when we were in Opposition, by the way. And so that the public can be reminded, it's not many times that an Opposition brings things to the House of Assembly that get passed. This one did.

I think it's also important for people in this country to know that the OBA at the time did not agree. And did not vote for this at the time. I remember one Opposition Member, Suzanne Roberts-Holshouser, who voted with us that night. And when it was all over, she was brought to tears by her own Members for siding with us. So, let's not forget what happened on that night.

Now, Mr. Speaker, I want to thank our Premier, [the Honourable] David Burt, for bringing this to this House today. This debate has been a long time coming. Families have waited for years for the Commission of Inquiry to sit. They waited again, and again while matters went through the courts in this country. They have waited for this Honourable House to do what they said they would do in 2014—twelve years ago—to look at the history of land laws in Bermuda. Look it in the face and decide what justice requires of us now.

Mr. Speaker, the Commission found that the expropriations in many places around the country—and we have heard about Tucker's Town and St. David's, and I'm going to talk about another piece of land in a minute—were lawful. But they were done under statutes that this Parliament itself passed. That is a fact we cannot dodge. But the Commission also found that the way those powers were used was, in many instances, irregular and unfair, to be kind. Some would say inequitable. And you all know me; I could use a few other words. People were removed. Compensation, as we know, was always inadequate. No question. There was no right of first refusal in those days. Communities were broken. That too is a fact.

Mr. Speaker, the Commission did not rewrite the statutes of 1920 or 1941, until the truth about how those statutes were used. Our job, Mr. Speaker, now is to decide what a just Bermuda does with the truth. That's what we must decide.

Mr. Speaker, I support this motion wholeheartedly. I support a Government apology. I support a serious examination of compensation. Pick your words for it. Heritage Trust, some people have mentioned tonight. Some other ways and means some people have mentioned. But, Mr. Speaker, I want to make sure before my time runs out that I talk about a particular family, and a particular piece of property up in our hood, Mr. Speaker. And I say "ours," because you are from Somerset too.

Mr. Speaker, I want to talk about my Honourable colleague, Walton Brown. Now, a lot of us in this place, on both sides, are friends, colleagues, associates. Some of us are a little bit more jolly with each other than others. That's fine. Walton and I happened to be in business together. We shared a little business relationship, and we spent some time together. But his passion, no question from anybody in this House, was this particular motion. Walton talked about this from the . . . It had to be from the first day I met him. His

family, who is here tonight, I think Charlie may have gone; it has been way too long for Charlie.

But I have known his brother George for several years. And since I met George, that's all I heard about. It was about how the family lost this property. Well, let's be real. The property was stolen from them. Let's be really real about that. The property of which I speak, Mr. Speaker, is a place you are familiar with, Spring Benny Road, top of White Hill. Mr. Speaker, that property belonged to one John Augustus Alexander Virgil.

The Speaker: I'm cautioning everybody, no names to be used.

Hon. Zane J. S. De Silva: You did? Sorry. I'm sorry about that, Mr. Speaker.

But that property belonged to a gentleman who died and left that property to his seven nieces and nephews. He had no children. Mr. Speaker, that property, as we sit here today, has 23 homes on it. Walton's family; their mother was one of the seven. When her father died . . . her uncle died, she was 12 years old. Had to leave school to help the family. As you know, Mr. Speaker, many of us had to do that back in the day. I was lucky. I lasted until I was 16. My brother was 12 when he had to go to work. So, you know, I have a little bit of experience with that. But this young lady who was the mother of Walton and George and Charles fought from 1972 until the day she died. And God rest her soul. George, Walton and Charles have been fighting ever since.

The ironic thing is that as their mother fought and they are now fighting, guess what, Mr. Speaker? They still have the original deed. How the hell on earth can that property be taken from them? They have the original deed to this day. Twenty-three houses on that property. Bank of Butterfield was the executor. And I know that two of the brothers are currently taking action against Butterfield. I don't know how successful they'll be. But this is the type of thing that went on in the past.

Now, I know that colleagues . . . Honourable Member Cannonier talked passionately about St. David's because I think he can relate to his roots. I'm from Somerset. I know George . . . I've known George and Kim a long time (since we were playing marbles up at Spring Benny) myself, Mr. Speaker. But to think that we have this injustice is not right, Mr. Speaker.

Now, I don't know how many other families are in Bermuda, but I know this particular family. And I'm going to implore not only my colleagues on this side, but the other side. And we've all seen it tonight. Everybody says we can talk grandstand all we want. I would like to think nobody's grandstanding here tonight. And it has been too long. Some people can still be compensated. And I think my honourable colleague, again, [MP] Cannonier, said, listen, 36 of us can't do it. Let's form a select committee right away.

Let's get on with it. And if we can't compensate people monetarily, let's find another way to compensate.

But I will go stick my neck out and say this particular piece of property up in Spring Benny [has] 23 homes. Last time I checked, the average home in Bermuda was about \$1 million dollars. That's \$23 million today. What can we do for the Brown family, who we all in this House know? We all knew Walton. We knew what Walton fought for ever since I met Walton and his brother since I met him.

And I'm going to implore us. Now, I cannot speak. I'll let people [speak]. We can get a select committee and choose to compensate, apologise, put statues, do whatever you want. But you know what makes the world roll around? It's dollars, right? And I know that family. I know how hard they work. I know how hard they have worked. And why shouldn't they have the benefit of that? And if somebody's done some injustices, let's make it right. And if you have 23 homes worth \$23 million, let's look at what we can do for them. Because they have family too.

And we all know how it works. You go back 400 years. How many trust fund babies do we have in this country? And where did they get their money? We know that if one has money in this generation and you look after it, and you parlay it, if you're lucky you increase it. When your children come, it makes it a little easier for them. When your grandchildren come, it makes it a little easier for them too. So, there may be many families.

But this particular family I know well. And I know how long they have been fighting. I have seen that family in tears over this issue. And we need to make it right. I do not believe anybody in this House would deny that if compensation has to be had, let's have it. And that's what I would say.

Mr. Speaker, I'll finish. It's never too late for justice. But let this House do the work to help those who felt the hammer and fire of injustice.

Thank you, Mr. Speaker.

The Speaker: Thank you.

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

No other Member?

Well, with that, I want to first thank all the Members who made a contribution to this debate today.

And that brings us to a close on the motion.

[The House took note of the Report of the Commission of Inquiry into Historic Land Losses in Bermuda which was tabled for the information of the House of Assembly on 10th December 2021.]

The Speaker: And we'll now move on to the next item on the Order Paper this evening.

The next item is the motion from the Minister of Youth, Social Development and Seniors.

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

MOTION

PLAN TO END HOMELESSNESS ENDING HOMELESSNESS TOGETHER

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

Mr. Speaker, I move. THAT THIS Honourable House take under consideration the following motion. Notice was given on the 10 July 2026 that this Honourable House consider and approve the Plan to end Homelessness, Ending Homelessness Together, which was tabled in the House of Assembly on 27 March 2026.

The Speaker: Are there any objections to the Minister proceeding?

There are none.

Continue, Minister.

Hon. Tinee Furbert: Mr. Speaker, I want to thank you.

This debate, which will no doubt command the serious attention of this Honourable House, is not merely a debate about housing. It is not simply a debate about sheltered beds, emergency services, social programmes, or administrative systems. It is a debate about who we are as a people, what we are prepared to tolerate as a society, and whether we possess the will to ensure that every Bermudian has a safe, stable, and sustainable place to live.

Mr. Speaker, written with the Plan to End Homelessness in Bermuda, Ending Homelessness Together, and the National Homelessness Action Plan 2025–2028, is a stern message about our present circumstances. A sobering account of our collective responsibility, and an achievable vision for our future: That homelessness in Bermuda should be rare, brief, and non-recurrent.

Mr. Speaker, homelessness is often spoken of as though it exists at the margins of our community, but the truth is that it is a mirror held up to the centre of our society. It reflects the cost of poverty, the shortage of affordable housing, the consequences of family breakdown, the trauma of domestic violence, the challenges of poor health and mental health. And the systemic barriers that too often stand between vulnerable people and a secure home.

Mr. Speaker, for those who ask why this work is necessary, the answer is simple: Because Bermuda cannot be content to be prosperous in parts and indifferent in others. We cannot celebrate opportunity while some of our people sleep rough, live in insecure accommodation, move between temporary arrangements, or remain hidden from official view because their homelessness does not fit the narrow image that some hold in their minds.

This Plan makes plain that homelessness is not limited to those whom we see on the streets. It includes those who are roofless, those who are houseless, those in insecure housing, and those living in inadequate housing. It includes people in emergency accommodation, people leaving institutions with nowhere safe to go. People under the threat of eviction, people fleeing violence, and people living in conditions no one should be asked to endure.

Mr. Speaker, this Plan to End Homelessness Report represents the continuation of decades of learning, advocacy, and attempts at reform. Homelessness is not a new challenge in Bermuda. For almost four decades, successive Governments, community organisations, faith-based groups, service providers, and concerned citizens have grappled with the reality that some members of our community lacked the safety, stability, and dignity of a home.

Mr. Speaker, as far back as 1988, growing concern about the number of people living without dependable accommodation led to the reactivation of Bermuda's Committee on Homelessness. Representatives from the [Bermuda] Police Service, the Salvation Army, and the Department of Social Services came together because they recognised that homelessness was becoming more visible and that the resources available to respond were struggling to keep pace with growing need. At that time, a worldwide recession, economic pressures, mental illness, substance abuse, unemployment, and poverty were already beginning to be identified as key drivers of homelessness in Bermuda.

Mr. Speaker, the Committee's findings were sobering. It estimated that approximately 250 people in Bermuda were homeless or semi-homeless. Many were known to the police services and the St. Brendan's Hospital. While substance abuse, mental illness lack of education, unemployment, and chronic poverty were identified as major pathways into homelessness, importantly, even then the committee recognised that homelessness was not simply about housing. It was often the result of multiple unresolved crises converging in a person's life.

Mr. Speaker, the issue resurfaced with renewed urgency in 2000 when reports of increasing street homeless and the public concern about begging in the City of Hamilton prompted the Government to commission a comprehensive study of homelessness. That work produced a groundbreaking report, *No Fixed Abode: A study of Bermuda's Homelessness*, 2002, authored by government policy analyst Marva-Jean O'Brien of the Ministry of Child and Family Services.

Mr. Speaker, what made that study particularly significant was its recognition that homelessness extended beyond those sleeping on the street. It highlighted the existence of the hidden homeless, people moving between friends' sofas, crowded households, temporary accommodations, and unstable living ar-

rangements. The report observed that many individuals experiencing housing insecurity were not visible to the public and therefore were often excluded from official counts.

Mr. Speaker, perhaps most importantly, the report challenged a long-held assumption that homelessness was primarily the result of personal failings. Instead, it demonstrated that homelessness often emerged from a complex combination of housing costs, family breakdown, domestic violence, mental illness, substance dependency, unemployment, low wages, and inadequate support systems. It also recognised that homelessness carries significant social and economic costs for the entire community, including increased pressure on health services, correctional facilities, and social assistance programmes.

Mr. Speaker, the study highlighted the documented economic realities that continue to resonate today. It warned that rising rents, increasing property values, a shrinking supply of affordable housing, and widening income inequality were placing more Bermudians at risk of homelessness. The study noted that Bermuda was experiencing what it called a growing divide between the haves and the have-nots. Housing affordability emerged as one of the most significant social challenges facing the country.

Mr. Speaker, that history also teaches us that homelessness cannot be separated from the economic realities of our country. When wages do not keep pace with rents, when affordable housing is scarce, when the cost of living rises faster than household income. And when families are one crisis away from losing stability, homelessness becomes not only a housing issue, but an issue of economic disparity and social resilience. It is therefore not enough to ask where a person will sleep tonight. We must also ask what conditions placed that person at risk, what supports were missing, and what pathway can restore stability with dignity.

Mr. Speaker, Bermuda's history reminds us that homelessness cannot be understood by looking at shelter provision alone. The work of the late 20th century, including the findings that informed *No Fixed Abode*, showed that homelessness was already being shaped by wider social and economic pressures. The experience of service providers, including the Salvation Army, The Haven, STAR, Focus, Harbour Light, the former Canadian Hotel, Hope homes, St. Brendan's Hospital, the Physical Abuse Centre, and Gulf Stream, demonstrated that homelessness was never one problem with one cause. It was and remains the point at which many pressures converge in a person's life.

Mr. Speaker, over the years, the Bermuda service network has adapted, contracted, expanded, and in some cases disappeared altogether. Facilities that once provided emergency shelter, transitional accommodation, rehabilitation support, or specialist care have faced ageing infrastructure, financial strain,

staffing challenges, and increasing demand. Some, like the Canadian Hotel, are now part of Bermuda's past. Others continue to serve under difficult circumstances. And newer thinking has pointed toward a broader continuum of support for emergency shelters and group living to transitional accommodation, family-style housing, counselling, mental health support, and drop-in services for those who have not yet connected to formal shelters.

Mr. Speaker, by 2003, that understanding had begun to shape more practical planning. Government commissioned an assessment of the Salvation Army shelter and initiated project planning for its future development. That work examined the condition and role of the shelter, considered how it could be strengthened and included a jurisdictional review of shelter models, including travel to Canada to ensure that Bermuda's approach was informed by best practise, future need, and value for money. The Salvation Army was identified as the proposed location for a broader range of housing and support options, moving beyond emergency shelter alone to include group living, transitional shared accommodation, and traditional family-style housing.

