



**2020/2021 SESSION  
of the  
BERMUDA SENATE**

**OFFICIAL HANSARD REPORT**

**NOVEMBER 2020 - JANUARY 2021**

**Virtual Sittings**  
*Sittings 2 through 7 of the 2020/2021 Session*  
*(pages 1–156 and INDEX)*

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

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**BERMUDA SENATE**  
**OFFICIAL HANSARD REPORT**  
**25 NOVEMBER 2020**  
**10:01 AM**

*\*Sitting Number 2 of the 2020/2021 Session*

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

**The President:** Good morning, Senators.  
The Senate is now in session; shall we pray?

**PRAYERS**

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

**CONFIRMATION OF MINUTES**

*[Minutes of 6 November 2020]*

**The President:** The second item is the Minutes of the 6<sup>th</sup> of November 2020.

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Good morning, Madam President.

**The President:** Good morning.

**Sen. Michelle Simmons:** I move that the Minutes of the meeting of Friday, the 8<sup>th</sup> *[sic]* of November 2020, be taken as read.

**The President:** Is there any objection to that motion?

**Sen. Michelle Simmons:** Oh, sorry, Friday, the 6<sup>th</sup> of November. My apologies.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Michelle Simmons:** Madam President, I move that the Minutes of Friday, the 6<sup>th</sup> of November 2020 be confirmed.

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

*[Minutes of 6 November 2020 confirmed]*

**The President:** Thank you, Senator Michelle Simmons.

**MESSAGES**

**The Clerk:** No messages, Madam President.

**The President:** Thank you, Clerk.

**REPORTS OF COMMITTEES**

**The President:** There are none.

**ANNOUNCEMENTS**

**The President:** I think we do have an announcement from Senator L. K. Simmons.

You have the floor.

**ANNUAL REPORT OF THE REGISTRY GENERAL  
FOR THE YEAR ENDED 31 DECEMBER 2019**

**Sen. Lindsay Simmons:** Madam President, I hereby present for the information of the Senate the Annual Report of the Registry General for the year ended 31 December 2019. E-copies of the report may be accessible on Senate tablets and/or the parliamentary website.

**The President:** Thank you, Senator Lindsay Simmons.

We have the second one, from Senator C. P. Richardson.

You have the floor.

**MENTAL HEALTH  
(TRANSITIONAL) REGULATIONS 2020**

**OCCUPATIONAL SAFETY AND HEALTH  
(COVID-19) REVOCATION REGULATIONS 2020**

**PUBLIC HEALTH (COVID-19)  
EMERGENCY (NO. 2) ORDER 2020**

**PUBLIC HEALTH (COVID-19)  
EMERGENCY (NO. 3) ORDER 2020**

*\* There is no Official Hansard Report for the first sitting.*

**PUBLIC HEALTH (CLINICAL LABORATORIES)  
AMENDMENT REGULATIONS 2020**

**Sen. Curtis Richardson:** Madam President, I hereby present for the information of Senate the following subsidiary legislative items:

- the Mental Health (Transitional) Regulations 2020, as made by the Minister responsible for Health under the provisions of section 25(1) of the Mental Health Amendment Act 2019;
- the Occupational Safety and Health (COVID-19) Revocation Regulations 2020, as made by the Minister of Health under the provisions of section 9 of the Occupational Safety and Health Act 1982;
- the Public Health (COVID-19) Emergency (No. 2) Order 2020, as made by the Minister responsible for Health after consultation with the Chief Medical Officer and in exercise of the power conferred by section 107A of the Public Health Act 1949;
- the Public Health (COVID-19) Emergency (No. 3) Order 2020, as made by the Minister responsible for Health after consultation with the Chief Medical Officer and in exercise of the power conferred by section 107A of the Public Health Act 1949; and
- the Public Health (Clinical Laboratories) Amendment Regulations 2020, as made by the Minister responsible for Health in exercise of powers conferred by sections 107, 163 and 170 of the Public Health Act 1949.

**PUBLIC HEALTH (COVID-19 EMERGENCY  
POWERS) (NO. 2) REGULATIONS 2020**

**PUBLIC HEALTH (COVID-19 EMERGENCY  
POWERS) (NO. 3) REGULATIONS 2020**

**PUBLIC HEALTH (COVID-19 EMERGENCY  
POWERS) AMENDMENT REGULATIONS 2020**

**PUBLIC HEALTH (COVID-19 EMERGENCY  
POWERS) AMENDMENT (NO. 2)  
REGULATIONS 2020**

**PUBLIC HEALTH (COVID-19 EMERGENCY  
POWERS) AMENDMENT (NO. 3)  
REGULATIONS 2020**

**PUBLIC HEALTH (COVID-19 EMERGENCY  
POWERS) AMENDMENT (NO. 4)  
REGULATIONS 2020**

**PUBLIC HEALTH (COVID-19 EMERGENCY  
POWERS) AMENDMENT (NO. 5)  
REGULATIONS 2020**

**Sen. Curtis Richardson:** Madam President, I hereby present for the information of Senate the following subsidiary legislative items, each as made by His Excellency the Governor on the advice of the Minister of

Health and in exercise of the power conferred by section 107B of the Public Health Act 1949:

- the Public Health (COVID-19 Emergency Powers) (No. 2) Regulations 2020;
- the Public Health (COVID-19 Emergency Powers) (No. 3) Regulations 2020;
- the Public Health (COVID-19 Emergency Powers) Amendment Regulations 2020;
- the Public Health (COVID-19 Emergency Powers) Amendment (No. 2) Regulations 2020;
- the Public Health (COVID-19 Emergency Powers) Amendment (No. 3) Regulations 2020;
- the Public Health (COVID-19 Emergency Powers) Amendment (No. 4) Regulations 2020; and
- the Public Health (COVID-19 Emergency Powers) Amendment (No. 5) Regulations 2020.

Madam President, e-copies of these items are accessible.

**QUARANTINE (TRAVEL BAN)  
REVOCATION ORDER 2020**

**QUARANTINE (COVID-19) (NO. 3) ORDER 2020**

**QUARANTINE (COVID-19) (NO. 3)  
AMENDMENT ORDER 2020**

**QUARANTINE (COVID-19) (NO. 3)  
AMENDMENT (NO. 2) ORDER 2020**

**QUARANTINE (COVID-19) (NO. 3)  
AMENDMENT (NO. 3) ORDER 2020**

**QUARANTINE (COVID-19) (NO. 3)  
AMENDMENT (NO. 4) ORDER 2020**

**Sen. Curtis Richardson:** Madam President, I hereby present for the information of Senate the following subsidiary legislative items, as made by the Minister responsible for Health in exercise of the power conferred by section 9 of the Quarantine Act 2017:

- the Quarantine (Travel Ban) Revocation Order 2020;
- the Quarantine (COVID-19) (No. 3) Order 2020;
- the Quarantine (COVID-19) (No. 3) Amendment Order 2020;
- the Quarantine (COVID-19) (No. 3) Amendment (No. 2) Order 2020;
- the Quarantine (COVID-19) (No. 3) Amendment (No. 3) Order 2020; and
- the Quarantine (COVID-19) (No. 3) Amendment (No. 4) Order 2020;

**The President:** Thank you, Senator Richardson. You had quite a few to read.

We have another one, from Senator Darrell. Junior Minister of Education, you have the floor.

### **BERMUDA EDUCATORS COUNCIL (EXEMPTIONS) (2020 TO 2021 SCHOOL YEAR) ORDER 2020**

**Sen. Owen Darrell:** Thank you, Madam President.

I hereby present for the information of the Senate an Order entitled the Bermuda Educators Council (Exemptions) (2020 to 2021 School Year) Order 2020, as made by the Minister responsible for Education in exercise of the power conferred by section 5 of the Bermuda Educators Council Act 2002.

**The President:** Thank you.

And I believe you have a second [announcement].

### **BERMUDA COLLEGE ANNUAL REPORT 1 APRIL 2019 TO 31 MARCH 2020**

**Sen. Owen Darrell:** Madam President, I hereby present for the information of the Senate the Annual Report of the Bermuda College for the year 1 April 2019 to 31 March 2020.

**The President:** Thank you, Senator Darrell.

### **NOTICES OF MOTION**

**The President:** I believe, Senator Richardson, you have a motion to present. You have the floor.

### **PUBLIC HEALTH (COVID-19) EMERGENCY (NO. 3) EXTENSION ORDER 2020**

**Sen. Curtis Richardson:** Madam President, I hereby present for the consideration of Senate the draft Order entitled the Public Health (COVID-19) Emergency (No. 3) Extension Order 2020, proposed to be made by the Minister responsible for Health under the provisions of section 107A of the Public Health Act 1949. I give notice that at a later point in the meeting I will move that the said draft Order be approved.

**The President:** Thank you, Senator Richardson.

### **PETITIONS**

**The President:** There are none.

### **STATEMENTS**

**The President:** I believe we have one Statement.

Senator Darrell, Junior Minister of Education, you have the floor.

### **BERMUDA COLLEGE 2019/20 ANNUAL REPORT**

**Sen. Owen Darrell:** Thank you, Madam President.

This morning I rise before this Honourable Senate to table the [Annual Report of the Bermuda College for the year 2019/20](#), as required under section 8 (2) of the Bermuda College Act 1974.

Madam President, one of the main functions of the Bermuda College Board of Governors is to produce the annual report and audited financial statements of the college. During the academic year 2019/20, the annual report details several activities, goals and objectives which were achieved by the Bermuda College. The report highlights encouraging progress the college made against the backdrop of each of the six strategies that steer its five-year Strategic Plan, *Vision 2023: Delivering Success*.

Madam President, let me remind my honourable colleagues of the six strategies, or areas of focus, outlined in the strategic plan. These are (1) Student Success; (2) Campus Culture; (3) Human Capital; (4) Diversification of Revenue & Partnerships; (5) Infrastructure; and (6) Branding and Marketing.

Madam President, the past year was the first full year of implementing the Bermuda College Strategic Plan. It was a year of new direction, new initiatives and noteworthy achievements, not least of which was the official launch of the Bermuda College Foundation. Although Government is pleased to provide close to 80 per cent of the funding needed to operate the college via an annual grant, it was evident as the Bermuda College Board of Governors continued to look future forward that a significant infusion of funds was needed to modernise and upgrade its ageing facilities, develop new programmes, recruit faculty and increase student financial aid.

The mission of the Bermuda College Foundation is to cultivate and secure philanthropic partnerships to assist in the development of Bermuda College. Although outside of this 2019/20 report period, I would like to mention that the work of the Bermuda College Foundation was clearly evident in the recently announced \$3.5 million donation secured by the foundation from a group of private sector companies to build a Career Development Centre on the college campus.

The Foundation's vision is a fully funded state-of-the-art college. As Bermuda College continues to operationalise its strategic plan, the launch of the Bermuda College Foundation could not have been more timely. Bermuda College is a national treasure, a vital resource to the Bermuda community, and supporting the Bermuda College Foundation fundraising is significant.

Madam President, I will highlight some of the activities undertaken by the college during the past academic year, 2019/20. The Bermuda College continues to maintain high academic standards and rigour so that the qualifications of its graduates will be recognised locally and in the four major jurisdictions overseas: Canada, the United Kingdom, the United

States and the West Indies. In March 2020, notwithstanding the global upheaval that occurred with the arrival of the coronavirus, the Bermuda College was able to submit its five-year interim report to the New England Commission of Higher Education (NECHE), outlining the progress made since the last re-accreditation in 2015 and outlining the areas of focus leading up to its 2025 comprehensive review. We anticipate continued approval of accreditation for the Bermuda College.

Madam President, last year several new articulation agreements and external partnerships were developed, providing broader areas of study and a wide range of academic disciplines to the Bermuda College graduates. The Associate of Science in Marine Science is the newest programme at the Bermuda College. Offered through the Division of Arts & Science, it affords Bermuda College graduates a seamless transition to earn a Bachelor's Degree of Marine Science and related disciplines at the University of Rhode Island, East Carolina University and Flagler College in Florida.

Similarly, agreements with the New England Institute of Technology (NEIT) provide a natural progression from the Associate's Degree in Motor Vehicle Technology to the Bachelor of Science Degree in Business Management, and from the Associate of Science Degree in Information Technology to the Bachelor of Science Degree in Software Engineering or the Bachelor of Science Degree in Cybersecurity.

Madam President, both pathways feature joint admission agreements so that a student enrolling at the Bermuda College to begin the associate's degree will be jointly enrolled as a freshman at NEIT. When the student graduates from Bermuda College he or she moves seamlessly into the junior, or third, year at NEIT, provided qualifying conditions and grade point averages are met. Other such partnerships and agreements include Millersville University in Pennsylvania, allowing for student and faculty exchanges; St. Francis Xavier University in Nova Scotia; Dalhousie University in Halifax for the study of mathematics with a concentration in actuarial science; and Ontario Tech in Toronto for an allied health pathway for Bermuda College graduates.

Madam President, the Division of Nursing & Allied Health added another top-quality clinical partner in the form of Lahey Hospital and Medical Center, affording its nursing students another option for clinical experience during their last semester. Also, the Division of Professional and Career Education (also known as PACE) was pleased with its enrolment figures during the first year, offering compliance courses to the Island, with over 500 course or module registrations in the International Compliance Association (ICA) the Association of Certified Anti-Money Laundering Specialists (ACAMS) and KIXKO programmes. KIXKO is the leading Caribbean Anti-Money Laundering online educator.

Over one-half of the students were recipients of the Government tuition grant. PACE also entered into a partnership with Global Knowledge (GK), the world's leading provider of IT skills training, affording local students to receive industry-accredited training via GK's state-of-the-art virtual classroom technology.

Madam President, at the Bermuda College student success undergirds all pedagogical strategies and initiatives. The following showcase of students [provides] a few examples of the success stories the college is committed to producing. Two students from the Environmental Geography course, Dominique Williams and Daiquin Arorash-Jennings, attended the Oceans Plastic Leadership Summit on the cruise ship *RCGS Resolute* (Royal Canadian Geographical Society). They participated in lab work, processing samples from daily trawls and dissecting fish to assess plastic particle consumption. The initiative educates CEOs and executives of large companies which produce plastics to be more environmentally conscious. Both students presented the study's findings to local key stakeholders on the importance of protecting and preserving Sargassum seaweed for Bermuda.

Madam President, Computer Information Systems (CIS) student Tyler Trott worked with Dr. Carika Weldon in the relatively new science of bioinformatics (the science of collecting and analysing complex biological data such as genetic codes), garnering a summer placement at the University of Oxford for further studies and research. Tremayne Bailey, culinary arts student, became the first to take advantage of an eight-week internship opportunity at two prestigious hotels in Ghana—the result of a partnership between the Bermuda College and the Ace It Foundation, founded by former [Bermuda] College lecturer Mr. Quinton Sherlock.

Madam President, the Bermuda College, along with its community college counterparts throughout North America, continues to seek to reverse the challenges of declining enrolment. In February the college undertook an integrated enrolment management strategy exercise, utilising key internal stakeholders in the enrolment process to address the shortfalls, with both short- and long-term measures in mind. Institutional enrolment goals were also established.

Madam President, in May 2019 the college graduated 123 students, with overall satisfaction with the college increasing by 8 per cent to 84 per cent year over year. A full 33 per cent of graduates expressed an intent to further their education overseas, primarily to obtain a four-year degree; 22 per cent intended to continue in the jobs they already held; 22 per cent intended to seek employment with their newly acquired skills; 19 per cent indicated plans to remain at the college to pursue an affiliate programme through the college's institutional partners; and 4 per cent were uncertain.

In January Bermuda College employees participated in the first of three one-day employee conferences scheduled for 2020 as the college focused on its campus culture. The overarching theme of the conference was *Trust and Empowerment*, and overwhelmingly positive feedback was received from employees. In addition to the conference, faculty and staff participated in more than 20 professional development activities to assist the institution in the accomplishment of its goals and objectives.

During the past year, the college also undertook the rebranding of the institution in earnest, and with the assistance of an external agency and a dynamic re-branding subcommittee, [they] quickly embedded its new logo, colours and tagline into the community landscape.

It also introduced its new vision and mission statements, new brand pillars and other branding consumables. Considerable improvements were made to the Bermuda College website, and the heavily trafficked Bermuda College bookstore was also rebranded. As the Bermuda College reached the end of the 2019/20 reporting period, it was forced to close its campus and switch to remote learning and working from home. Although the pandemic is not over, the college has fared well to date and looks forward to reporting its successful handling of the pandemic in its next annual report.

The Board of Governors is mindful of its responsibility to maintain updated audited financial statements and is pleased that its 2019 unqualified audited statements are completed and have been tabled in both Houses of the Legislature.

The audit file for the year ended March 31, 2020, is currently with the Office of the Auditor General. The college has been advised by the Office of the Auditor General that the audit will take place during the first quarter of 2021.

As a result, the audited financial statements that support this reporting period will be tabled once completed. I invite this Honourable Senate to read through the annual report for details of the Bermuda College's accomplishments and successes for the 2019/20 reporting period.

In closing, I want to commend the hard work and commitment of the executive, administration, faculty and staff at the Bermuda College. They have done stellar work in progressing the strategies in the strategic plan, and rebranding and promoting the Bermuda College. I certainly join with them and encourage the general public to take advantage of the courses and programmes offered at the Bermuda College. There are many paths—discover yours!

Thank you, Madam President.

**The President:** Thank you, Senator Darrell.

## INTRODUCTION OF BILLS

**The President:** There are none.

## FIRST READING OF PUBLIC BILLS

**The President:** There are none.

## FIRST READING OF PRIVATE BILLS

**The President:** There are none.

## QUESTION PERIOD

**The President:** Senators, you can now ask questions on the Statement that was just read by Senator Darrell on the Bermuda College Annual Report.

Senator Jones, you have the floor.

### QUESTION 1: BERMUDA COLLEGE 2019/20 ANNUAL REPORT

**Sen. Marcus Jones:** Thank you, Madam President. Good morning to my fellow Senators, and good morning to the general public.

I am very interested in that Statement. It bodes well for the future of the next generation coming along and seeking further education beyond high school. I do have two questions, which I think are very important for the public to know.

And that will be, How many students enjoyed government scholarship in this academic year?

And what percentage of students who began at the college actually graduate?

The reason I ask is that there is a perception within the community that a number of our students who actually attend the college, and most specifically those who have enjoyed a government scholarship to attend, actually do not finish. So I would love to know, and I believe the public would like to know, the percentage of the students who start and the percentage of students who actually follow through and complete their courses.

Thank you, Madam President.

**The President:** Thank you, Senator Jones. Senator Darrell?

<sup>1</sup>**Sen. Owen Darrell:** Madam President, I have noted the two questions. I do not have the answers right now. But as soon as I get them, I will let the Senate know.