Importantly, the proposed design also recognised that housing alone would not be enough. It included fit-for-purpose on-site spaces for counselling and social services, community-based mental health support, and a drop-in area for people who were not residents at the shelter but still needed access to assistance, advice, and connections to services.

Mr. Speaker, that is why the Plan before us must be seen as both a continuation and a corrective. It honours the work that has gone before. But it also recognises that goodwill alone cannot end homelessness. Bermuda now requires a coordinated system, sustainable funding, stronger prevention, reliable data, clear accountability, statutory protections, and housing options that reflect the real circumstances of our people.

Given the socioeconomic pressures facing this country the task is not easy. But through collaboration, cultural change, and disciplined implementation, Bermuda can reduce homelessness, improve outcomes for those currently without stable housing, and prevent more of our people from falling into homelessness in the future.

Mr. Speaker, the recommendations foreshadow the very principles now embedded in the Bermuda Plan to End Homelessness. You see, Mr. Speaker, the Plan to End Homelessness incorporates a coordinated service, improved homelessness data, a centralised referral system, stronger case management, greater collaboration amongst agencies, expanded affordable housing, dedicated homeless outreach teams, and an ongoing multi-sectoral body to lead implementation efforts. These concepts are now fundamental pillars of the Bermuda Plan.

Mr. Speaker, in many ways, the Plan to End Homelessness represents the fulfilment of a vision first articulated more than 20 years ago. It builds on decades of evidence, community engagement, and lessons learned. It recognises, as those early researchers recognised, that homelessness is not inevitable and that effective solutions require coordination, prevention, housing, data, and sustained partnership.

Mr. Speaker, Bermuda stands on the shoulders of those who first sounded the alarm in 1988. Those who documented the reality of homelessness in 2000 and 2002, and those service providers who continued their work year after year despite limited resources. The journey has been long, but the aspiration has remained constant: A Bermuda where no one is left without a safe place to call home.

The launch of the Plan to End Homelessness is, therefore, not the beginning of Bermuda's response. It is the next chapter in a story that has been unfolding for nearly 40 years. It is the moment when the Island moves from understanding homelessness to systematically ending it. And it is a testament to Bermuda, enduring belief that every person, regardless of circumstance, deserves dignity, opportunity, and a place to belong.

According to the Bermuda census, there were 82 people experiencing homelessness in 2010, compared with 138 people in 2016. That represents an increase of 56 people, or approximately 68 per cent over that period. These figures were based primarily on counts of rough sleepers and people in emergency shelters, meaning they do not fully capture the hidden homeless, those sleeping in cars, moving from sofa to sofa, living in unsafe or inadequate accommodation, or staying temporarily with family and friends because they have nowhere to go.

Mr. Speaker, the evidence also shows that the crisis has continued to place pressure on emergency accommodation. In 2022, 169 people were recorded in homeless shelters and homelessness hostels, and a further 46 people were recorded in night shelters. These numbers tell us that homelessness in Bermuda is not theoretical. It is present. It is measurable. It is visible in our shelters. But it is also concealed in homes, cars, in parks, temporary arrangements, and unsafe dwellings across this Island.

Mr. Speaker, the data should arrest us. The Plan records point-in-time information at 31st December 2025, including people living rough, in night shelters, in accommodation for the homeless, people under threat of eviction, and living in temporary or non-conventional structures. These numbers are not abstractions. They are Bermudians. They are lives. They are families. They are neighbours. And, Mr. Speaker, they are a call to action.

Mr. Speaker, the development of the Plan to end homelessness was informed by engagement with over 400 people experiencing, or at risk of, homelessness, together with several hundred hours of consulta-

tion with stakeholders, service providers, policy experts, researchers, third sector organisations, donors, and philanthropic experts. In addition, the Plan drew on evidence-based research into solutions from over 40 countries adapted to Bermuda's own social and economic contexts. These are not merely statistics, Mr. Speaker. They are a national warning. They tell us that homelessness has grown, and that systems designed to prevent it have not always intervened early enough. And that the traditional categories by which we count homelessness have almost certainly understated the full scale of the problem.

Mr. Speaker, if we count only those we can see, we will fail those who remain hidden. If we count only those in shelters, we will fail those in cars, on couches, in unsafe rooms, in tents, and in temporary arrangements that can collapse overnight. And if we treat these numbers as inevitable, then we will have accepted a condition that this Plan rightly tells us can be ended.

Mr. Speaker, the work before us has not emerged overnight. The Plan has been informed by engagements with over 40 Bermudians experiencing homelessness, consultations with more than 300 stakeholders, and evidence-based research from over 40 countries. This is why, Mr. Speaker, the Plan is framed around the seven core areas of action:

- a rapid end to rough sleeping and high-risk homelessness;
- systematic data collection and intervention monitoring;
- sufficient accessible social and affordable housing and welfare entitlements;
- citizen-centric coordinated service delivery;
- public policy reform and statutory protections;
- public perceptions and awareness; and
- other holistic system-wide reforms.

Mr. Speaker, that list is important because it tells us that charity alone will not solve homelessness. Compassion is necessary, but compassion without structure is insufficient. Good intentions must be matched by good systems. Food, clothing, and temporary beds may ease suffering for a night, but they do not by themselves end homelessness. What ends homelessness is prevention, early intervention, rapid rehousing, affordable housing, coordinated case management, adequate supports, statutory protections and the discipline to measure whether what we are doing is working.

Mr. Speaker, the National Homeless Action Plan translates this vision into action for the period of 2025 to 2028. It is prevention first. It is trauma informed. It is person centred. It is rights-based. It is collaborative. It is data driven, and importantly, it recognises that people with lived experience must not merely be the subjects of policy, but contributors to its design, implementation and evaluation.

Mr. Speaker, oversight will rest with the Ministry of Youth, Social Development and Seniors, work-

ing in partnership with the Ministries of Housing and Municipalities, Public Works, Health, Statutory Bodies, Non-Government Organisations, and private-sector partners. Implementation will be supported by centralised case management, data sharing, defined roles and responsibilities and reporting to Cabinet. Key performance indicators will be aligned to prevention, rapid rehousing, housing supply, service integration and policy reform.

Mr. Speaker, this work is already moving from principle to practice. In more recent times, in April 2020, a \$1 million grant was allocated in the 2020/21 budget for the Salvation Army shelter upgrades. The Government ultimately committed approximately \$1.82 million over the three-year period to complete the works amid significant pandemic-related delays and major increases in global material costs.

Mr. Speaker, the opening of these two new Salvation Army facilities must be understood as part of the wider body of work that Government has been advancing to strengthen Bermuda's response to homelessness. These facilities did not emerge in isolation. They grew out of a renewed partnership between the Government, the Bermuda Housing Corporation and the Salvation Army and the private citizens who understood that protecting our most vulnerable people required more than sympathy. It required practical investment, shared responsibility and sustained commitment.

Mr. Speaker, with the completion of the two new buildings managed by the Salvation Army, Bermuda gained capacity to house 14 persons in each facility, providing 28 additional beds for persons in need of safe structured accommodation. This represents more than a construction project. It represents an expansion of the continuum of support that this Government has been building stronger partnerships with these organisations that stand on the front line of service. Mr. Speaker, in recent times the Government has partnered with a charity home, have seen important progress through the successful launch of a nine-bed transitional facility named Esther House, which provides accommodation and structured support for persons rebuilding their lives after incarceration. The Government has provided financial support for the Transformational Living Centre [TLC].

Mr. Speaker, we cannot leave out the true milestone achieved with the Government's launch of the first of its kind, the Independent Living Programme and Centre. This entity has provided a secure level of comfort and support to our young persons between the ages of 18 and 24, who are ageing out of the care of the Director of Child and Family Services. This programme is a lifeline, a safety net for our young adults.

We have advanced the introduction of a homelessness data collection system so that decisions are guided by evidence rather than assumption, and so that persons at risk are seen, are counted, connected to support earlier. We have also strength-

ened practical relief through measures such as the Rental Support Service Emergency Subsidy Programme and 2024 Hardship Fund, recognising that prevention must begin before a family loses its housing, before a crisis becomes entrenched and before vulnerability becomes homelessness. These initiatives demonstrate that Bermuda is not waiting for the future to act.

We are already laying the foundation of a more coordinated, compassionate and accountable response. Mr. Speaker, we must recognise across Bermuda, who often quietly and consistently provide food to persons who are hungry, homeless or living on the edge of crisis, organisations such as the Salvation Army, the Eliza DoLittle Society, Meals on Wheels, HOME, Christ Church Warwick, Hamilton, Seventh-day Adventist Church and other churches, charities, community groups, volunteers, donors and compassionate residents who have helped ensure that meals are prepared, grocery bags are distributed, surplus food is redirected and dignity is preserved for persons and families who might otherwise go without. Their work does not replace the need for housing, prevention, case management and long-term support, but it remains an essential expression of care within our national response. In feeding the hungry, these partners meet an immediate human need while reminding us that ending homelessness requires both discipline of systems and the compassion of the community.

Mr. Speaker, this is the point at which we must be honest with ourselves. Homelessness is not inevitable. It is not an avoidable feature of modern life. It is not simply the result of an individual failure. It is too often the product of systems that did not intervene early enough, policies that did not protect quickly enough, housing markets that did not supply affordably enough and services that did not coordinate effectively enough. If we have ignored that reality, we can do so no longer. If we have been slow to recognise it, we must sharpen our focus. If we have acted in fragments, we must now act as one system. If we have treated homelessness as an emergency response, we must now treat it as a national responsibility.

Mr. Speaker, the issue before us is dignity. It is safety. It is public health. It is social justice. It is the economic common sense. The plan reminds us that doing nothing has a cost borne by individuals, by families, by health services, by the justice system, by emergency services and by the moral conscience of the country. And so, Mr. Speaker, this debate must not be reduced to whether we can afford to act. The real question is whether we can afford not to act.

Mr. Speaker, the future envisioned by this plan is not fanciful. It is practical. It is measurable. It says that when someone is at risk of homelessness, the system should know early. It says that when someone becomes homeless, the response should be swift. It says that rough sleeping should not become a way of life. It says that no one leaving care, hospital,

prison, or a violent home should not be left to navigate the next steps alone. It says that housing and support must move together. It says that accountability must be built into the work from the beginning.

Mr. Speaker, the plan also recognises the importance of the Bermuda's broader housing agenda, the affordable housing strategy, and the National Homelessness Action Plan operate at different points on the same continuum. One addresses supply, affordability, suitability, and governance. The other addresses crisis response, prevention, stabilisation, and movement into housing. Together, they form a pathway from insecurity to stability, from crisis to permanence, and from exclusion to participation.

Mr. Speaker, I ask Honourable Members to consider what it means for a person to have no safe place to return to at night. I ask Members to consider what it means for a senior to live in fear of eviction, for a young person ageing out of care to face adulthood without a secure roof, for a victim of violence to have to choose between danger and homelessness, or for a person with complex needs to move through disconnected systems with no single plan built around them. These are not policy categories. These are human realities.

And yet, Mr. Speaker, this is not a speech of despair. It is a call to disciplined hope. The plan before us gives Bermuda a national roadmap. It gives us principles. It gives us priorities. It gives us governance. It gives us a framework for data, accountability, and future investment. It gives us the opportunity to move from reaction to prevention, from fragmentation to coordination, and from managing homelessness to ending it.

Mr. Speaker, history will not judge us by how sympathetically we describe this problem. It will judge us by whether we acted with courage, whether we aligned our systems, whether we sustained our commitment and whether the most vulnerable among us have experienced a real change in their lives. For the cause that lacks assistance, for the wrong that meets needs, for the future in the distance, and for the good that we can do, this is why we must act.

Mr. Speaker, I commend this debate to the Honourable Members, not as a narrow discussion on homelessness, but as a defining conversation about the Bermuda we intend to build. A Bermuda where no person is unseen, no family is abandoned, no vulnerable person is left to drift from agency to agency, and no Bermudian is denied the dignity of a safe space to call home.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Honourable Minister.

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

MP Tucker.

Ms. Robin Tucker: Thank you. Thank you. Good evening, Mr. Speaker.

I want to start my comments by saying that homelessness is just one of the symptoms of the core issues that we have going on in Bermuda. Homelessness, gangs, abuse, mental illness, poor educational outcomes, they are all symptoms of a society that is at its core not well and not doing as well. There is a proverb, Mr. Speaker, that says, *he who feels it*—or actually it formally says, *who feels it, knows it*. And put in the context of homelessness, the proverb reminds us that no one can fully understand the pain and daily struggle of homelessness unless we have lived it ourselves. I raise that because, Mr. Speaker, I want us to have a think about the real lives and the real people who are actually experiencing that here. We hear all about the statistics, but as the Minister rightly said, there are real people behind those numbers.

I have met some of them. There was a lady several years ago living, or I should say sleeping, with her young daughter in St. John's Cemetery. And she would get up in the morning, and she would go to Victoria Park, before they locked the park. She would go to Victoria before they locked the doors, and she would get cleaned up, clean up her daughter, get her clothes on and go to work. She had a job. She would go to work and take her child to school.

My church partnered with one of the charities. I will not call the name because if I do, you will probably figure out the rest of the story. But we partnered with a group, and we went around looking for people who were in situations where they were sleeping rough to go and provide them with food. This was several years ago. And again, Mr. Speaker, it was shocking to me because there was one area in particular that we could not even go to because people were sleeping in their cars and they did not want us to go and actually see what was happening back there.