**The President:** Thank you, Senator Darrell.

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<sup>1</sup> See Question Period 2 December 2020

Would any other Senator care to ask questions?

**Sen. Ben Smith:** Good morning, Madam President.

**The President:** Good morning, Senator Smith. You have the floor.

### QUESTION 1: BERMUDA COLLEGE 2019/20 ANNUAL REPORT

**Sen. Ben Smith:** Yes, thank you.

I agree that this was a comprehensive report which gives us a good feeling of what the college has been doing and what it continued to do for us.

My question is based on graduation from public high school to actually get the standards to get into the Bermuda College. Can the Senator give us what the percentage is of graduates from public high school who make the standards to get into the Bermuda College?

**The President:** Thank you, Senator Ben Smith. Senator Darrell?

<sup>2</sup>**Sen. Owen Darrell:** Madam President, again I have taken that question down, and when I have the answer I will let the [Senate] know.

**The President:** Thank you, Senator Darrell.

Would any other Senator care to ask questions on this Statement?

No.

Then Senator Darrell has indicated that he will provide the responses. So we are moving on with our agenda.

## ORDERS OF THE DAY

**The President:** This is the consideration of the Throne Speech.

Senator and Minister Peets, Government Leader in the Senate, you have the floor.

## MOTION

### THAT THE GOVERNOR'S SPEECH BE TAKEN AS READ AND NOW BE TAKEN UNDER CONSIDERATION

**Sen. the Hon. Dr. Ernest Peets:** Madam President, I move that the Senate do now take under consideration the Throne Speech, with which His Excellency the Governor was pleased to open the present session of Parliament.

**The President:** Is there any objection to that motion?

No objection.

Carry on Senator, Minister Peets.

## DEBATE ON THE 2020 THRONE SPEECH AND REPLY

**Sen. the Hon. Dr. Ernest Peets:** Dear Madam President, as a new Senator and Minister, I am indeed honoured to represent the Government and the people of Bermuda in these Chambers. As such, I am looking forward to working with my fellow Senators, Government Opposition and Independent alike, to enact laws for the good governance of this country.

Madam President, I believe that work really begins today. This Government is committed to continuing the work that we started after the general election in 2017. We believe that that work was well underway prior to the emergence of COVID-19, evidenced by 719 new jobs and the introduction of emerging industries like FinTech.

I believe we are very fortunate to have handled the pandemic in the way in which we did. Today I would like to congratulate and applaud the Government and the people of Bermuda for their careful attention and adherence to the advice of our health officials. I believe that our collective action has saved lives and leaves us better able to recover going forward. We are in a very unique position as an island which has successfully managed the COVID-19. And I would like to take this opportunity this morning to encourage all of us to continue to remain vigilant because this is the only way we are going to get through this with minimal loss of life.

Madam President, this Throne Speech forecasted a very busy legislative session that I believe will steer Bermuda in the right direction. Our current Throne Speech comes at a time when an island needs hope and assurance. Madam President, this is exactly what this Throne Speech offers—a realistic vision that fosters hope and assurance for the people of Bermuda. This Government is not interested in top-ups or political pandering, but, rather, in guiding the country in the right direction for a brighter and better future for us all.

In reply to the Throne Speech, I expect to see very carefully debated Bills during this legislative session, Bills that focus on economic development and diversification; Bills that boost entrepreneurship; Bills that create a better immigration policy to support economic growth; Bills that reform education; Bills that address our cost of living and tax reform; Bills that better support women, children and families; Bills that foster better health for our seniors and persons with disabilities. Madam President, this is the work that we have to accomplish. This is the work that Bermuda needs us to do, not just for today, but for all the days and weeks and months and years that lie before us. We must work together to build this future.

<sup>2</sup> See Question Period 2 December 2020

I recently had sight of the Throne Speech delivered by Sir Desmond Langley, Governor and Command-in-Chief, dated 24 February 1989. Madam President, that Throne Speech was approximately three pages. Our current Throne Speech, delivered by His Excellency the Governor John Rankin on November 6, 2020, was approximately 10 pages. I would like to suggest to this Honourable [Senate] that lots of things have changed since 1989. We have grown as a people, and our current Throne Speech has grown accordingly.

I mention the length of the Throne Speech not because it is long on words, but because of its breadth, its scope and its focus on building Bermuda. I mention its length because it accurately owns the amount of work that is required to build Bermuda as we need to. This Throne Speech is bold and courageous, and if listened to rightly, I think this Throne Speech leaves little to the imagination.

I am still personally in the throes of parenting. I have four children between the ages of 11 and 21. Education remains a top priority and concern for me. The Government has to deliver on its promise and commitment to education reform. Our children are growing up in a very fast-paced, competitive and very specialised world. We need an education system that offers multiple pathways for success. Our children need educational routes that are not only academic, but also vocational, business-oriented or even in the creative arts. These are the specialities that suit the needs and talents and desires of our students.

Madam President, this Throne Speech addresses our past regarding the Commission of Inquiry into historic land losses so that we will have a correct telling and an agreed account of our history. Because this is the truth we have to tell so that we as a people can truly be free, liberated so that we can right past wrongs, free so that we can finally heal and move forward.

This Throne Speech rests at the heart of who we are as a people by reminding us that culture is the backbone of our society. It is the glue that binds us together and informs us of our identity as individuals, as well as a community. I am personally looking forward to working with our dedicated and knowledgeable staff within the Ministry regarding a national cultural heritage policy for Bermuda. I can share today that substantial consultation and work have already occurred; as such, I am looking forward to presenting updates regarding this policy in the very near future.

Madam President, this Throne Speech has its eye on Bermuda's future because our future belongs to the generation that is coming behind us. This Government recognises, also respects and values our young people's contribution to society. This Throne Speech, in my opinion, spells out our commitment to the development of a national youth policy which will foster a direct engagement with our youth in the crea-

tion of government policy. We believe that we have an extraordinary opportunity to capitalise on our youth's ability to mobilise and their appetite for social and political involvement. This level of interest and activity of our youth is an arena that excites me and personally gives me hope for our future.

I have spent a significant portion of my professional career working with children and adolescents. This includes countless hours in clinical settings, but also innumerable hours on the sidelines coaching soccer or in the dojo teaching martial arts. As such, youth development is a major area of importance to me. I am looking forward to assisting the Government in reviewing and assessing programmes that serve this population. This Government wants what parents and counsellors and therapists and social workers want for our children—and that is programmes that work, programmes that have proper resources so that we can be effective for the population that needs it most.

Madam President, this Throne Speech does not forget that immediate action is required to supplement the wages of those whose employment has been impacted by COVID-19. Neither has it lost sight of the urgent need to establish and implement minimum wages to better support Bermuda workers. There is a lot in this Throne Speech to be excited about. In my conversations over these last few weeks and months with friends and family and colleagues, there have been a lot of optimism and hope regarding the Government's vision and plan regarding a Bermuda National Digital Bank, optimism and hope regarding ownership. Opening up the door of opportunity for a new generation of investors should excite all Bermudians, young and old. We all win if Bermuda can ride the next wave of emerging financial services, placing Bermuda in the lucrative global market of digital payments.

Madam President, this Government has always kept its promises to its seniors. This Throne Speech would be remiss if it did not remind us to whom we owe a debt of gratitude, which is our seniors. This Throne Speech included a plan to protect the interests and well-being of our seniors by pledging to establish the Office of the Public Guardian to provide independent service and support for seniors, children and other vulnerable persons in the circumstances where they need help in the management of their health, finances or even legal affairs.

Madam President, this Throne Speech highlights the experience and the expertise of a diverse group of dedicated professionals across multiple disciplines and multiple backgrounds. This Throne Speech has behind it and undergirding it a host of professionals, a team of skilled and passionate and committed Parliamentarians. This Throne Speech represents the wishes and desires and the needs of the people whom we are appointed to serve. Our job is to

harness and to unify the best ideas and plans in a way that is smart and sensible, to do what is best for our country.

Madam President, if we remain true to our oath of office, if we remain true to the principles of honesty, open-mindedness, willingness and faith, we will be able to do our job and to serve the greater good.

Thank you, Madam President. This concludes my remarks.

**The President:** Thank you, Senator, Dr. Ernest Peets, Minister and Government Leader in the Senate. Thank you, sir.

Would any other Senator care to speak?

Senator Ben Smith, you have the floor, Opposition Leader.

**Sen. Ben Smith:** Good morning, Madam President.

**The President:** Good morning again.

**Sen. Ben Smith:** Before I start my remarks on the Reply to the Throne Speech, I would like to take this opportunity to congratulate the Honourable Joan Dillas-Wright on her reappointment as the President of the Senate. And I would also like to congratulate Senator Michelle Simmons on her appointment, and to all of the Senators on their appointments to this important position at a very important time in our country. I would like to thank the Honourable Cole Simons for selecting me for this role, believing that I had what it would take to sit in this place and do this important role. I would like to thank my wife and my family for giving me the time to support my country.

This Throne Speech, Madam President, comes at a critical time in Bermuda—not just Bermuda, in the world. I think all of us were in a position early this year not expecting to see the changes that we have seen worldwide, and specifically in our country. The fact that we are sitting in this place wearing masks today, the fact that everybody has had to get used to getting their temperature checked and having their hands sanitised and keeping apart from our loved ones and learning how to socialise differently, how to pray differently, how to congregate differently—all of these things were changes that we had to do as a population.