And then more recently, Mr. Speaker, I had one of the grocery delivery places deliver groceries to my house. And there was a lady, when I went out to get the groceries, she had probably everything that she owned in her car. I thought, okay, maybe she is moving. The next time I had the groceries delivered to my house, this lady came back and you could see from the dust and everything else in her car that she is living in her car. Imagine for a moment the Bermuda that we grew up in.

I know, Mr. Speaker, you are older than me, but probably not by much. To come, present day, to be living in a Bermuda where we have people who are frequently living in their cars and in these situations that I have just mentioned . . . we have an urgent and critical crisis on our hands. Many of us know someone who is housing [insecure], whether it is a neighbour, a family, a friend, a former colleague, but unless we have walked in their shoes, we really cannot fully appreciate the depth of the hardship that they are experiencing. Homelessness is not one problem with one

cause and neither does it impact only one group of people.

Homelessness is deeply personal, often complex, and can be shaped by trauma, health outcomes, economics, family breakdown, and as the Minister also said, systemic gaps. A national plan that combines homeless . . . housing, I should say, with wrap-around support for those who need it is essential to addressing many of the root causes if we are to prevent homelessness, and ultimately end it, for every resident in Bermuda.

Mr. Speaker, the need to address homelessness in Bermuda is undeniable. The 2016 census counted 138 people who were homeless and by 2025, HOME, in their annual report, stated that their count is 1,331 people in various states of homelessness. As I said, Mr. Speaker, Bermuda is facing a very serious social housing crisis that demands thoughtful, urgent action. So, with that, Mr. Speaker, we do support a single national plan to end homelessness. We agree that ending homelessness is a shared national responsibility and we stand ready to support that effort.

I want to say that I want to extend kudos and gratitude to Executive Director, Denise Carey, and the HOME team, every charity, every Government ministry and department, and every organisation and volunteer who lent their time, expertise and insight, and contributed to creating this important work for the benefit of the country. As a country, we have never been in such a dire housing situation. So again, thank you everyone for the work that you have done in bringing this plan to life. And sorry, I beg your pardon, Minister Furbert, I should have included you in there as well. So, bringing this plan to life, it will act as a roadmap to improving the lives of Bermudians.

Now, Mr. Speaker, homelessness is not a partisan issue, and I will not make it one. There is a plan, but more importantly, we need full execution. So, Mr. Speaker, I must be clear that extending support, though, is not a blank cheque. Bermuda had a plan to address homelessness once before, at least once before. The conversation goes back at least 26 years.

In the year 2000, the late Minister Nelson Bascome commissioned a report that former Minister Dale Butler found buried in the back of a drawer in 2007. He later described the report as an excellent report, with a roadmap for resolving the homelessness problem. The then former Minister Butler tried to implement it just before the 2012 election. Former Minister Butler requested that the Bishop Spencer School be converted to a shelter. The OBA later granted the building to the Salvation Army for nominal rent and pledged funds for refurbishments. In 2025, the property was leased to a private business for retail, office space, warehouse, workshops and other ancillary services.

Now, Mr. Speaker, before the other side says anything, I just want to say that I raised the late Minister Bascome's 2000 homeless report for one reason

only. And that is to point out that it did not fail because the ideas were wrong. It failed because no one followed through with it. That is the lesson and the message that I want to communicate here today, because we do have another plan, and execution is what is really at the heart of making it a success for all Bermudians.

So, Mr. Speaker, the lesson that we have a plan but we need execution is largely why I am very optimistic that, regardless of which Government is in office, HOME's involvement will go a long way to ensuring that this plan does not end up in the back of the same drawer. A plan is only useful if it is actually fully executed.

Minister Furbert mentioned that the plan to end homelessness takes a prevention-first approach. This particular plan is very diagnostic in its approach and also offers evidence-based solutions. We have publicly been made aware of HOME's Black Circle programme, that it reports a recidivism rate of under 10 per cent. Housing-first models internationally shown success rates above 80 per cent. These among other initiatives are evidence-based approaches that have been shown to work. The plan makes a case that, of course, everyone deserves a place to live regardless of circumstances and that making that reality is possible.

I will say that I do have a couple of concerns. It is noted that the plan currently, in its current state, appears to be unfunded. So I would be grateful if the Minister could have an opportunity to talk a little bit about how this plan is going to be financially supported. There are no costings or data targets, so those are other observations. Those are needed for a roadmap. Having this type of information would also be very helpful to envision how the plan will be fully realised.

I am also a little bit concerned that while I have every faith in Executive Director Denise Carey and her team, I did notice that they have responsibility for leading the charge on several initiatives. And so, I am a little bit concerned, or I should be asking the Minister, if they will have all of the tangible resources needed to execute the plan and if we will see increased funding in the next budget cycle. Obviously, it is going to be important to ensure that HOME, and other charities, but particularly HOME, in the context of this plan, are fully supported so that they have all that they need to help to deliver this plan.

Mr. Speaker, homelessness is a human crisis that demands sustained commitment, transparent delivery and measurable results. The plan offers Bermuda an opportunity to break the cycle but only if we ensure that it is implemented with urgency, transparency, accountability and the full weight of national support behind it.

I have a few questions before I take my seat, Mr. Speaker. A few additional questions for the Minister that speak to implementation, accountability and

transparency. In March 2026, the Minister stated in this House that a funding framework including budget estimates and cost-sharing arrangements would be assessed during the implementation and brought to the Cabinet as required. So, I have already asked about being able to see a funding model. But I would ask whether . . . or when the funding framework will be submitted to Cabinet and if when it is submitted, if it will be tabled in the House?

Can the Minister confirm if any new funding has been allocated specifically for this plan? If not, is funding for delivering the plan required to come from existing departmental budgets? When will the homeless reduction policy be brought to the house? That is another question. And then, when will annual reporting on the plan go to Cabinet? Or, why . . . this is the question. Why will annual reporting on the plan go to the Cabinet rather than being tabled in this House to promote transparency and allow for public scrutiny?

Mr. Speaker, the Opposition stands ready to work constructively with the Government, and with HOME, and every partner committed to this effort. Ending homelessness is not about politics. It is about dignity, stability and the belief that every Bermudian deserves a safe place to call their home.

So, Mr. Speaker, let us honour that responsibility by ensuring this plan is not simply tabled but truly delivered for the people of Bermuda.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Minister, you are getting up to speak now?

[Inaudible interjections]

The Speaker: Oh, okay.

Minister of Housing.

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker.

I think it would be remiss of me not to get not to say a few words tonight. I am sure that the Honourable Member Fahy is probably going to speak for 20 minutes after I sit down.

[Inaudible interjections and laughter]

Hon. Zane J. S. De Silva: But, oh, yes, he is off duty.

[Laughter]

Hon. Zane J. S. De Silva: But Mr. Speaker, I would just like to congratulate Minister Furbert for bringing this plan to the House and informing the people of the country and this Honourable House of what her plans are. I think that her presentation along with Honourable Member Tucker's presentation, which I think was about 95 per cent in agreement and very good indeed. And I certainly do not want to repeat that. But I can say that with this particular Minister heading this par-

ticular project, Mr. Speaker, I think the Island is in good hands. I know that I speak for all my colleagues on this side of the House that when it comes to homelessness, I do not think it is too many people in this room that is more passionate than Minister Tinee Furbert.

Mr. Speaker, she summoned me—and I use the word, “summoned”—as the Minister of Housing, several times in the last 18 months to have discussions over what our plans are, what she wants to do, how she wants to do it and who she wants to help. And like I said, she has been . . . I have seen nothing but passion, from Minister Tinee. And I would like to thank her for her unwavering commitment to this cause.

I think that, and I know, the Honourable Member Tucker mentioned my good friend, the late, great Nelson Bascome, and what his plans were way back when. And, for whatever reason, it did not take off. And of course, you know, he left us not soon after that. So, maybe that was the reason why. But I could say that I would also like to thank former Permanent Secretary Valerie Robinson. Before she left, I know that she did quite a lot of work with Minister Furbert.

And also, and I know that Ms. Denise Carey has been thanked already tonight, but I would like to emphasise that thanks. She is another lady that is passionate about this cause. And Bermuda could not ask for two more passionate, compassionate people than Denise Carey and Minister Tinee Furbert.

I think if I am giving thanks, Mr. Speaker, we cannot leave out Mr. Arthur Wightman, who does not have to do this. He does not have to spend his time, but he has been also the spearhead behind not only the fundraising, but a lot of the ideas. I have had the good fortune to meet with Arthur several times along with the Minister and Ms. Carey. And he has nothing but passion as well. And they have already been successful.

And I know that as the Honourable Member Tucker talked about, she hopes that funding will be in the works in the future. Well, I am sure that with this particular Minister—

[Inaudible interjection]

Hon. Zane J. S. De Silva: —with this particular Minister and this particular Finance Minister—

Hon. E. David Burt: Yes!

Hon. Zane J. S. De Silva: —she has got to get him quick though, because he is on his way out. He has got one door . . . he has got one foot in and one foot out. So, I would certainly implore her to press him hard.

But Mr. Speaker, I would just like to say that we do have many people in this country who are struggling. And I have talked about it a hundred times.

So has former Minister, Michael Fahy. He knows the seriousness in the country with regard to affordable homes and what it causes. And we have all heard the stories, whether it is in cars or in trees, in tents, you know, 15 people in a three-bedroom home, you know, six people in a studio apartment. We know those stories, Mr. Speaker. And I can tell you that, I will not call a name, but I received an email from a lady this morning that said, *Listen, do you have a container that I could use for about 60, 90 days? I was kicked out. I have nowhere to go. I will take a container if you have one.*

And, Mr. Speaker, I get these calls all the time. And it is not a joke. And when I do things with regard to housing, Mr. Speaker, some people turn to how . . . whether I do not put anything out to RFP. And I want to make decisions. I want to get houses built, Mr. Speaker. I take those calls every day. And I know that Minister Furbert takes calls every day with regard to homeless people in this country.

So, with what I am doing and with what she is doing, Mr. Speaker, we, . . . and this is not about Zane. Let's talk about Minister Tinee and what she is doing. I know she is . . . her heart is in it. And we all, as Ministers, have certain jobs. Okay, we got to do these things because we are the Minister and we have to do these things. Some things we can do and get the job done. Other things you go above and beyond because your passion and your heart is there. And Minister Tinee with this particular thing, I know Mr. Speaker, her heart is there. And if someone has got the heart in it, it is going to be hard to fail.

I know she will press the Finance Minister. Whether it is this one or the next one, she will press them hard to make sure that her programme is successful. So, Minister, keep pressing on doing what you are doing. The people in Bermuda will love you. There are some of us [who] love you already, but more and more of us will love you in the future. I can assure you.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does anyone else want to make a contribution?

Mr. Fahy.

Hon. Michael Fahy: Thank you, Mr. Speaker. And good evening again.

The Speaker: Good evening.

[Inaudible interjections]

Hon. Michael Fahy: Yes, I will. I am on duty. I am here just like the rest of you.

[Laughter]

Hon. Michael Fahy: And we have said that if we were off duty, we would not . . . we would be somewhere else. I think probably all of us are on duty all the time in this, the roles that we are in.

Mr. Speaker, this report, nobody can disagree with what is being outlined in this report. What I would like to do in the first instance is thank the Minister for bringing it to the House, and thank [her for the] hard work that has been put in by her team, Denise Carey, who has been thanked already. But I will add my thanks. And the Minister of Housing also thanked Arthur Wightman and his other parts of his team with this charity. So, thank you to them.

Now, this report does do a number of very important things. And there is common ground with much of what is in here because it does do and set out a number of areas that are worth me repeating for consideration, some of which were in the Minister's opening statement.

It does adopt an internationally recognised definition. For the first time, it counts hidden homelessness, insecure housing and people at risk, not just rough sleepers, Mr. Speaker. And those numbers are quite telling when we look at some of the data. It is evidence led. It draws on more than 40 countries. I think the Minister made mention of that. But that also is important because it has not been done this way before. It puts prevention, rapid housing and housing first at its centre, all very important.

It also admits the gaps, which is a breath of fresh air that we can say, whether you are in Government or not, these are the gaps and these are the things that we need to fill. There are no national targets. There is no real economic analysis, no landlord register, no statutory duties. We all agree with that. That is why it is been tabled by the Minister. It is open and refreshing that that is there. So, we know what those problems are. And with the openness of the work done by HOME.

Now, Mr. Speaker, I want to turn, if I may, to some of the data that is embedded in this report. And there is a snapshot of that, which I will go through. And that is at page 17 of the report itself. I am just going to pick out some highlights from that report so people understand the depth of the problem, because it is one thing to say there is 1,300 individuals in a homeless state. But let us look at what those numbers actually look like.

That table that was provided, Mr. Speaker, says that in 2021 there were 555 total people experiencing homelessness. In 2025, Mr. Speaker, 1,331. Now, there are going to be issues there in terms of how previous counts were done. The methodology has probably changed a bit, but those numbers are very sobering indeed. People living rough were counted at 70. In 2021, end of 2025, that number had gone up by another 100 people. People in night shelters had gone from 33 to 99. And these are numbers that have increased from 2021 to 2025.

This number was particularly hard hitting: Due for release from prisoner hospital with no housing. And we know that a lot of different areas from mental health to those who have been on hard times, those who have been engaged in criminality come out, they have nowhere to go. From 60 to 113.

So again, there is this lack of planning that we have to account for. Living in insecure accommodation, 85 to 188. Living in housing unfit for habitation has gone from 50 to 125. Living in temporary and non-conventional structures, 20 to 89. And another one is living in extreme overcrowding went from 20 to 58. And those numbers have increased.