Madam President, I would like to thank the people of Bermuda because as a community we are the reasons that the country has been safe. The citizens of Bermuda have worked together. They have followed the rules and regulations. That have done everything that they can do to try to keep each other safe. But we are still in the middle of this pandemic, and there is more to do. And as we see the numbers starting to creep up again, it is important that we are vigilant, that we continue to maintain all of the things that we have been doing to keep each other safe.

I would like to thank the Government. The Government has done a good job in coming up with the plans and putting in the regulations to keep the country safe. But at the same time, the Opposition deserves a thank you for working alongside the Government. We sit here today after an election that showed a major change in the country. The Government has a major majority. But the Opposition still has a role to play. Even though the numbers of the Opposition are not as high as it would normally be to hold a Government to account, it is important that this still happens. A strong society can only flourish if it is balanced, if both sides are always there to hold each other to account.

With that, I believe it is important that we thank all of the frontline workers who have been out front and helping us to maintain our safety in Bermuda and allowing us to get back to what people are calling the “new normal,” the nurses and doctors and staff of our hospital who worked really hard to get some of our people who came down with COVID-19 to be able to recover. Unfortunately, we had the loss of life, with nine of our citizens passing because of COVID-19.

This is the starting point of where we are right now, understanding that this protection that we have been going through is about saving the lives of our citizens. Our police officers have been on the front line continuing to do their day-to-day job while also trying to maintain the regulations that have been put forward to keep our population safe. The Throne Speech speaks to some changes in policing, but I think it is important that we understand the [excellent] job which has been done and continues to be done by the police force.

Bermuda has had a change recently, Madam President, where . . . let me not say “recently” because it is an ongoing thing with the gang violence and the violence in Bermuda. And we saw some spikes in domestic violence. And we have issues in our country that have been underlying for a long time. When you are in a situation like we are now where a pandemic has shut down the country, and you see people having to adjust to a new financial reality, a new working reality, the pressure and anxiety that are on our people at the moment have bubbled up several times. And we see the results of that with some of the violence that has happened.

It is important that we give all the support that we can to the people who are there to protect us, our fire service, the men and women who have been going into households when they were not sure whether the people there were going to be COVID-positive. These are the people who are putting themselves in harm’s way so that the rest of our population can feel safe. It is important that policies that we put forward make sure that we take care of those people who take care of us.

Madam President, Bermuda is a place where it is such a small community that everybody takes

care of their neighbours, or at least that is what we would like for it to be. That is the way it used to be. Some of that has changed in recent years. Coming out of an election, it is always important for us to go back and heal because there is rhetoric that comes out, and sometimes the worst of society can come out when you are in the midst of a conflict when it comes to an election. This Throne Speech does try to do some healing of that. But the issue is that it cannot just be words. We are going to have to do what is best for the country by working together because that is how we will be able to move forward.

The pandemic was really the first stage of this. The financial crisis that is upon us is the one [for which] we really are going to have to put all of our combined effort into solving. Madam President, \$3.5 billion in debt for a country of this size is a problem. The difficulty is that there are no clear answers. We can do many things to try to help the country to come out of this. But unless we get investment from outside of the country, it is going to be very difficult for us to do this on our own.

Immigration is mentioned in the Throne Speech, Madam President. In the past, immigration has been used as a tool to divide the country. We all know that the history of Bermuda says that immigration was used at times to hold certain segments of the population back. But now we are in a situation where we are going to need immigration to help us to rebuild, to help us to move forward. And it is not about opening the floodgates to people from outside of the country; but it is understanding that some of the people who are here are the ones who have been helping us quietly in the background.

Madam President, the third sector has been propping up our country. Not everybody realises that we have lines of people night after night lining up for food. The third sector have been the ones taking care of that. The question is, Where does that come from? Where do the funds come from which allow for that food to be provided? Because the Government cannot fulfil all of those needs. So some of that has come from private donors, from businesses. And it is important that we understand that all of those parts of Bermuda are connected.

Madam President, sometimes it is easy for us to say *the greedy business owner* or the people who—sometimes we do not really understand what their position is. But we are going to have to do a better job as leaders to explain the connection between international business and the service jobs that are available in Bermuda, and the jobs that we want for our young people and the jobs that we hope to have in Bermuda in the future. A lot of those jobs are connected to people who did not come from here. They did not start here. But, Madam President, our country is filled with people who did not start here. Their families came from somewhere else. They came to Ber-

muda for an opportunity. They worked hard, worked with their family, educated [themselves], worked within their neighbourhoods, moved on to become part of our government and started to help us to build the country that now we have.

So, Madam President, we cannot be fearful of people who come from outside of Bermuda, because they can also be part of our solution. And we cannot do that by saying to them, *You owe us, and we need to take more from you*, when a lot of times they have been here for a really long time and [have been] helping. They pay to our society. They are part of our community.

So, Madam President, as we look at some of the things that are going to have to be addressed in Bermuda as we move forward, education is one of the key issues that has come up for several generations. I think it is important that the Government has decided to move forward with the Education Authority. And the main reason is that at some point we had to take the politics out of education. Because it cannot be something that is just discussed that we are going to make such-and-such change because it seems like it is what is going to make people believe that I have made a difference so that I can get a vote. Our young people are way too important. And the decisions to put them first will be one of the ways that we get out of the predicament that we are in. If we invest in our children and educate them in a way that allows them to be challenged and allows them to reach their full potential so that they can compete, not just in Bermuda, but compete on the world stage.

We have to understand that the economy is now global. So a lot of times the people whom you believe you are competing against in the industry are not in Bermuda. So it used to be that we thought that when an international business came to Bermuda, we could push them to make certain decisions here. Now they just hire that person in another jurisdiction. So we are going to have to work with them, coming up with ways for them to be part of our country and to give opportunities to our people. But we are going to have to do it in a way that we are not pushing [international business] to other jurisdictions, because that is the danger.

Madam President, Bermuda used to be in a position where we were the highlight and everyone was looking to us as the example. They were trying to strive to be what Bermuda is. And we have started to fall behind. We have the people here to change that, to get ourselves back on track, to challenge our people so that they can reach the top. We can no longer accept that our neighbours to the south have open arms and are giving opportunity that are creating their opportunities in their economy that we do not have in ours. It does not mean that we have to do things that mean that our people lose out. There has to be a balancing act. At all times we need to put our Bermudi-

ans in the position to take the opportunity, and we have to have our people understand what that opportunity means. We cannot sit on our laurels. Bermuda, like the rest of the world, is going through a shift. The dial is being reset to what is going to happen next.

Madam President, the retail sector in Bermuda has been struggling for an extended period of time. Now that we are in the situation with the changes that have happened because of COVID-19, many of them have been on the brink. Some of them have already folded. It is going to be important that the Government comes up with solutions of how we are going to support the retail industry, because the jobs that are created in the retail industry are Bermudian jobs. So if they fail, we will have more people who are looking for work. And, Madam President, we already know that this is a problem. The pandemic has already pushed many people to work at reduced hours, reduced salaries, [and] in many cases become redundant.

But, Madam President, we are now in a situation where the Government is trying to fill holes because they are having to take care of their population because the population needs it. See, if we were in an economic situation where we had money, where we had surplus, then we would have the money to be able to [give] this support. But, Madam President, the danger that we are in now is that we do not have that money. So everything that is being put forward is going to mean that we are going to have to borrow more money. So at some point, you cannot borrow anymore.

Madam President, it is the same way that it is in a household. When you realise that someone in the household has a reduced income or one person has lost their job, you are going to have to figure out how to survive off of less. And then, once you have tightened the belt, you start to look for the opportunity to make more money so that you can get back to being able to provide. Both of those things have to happen.

Where we are right now, we are going to have to find ways to get revenue to come into the country so that we can take care of our people at the same time that we are going to have to make sure that the decisions that we make, we do not overspend, we do not make mistakes. Because there is no room for error.

Madam President, the Throne Speech has laid out an overall plan of what we hope can happen. And the truth is, the Opposition will do everything they can to support, where they can, to allow for these initiatives to happen when it is the right thing for the country. But at the same time, we will have to hold the Government to account when these decisions are not in the best interest of the country. But it is important at this time for the country to pay attention, because when a Government has a majority of this size, it is going to have to be every person here in our country who makes sure that every decision that is made will help all of us. And this is not an accusation to the

Government; it is just the system that we have to have in order for us to get to where I believe all of us want to be.

Madam President, the Throne Speech touches on the adjustments to the health system in Bermuda. Every decision that is made, every policy that comes forward, the two things that have to be in the forefront—how do we reduce the cost of health care to our population? Is this going to reduce the cost of health care to our population? That is number one. But more importantly, across the Island we have to understand that it is going to take us as a population being healthier, taking responsibility for our own health. That cost is out of whack because as a population we are sick. We do not do well with taking care of ourselves. A lot of times, it is the prevention that will reduce the costs—exercising, eating properly, drinking enough water, cutting back on soda.

Madam President, as Senator Peets said before me, I work in the industry with children. That is my background. And I agree with him 100 per cent that this has to be the focus. I was a little disappointed in the Throne Speech that there was not anything speaking to youth and to the sports of our youth and how we do what I think is important for our country. It got left out. And I applaud the Senator for bringing it forward in his speech today, because like him it is a priority [for me]. When you are a situation like we are now, when we have the anxiety in our country, it is actually sport that can bring people together. It can make people feel better. If you drive from one end of the Island to the other on a Saturday or a Sunday and see our young people participating in sports and see the adults who are helping them, who are guiding them, this shows the best of Bermuda. This shows what we can be when we work together. This shows that as a country we believe in our young people and what they can be.