We hear the numbers from the Minister when we ask the questions about the housing list, the critical housing list, and we have to get to which definitive lists are there. And they are always going in the wrong direction.

So, the Ministry of the Minister Furbert, and that of Minister De Silva have an awful lot of work to do. Now we are going to disagree from time to time, as Minister De Silva has pointed out, in terms of funding and RFPs. And he has quite right. Yes, we have to ask those questions. We have to understand those values for money. But it does not take away from the underlying goal with which we share, that we want to see people housed. And no one has said otherwise. So let us make that clear.

But that number, Mr. Speaker, of 1,331, is more than 2 per cent of Bermuda's population. That is not good enough. And one of the personal things, and I have said it in this place before, that has always upset me when I was a Minister and did not actually have responsibility for the housing portfolio but was passionate about getting the Salvation Army to take over the Bishop Spencer School for emergency housing. And we could not get it over the line, for reasons I have explained in this place before. It is not good enough that we still do not have that. These years later, 10 years on, we are still in a space where there are people who are living in desperate, desperate spaces, and we cannot do what is required fast enough.

What this report shows is that every single category has risen every single year. Okay?

[Inaudible interjections]

Hon. Michael Fahy: No, no, no. It is not that.

What we are saying is in terms of those who are in emergency situations is you can go fast. I am not going to get drawn. I have made my comments very clear.

[Laughter and inaudible interjections]

Hon. Michael Fahy: I am going to make my comments very clear about you can do things with speed.

The Speaker: Members, Members.

Hon. Michael Fahy: You can do things with speed, and you can do things with haste in a very well-defined and proper, financially prudent, way.

[Inaudible interjection]

Hon. E. David Burt: Proper?

[Inaudible interjections]

Hon. Michael Fahy: That is the way to do it. Okay? Now, tonight.

[Crosstalk]

Hon. Michael Fahy: Now, Mr. Speaker, in 2011, I wrote, and it was using the words of Mahatma Gandhi, who basically said *a society is measured by how it treats the most vulnerable*, and we are not doing a good enough job. So, we can . . . as the Government likes to say, chirping goes on. Yes, there is chirping, but we are on the same page in trying to solve a problem.

But here is the problem with what is in this report and what is not in this report. And my colleague, Ms. Tucker, has already touched on it, and that is the lack of measurables in this report. It is a great plan. But it does not have the measurables in terms of dates of outcomes. It does not set the anticipated costs. All of that is missing, and that has got to be the next stage. And I would implore the Minister to bring back something to this House that says in this report there are all of these goals. These are the dates upon which we would anticipate there to be success. And these are the dates upon which we think we can reach with the costs that will be allocated by whoever is Minister of Finance. That is going to be very, very important.

The other issue, of course, as well as there is not specific ownership, because it is spread, the number of issues is spread across so many ministries, it is going to be somewhat difficult to corral all of the different pieces of Government that have to work together. We know that is difficult when you talk about the Ministry of Health would need to be involved for mental health issues, Corrections in terms of future planning for those who get released from prison from that data, the Minister's own Ministry who presented the report, Mr. De Silva's, [and] Minister Lightbourne who is in charge of the Landlord Tenant Act reforms. All of these need to be done at the same time and that is going to be difficult, but not impossible.

In terms of the plan, it does say, Mr. Speaker, that there is (and this is at page 53) an inadequate understanding of the supply and demand of housing in Bermuda, and that housing supply targets are not informed by evidence on the scale of homelessness.

That is a big point because we are building, but we are not quite sure of what the depth of that problem is. So again, we have to have Government coordination, which has been pointed out in this report. That is of primary importance. Who is accountable if it does not work? Who is accountable if the money is not there and the building is not done?

With that said, Mr. Speaker, if we turn throughout this report, there are a number of proposals that have been made throughout that report. And I am going to run through a few of them. Okay?

One is, when you look at this report, that it is of primary importance that we actually set a start date. Which I assume has started the date of the report, and the measurables over the next 10 years. What are those dates? And maybe we can agree, or maybe the Minister can say that the work has begun, and here is the end date for every action point that is within that, if we are going to go with every action point. Publish the targets; that is important.

If we are going to be ending rough sleeping, again, what is the target? What is the plan overall in terms of that? Is that over the next 36 months? Can we house "X" number of people within three months, four months? What is the plan there? With that national housing first target, are we going to have a hundred new tenancies within this period of time for those who are in very rough shape? We do not know. But we can go on.

I think one of the issues as well is independent oversight. If there is going to be perhaps a commission (it is at page 81, I believe), maybe that comes under the Housing Authority that has been proposed. We do not know.

But again, there is enough in here that can be done. There are some simple wins. I think one of the proposals that I read in the report was swift approval of tiny homes and these kinds of things. All of us get the phone calls, Mr. Speaker. In Opposition, we get the phone calls as well. If I get something that I think the Minister can help with, I send it on. Some are impossible. But we all try to get the job done in the roles in which we play. So, none of that can be dismissed. But the key here again is to accept the depth of the problem, which I believe the Government has now done. But we have to also point out that the numbers are going in the wrong direction.

And we will support where we can, and we will continue to ask questions where we must.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Does any other Member wish to make a contribution at this point? None . . . Oops. MP Famous.

Mr. Christopher Famous: Good evening, Mr. Speaker. How are you doing?

The Speaker: I am all right.

Mr. Christopher Famous: All right.

I am going to be very brief, Mr. Speaker. I am speaking in my capacity as the Chairman of the Bermuda Housing Corporation, which is in this report [and] listed as a lead . . . the corporation is a lead agency in the action plan.

Mr. Speaker, in the last four years, I have been the chair, four or three, cannot remember. And in the last two years, we have refurbished 76 properties, give or take, a little bit more than that, all of which are currently occupied. We are currently building 12 units in St. David's, brand new units. And there are over 200 units in some form of planning or the other to help assist with, not necessarily homelessness, but housing for our people.

I say that it is like a car mechanic, right? That is my profession. You have a problem, you got to diagnose the problem, then you got to look to rectify it. Do you need new parts? Do you just need to fix the part that is there? So on and so forth. So, what we have here is a plan talking about the problem. What we also have to do is have proper diagnostics of what is going on and a proper remedy. At the end of the day, we need more houses in this country. That is the bottom line. There is no way around that.

The Chamber of Commerce had their thoughts. We have our thoughts. Somewhere along the middle, it is pretty much the same thing. So, the mechanics of it, Mr. Speaker, is that the country, whichever Government, whichever leader, has to be fully committed to putting money into the hands of the Housing Authority, Housing Ministry, whatever alphabet name you come up with. They have to put money into building.

Every day, prices of supplies are going up. We no longer have aggregate in the country. We have got to import that. We now have a shortage of cement. We have a shortage of cement blocks. You name it, it all contributes to the price going up. What costs us \$100 million today, if we do not do it now, it is going to cost us \$115 million next year. So, I say all that to the people of Bermuda that, whilst at any given time someone can call Housing Corporation and hear, well, there is a waiting list, I want to assure the people of Bermuda that every Friday, there is a committee that meets, that talks about, not just talks about, but has things in place to break ground and construct new units.

This will alleviate part of the problem, but we have to look at other parts of the problem, Mr. Speaker. Mr. Speaker, your generation was the last generation who built their own homes. Your generation was the last generation who actually knew what *putting their hand into work* means. Part of the problem of homelessness, lack of affordable housing, is our own doing, Mr. Speaker. We as a people have forgot how to do things for ourselves. We now have a mind-set that the Government has to do everything, charity has

to do everything, and the numbers just say we cannot keep up.

It is frustrating, as the Chairman of the Housing Corporation, to see a list growing longer and longer and longer. But the reality is, Mr. Speaker, many landlords have chosen not to rent their places or not rent to Bermudians. Many landlords have chosen to put their places in Airbnb. Many properties are caught up in probate. All of this adds to what we see here, Mr. Speaker.

Yes, there are challenges. People have mental challenges. That is another kettle of fish, but if we are going to address homelessness, if we are going to address affordable housing, we have to be honest in our diagnosis, and we have to be honest in our remedy.

So, I applaud the Minister. I applaud Ms. Carey from HOME, and I applaud the people at BHC, BLMC, and other places that are doing what they have to do to address this situation.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution?

Minister.

Hon. Alexa Lightbourne: Good evening, Mr. Speaker.

I recognise the hour is late, but I wanted to ensure that I provided a contribution to this evening's motion relating to homelessness. I want to first celebrate and commend the Minister and her team for the efforts that they have put in to bring us to the point that we are now, where we have a plan.

We have assessed the problem in ways in which we have not historically done so, representing the responsibility that we have as Government to dig deeper and evolve the way in which we look at problems, find new ways to not only diagnose the symptoms, but also to look at the solutions. I believe that we have now before us, building on the work of those who this Honourable Chamber have spoken to this evening, the work of those previous homelessness reports, but leaving us with an action plan to not only track and measure its progress, but also be comforted that the solution has been, begun to be charted out for us.

I want to also acknowledge the various stakeholders that committed their time, their data, their research and those stories of the individuals who are experiencing homelessness, and the evolution of the symptoms from the way in which we have seen it in the past, recognising that there are new threats, just as other industries and other sectors have evolved, even the threat for homelessness has evolved. And so, the Minister capturing in the report the expanded ways and the expanded symptoms of homelessness

that should not only be identified, captured, but also a plan to be able to appropriately address them.

Mr. Speaker, we are a government that campaigned on Two Bermudas. We campaigned on the acceptance that there were those who were living in conditions that were different from others. We committed to closing that gap, and we committed to ensuring that Bermudians had a place in Bermuda. When we think about homelessness, and I think about the word, "home," it is a place of belonging, it is a place of shelter, it is a place where you can have a level of comfort, and we think about those who are Bermudian, and in Bermuda, who do not have a place of shelter, a place of comfort, a place of security. It is unjust, and so I am thankful that the Minister has—as part of not only our platform, but our commitment to evolve life, to put Bermudians first—has, with the support of stakeholders and private sector partners, used the available resources and information to evolve what we thought, and how we thought of homelessness, to chart a path about how we can address it. Because the problem that is in Bermuda is actually an all-of-Bermuda problem, much like some of the other areas, but we do have external factors.

The way in which our people are taken care of is up to us here in Bermuda. I think about the way in which I grew up on 7 Long Ridge Pass, in constituency 15, and the fact that we would always have a home in our area that was a place of refuge. Even if there were children who did not have dinner, we would often be found going to the neighbours. I think about the Andersons and the Trotts that were there that I often would go to; not that I did not have food at home, but it was a place in which it was easy for the family, as a part of the community and the village, to go and be in community with them. It was not anything to share a meal or prepare a meal, either at my home, with my family, or likewise at their home. And so, for those persons who do not have a home, do not have a place of refuge, means that we have also evolved as a community further and to a point in which is not a part of our history, because we were a community-based society.

I also invite the consideration of how we might open our doors and consider our neighbour. We talk about we are our brother's keeper, and yet we function as individuals in an individualistic society, and it compounds based on *not in my house, not in my community*, when it comes to providing refuge for those who may be in need. That is not who and what Bermuda once was. And so, the idea of homelessness and the idea that so many are now captured in our midst as homeless is a story that compels all of us, all of us not only gathered in this Chamber, but all of Bermuda to find their place in the solution as well.

The Minister in her report spoke to the 170 people who are sleeping rough up from 70 in 2021, and 130 people now living under threat of eviction up from 21 persons in 2021. And these numbers are a

large jump, and they do represent more data that is now being captured in these 13 categories. But it says that we have a problem about our people and their security as we think about the things that define a home that we must collectively work to address.

When we find, and we have found, funding for things in our budgets, equally is it important to consider the least of these and those who are sometimes suffering in silence. I heard the Honourable Member speak about her grocery delivery and the fact that she spoke to a person who she was encountering who was living out of their car. I, too, have had persons who have reached out in order to have support or have a referral to the Minister of Housing and Municipalities, which has a long—as we have heard several times in this Honourable House—a long list of persons waiting. But they were relegated to their car, having no other place for refuge. And so, in as much as affordability is a contributing part of what ends up as homelessness, in as much as the Ministry of Home Affairs is seeking to address affordability, we are looking at the systematic barriers and structural inequalities that have compounded over years and generations that make it less and less viable for us to have access to, not only the understanding about how we might address it appropriately, but also just the perpetuation of the status quo.

And so, when I think about human rights, and I think about humanity, and I think about our role as politicians to serve people, we must also consider how we can help those who do not have a home. It is a characteristic of humanitarianism. It is a characteristic of representation as we seek to represent the people in our communities and our villages.

The report identifies a few characteristics that I thought were particularly important, one of which is the trauma-informed care. We know that there are sometimes persons in our midst who have symptoms and have life experiences that make it more challenging for them to either secure housing or keep housing. And so, I think the approach to have trauma-informed intervention is a thoughtful one. It recognises that trauma is a huge contributor for many things, including homelessness, and the way in which the evidence shows that Bermuda can, through implementing this approach, address and contain those who are in our midst who have trauma as associated with their homelessness state.

The additional idea that it is more costly for a person to be in the prisons or . . . and I saw the statistic and I just wish I had it in front of me. But something to suggest that it is more costly to . . . Let me reframe: It is cheaper to have a preventative approach than to have to retroactively deal with someone once they are in prison and once they are without a home. And so, I think that the . . . I know that in the Ministry we are also seeking to do our part to address homelessness. So, cost of living as one, the reform to the Landlord and Tenant Act as another area, that together com-

plement what is a, not only a whole-of-Bermuda challenge, but it will require a whole-of-Government action.