But we have to challenge them. And we have to give the support to the sports in Bermuda so that they can do this vital role. But with more support there should be more expectation, because now we have a country where our young people do not always get the kind of support at home that we would want for them.

So, Madam President, our teachers spend a lot of time on discipline instead of on educating. And then after school the coaches are left to continue that same role, trying to encourage our young people, to bring them together and have them understand right from wrong, the things that they should do and they should not do. So many times we see the product of those missteps when someone is lined up to go to Westgate. Our focus needs to be on what we are doing at the beginning. Madam President, there is a connection between education and sports, and dealing with youth. We need to start young. We need to support our young people. We need to test early to look for developmental challenges, learning disabilities, and then give them the support as early as pos-

sible. And then give the tools to our coaches and the people who are working with our young people so that they can continue that process after school.

But, Madam President, we are also going to have to hold the parents accountable. The time [has come] in our country that we have to realise that it is the responsibility of all, but the parents are first. These are not dolls that you buy at the store and you can just set them on the shelf. What you model in front of them is what they will become. So I say that, Madam President, to say that I am encouraged from the start here because I believe that if we model what we want to see from our country from this day going forward, then we will set the example for the generation that comes behind us. If we show that our youth are important, that our seniors are important, that the health of our country is important, then we can turn this around.

Madam President, it is going to be a struggle. This is not an easy job for the Government. The Minister of Finance has a very difficult hill to climb. Madam President, as we speak, every time we talk about something there is probably some budget item that will line up to how we fix that. But at a time when we do not have the money, it is going to be difficult. So we are going to have to come up with creative ways of solving some of our problems without the same financial support that we would normally be looking for. It is the same way that it would be done in a household. There are moms all over this country who have been creative in how they have been able to support their families.

We are going to have to be creative as leaders, and we are hoping that the Government is going to be creative in how they are going to come up with ways for us to move this country forward, united, without the rhetoric—open, honest. And [considering] what the theme of the Throne Speech was, it is going to take our Bermudians to do this. But when I say that, I need everybody to understand it is not just the Bermudians. It is every resident in Bermuda. We need everybody to be rowing together in this leaky boat that we are in. Because if we are [taking] more water in faster than we can bail, the problem will be all of ours together.

Thank you, Madam President.

**The President:** Thank you, Senator Ben Smith, Opposition Leader in the Senate.

Would any other Senator care to speak?

Senator Michelle Simmons, Vice President, you have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

First of all, I would like to congratulate all the Members of this new Senate team, and most importantly, I would like to thank each Senator for being willing to step forward to serve the country.

Madam President, it is a pity in politics there have to be winners and losers, because I think every person who steps forward and indicates their willingness to serve the country has the same intention. We all want to see Bermuda thrive. And as a result, if Bermuda thrives, then everyone here should thrive, every resident of Bermuda. Madam President, if there was ever a time for all of us who reside in Bermuda to come together, it is now. Now is the time for us collectively to decide that we will work together.

We are a small community in the middle of the Atlantic. And we depend on each other in so many ways. This is even more evident right now as we continue to fight what I call *the unseen enemy*. I have seen a lot of cartoons, YouTube videos, all kinds of representations regarding the response of humans to the pandemic and to the regulations which governments and communities at large have had to implement in order to keep their populations safe. One that I saw recently, a video that I saw recently, shows a picture of the COVID-19 particles all suspended in the air, and they are visible to those looking at the video. But the video asks a question: If you could see it, would you stay at home?

Madam President, the Bermuda Government has done an excellent job, in my opinion, of protecting all of us from this unseen and unwelcome threat amongst us. And their efforts were supported wholeheartedly by the overwhelming majority of us who have the privilege of living in this wonderful country. We were united in our response, and the community accepted that if we were to survive, we would have to adhere to public health guidelines and requirements. The response of the community was very positive. We were united. We have largely overcome the threat that, yes, it is still here. But because of our response, because of our unified response, we can see light at the end of the tunnel.

Madam President, yes, there has been a new wave of COVID-19 infections in many of the countries with which we are closely associated—the United States, the United Kingdom, parts of Europe, many countries. And it is causing us concern. I am sure the Government is keeping a watchful eye on global developments and will, with our cooperation, keep our community safe. But we have to remember that the entire community must rise to the challenge and do what is needed to survive. We must! And I am glad to hear that there have already been statements made by Senator Smith which suggest we are looking to work together. We are looking for collaboration.

Madam President, in my opinion, the greatest challenge ahead of us, the great challenges ahead of us are related to the fallout from the decisions that have been made to protect the community as we navigated the COVID pandemic. We all know that the major concern for all of us has been restoration of our economy. The economy has taken a serious hit. Now

that we feel more confident that [the Department of] Public Health has done such an excellent job to help us contain the spread of COVID, we have to turn to those unintended consequences, especially with regard to rebuilding our economy. For this we definitely need collaboration at all levels and across all aisles.

The Government has chosen to entitle its Speech from the Throne *Rebuilding Bermuda*. And the subtitle is *with Bermudians at Heart*. I concur with the Government in recognising that Bermuda has been wounded and is in need of repair and rebuilding. So where do we find the resources to repair our economy and to rebuild? We are reminded that resources for rebuilding come in many different forms. Fresh thinking is required. A fresh vision is needed, taking our current circumstances into consideration.

We are not starting from the point we were at in March of 2020. In fact, I recall quite clearly that the Senate did not even have a chance to thoroughly examine the budget at that time, because events overtook us quite rapidly when COVID came, and we had to step back. But the starting point for us is very different now. Government has had to redirect many of the resources it had intended to use in other areas towards supporting and sustaining individuals in the community who were faced with unemployment, with underemployment, and now there is need for us to reconsider many things related to rebuilding our economy.

To move beyond where we are now, Madam President, and to confidently move into a more secure future, we need to put some fresh ingredients in the mix. That is in the form of new persons, so immigration is something that we need to look at. We also need to look at physical resources. But the most important word that I will keep using this morning is—*collaboration* is needed. Madam President, some of this is already happening, I am happy to say. And we have seen increased collaboration across the political aisles, especially as we faced the COVID crisis. This is a new session of the Legislature. And my prayer is that collaboration should be more evident during this session than may have been the case in the past.

Madam President, I hope that you will allow me to read a quote from page 2 of the Speech from the Throne.

**The President:** You certainly may.

**Sen. Michelle Simmons:** Thank you.

This is from page 2, and it is the penultimate paragraph, if anyone wants to follow. It reads, “in the midst of a public health crisis, affordable universal healthcare for all is an unquestionable priority. In collaboration with Bermuda First, the Government will introduce a Bermuda Health Plan that will, through technology, maximise efficiencies via an integrated healthcare model. Public and private sectors will join

to reduce Bermuda’s healthcare spend and drive better healthcare outcomes.” That is the end of the quote.

Madam President, yes indeed! Government must do all in its power to ensure that this collaboration takes place in an environment where all opinions are valued. And I think it is important to stress that, because there seems to have been some dissension with regard to the way forward toward that Bermuda Health Plan which will maximise efficiencies in our health system. Yes, I think the whole community is concerned about the escalating costs of health care in Bermuda. And we are also very concerned about the fact that so many people, including a percentage of people who are employed, do not have health care. So, Madam President, there is work to be done there. And I am hoping that Government will continue down the road of collaboration. It has already begun.

Another important collaboration, Madam President, that has already begun is collaboration with regard to the public school system. And I am sure you all know this will be very dear to my heart, having served in the public school system for quite some time. And I am going to draw everyone’s attention to page 3 of the Throne Speech, or the Speech from the Throne, paragraph 1. May I quote, Madam President?

**The President:** Yes, you can indeed.

**Sen. Michelle Simmons:** “Guided by a goal of establishing multiple pathways to success for Bermudian students, the Government will complete the transformation of the public school system, collaboratively designing an improved system for Bermuda. The redesigned system will benefit from reformed governance and greater accountability with the creation of an Authority to lead all aspects of performance management in public education,” end of quote.

Madam President, we have very able and very strong leadership at all levels within the public school system. And it is essential that the collaboration which has already begun to create a reformed school system should continue. And that collaboration, in my opinion, should be as broad as possible. Yes, we need to involve educators. We must involve students. We must make sure parents, we must make sure that the broader community is involved so that once the model for our reformed public education system is put in place, the entire community can feel that this is a model that has been developed by Bermudians and Bermuda residents for the children of Bermuda.

I also want to ask, Madam President, that the system which is being designed should recognise that schools need to have greater autonomy. But with that greater autonomy must come greater accountability. Of course, having said that, it is even more critical that in this revised and renewed and rebuilt education system, there should be an increased focus on classroom outcomes. That is where the business of education

really, really happens. It happens in the classrooms. And in order to ensure that there is an adherence to quality standards, there must be a focus on the skill sets of teachers, the effectiveness of school administrators and certainly on the outcomes of classroom instruction. Madam President, we must have well-prepared student-centred collaborative educators in our public schools. And in order to ensure that, we must put in place systems which will support those educators and help them to develop their skill sets as needed.

Moving on, Madam President, I would like to also highlight from the Throne Speech another matter which has been mentioned, and it has been mentioned with this idea of collaboration in mind. And I am referring to the idea of a Police Authority, which I believe may have been mentioned in previous Throne Speeches, but so far there really has not been that much progress toward putting in place an effective Police Authority. This is mentioned on page 8 of the Throne Speech, and, Madam President, if you will allow me again, I would just like to read this quote.

**The President:** You certainly may.

**Sen. Michelle Simmons:** “During this session, a Bill to create a Police Authority will be introduced to facilitate an open and collaborative forum to support the Bermuda Police Service and the communities they serve. A national crime prevention plan will focus on prevention, rehabilitation and reintegration.” That is the end of the quote. These are laudable goals, Madam President, and I hope that they will be advanced swiftly. It is obvious to many of us that the police still need to strengthen their partnership with the average Bermudian and build more trusting relationships. In order to do that, however, we must see improved collaboration and dialogue between the Bermuda Police Service and the community at large.

Madam President, in keeping with that theme of collaboration, Government has recognised and is seeking to shore up the very tenuous circumstances regarding the employment of persons in Bermuda—employment, employment. In order for families to survive, we must ensure as a community that able-bodied adults are gainfully employed. That is how people are able to support their families. I would imagine that every extended family in Bermuda has had at least one family member, and in some cases more than one family member, who has been unemployed or underemployed to some degree during this pandemic.

We have been struggling for the past eight months. And when you say “eight months” it may not seem like that long. But if I named the months—April, May, June, July, August, September, October, and we are now in November—think of families where people have been unemployed for that period of time. Think

of families where there has been underemployment. People are struggling. We see that as we see the food lines where people have no choice but to seek assistance in just feeding themselves and their families. If we walk up the street to the cathedral during our lunch break today, we will see a long line of people who are waiting to receive support through that feeding programme. You can travel throughout this Island right now, Madam President, and in every parish I am quite sure that some church, some organisation is helping to feed numerous citizens who just cannot do it for themselves right now.

According to research, Madam President, carried out by Global Research, and this was just shared yesterday for the first time, 42 per cent of the 405 people they interviewed had lost income during the pandemic. That is 42 per cent! A full 27 per cent had been laid off, and 8 per cent had lost their jobs completely. We also know that businesses have suffered, and it is through businesses that people are employed. There is evidence right in front of us which shows how desperate some businesses have become and how in some cases businesses have found that they just cannot survive. The result has been a number of businesses which have closed their doors permanently. Walk through the streets of Hamilton, come to St. George’s, and you will see the evidence right there.

In the Speech from the Throne, Madam President, Government has said, and I am quoting from page 8, the very last paragraph, “The precarious position of businesses and the potential for additional economic contraction have demonstrated a clear need to provide unemployment insurance and strengthen the ability of employers to meet their statutory obligations in the event of redundancy of employees. As part of the tripartite dialogue series initiated by the Ministry of Labour, these issues will be the subject of that collaborative process to promote a secure environment in which employers and employees can equally meet their obligations,” end of quote. Madam President, I believe that if employers, employees and the Ministry of Labour will work together (i.e., collaborate), the result will be positive for the entire community. So I endorse that tripartite dialogue.

Madam President, while there are several examples that I [highlighted] in the Throne Speech of intended collaboration, there was one collaboration that I was hoping to see which was not there. And that is regarding electronic collaboration between government departments. This is something that has been mentioned previously by the Government, and I feel that data sharing between government departments so that services can be streamlined may be something that will help us as we navigate this rather difficult time in Bermuda. It is obvious that capital outlay will be needed for this, but when Government is able, it will be very, very helpful to both government workers

and the public at large, in my opinion, to have an integrated IT system which joins up all government departments. This will simplify transactions. And it will be a welcome relief from having to provide the same information countless times to different government departments, and in some cases to the same government departments.

Madam President, I am going to end my remarks by suggesting that there are many, many, more areas (and they have been mentioned in the Throne Speech) where Government can be more collaborative rather than just adhere to the usual political strategies. It is time for a new construct. It is time for us to continue the constructive collaboration that has already begun. Movement in that direction will benefit the entire country and every resident of Bermuda. And my final statement is a quote from Paul Solarz. He said, "Collaboration allows us to know more than we are capable of knowing" (and I will add one word—*doing*) "by ourselves."

Thank you, Madam President.

**The President:** Thank you, Senator Michelle Simmons, Vice President.

Would any other Senator care to speak?

Yes, Senator John Wight, Independent Senator, you have the floor.

**Sen. John Wight:** Good morning.

**The President:** Good morning to you.

**Sen. John Wight:** As a new Senator, it is my great pleasure to be working alongside my colleagues—new and old alike.

First off, I would like to applaud the Government on the brevity of the Throne Speech. I think, having compared this Throne Speech with many others, I am always a believer that less is more. And I think, also, in the absence of the Minister of Finance delivering his Budget, which will happen in February, Government does not know exactly how much money it has to work with to achieve its objectives in the coming years. So, I think the brief but directional nature of the Throne Speech was very effective, rather than making it more prescriptive as we have perhaps seen in prior Throne Speeches. So, that is my opening remark.

Like some of my colleagues, I would like to congratulate the Government on its handling of the COVID-19 crisis. I think we only have to watch the news every day from around the world to see that this Government has managed it, I think, amazingly effectively. And I think the collaboration, the communication that took place dating back to the initial press conferences . . . and it is unusual for so many people to want to watch local news at 5:30 in the evening, but that certainly was what drew a lot of us to our TVs at

night. And so I congratulate the Government on its handling of the pandemic.

I guess with every crisis come new opportunities. And I think this is a global reset for every country in the world and I think this is an opportunity for Bermuda to benefit our citizens and residents, and I think we have a relatively small window of opportunity to do it. So, for example, we are seeing the flood of reinsurance and insurance money that comes to Bermuda as a result of COVID-19 being, perhaps, the biggest insurance event in our lifetime that we will ever see. So, this is an opportunity for us to create new jobs through the formation of these new companies. I think the digital nomad programme has benefitted Bermuda greatly by having, I understand, 450 or so new applications. So, these are people who will come to Bermuda who will use Bermuda-owned taxis, eat in Bermuda-owned restaurants and further stimulate the economy. So, I think despite all the horrible things that have resulted from COVID-19, I just want to sort of start with some of the highlights that Bermuda can seize upon during this relatively brief window of opportunity for us.

As I read the Throne Speech, there were just a few items that either were sort of near and dear to my heart and/or aligned with what I do for my day job in insurance. Other Senators have already mentioned education, so I am really pleased to see the wording of the creation of an Authority. I think, every year when we see the results from the public education system come out it has always been a great concern to me to see that we have not met the expectations, I do not think, of our children in the school system. And that is a failing of ours which has occurred for many reasons.

But I think the reality is that there has to be something different moving forward, and I am pleased to see the creation of the Authority. I hope it will be an independent authority that [calls for] some accountability of those in their new governing roles. So, as they say, the Devil is in the details, but in the same way that I think the Tourism Authority benefitted Bermuda by the creation of new ideas from people in the private sector working with Government, I think the creation of an Education Authority can have similar benefits. And so, I look forward to the improvement of the results of our children from the education system so that they can realise their career aspirations [and] so that local businesses can employ Bermudians who meet the needs of their businesses and for the customers.

So, education, as I say, is near and dear to my heart and so I was very pleased to see the wording in the Throne Speech in that regard.

The next one, stimulating the economy: I think that is going to be the one that I will be very curious to see what the Minister of Finance comes out with in his budget. Because, as we all know, we are where we are today, the \$3.5 billion debt, and it is reported that the difference between revenues and expenses in the next budget will be around \$300 million. And I think,

from memory, a couple of years ago the interest cost on our debt per day was \$400,000. That is a huge mountain to climb. Just think in the future if we are able to use that money for elder care and other more worthy reasons, rather than having to pay it to a bank on a debt. So, I think I will be very curious to see what comes out of the Minister of Finance's budget and I know he and his team are working very hard, at the moment, to prepare for that February presentation.

I think I was pleased to see the reference to capital projects in the Throne Speech. I guess my one comment would be it is always better to use private investors' money for development, especially in light of the current challenges that the Government finds itself in, in terms of the debt. So, I know there are sort of contentious issues—the 60/40 ownership issue was contentious. It became the 40/60. I am a firm believer that we should even have a dialogue to remove all restrictions altogether to increase the foreign capital that this Island desperately needs to revitalise.

And I just look at Hamilton as an example of an area where especially since even before COVID-19, but especially since March, we are seeing businesses readjust to how many employees they really need in an office as opposed to who can work from home. If the commercial real estate market was in poor shape prior to March, it certainly will be even more challenged going forward. So I think we have to have some open and frank discussions in the community about how we increase foreign capital coming into the Island to develop and modify buildings, maybe into multi-use facilities in Hamilton, and even looking at St. George's and Dockyard at both ends of the Island.

I think stimulating the economy will be a huge challenge for the Minister of Finance. I think what businesses need, what they look for, is some sort of stability, understanding what the future picture looks [like] in order to create new positions in their organisations. I know this is a chaotic world we live in, but to the extent that the February budget can deliver some clearer picture of what the future looks [like] for Bermuda, this will benefit businesses and owners wanting to create new jobs.

And as I just look out the window here in talking about how we need to develop Hamilton, we might be the only country in the world where our most prime real estate—that being on Front Street—is used to park our cars and our bikes. I have seen plans to sort of revitalise the core of Hamilton, so I think, through the openness of allowing more foreign capital to come to Bermuda to stimulate the economy and generate more jobs for Bermudians, this will be a discussion and this will be good for the Island.

There was reference made previously to immigration reform, which is always a contentious issue, and for very good reason. I think immigration reform has been a failure in many respects for many years,

which I think is all the more reason why we have to work together to create a reform that works for all the stakeholders in Bermuda. So, I would refrain from trying to shy away from immigration reform and actually just have a discussion on what is going to work to generate jobs for Bermudians.