And so, the plan as presented, which I support and do, not only publicly commit in words, but also in action to do what we can to support the Ministry and the Minister's teams, recognising that we can address this, though we have other sectors that are out of reach. We cannot control what fuel does, for example, in our midst because we are experiencing the impacts of it. Homelessness is an area that we can address through a coordinated and community and whole-of-Bermuda approach. Because Bermuda is so small, it makes managing the challenge actually that more attainable.

And so, to not belabour the points and continue to keep us in this Chamber any longer, I will just say that I do offer support.

I acknowledge the work of the Ministry and the Minister and her team and the various stakeholders and partners who have supported this report. And as Minister, I am totally in support.

Thank you, Mr. Speaker.

The Speaker: Thank you.

MP Robinson, would you like to add your contribution?

Mr. Dwayne Robinson: Yes, thank you. And I will also be brief.

I could not let the night go by without standing up and sharing my support for this plan and thanking the Minister, Tinee Furbert, her team, and of course, my superstar constituent, Denise Carey and Arthur Wightman.

[Inaudible interjections and laughter]

Mr. Dwayne Robinson: You know, I just wanted to commend the team at HOME for watching the charity grow into the formidable force it is, for attacking homelessness in our Island. And I remember hearing the pledge at first, when they said they want to eliminate homelessness, and how there was a bit of scepticism in the community at first. But watching them go from stride to stride has really shown people that that is not just aspirational but can be attained if we all get on board and do our part.

And I think that the plan that the Minister has brought forward in this motion is exactly that, everybody getting on board and doing their part. And at this point, it really comes down to just highlighting a few things. Number one, a lot of folks do not really take into account, I mean, even with Salvation Army bringing up the statistics that more people are utilising their services now that are working full-time, than ever before in their history. And it shows you that Bermudians who look at homelessness as just folks who are unhoused, it really is a large segment of Bermuda who

are living pay cheque to pay cheque; that if they were laid off today, they could find themselves in a very similar situation.

And what the team at HOME has done, is they have quantified, not just what we all imagined homelessness to really centre around but added new layers for us to consider. You know, housing insecure folks who are house hopping, you know. In other words, *I have no fixed abode. I stay with a friend this week. I stay with my auntie next week.* And it is just a lot of different situations regarding homelessness, and reasons for homelessness, that I think this plan and the work of HOME have really highlighted to the community that allows us to tackle this in a multi-pronged way. There is also the inability to escape harmful situations. I mean, we have folks who are locked in domestic abuse, who are locked in substance abuse situations because they have nowhere else to go.

And I think that, you know, this housing issue is so multifaceted and affects, and could alleviate, so many, not only systemic pressures in our community, but also, you know, social ills and all manners of other things that plague Bermuda at this time. So, I think that seeing a coordinated approach from Government supporting the charitable sector, which has had their shoulder to the wheel for many years and has stood in the gap and the breach, sometimes underfunded and overstretched for a long time. And I think that it will come as a relief for many to see that, you know, Government is doing a multi-pronged approach across multiple ministries, to stand beside our charitable sector, who has been doing a huge job of supplementing certain shortfalls in our social security net that, you know, have been ongoing and ongoing for many years.

So, I just want to be sure that when we approach homelessness, we recognise that we put a lot of emphasis, or at least we make the plan a bit shaky if Government is the main, and almost only, source of homebuilding in our Island. Because what that leads to is, if a budget changes, or a Ministerial direction changes, or a government changes or whatever, it can potentially stall that.

So, my hope is that as Government goes along with this plan, they can find a way to encourage homebuilding outside of themselves, to ensure that this plan is a bit more sustainable. Because we do not know what is coming down the pipe. And I think that the Minister is committed. I know that HOME is committed. But if you only have one major source of homebuilding, it can be a high-risk endeavour. So, I do hope that we see a bit of a structured plan on how we can encourage private sector building or other initiatives. And maybe even small charitable builds that could assist and take on some of this burden from Government, so that it is not solely on them when it comes to homebuilding.

I also want to ensure that we are putting emphasis on the part of the plan that involves providing services to people. Because it is not enough to simply just house somebody. You know, there are things like in St. George's, over on the East End, where they are looking for a grocery store for the longest while. Right? Like, it is things like that where you can provide services for people that not only helps them get back on their feet but also supports their growth and their families. They should not be stuck somewhere where they do not have all the amenities and things that they need to really build a strong neighbourhood connection. And I think it needs to be a sense of coordination when it comes to placing people in new neighbourhoods and making sure that folks interact.

I remember my time growing up in Albert Row and you could go from door to door. And if you needed a cup of sugar, somebody would give it to you. Or if my mother was working late, I could go and stay with a neighbour who was living right next door until she got home. Or I was with my grandmother. You know, those days really alleviated our cost-of-living situation. Because at the end of the day, people were more of a community. And I think with this homebuilding and tackling of homelessness, we can also attach it to rebuilding that neighbourhood connectivity and making sure that we have amenities, a playground, or things like that, where folks who are all in that neighbourhood have a reason to commune with one another, have a reason to discuss or come to terms with one another, that could potentially foster that connectivity.

So, I just wanted to add that to this discussion and to say that homelessness is something that I am glad to see that we are displaying to the Island, that it is a nonpartisan issue, and that there should be no concern from the public that both sides of this House are not fully behind seeing this plan become a success.

So, I wish both Ministers well, and also the charitable sector. And once again, I would say to HOME, you know, you have already proven that you can step up to the plate. But I think this plan is a huge undertaking and we are all supportive. And as always, I stand ready to help and assist as best I can. But to the Minister, well done for bringing this motion, and I look forward to seeing it executed.

Thank you.

The Speaker: Thank you, Member. Does any other Member wish to . . .

Opposition Leader? Or you want to let the Minister go before you? Either way.

An Hon. Member: He can go.

The Speaker: Minister he is being—

[Inaudible interjections]

The Speaker: Yes.

Hon. Jache Adams: One of us. Thank you, Mr. Speaker.

Mr. Speaker, I rise myself to contribute to this motion. And like I think all of the contributors thus far, thank the Minister for bringing this forward. I think in its simplest form, what we are discussing at its crux is that the Government has identified an issue and has put together a strategy to address this problem and certainly has made that strategy public.

As Members before me have acknowledged, Ms. Carey from the charity HOME is in the Chamber. And I recall several years ago we were discussing a possible opportunity in Pembroke West. And there we then spoke in depth about homelessness. And I promise you, as I told her then, and it is still maintained today, it was perhaps one of the most fascinating conversations I had ever had. Because there were nuances and intricacies and things about homelessness that just . . . I had no idea even existed. And to know that these things are happening here in Bermuda is really eye-opening. And so again, I commend the Minister and all stakeholder groups. Because again, we are in a space where we identified an issue, and we are determined to fix it.

When I speak of these nuances, you know, I think of an example, for individuals to imagine a mother in Bermuda who goes to work every day. Her child goes to school. They have a place to live. And from the outside, everything looks fine. Then, for one reason or another, their rent goes up, or her hours are cut short, or she was a person who was depending on those overtime hours and she no longer gets those hours. She then falls behind on her monthly payments. And for a while she manages. She budgets or she sacrifices. She then begins to get in a space where she is borrowing from friends and family just to make it until she has reached the point where she just simply cannot borrow anymore. And ultimately, she is either asked or potentially forced to leave her home. A relative then typically would take them in, but have a stipulation for only a short time. And then that short time starts to extend longer and longer.

You see, the mother then would still go to work, and the child would still then go to school. But neither knows where they will sleep next month. And it is that level of instability and uncertainty that we are trying to address. I mean, it is really scary stuff.

Mr. Speaker, I mentioned this story because, as Minister Furbert and others who have contributed thus far have spoken about, there are different classifications of homelessness. Let me be clear, when we speak about homelessness, we are not necessarily speaking of bad people. Not every person facing or at risk of facing homelessness is sleeping rough. Many of the homeless in this country are upstanding citizens who simply have fallen on hard times. I mention this story because I want the people of this country to pic-

ture and understand how easily a family can lose the safety of a home, even while trying their very best to hold it together.

So really at the crux of this plan I had one question. And it is: When could we have helped them? When should we have helped them? When will we help them? Was it when the mother first fell behind on the rent? Was it when she asked a relative for help? Is it when she was told to leave? Or do we wait until she and her child have nowhere to go? When do we step in?

It is that question that sits at the heart of the plan before us. Mr. Speaker, when we look at the data, and it has been repeated several times about the 1,300 people who are experiencing homelessness, and the 170 people who are sleeping rough, but it also includes people like the mother and child in the story I just spoke of. People whose struggles may be hidden from most of us. That is why this plan matters. It asks us to see the full picture. If we think homelessness begins only when someone is sleeping outside, we have already arrived too late. By then a person may have lost their home, their belongings, their routine, their sense of identity. A child may have spent weeks wondering where the family will go next. Think about the compounding effect that would have on that particular child.

Mr. Speaker, the long and short is that the earlier we can help these individuals, the better. The better chance that a family can keep its home or find another one before a crisis takes hold.

It then reminds me of the Government's Hardship Fund is an example that I can think of. It is one that helps with a rental deposit or other urgent costs that can make a real difference at the right time. And that fund was fully utilised in its first year. Now that tells us and shows us that there is a real genuine need, but money alone will not solve every case. The mother in my story might also need someone to help her understand her options and follow through with her. Someone leaving the hospital may need both a place to live and help with their care. A young person leaving a care home, aged out of a care home, may need support as they learn to live on their own.

This is what the plan is talking about. We are not just talking about those sleeping rough. And so, their needs, their needs are different and our response must be able to meet people where they are. Mr. Speaker, I speak of, and I believe, one of the strongest parts of this plan is its focus on making services work together. We know that good people are already working across Government, charities and the wider community. Yet a person in crisis can still be sent from one place to another, telling the same story each time. They may be given a number to call only to learn that they need a different service first. It is the whole okay-doke around Government. This plan is determined to address that and make it a more streamlined service for those particular individuals.

Imagine how exhausting it must be when you are also trying to keep your job, care for your child, or find somewhere to sleep. The plan calls for a clearer way to get help and for agencies to work more closely together. And so, in simple terms, someone should be able to ask for help without having to figure out the whole system for themselves. They should know who is helping them and what happens next. Just as importantly, we should check whether that help worked. Be prepared to reassess our approach. Determine its effectiveness.

Mr. Speaker, as Minister responsible for our National Parks, I should also add that our teams, our teams in the Ministry, are noticing more people sleeping in parks. It is a concern for those individuals and for everyone who uses those spaces. Our park staffs cannot solve a housing crisis, but they should know how to alert people who can offer help. It is one small, but practical example of why our services must work together.

Mr. Speaker, there is another reason I welcome this plan. It is because it asks us to pay attention to what happens before someone loses a home, as well as what happens afterwards. There are points in life when the risk is easier to see. A person may be about to leave prison or a hospital. A young person may be about to leave care. A family may be facing eviction. In those moments, we should be able to ask about housing early enough to actually do something useful about it.

Mr. Speaker, I thank again Minister Furbert and her team, the charity HOME and other charities within the third sector, who are contributing and looking to address this matter. Churches, and the volunteers and public servants who have worked on this issue. I thank them for all of the work that they have done within the community, as well as their contribution to this plan. I especially thank the people who shared their own experiences to help shape the plan. You see, it takes courage to tell others about a time when you had nowhere to live.

And so, Mr. Speaker, as I close, I will return to the mother and child in the story and ask us to imagine. The outcome of their story should not depend on whether the mother happens to find the right phone number, reaches the right office on the right day, or knows someone who can make a call on their behalf. It should depend on a system that sees the warning signs, offers help in time, and stays with the family until they are safe. That is the task this plan sets before us. So, I support this motion and I look forward to seeing us carry it through in the years to come.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Any other Member?

Opposition Leader.

Hon. Ben Smith: Thank you, Mr. Speaker.

Mr. Speaker, I too would like to thank the Minister for bringing this motion forward. One of the reasons that it is important is because it gives an opportunity for us to talk about something that does not get a lot of highlight. Mr. Speaker, most people (I do not want to generalise, but most people) when they think of homelessness do not think of the mother and child that the Minister was just speaking of. Mr. Speaker, most people think of the rough sleepers. And the truth is most people in an Island with the disparity of wealth that we have actually think of a select few people on Front Street. That is what homelessness is. Mr. Speaker, most of the time it is more, *What an annoyance they are. Why are they in our way? Why are they sleeping in the doorways? Why are they doing that? Why can't we just move them along?*

Mr. Speaker, we see the behaviour of those people who were the face of homelessness, but how many people ask what happened to that person? Why are they there? Because before we can solve homelessness, the first thing we have to do is see them as people, that they are part of Bermuda, members of our community. Not one type of person—brothers, sisters, aunts, uncles, children—and not one reason only for someone to become homeless. Because, Mr. Speaker, homelessness is often just a symptom of other things that have happened to that person or happening in your community. It could be mental health issues, it could be substance abuse, it could be domestic abuse, it could be sexual abuse, it could be the loss of a job, family breakdown, illness, inadequate income and just the heavy cost of housing. People do not choose to be homeless.

But Mr. Speaker, we cannot solve homelessness in isolation because all those other issues are part of what creates homelessness in a community like ours. I would like to join with the others who have given support to the members of HOME who have really brought this to the forefront. They have changed understanding, advocated, coordinated with different areas, and then brought in with the Government to make sure that everybody was collaborating in order to get to the point that we are, putting a spotlight on this national crisis. Thank you to Arthur Wightman, and to Denise Carey, and the entire HOME team and all the other charities that have been doing the work quietly throughout this time. Because as the Minister pointed out, multiple reports over multiple decades, there have been people who have highlighted this problem.

And now, because we have a better understanding and we see a much bigger number, now it has become the national crisis. But just because we have identified it and given it more clarity does not mean that that was not the number for an extended period of time. Mr. Speaker, for me, during the COVID-19 [pandemic], I had the opportunity with the then Minister of National Security, MP Caines at the time, to be able to go to CedarBridge, which at the

time was the emergency housing during COVID-19. Specifically, for a lot of the men that we would be referring to as the ones that we saw on Front Street. But Mr. Speaker, during that period, Minister Caines and I had several conversations about what had happened from that first moment that those men entered that emergency shelter, and what happened over the period of time that they received the support. Medicine, continuous shelter, continuous doctor's visits, support, and simple supplies that had been donated by multiple people.

But Mr. Speaker, when I was there, the first thing that I noticed was the room was immaculate. Every person had their bed made, and whatever belongings they had were neatly packed. The pride that they had taken, because now they actually had a space. They had a home. Mr. Speaker, there were some behaviours that obviously they had picked up by being without shelter for so long. They hoarded the supplies because they did not know when they were going to have the opportunity to have things that many of us take for granted: soap, toothbrush, toothpaste, basics. See, Mr. Speaker, we see behaviours and we think, *Well, why are they behaving that way? They need to move on.* But if they do not actually have a place to shower, they do not have a place to go to the bathroom, where do you think they are going to do it? And I am going to gather that the first time it wasn't something that they were proud to do. But this is what happens when you are in that situation.

But Mr. Speaker, I remember clearly having that conversation with the Minister, and as we knew we were getting closer to the time that that shelter would close, Minister Caines said to me, *We have to come up with a solution. We have to have a place to move them. We have to have a place to move them as soon as this is over so that we can continue what we are seeing.* Because those men that now had cleaned themselves up, they had now started to think about: *Can I get a job? Can I get an opportunity? What is it that I can do next?* But Mr. Speaker, there was no place to go. And when the shelter closed, they were returned to where they were prior to COVID-19.

In a country with the amount of wealth that we have, that we see circulating, that was the answer to that question. We did not have the ability to help them. So having this plan, most definitely a step in the right direction. But Mr. Speaker, plans, without having implementation and continuous funding . . . we support this Minister and what this Minister is trying to achieve. But the support cannot just be one step. Because, Mr. Speaker, a lot of reports die on the vine. So, Mr. Speaker, one of the questions is going to be: *What will be the cost of it?*

And everybody always thinks that it is Government's job to do the only part to this. And it is not. This is going to take the entire community. But maybe what has to happen, that initial amount of funding will spark the interest from the private sector to get in-

volved. So, whatever that number is, that target that has to start, so that we can start to see the resources come in to be able to support what needs to happen. That is the part that we have to identify.

And then we have to identify how we coordinate all the services. Because, Mr. Speaker, those services are needed already in multiple areas. We talk about it here in this House all the time. Not enough support for mental health. We need it in our schools. We need more. We need more therapists. There is always that need. And we sat here today and the Honourable Deputy Premier stated that 600 families were on that list for needing housing.

And, Mr. Speaker, we commend the level of support that is being given to build the houses, but everybody here knows there's, it's not possible to keep up. We are not, we are not . . . there's no way for us to build fast enough because we also need housing in order for us to house teachers that have to come in and the police officers that need . . . because there are multiple areas, there are multiple people that need the housing.

There are people right now that are working and making really good money, but the housing is not available to them. And, Mr. Speaker, the 1,300 number. Multiple people have said it tonight. But, Mr. Speaker, there are significant changes in the world economy. We don't know what this is going to look like over the next five years and what that impact is going to be. And this isn't to scare anybody, but you have to be prepared. The majority of the people that are on financial assistance today are seniors. It only takes for you not to be able to pay over a couple of periods before this becomes your issue.

That's the reason we have to discuss it because every day Bermudians need to look at, *Okay, so how much money have I put aside so that if this job isn't available for me, and while I'm looking for that next job, what am I supposed to be able to do?* Yes, the Government is putting in support. But if that is a large number, we have to start to educate our population that they need to be prepared and do not think that it can't be you. That's the reason we actually have to be open and honest and educate about what homelessness is—not just the rough sleepers.

Mr. Speaker, in this plan there are different levels of housing that are needed. When I talked to Denise Carey, one of the issues is when you look at what happened in the shelter at CedarBridge. That's one version of it. But if there are people that have specific services, you can't put them in the same house, which means you need multiple places to be able to actually deal with the issues that potentially are putting people in the situation that they are [in]. That group of people that need that level of support is one area of this homelessness issue. That's going to take financial support. But it's also going to take some resources of more people in those agencies to give

the services that are necessary . . . at a time that we need those services in multiple areas already.

So, Mr. Speaker, the Opposition is in support of the plan. But a plan without the mechanism to show accountability, to show whether the plan is working, which means reporting—reporting on an ongoing basis, reporting that needs to come to the House . . . Maybe, once again, I am going to bring it up. Maybe a committee from the House that continues to monitor this and make adjustments as we go along and make recommendations of things that need to change could be another way for us to make sure that this doesn't fall on the backburner when it's not the topic and have potentially a different Minister that does not have the same level of passion and drive to make this change happen. Because that's what happens. You never know.

[Inaudible interjection]

Hon. Ben Smith: So, Mr. Speaker, the reporting, the continuous financial support, it can't be a one-off financial support. And it needs to be at a level that allows the changes that need to be implemented, the services that need to happen. And when you see the change, the way that I was able to see it at CedarBridge, you understand that once you start to give that support, you have to continue to do it. You have to continue to give in order for them to flourish again. But if the support then goes away, the result is the result that we saw once that shelter closed. And that opportunity that Minister Caines saw was lost.

But here we are today with another opportunity for us to do everything we can to try to support our communities so that less people fall into this position, the people that are there are getting the support so that we can move more people to secure living. But it is going to be continuing to educate the population of what this is, how quickly you can be in the same situation. Do not look at people that are in this situation as less than. Understand that you need to take the opportunity . . . walk in their shoes. How did this person get there? And how can we help to put them on the path to have secure housing?

Mr. Speaker, that's what this plan is supposed to be about. It is the entire community getting together, all the services, supporting in order for us to get to that result. Yes, it's aspirational: completely eradicate homelessness.

I think it was mentioned that some people actually choose to not live indoors. You have to understand that as well. But, Mr. Speaker, when you drive on our roads in the middle of the night and see people swimming . . . I say swimming because on my way to practice in the morning, I actually see them in bus shelters—

[Inaudible interjections]

Hon. Ben Smith: —at five o'clock in the morning.

[Inaudible interjections]

Hon. Ben Smith: At five o'clock in the morning, you see them in bus shelters, sleeping.

[Inaudible interjection]

Hon. Ben Smith: No . . . no cover, while everybody else is in their warm bed.

We have to understand that that is where people in this country . . . we can talk about our billion-dollar tax that comes in. At the same time we have people that are living in that way. For that reason, this is an emergency. And the Opposition is in support for how we can together help to solve this.

Thank you, Mr. Speaker.

The Speaker: Thank you.
Minister Hayward.

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

I too want to echo the sentiments that congratulate the Minister for bringing this motion to the floor of the House. I want to thank her Ministry and the charities that assisted with the development and support of this strategy.

Mr. Speaker, the dialogue should start and stop with us. Never stop continuing to care. This is really what this is about. And so, in my world, when I am continually referring to us having social protections in place, it allows us to have a framework in place that doesn't mean we are always responding to a crisis. You build a framework, so you don't find yourself in a homelessness crisis, a health care crisis, whatever other crisis exists within our society. And it starts with us ensuring that human beings actually have dignity and actually can live in dignity.

Homelessness is something that has never been far from me. Growing up, I had an individual that stayed in the alley outside my house. This individual just happened to be a famous Bermudian by the name of Tommy Tucker. But he also slept outside of his own family house, and he chose to sleep in the alley. And my house was always one where if family members did not have a place to go, they could come to my house in their time of need. And it had nothing to do with them making poor life choices. Sometimes they needed a social safety net for a short period of time until they got back on their feet.

When I became an MP, in the first week after being elected a house caught on fire in my constituency. I had to provide food, clothes, and shelter to that family because there was no immediate assistance available for those individuals. When I became a Minister, I got the portfolio of Financial Assistance. Many persons would contact me when they had challenges, when they needed assistance for housing in particu-

lar. But what troubled me was when I had women in my office who would share their stories of how they have a place to stay, but they were staying with a friend and it was a very precarious situation.

And then I had a good friend of mine who was sleeping in the changing room of a community club. And he always stayed behind and cleaned up and said, *Don't worry, I'll pack up, I'll clean up*. But you never realised that that person was the last man standing because they had no intention of going anywhere else after we all left. And the reality of it is, each one of those individuals had their own circumstance as to why they found themselves in the predicament they were actually in. And it wasn't always simply a housing challenge. Some of it was social challenges.

And so, when we understand that we need a robust social system in place that ensures that there are social interventions at different stages of one's life period when they require assistance.

We live in a society where people will always need help. We are not going to eradicate the need for help. But we need to ensure that we have robust frameworks and systems in place that provide people with the necessary support they need at the right time of their need. But we also have to have strong social systems in place that prevent persons from being in the predicament where they actually need that assistance.

I commend the persons who are vested in this area because they demonstrate on an ongoing basis that they care. The people at HOME demonstrate that they care about that population. The Minister demonstrates that she cares. And as a Government we have to continue to demonstrate that we care for all the people of Bermuda. And that should always be our focus. Our focus should always be ensuring that we are not just providing assistance to people, but we are finding ways to empower those people as well. And it is important the language we use as well. And so, when we have budget debates and we see allocations of funds, sometimes you hear words used, [such] as "handouts" or "hand-ups" and they often interject in those debates and say, *Look, we're providing people with the necessary support they need. We're providing social protections, social interventions*. And it's the expectation that the Government will provide. And housing is just one of those areas.

But we need an overall plan for poverty. Affordable housing is a big part of the equation. And it's the Government's responsibility to ensure that it continues to build affordable housing for the people of Bermuda. And I commend the Minister of Housing who has a robust plan for how he is going to build additional housing. But if we can raise our hand and collectively accept, we should have never taken our foot off the development pedal. We should have always continued with the development of housing.

It should always be a priority as best as we possibly can. Because when you fail to address certain areas, then it gets to a point where we are reviewing a report where it is now categorised as a crisis. And continued development of social protections means that you put yourself in a position where you are not in a crisis situation. How do we address the injustices that are taking place within our housing market that are leading to families being displaced? What support can we provide to families for family counselling, so relationships don't break down to the extent where individuals need to be removed from their family houses with no other options?

Oftentimes females, in particular, in a relationship are asked to leave a house with their child, sometimes with nowhere to go. And so yes, a car is their only option. I say we should always have enough emergency housing so when that person is actually in need, they have somewhere to go for a temporary period of time for the mother and their child. And oftentimes it's not going to be reported because they fear that the child will then be removed from the mother.

How do we keep families together while providing this safety net and that social protection? And then how do we also ensure that that person has adequate access to the health care that they need during that period of time? And this is why our FA system is so important, and this is why I try to work to say look and tell persons you shouldn't be ashamed to go to Financial Assistance. If you need assistance, these funds are there for you. Forget the stigma surrounding FA. Yes, we have to work on the customer service side of things and ensure that it is not a negative experience when they enter that department. But that social protection is there to help individuals. And we shouldn't make it difficult for persons to access the help that they need when they need it most. And a car should never be a better option than getting the support from Financial Assistance.

But the reality is those choices are being made at the detriment of those families. And that's why we put the short-term relief benefit in place. I believe it's appropriately titled the Short-Term [Relief] Benefit. But that was to help persons if they had temporary needs so they don't have to go in the entire FA programme.

But then persons say one person is . . . some people are one pay cheque away. And what happens if that individual loses their job? And that is why since I have been in this role as the Minister of Economy and Labour, I have been pushing for unemployment insurance in Bermuda. Because it provides that buffer so that you don't lose your job one day and you have no level of social protection that you can fall back on while you are transitioning to alternative employment.

I speak with families who are on Financial Assistance, but the rental arrears cannot be paid by the government. And as a result, they remain in perpetual

debt. So, Mr. Speaker, we need to be more deliberate when we are in Parliament and in our dialogue as government officials as it pertains to how we have a robust social protection framework in place. So, now we are no longer talking about crisis. We are talking about empowerment. We are talking about helping people. We are talking about progressing lives. We are talking about advancing human beings. We are talking about making life better for people. Because if these numbers continue to increase. We will receive a report five years from now and these numbers are doubled. And [if] we have none of the social protections in place it means that we are actually failing people, the same people who then we send to the polls and ask them to vote for us.

You see, when we stand to those polls we engage in a social contract with the people of Bermuda. And there are certain expectations that come in alignment with that contract. And that is that we will support that person through their life's journey. How do we empower persons when they get into our correction system, so that they don't come out and find themselves in the same predicament that they went into our correction system in? And that is one change we tried to do with the Department of Financial Assistance, and I am glad that the Minister has continued with it. And that's put personal employment plans in place. Understanding where somebody is, determining where they need to be, and then putting an active strategy in place to close that particular gap.