Just by way of example, the country of Canada with roughly 30 million people (and they have an ageing population like Bermuda does) recognises that unless they bring in 1 per cent of their population by way of new immigrants . . . so 30 million people. Unless they bring in 300,000 people every year to the country their economy is going to weaken. So, I think, you know, we have to proactively work on a solution for Bermuda which recognises that with our ageing population the demographics are not working in our favour. And so, I know it is contentious; but we cannot shy away from reform to improve our economy in that regard.

And, you know, the statistics reference gross domestic product every month, GDP. And so, GDP is a function of the productivity of a country and the number of people in its workforce. So, by definition, if we have fewer people in the workforce and we are not increasing our productivity, our economy is actually weakening.

I guess the last item that was sort of near and dear to my heart in the Throne Speech was the at-risk population. Many of us here in the room have been very fortunate [to have] loving parents growing up and an education system that worked for us, jobs that were available when we came out of university. And I think the strength of Bermuda, I would say, up until 2007/08 when we had that global disruption, was that we had a very large middle class. And I think when that global recession hit in 2007/08 a lot of us thought, like most recessions, globally it would take 18 months to 2 years and life would be back to normal. And, obviously, we have realised since then that life is anything but normal. So, it has been a really tough 12 or so years for Bermuda.

We are seeing more and more people, I think, fall through the cracks through no fault of their own, as referred to by some of my colleagues previously this morning. You know, businesses are shedding jobs from lack of activity through COVID-19. I think we as a community have to be especially collaborative and, I would say, public and private sector partnerships need to do everything possible to service those people who need to put food on the table for their families. And I think, you know, those numbers are growing, almost by the day.

I am part of a group whose main objective is to help those at-risk people. And so, I would recommend to the Government that between the public and the private sectors we work collaboratively to ensure that we do everything possible to help those at-risk people in our population.

There was reference to the Bermuda Trust in the document, which I think is a terrific idea if we can find ways to generate some positive cash flow to be able to distribute to those people in our community who desperately need it. And that would be a good thing for Bermuda.

So, I think, Madam President, as a newbie, those are my initial remarks [on] the Throne Speech.

Thank you.

**The President:** Thank you very much, Senator John Wight, Independent Senator.

Would any other Senator?

Senator Curtis Richardson, you have the floor.

**Sen. Curtis Richardson:** Thank you, Madam President and Members of the Senate.

Only through strong leadership that puts Bermudians first with an agenda to build a better and fairer Bermuda will we rebuild Bermuda with Bermudians at heart. This is a commitment which the Throne Speech delivers to the citizens of Bermuda. There is absolutely no room to top-up a failed attempt at governance with an empty promise to do better. Such an admission of such defeat is shameful, to say the least.

I raise my voice in this Honourable Chamber as a Government Senator to speak to the Throne Speech which was provided by our Honourable Premier to be delivered to the people of this great Island home by His [Excellency] the Governor.

Madam President, on the 6<sup>th</sup> day of November 2020, we who sit in this [Senate] along with other Members who sit in another place, gathered in the Town of St. George's Parish to recognise the convening of our Parliament. This Senate met for the first time to conduct the first order of business on our agenda. It serves me great honour to join you, in the manner of our Legislature, to conduct the people's parliamentary business.

The Throne Speech made mention of the intriguing history that is engrained in our social fabric, even until this day. Over 400 years later we celebrate . . . or do we? There is little room for doubt that the history that is Bermuda is unique.

Madam President, the road travelled to get this mass of 22 square miles has not been an easy one. It has not been a forever joyous one. However, it has been one with reward. One that makes it easy to say that through the trials and tribulations it is a place to feel at home, a place to never want to leave, a place to always return to, a special place to love, a place to love to say *this is home*. We, as Bermudians, are a resilient people, and we shall prosper. Let no man or act of violence, disease, natural disaster, or privilege set us back.

Madam President, our cultural history dates back to the identities of our descendants. And during this session a policy to recognise and to teach generations to come will highlight the multitude of shared

culture that is our identity. We are so much more alike than we are different. As I recall walking through the neighbourhoods of these islands, meeting our neighbours, my words would speak to ensuring that our seniors will continue to be our priority—their pension increases, their access to medication and overall health care.

BermudaFirst will assist the Government to finalise the introduction of a Bermuda Health Plan that will be efficiently accessed through an integrated health care model. This initiative will be partnered between public and private health care sectors, ensuring better outcomes for the seniors of these years and for the future years to come.

Madam President, it is crucial that the mandate to have pharmaceutical companies provide pricing information on prescription medications for aid in the formulation of a national drug formulary. The outcome here is to reduce cost to us. This move ought to be welcomed by everyone.

Madam President, I would like to take this opportunity to ask the Members of these Chambers to recognise the exceptional efforts and global success that our Ministry of Health and our leaders within our great country have had, and to continue to provide the guidance and enforcement, to keep us all safe in the wake of the COVID-19 global pandemic. Our testing regime has evolved, and it is remarkably being regulated by Bermudians. I see all, but especially the younger personnel throughout the testing facilities, thoroughly enjoying their opportunity to embrace their fields of medical interest. It truly is a wonderful sight to see all of these Bermudians taking care of their own as well as equally caring for the lives and safety of our visitors.

This pandemic is still upon us and I urge everyone to not get complacent. Let not the manner under which we have been shown to prevent the spread as best as we can fool you to think that it is okay to let your guard down. Many families have and continue to suffer losses of employment and are faced with economic hardships. Unfortunately, some homeowners have not been able to grasp the extent of what the pandemic has placed upon their tenants. The courts appear to be under the assumption to not grant understandable discretion at this time. Tenants are being faced with eviction notices from landlords and possession orders from the courts. With no affordability to retain a lawyer these unfortunate circumstances can lead to harder times. However, in these unprecedented times, we do have a Government with solutions.

I would like to concur that through the leadership and guidance provided by Government leaders and medical professionals we, as a country, have come together to do all that we can to control the spread. So, thank you to all members of our community for taking the advice offered by the present Government.

Madam President, the education of our present and future young citizens is of utmost concern. This Government's Throne Speech clearly recognises the need for change, change that is well underway and on track as the Ministry of Education implements the newly restructured two-tiered system that will provide so much more than a basic education. This revamped system of education will identify the interests and strengths of our students from their early years. There has been a call of concern for the return of trade schools.

Madam President, I can assure Bermuda that the signature schools of this parliamentary Government can be regarded as trade schools in hyper-drive. No longer will the education system be solely focused on just the trades that we have come to know. Signature schools will offer more. Graduates will be recognised in their respective fields of study as experienced within their said studies allowing them to carry on directly into the career life and/or tertiary college and university studies.

Madam President, the security of our nation is vast—from the boundaries of our borders to the inner streets of the everyday commute and livelihoods alike—[and this security] will continue to be monitored through the Ministry whose remit that falls under. It is of great pleasure to read from the Throne Speech that the Police Authority will be introduced to support the Bermuda Police Service and the communities they serve. There is a need for a bit of impactful community policing, all the way from the buses that are used to visit our schools to the annual Gymkhana that the police hold, keeping everyone involved active.

Madam President, this legislative session will introduce how the Government will deliver on its commitment to improve public transportation. It has been recognised and accepted that there are demands and expectations for more efficient higher transportation options. The Ministry of Education is already in the process of answering to the needs of those who depend on public accessible modes of transportation. As the Ministry collects the necessary data, in collaboration with stakeholders from all of the different sectors of the public service vehicle industry, the goal is to provide a transportation system which locals and visitors can benefit from.

Madam President, a digital payment app's base feature will provide the users with the ability to know where the means of transportation that is required is and when it will arrive and, certainly, how much it will cost. This will be an encouraged and most certainly welcomed attribute. The taxi industry, for instance, has been utilising varied methods of mobile app-based tools and digital payment solutions whilst offering location tracking and the estimated fare payment for a few years now. The integration of these into the partnering modes of public transportation is clearly a step in the right direction.

The Ministry is collecting the necessary data to ensure that the bus schedules are providing the true services that are required on all bus routes. Bus scheduling is known to be a contentious subject. The Ministry is adamant that the ongoing frustration of providing and receiving a bus schedule that one can count on can be resolved through the ongoing collection of data. This data can provide a true and accurate analysis, ultimately shaping the structure of the bus schedules, providing necessary resources for individual bus routes.

Madam President, speed is being looked into as a major contributor to the crisis that contributes to our road traffic accidents and fatalities. The Ministry recognises that road and water safety are paramount to the message of awareness that must be provided. Therefore, by combining the efforts of the road and water safety councils the message could be stronger. Motor vehicle garage regulations, as mentioned briefly in the Throne Speech, must be reviewed to ensure that the neighbouring residents are not put at a state of unrest due to unregulated conduct of business. The Throne Speech mentions, secondly, on vehicle ownership potential. This will provide an economic alternative to those seeking to purchase and those that will be legislated to sell.

Madam President, I can concur that within the Throne Speech there is mention of education and how that is being implemented and headed in the correct direction. Health is of paramount concern. And I believe that this particular Government is doing what is required and it must be done.

I will close in stating that I look forward to partaking in this legislative session and I certainly look forward to when we return to unite in close contact among each other in fellowship. May God bless us all.

That is my submission for the day.

**The President:** Thank you, Senator Curtis Richardson.

Would any other Senator care to speak on the Throne Speech? Now is your opportunity.

Oh, Senator Lindsay Simmons, you have the floor.