And I am glad when speaking with the Director of HOME the wraparound services that the persons in their programmes need are provided as well. Because we realise stability is not just providing a roof over somebody's head. It's providing them the additional support that's needed. So that they can move from just surviving to thriving in our society and our economy. Ensuring that our young persons are on pathways where they get the proper educational outcomes will be important. When you look at our prison population. If you look at our homeless population and you look at the educational outcomes, you are going to see a correlation and a consistency. Part of that is us failing individuals.

We need to ensure that we are progressing persons to stable employment or entrepreneurship. Where they have that level of economic security. And when one has been identified to need assistance for mental health challenges, we need to destigmatise it and ensure that they get the help that is actually required.

And so, in closing, Mr. Speaker, I thank the Minister for the work that she has done. And I simply ask her and this Government to continue to care.

Thank you.

The Speaker: Thank you.

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

None other? Okay.

Hon. Tinee Furbert: Mr. Speaker—

[Crosstalk]

The Speaker: I just confirmed to make sure that . . . yes, you get to wrap up on this because this wasn't a take note one. So, would you like to do your wrap up now?

Hon. Tinee Furbert: Yes.

The Speaker: Go ahead.

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

Mr. Speaker I would like to thank the Honourable Members for the seriousness with which they have approached this debate. Through this debate, Mr. Speaker, I got a message on my cell phone from someone who said that they were listening and that they were brought to tears. Because they themselves were in a current vulnerable situation in which they could not afford to pay their rent this month.

And so, I said to them I said, *Well you're aware that we have the hardship funds. Have you reached out?*

And they said that they had. And that they should . . . they are looking forward to hearing back from someone.

And that made me proud, Mr. Speaker, because we have that opportunity for persons to reach out if they fall behind in rental arrears.

Today I also met with the Homelessness Advisory Panel. And in the Homeless Advisory Panel we meet every month and we are charged with following through with this implementation plan. And the plan does have timelines attached to it as well as KPIs attached to it as well. There are different subcommittees within the Homelessness Advisory Panel in which they have responsibilities for parts of the implementation plan. And our approach has to be strategic because we can put legislation or duty in care, but if we do not have enough housing we will fall into a problem.

And so, housing is a priority right now. All levels of housing are a priority for our country right now. And while Government has . . . will be investing funds into housing because we have . . . we have waited for the private sector to pick this up. We can no longer wait for the private sector to pick this up. We have to be intentional about providing housing, affordable housing for the people of Bermuda.

With the plan it also sets direction and guidance for our private sector to take a look at to see what our needs are. And I see examples of this already, particularly with the National Seniors Strategy, people who write to me, private persons, private . . . people in our community write to me and say: *I want*

to do this. I want to take on this initiative because it's in the National Senior Strategy.

Reports . . . I just want to answer some of the questions that were raised because reports as a standard normally go through Cabinet for approval before they are presented to the public or to the House. And so, I will make a commitment to bring reports back to the House, of course first through Cabinet and then back to the House.

We have already received funding, additional funding, to address homelessness. You would have heard in this last budget cycle the increase in funds to address the housing inventory. We also had an increase in funds to assist with the hardship fund, increasing the budget of Financial Assistance. We were able to give to Habitat for Humanity, Dignity House, Astor House and fund a data or case management system In-Form. And so, we must continue to keep our finger on the pulse.

The Homelessness Advisory Panel also will have a role in assisting with setting budgetary requirements. Again, anything that is budget will have to go through Cabinet. But as my colleague Minister Hayward had mentioned, we cannot take our finger off the pulse. We have to be very strategic and constant. Demonstrate the will, the motivation, and the commitment to put towards addressing our homelessness challenges.

Mr. Speaker, the contributions made today will help the Government as we move from planning to implementation. And as we continue to build a coordinated . . . I say that not lightly because there was a question in regard to who is accountable. Mr. Speaker, we all are accountable. Every single person in this country is accountable.

We must be compassionate as well and give people the opportunity to demonstrate change. And we must also have an accountable response to homelessness. This motion has allowed the House to place its views on record. It has reinforced the shared responsibility we carry to ensure that homelessness in Bermuda becomes rare, brief, and non-reoccurrence.

A plan is important, Mr. Speaker, but our humanity is everything.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

That brings to a close, Members, to the Motion that was put by the Minister to discuss the plan for the homelessness. We thank you for your contributions this evening as we come to a close to that.

Members, the next item on the Order Paper is one that will . . . cannot go forward. We have spoken to the Member who put it and it would be withdrawn and it . . .

[Inaudible interjections]

The Speaker: Ah, okay.

The Motion that just finished, in fact . . . when I was asked and acknowledged to the Minister to wrap up on it, it was a Motion that did seek an action. So, we should seek whether or not the Members are in favour of—

An Hon. Member: Yes.

The Speaker: —the . . . what the Motion says and, Minister, I should probably let you read . . . wrap up on . . . just repeating it when you're on your feet.

But the Motion says, "That this Honourable House consider and approve the 'Plan to End Homelessness—Ending Homelessness Together.'"

That's the . . . that's the wording of the Motion that's put. It was not a Take Note Motion which means there's a consideration of an option that has to be taken. And the option is, is the House in favour of the report, and we want to know from Members by an Aye or Nay.

Those who are in favour . . . is the House in favour of the report?

Several Hon. Members: Yes.

The Speaker: So, the report's been approved.

An Hon. Member: Yes.

The Speaker: Thank you.

[The House considered and approved the "Plan to End Homelessness—Ending Homelessness together.]

The Speaker: The next Item on the Order Paper is the matter regarding the . . . that was put by the Opposition Member, and we have already had the conversation with that Member. That matter is being pulled from off the Order Paper.

With that, there are the third readings. The Members who put the Bills today, you had two Bills, for your third readings . . .

[Inaudible interjection]

Mr. Dennis Lister III: Good evening, Mr. Speaker.

The Speaker: Good evening.

SUSPENSION OF STANDING ORDER 21

Mr. Dennis Lister III: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Insurance Amendment Act 2026 be now read the third time by his title only.

The Speaker: Any objections?

There are none.

Read on.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

INSURANCE AMENDMENT ACT 2026

Mr. Dennis Lister III: I move that the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read a third time by title only and is now passed.

[Motion carried: The Insurance Amendment Act 2026 was read a third time and passed.]

Mr. Dennis Lister III: Thank you, Mr. Speaker.

The Speaker: Minister.

SUSPENSION OF STANDING ORDER 21

Hon. Jason Hayward: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Employment Amendment (No. 2) Act 2026 be now read the third time by its title only.

The Speaker: Any objections?

There are none.

Continue, Minister.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

EMPLOYMENT AMENDMENT (NO. 2) ACT 2026

Hon. Jason Hayward: I move that the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read a third time by title only and is now passed.

[Motion carried: The Employment Amendment (No. 2) Act 2026 was read a third time and passed.]

The Speaker: Thank you.

Premier.

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

Mr. Speaker, I move—

[Inaudible interjection]

Hon. E. David Burt: Oh, someone wants to speak? My bad.

The Speaker: No, no, no, no, no—he just wants you to close.

Hon. E. David Burt: Oh, thank you.

ADJOURNMENT

Hon. E. David Burt: Mr. Speaker, I move that the Honourable House do now adjourn until Friday, October 2.

The Speaker: Thank you.

And does any . . . Mr. Swan you ain't serious are you? Are you serious Mr. Swan?

[Crosstalk]

Mr. Hubert (Kim) E. Swan: I am serious.

[Inaudible interjections]

The Speaker: Mr. Swan.

BERMUDA INDUSTRIAL UNION'S KEYNOTE SPEAKER, THE HONOURABLE SHYNE BARROW

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

Mr. Speaker, earlier I thought about doing this on Congrats but I think it's a little bit more substantive, so I will offer my congratulations to the Bermuda Industrial Union on the choice of a Keynote Speaker, the Honourable Shyne Barrow, the former Opposition Leader of Belize to be the Keynote Speaker.

Mr. Speaker, I will share that in doing so it certainly brought warmth to the heart of my dear wife who is a family member. They share family connections very close in Belize. Her grandmother and his great grandfather were siblings from Honduras originally.

Mr. Speaker, the Keynote Speaker, Mr. Barrow, to my estimation turned out to be very timely for Bermuda given his life's journey. And whilst his life journey, in addition to being a Grammy award-winning musician, he has had a past that he's rising above to become now a leader within his country and his community but also one who spreads the gospel of reformation.

Having spent nine years in Rikers prison and being a Grammy award-winning gangster rap artist he, as I learned when I attended the after party of the banquet, realised that a large percentage of Bermuda's community resonates with his music and the message and the vibe that it presents.

I was also very pleased when I saw a social media post by a Member for Warwick, MP [Paul] Wilmot, who is . . . very much does a lot of good work in

the prisons, is connected with (I believe) the treatment of offenders. Junior Minister Lister, who represents Justice in this House, and the Minister of Home Affairs, the Honourable Alexa Lightbourne, with the blessing of the Attorney General took the opportunity to present the Honourable Shyne Barrow to the Bermuda prison.

Now having . . . and ironically, I had put a post on social media. Being a family member, I know some of the dynamics of this particular family. I have a very outspoken wife who comes from a very political family from Belize, and I know the dynamics of . . . it's not difficult to turn one's life around. And sometimes those closest to you don't get it.

But I have seen in the context of our country, and we have had discussions today around social issues and around the social contract needed, but when you have a country that has 10 murders within 10 years, that's an awful lot for a small country like Bermuda. When you have a country that has 20 murders within a . . . within 10 years, that's a lot of murders for a small country like Bermuda. When you have a country that has 30 murders in 10 years, that's a lot of murders for a small country like Bermuda. When you have a country that has over 70 murders in 20 years, that speaks very loudly for an epidemic . . . a social epidemic that needs remediation. The culture that allows that . . . that allows that to happen is one very serious, very serious indeed.

I recall . . . and I have been in the Legislature for the majority of time since 1998, barring a brief hiatus, to remember when a former Premier of this country in the early stages of gang . . . being realised that gangs exist, Dr. the Honourable Ewart Brown calling for Bermuda . . . to needing permission from Britain to have US Marshals and their mind-set come and address the problem.

Dr. Brown as we know spent a lot of time in the United States prior to coming home in the early 1990s and felt very seriously and very passionately about nipping this in the bud at the early stages. That was rejected.

Oddly enough, a few years down the road we debated (and I don't want to reflect on a debate) a Bill passed by a former Member of Parliament. The Honourable late Walton Brown was also rejected by the same Government House, whether or not it was the same Governor . . . no it wasn't the same Governor. It was a different Governor, but representing the same Government from the United Kingdom, rejected what the Government wanted to advance.

Mr. Speaker, 70 murders later . . . 70-plus murders later in this country we certainly would have benefited had the wisdom of the Government been heeded by Britain, who ultimately holds responsibility for external affairs and policing and the like. The ultimate responsibility, notwithstanding the Government provides the budget.

I know through social media and some of the comments that not everybody was pleased that the Honourable Shyne Barrow was at Westgate [Correctional Facility]. I certainly am pleased that persons in Bermuda in authority felt it necessary to recognise. And I called up the president of the Bermuda Industrial Union immediately, even before I saw the social media post by the Honourable . . . by the Honourable Member Mr. Wilmot. I had called up the president of the Bermuda Industrial Union and thanked him because I remember when persons thought it not robbery to have Honourable Louis Farrakhan in Bermuda for a similar reason, to be able to relate to persons on . . . we know that the nation has certainly helped in many inner cities to turn things around.

But I certainly believe having seen how our culture is very similar to North America that there was a synergy between the message that the Honourable cousin Shyne Barrow presented. Notwithstanding that life . . . when you are in restoration and reformation is always a work in progress. And so, I know that is not an absolute, but I believe and I feel strongly that I had to lend my voice to the fact that I believe that a good initiative was instigated through the good work of the Bermuda Industrial Union, celebrating 80 years . . . celebrating the 41st banquet being held at the Hamilton Princess to a crowd. And I haven't seen this happen in a long time because usually I am rounding up, trying to round up a table or two for the banquet. Even going back to the days when the late Sister Laverne was running.

It sold out before I even heard about this speaker coming! That's the impact of . . . and sometimes you have to attract people who can resonate with the younger generation. And in this case, I have lived long enough to say that the 45- and 50-year-olds are a younger generation.

But we also have to recognise this, as I wrap up, Mr. Speaker, that when Dr. Brown was recommending those measures using US authorities, that was around the same time that Brother Shyne would have found himself in prison, in his early stages, when Dr. Brown was recommending those measures that could have been addressed to stem that problem at the outset, Mr. Speaker.

I saw an interview by the Honourable Shyne's mother, Ms. Myvette, and she said that prison saved her son. I am paraphrasing—that it gave him a chance to re-evaluate where he was because had he been acquitted and, in his words, of his wrongful accusation throughout that . . . throughout that very high profile, coming up against some very prominent financially strapped colleagues, he might have found himself entrapped in that very same community that contributed to the problems that got him there in the first place.

And I believe, Mr. Speaker, that we are talking about persons who understand the problem because *he who knows it, feels it*.

An Hon. Member: Yes.

Mr. Hubert (Kim) E. Swan: He who feels it, knows it—

An Hon. Member: Come on now.

Mr. Hubert (Kim) E. Swan: —and he has felt it. He wants to live a reformed life.

He has been elected. He's no longer elected but seeks to regain elected office. He understands a little bit about the goings on in dysfunctional politics. And that's a story for . . . maybe a speech for another day. But he's lived through that, too. But he still wants to serve his country. And he loves his Belize, so much so that as of now he's being celebrated and he was celebrated in Trinidad the week after he was in Bermuda. Every time he talks, he talks Belize.

Reminds me of the late Mayor Norman Roberts who gave me some advice when I first was appointed to the Senate. He said, *When I was an Independent Senator from St. George's, up in town I never missed an opportunity to talk about St. George's*.

And so, I am going to take this opportunity as I close to say that we are very blessed in St. George's and we are very blessed to have three hotel properties as well in our township. And in the East End we are leading the way when it comes to some very productive tourism initiatives. And I will talk about that at another time.

I am pleased that Brother Shyne when he was in Bermuda got a chance to have a Sunday dinner, because when he met my wife and realised that they were blood relatives, he says well he invited himself to Sunday dinner which meant that I got a nice Belizean Sunday dinner and many of our friends who know my wife can cook very well, both South, Central American, Caribbean and also Chinese dishes as well as anybody. And so, we had a chance to get to know a little bit more in depth about that journey of his and the journey that he plans to take going forward.

But I felt it my responsibility to share that I was very grateful to the Bermuda Industrial Union for what they provided and thank you, Brother Chris, and your team.

Thank you, Mr. Speaker.

The Speaker: Thank you.

MP Richardson . . . MP Famous, could you take the Chair for me please? Thank you. I have to step out for a minute.

MP Richardson, you have your 20 minutes.

[Inaudible interjection]

[Mr. Christopher Famous, Acting Speaker, in the Chair]

The Acting Speaker: MP Richardson, you have the floor.

ROAD SAFETY AND THE ONGOING CRISIS ON OUR ROADS

Mr. Jarion Richardson: Thank you, Mr. Acting Speaker.

Mr. Acting Speaker, I rise this evening to speak to a topic which is near and dear to my heart, which I have raised a number of times in this Honourable House, which relates to road safety and the ongoing crisis on our roads.

Mr. Acting Speaker, I rise because although the Bill that was brought has been disposed of, and I do not intend to litigate the Honourable Speaker's ruling, nonetheless the road safety problem itself has not been disposed of. Hence, I will not relinquish in this particular effort to ensure that our normal drivers and riders are safe out there, given the conditions of our road.

Mr. Acting Speaker, the route moving forward is about what comes next, because this requires the Government now to take a legislative step, one which we have not heard is forthcoming at this point.

This contribution, Mr. Acting Speaker, is not disguising a second reading as a debate. It is a question of accountability. You see, since we first started this conversation in this Honourable House on 15 May [2026], we have had ongoing issues, Mr. Acting Speaker. And the question is, again, what's next? Because the country still has the exact same problems that we started talking about on 15 May [2026].

Problem one, Mr. Acting Speaker. This issue has already been before the House. As I said on 15 May [2026], I raised the road traffic behaviour and deaths in this Honourable House because it was obvious that the roads are out of control. And on 29 May [2026], I returned to the Honourable House with practical interventions. What I raised were a number of problems and solutions that this Honourable House can take.

Mr. Acting Speaker, I believe that this Honourable House is uniquely suited to address the issues that are facing the road users in Bermuda, especially the safety of our road users, because this Honourable House is composed of road users. And it's our objective to all get home safe tonight. And yet, we are in a position that we are as at risk as before. And so, my point is, what are we going to do about it?

So, although today one parliamentary route may have closed, the question is, how do we make the roads safer still?

Problem two. People are dying and being seriously injured, Mr. Acting Speaker. The Bermuda Government's [Digest of Statistics 2025](#) still records reported road traffic accidents increasing by 32 per cent in 2024. That may be a bit dated, Mr. Acting Speaker, but the fact is that the Digest of Statistics

addresses the year before, and we don't have the 2026 Digest of Statistics, so we only have the data that we have in the [2025].

That same Digest reports that [there were] 1,459 reported accidents and 788 road casualties in 2024, including 127 serious casualties. And the police and media are reporting every other day now, there's a news story about another accident, another issue, another injury, heaven forbid, another fatality.

Mr. Acting Speaker, this is not a normal level of risk for such a small community to face.

Problem three, Mr. Acting Speaker. The public health and family cost of our current crisis on the roads. The Government's statement, the Public Health Impact of Road Traffic Collisions says that KEMH (that is the hospital) reported 3,760 emergency department visits from road collisions between January 2023 and December 2025. That same statement says that's more than 100 people going to the hospital a month. And it says that nearly 10 per cent of collision-related patients were admitted with an average stay of seven days. It also says that 44 per cent required ambulance transport.

Mr. Acting Speaker, what that means is that we are driving up the cost of health, we are reducing the capacity to take care of non-preventable injuries within our community. And it means that these families, by the way, are still being impacted, even if they survive. You see, Mr. Acting Speaker, a road will reopen long before a life will return to normal.

Problem number four, Mr. Acting Speaker. The behaviour and enforcement pressure needs to remain visible. Now, Mr. Acting Speaker, the Government's Road Safety Week 2026 statement recorded 1,439 speeding tickets for speeds over 54 kilometres per hour from January 2025 to the date of that statement. And that same statement records 33 impaired (care and control) and 204 driving whilst impaired arrests.

And the public, every day, we all see it. We see speeding, third laning, dangerous overtaking, ignoring signs, impaired driving. This is a lack of control, Mr. Acting Speaker. Our law enforcement must be visible, lawful, and sustainable.

Problem number five, Mr. Acting Speaker. Police and courts still need modern systems. In Hansard, on 15 May [2026], I raised the paper-based ticketing problem. Officers have to write lengthy tickets, et cetera. In fact, I was on my way back to the House for this portion of the evening, and a police officer had pulled someone over outside of the Government Administration Building. And I saw the police officer filling in the same ticketing system that I used when I was training in 2002. So, it's clear that we are just not getting any more advanced in actually fixing the issues that are jamming up our system.

The Judiciary Annual Report of 2025 says traffic matters filed in the Magistrates' Court fell by . . . fell from 4,507 in 2024 to 3,406 in 2025. Now that's a

24 per cent decline. And that same Annual Report says the decline was attributable to a drastic reduction in traffic tickets issued by the Bermuda Police Service. But absolutely no one believes that dangerous driving fell by 24 per cent. In fact, look at what is being found in the new police surge, what is being reported in the media every other day.

Problem number six, Mr. Acting Speaker. Deaths are not teaching us enough. The Judiciary Annual Report says the coroner's office reviewed 137 deaths in 2025, a 43 per cent increase from 2024. That same report says that road fatalities and coroner cases rose from four in 2024 to ten in 2025. The public record has raised concerns about how rarely public inquests have occurred in recent years as well.

MP Scott Pearman's position is very balanced. Not every sudden death needs an inquest, but families deserve a route to when there is an unresolved issue or public safety lesson.

Mr. Scott Pearman: Correct.

Mr. Jarion Richardson: Mr. Acting Speaker, after every death, we need to ask, what can Bermuda learn to prevent the next death?

Problem number seven, Mr. Acting Speaker. Nobody currently owns the whole outcome. The Judiciary Annual Report 2025 says unsafe roads are not only a public safety concern, but also a broader economic and public health issue. The same Annual Report recommends a formal road traffic strategy aligning legislation, enforcement, infrastructure, education, data analysis, and measurable safety targets.

Transport owns a piece; police own a piece; health owns a piece; public works owns a piece; courts and the coroner own a piece. But if everyone owns a piece, then no one owns the outcome, Mr. Acting Speaker. And the outcome, therefore, will not change. The road safety system needs a visible, viable ownership.

Mr. Acting Speaker, the Bill is gone, but the problem remains.

Now, the question is . . . or rather the question that this House should entertain next, as brought by the Government, should answer: What are we going to do about the deaths, the injuries, hospital pressure, police burden, court pressure, family costs? The question is not who won today, the question is whether the roads got any safer.

Action one, Mr. Acting Speaker. My first recommended action is to publish the Road Safety Plan. The Government should publish it. The Plan should start with a baseline for any 2023 target . . . or sorry, 2030 target, and the milestones before 2030. It should name the Ministry and agency responsible, and it should include dates, costs, performance measures, and reporting intervals. A target tells the Government where to go; a plan tells us how we get there.

Action two. We should set a 90-day and year-end milestone. The Government should publish a 90-day Road Safety Action Plan. Within 90 days, the public should know the enforcement level, camera schedule, hot spot list, e-ticketing plan, and fatal collision review process. By year end, the public should know whether collisions, serious injuries, et cetera, high risk behaviours are moving in the right direction.

Mr. Acting Speaker, 2030 cannot be our first accountability date. Transparent accountability is the only thing that will actually address our problems.

Action number three. Sustain enforcement, not a surge. Mr. Acting Speaker, I welcome the police's increased police enforcement and overtime operations. But the question that is now looming over us is what happens when the surge ends?

You see cameras cannot smell alcohol, cameras cannot detect impairment, and cameras cannot stop an uninsured driver or unlicensed driver. We need visible, targeted, and lawful roads policing at high-risk times: late nights, weekends, holidays, right now. Right now, as we head home, there should be an increased police presence out there. Police presence is prevention.

Action four. Modern electronic ticketing and court processing. Police should be able to issue a traffic ticket electronically at the roadside, and that ticket should be able to enter the system immediately, connect to TCD, update demerit points, and be visible, especially for repeat offenders. The public should be able to pay online and challenge the ticket through a clear process. Routine matters should move efficiently. Serious, contested, and repeat offender matters should receive court time.

Mr. Acting Speaker, this actually protects the courts by making sure that we reserve their time for only the cases that seriously need it.

Action five, Mr. Acting Speaker. Government must now state its legislative route. Legal questions remain about detection, deterrence, repeat offending, safeguards, and consequences. The public should know what legislative changes the Government supports or opposes or intends to bring. This should not wait for every other part of the system to be perfected. If the Government submits that expenditure is required, Government should identify the expenditure and the timetable of its own measures.

Action six, Mr. Acting Speaker. Fatal collision reviews and coroner reform. Every road death should trigger a joint fatal collision review, which involves the police, TCD, Public Works, Health, EMS, and the coroner where appropriate. The purpose is not to blame after the fact, but to learn before the next tragedy. And I support the bipartisan work on inquest and coroner reform, which my honourable colleague, MP Pearman, has already put forth. Families should have a route forward where there is unresolved issue or public safety lesson. Mr. Acting Speaker, a death should teach the system something.

Action seven, Mr. Acting Speaker, monthly dashboard and hotspot list. The Government should publish a monthly road safety dashboard, including deaths, serious injuries, minor injuries, collisions, locations, causes, undetermined causes, speeding tickets, DUI arrests, tickets paid, and tickets outstanding. The Government should publish a hotspot repair list: bad road surfaces, lighting, signage, lane markings, dangerous bends, junction, and pedestrian risks.

Mr. Acting Speaker, people need this information, most especially schools, workplaces, clubs, insurers, and families, but most especially parents. Safe rides home must be treated as a road safety issue. It is time to listen to all the stakeholders, such as the Chamber of Commerce Restaurant Division, who has a lot to say about the state of traffic on Front Street.

Mr. Acting Speaker, the public cannot measure progress if the public cannot see the measures.

Mr. Acting Speaker, in closing, I think that . . . and I acknowledge that a Member of Government is asking me to please do close. And the reason I am bringing that up, Mr. Speaker, is because, again, what's happening is entirely preventable. And I think that the obligation resides or did reside in this House with the previous Bill, and it now resides exclusively with the Government.

Mr. Acting Speaker, I raised this matter in May . . . or when I raised this matter in May, I did not believe that Bermuda should learn to live with this level of road danger. I still do not believe in it now. The measure of success in this area is not another statement, another awareness week, or another press release. The measure of success is fewer crashes, fewer serious injuries, fewer ambulances, fewer funerals, and fewer families getting that call that changes their whole lives.

Bermuda must stop treating road deaths as normal. This is not about blame. It is about the courage to lead, to make hard decisions, and to protect the drivers of Bermuda.

Thank you, Mr. Acting Speaker.

[Desk thumping]

The Acting Speaker: Thank you, Honourable Member.

Mr. Premier.

ROAD SAFETY AND THE ONGOING CRISIS ON OUR ROADS

Hon. E. David Burt: Thank you very much, Mr. Acting Speaker. Mr. Acting Speaker, I will not be long.

I will say I was remiss that I did not get to speak to the Honourable Member, but I am going to have an opportunity to speak with him. Because I will certainly think that this is an issue, clearly, of which he has passion on. And I will find a way that we can

make a legislative route so that we can all work together. Because I think that all of us agree on both sides of the House, that road traffic is . . . that the situation on the roads and the traffic situation is a challenge.

The Government is taking action. But I will agree with him that from a legislative side, I think this is a space we can work together and engage the talents of the House. So, I am grateful for his continued passion on this matter. I do apologise because I did reach out to the Honourable Member. I did not get to speak to him, but I did want to put that on record.

Thank you, Mr. Acting Speaker, and I will see everyone next Friday.

The Acting Speaker: The House stands adjourned until Friday, October . . .

[Inaudible interjection]

The Acting Speaker: Friday, the 2nd of October.

[Gavel]

[At 12:38 am (Saturday, 26 September 2026), the House stood adjourned until 10:00 am, Friday, 2 October 2026.]

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