**Sen. Lindsay Simmons:** Thank you.

Madam President, 2020 has been a difficult year for us all. None of us would have predicted that we would begin through a pandemic. This Government is doing everything they can to protect us and, as you can see, the world is watching us.

To think this year we celebrated 400 years of Assembly. It began in 1620 when Governor Nathaniel Butler called on only white men to serve in the Assembly. Fast forward to the year 2020. I am proud to see that we have evolved to see men, women, Black and white, from all walks of life who are in Government. The Legislature has had many debates, but one

that is most significant . . . the most significant debate to me was to end slavery. But we still have a ways to go.

Government has put in different programmes, initiatives, and the rights of Bermudians first. As we know, everyone has a right to vote, no matter their sex or race, as long as they are Bermudian, registered to vote and 18 years or older. I am proud to be a part of a Government that is rebuilding Bermuda with Bermudians at heart.

Madam President, my passion has always been children. And to see the Ministry of Education taking steps to close middle schools and create signature schools, with all children in mind, the Ministry of Education are taking steps to make sure teachers, principals, and support staff are properly trained this time before implementing the signature schools. This Government knows the importance of training correctly, because not all children learn the same.

Madam President, our Government is taking steps to ensure that the youth are valuable members of our community. This Government is developing a national youth policy. These children are our future and their input should be and will be valued. Letting our youth know they matter gives them the assurance that their voice belongs in our society.

Madam President, as a foster parent (and becoming one of the youngest foster parents in Bermuda) I must say seeing the Ministry of Social Development and Seniors having a plan for children that are ageing out of the system is extremely vital. Creating independent living coordinators will help to fill a gap that is desperately needed. I have seen first-hand children that turn 18, who have been in our system most, if not all of their lives, have their support ended with no transition. Where do they go? Who steps up for them? Now we have an answer: This Government.

With the independent living coordinators they will be given opportunities for affordable housing and career advice. Children will be given the tools to allow them to become fully independent and valuable members of society. They will also be able to get health care, both for physical and mental health. These children will be able to have post-secondary education. They will be given opportunities that other children are given, just because their circumstance is different.

Madam President, our children, seniors, and other vulnerable persons, will have access to the [Office of the] Public Guardian. This service will help to protect our most vulnerable and they will have the representation that is needed. The seniors will be able to age with their pride and hold their heads high. This Government will put forth a National Seniors Strategy to emphasise dementia care and the prevention plan for senior abuse. With all these plans for our most vulnerable, the future for them looks bright and promising. We will rebuild Bermuda with all Bermudians at heart.

Thank you, Madam President.

**The President:** Thank you, Senator Lindsay Simmons.

Would any other Senator care to speak on the Throne Speech?

Oh, I beg your pardon. Senator Robin Tucker, you have the floor.

**Sen. Robin Tucker:** Thank you, Madam President.

Good afternoon, Madam President, Senate colleagues, and the listening audience.

Before I begin my remarks on the Throne Speech, please allow me a moment to say a few thank-yous. Thank you to the One Bermuda Alliance Opposition Leader Cole Simmons for appointing me to the Senate. And thank you to my family, especially my husband, for his support and encouragement in my pursuit of public service. Finally, I also want to say thank you to all of those who have kept us safe during this COVID-19 pandemic. We are grateful.

Madam President, I put my hand up for public service with the pledge to be the type of leader who is always remembering that the decisions made by public officers must always be for the greater good. I intend to be a sensible advocate in this Senate, not only to respectfully challenge that which is not valuable for Bermuda, but also to champion that which is beneficial for the Bermudian people.

Madam President, those of us that are Baby Boomers or Generation Xers, and prior generations that were fortunate enough to have grown up in Bermuda during the peaks of the Island's robust economy, enjoyed low unemployment and were parents of (or were, in the majority) of children that were thriving in the education system of the day. Unfortunately, this is not the case during the times that we currently live in. As a country, we are in the depths of the valley. We are a divided people; we are deeply in debt; there is high unemployment. And many of our children are woefully unprepared for higher education or for the workforce after high school. I am happy to know that the Government is taking steps to try to rectify that situation.

Madam President, healthy, productive, and thriving people help secure a strong country and economy. It is not the number of people in leadership that will have the greatest impact; it is how the country's issues are managed that makes for successful governance and builds enduring legacies. Our challenges are great, but not unsurmountable. As my Senate colleague, Senator Michelle Simmons, said, collaboration is of utmost importance. We must individually and collectively do our part to give Bermuda's people the best chance to succeed and to prosper.

Madam President, having read the 2020 Throne Speech, I was pleased to see that it contained many positive aspects that I support. But there are other aspects that cause me concern. I share Senator Simmons' concern for our children. For too long our

children's welfare has not been an area of focus. And I am pleased to know that this Government has decided now to make it an area of focus.

Madam President, I am pleased about the establishment of an independent Office of the Public Guardian, which will have persons acting in the interests of vulnerable persons on matters of health, finance and legal affairs. In other jurisdictions these guardians are appointed by the courts to help and act on behalf of the vulnerable. It is anticipated that this will be the case here, and that these persons will have the specialist training necessary—and licensure—to ensure that they are fully equipped to meet the needs of the populations that they are called to serve.

Madam President, it is also pleasing to know that greater focus will be on our children who, as, again, Senator Simmons has mentioned, are children who are ageing out of government care.

Madam President, I do not think that many of us, if anyone, here today, could imagine growing up in the government system, then being told at 18 years old that they must now fend for themselves. While I believe the establishment of independent living coordinators is a positive and absolutely necessary step, also needed is a form of a transitional housing facility where persons who have aged out of the system can learn to live independently, while being guided and supported into being self-sustaining. Some 18-year-olds who have not had the experience of being in government care, but lived in stable family environments, are challenged with having to operate independently on a day-to-day basis. They are challenged in knowing how to meet personal, financial, and social obligations, but [they] learn to do so with proper family guidance. Madam President, we must give all our children the support needed for them to become successful and productive contributors to society.

Madam President, protection of our children is paramount. Just recently we have learned of a case involving a string of sexual offences against a child that was dismissed on appeal because of court-related inefficiencies. As a community, we should be disturbed by this. Equally, we have had one of our Bermudian children die in a care facility overseas and yet, a year later, there remain more questions than answers about what happened to her. Not to mention the many stories we have read in the news that highlighted the experiences of the children who have had negative experiences when they were sent to overseas treatment centres. And yet, after so much time has passed, we still have more questions than we have answers. Again, we should be disturbed.

We have persons at the highest levels of leadership accused of mistreating children who still remain on the job. These are people entrusted with the welfare of our children, yet there remain no real answers, just more questions.

So, Madam President, when I learned about the Throne Speech, that the out-dated Child Care Placement Board will be replaced by a Children's Commission, I became cautiously optimistic that this new board would accomplish what the Child Care Placement Board was unable to do for some of our children, and that is, truly advocate for them and ensure that their needs are being met through appropriate services, policies, and programmes.

As there appears to be cause for concern about the leadership at the Department of Child and Family Services [DCFS] and its practices, I believe that the Children's Commission must operate independently to afford the Commission to do its work without influence of the DCFS and to work more closely with the third sector, which can provide aid as a neutral body. An independent commission must be able to advocate effectively on behalf of the children, particularly if there are instances where DCFS is the problem.

Madam President, before I move on from this topic, I raise a question. And that is, if there is a commitment to protecting the rights of our vulnerable children by the creation of a new Children's Commission and its renewed mandate, it begs the question as to why oversight of DCFS—our children's protection agency—shifted from the Ministry of Legal Affairs, where one might expect that there would be more stringent oversight to ensure their rights and interests would be protected.

Madam President, shifting focus to the long-term residency policy, the ability to take up residency in Bermuda for those who can afford to do so without needing to work to support themselves, should not hang on obligatory payments in exchange for residency. Permanent residents demonstrate that they will not be an economic burden as they are contributors to our economy. They buy and rent homes, eat in our restaurants, shop in our stores, utilise our services, volunteer at our charities, and help keep Bermudians employed. Requiring permanent residency seekers to provide added economic investment on top of what they already do, or to invest in the Bermuda Trust Fund, appears that Bermuda has rolled out an unwelcome mat and may discourage them to come at a time when we should be growing our population. I look forward to learning more in time to come about the financial contributions to be required, that give persons the opportunity to take up permanent residency in Bermuda.

Madam President, I am happy to learn that this Government will continue to build on the work that it has done to reform and improve care for our seniors. Indeed, our seniors are to be revered and treasured and, along with our children, they should be given priority care in this country. No senior in this country should have to decide whether to eat, get a prescription filled, or keep the lights on. As people are

living longer, and many are being afflicted with diseases like dementia and Alzheimer's, there remains a heavy burden on family and others to care for their loved ones. Unpaid family caregivers are central to providing long-term support for sick family, often while caregivers are dealing with their own financial, health, and emotional challenges—all of this, balanced with work and other commitments.

Unfortunately, unpaid caregivers' needs often get overlooked. Therefore, balanced with the need to provide more support and services for our seniors, it is also incumbent on Government and all of us to ensure that there is a similar level of support and services for our unpaid caregivers who carry the enormous weight of caring for others while often needing care for themselves.

Madam President, few will disagree that Bermuda needs an affordable health care system that is available to everyone. The Bermuda Health Plan remains an ongoing topic for discussion and closer scrutiny. However, we can more immediately focus on disease prevention to reduce hospital costs, which has significant benefits and can go a long way to improving the lives of Bermudians.

While success of the Sugar Tax initiative and whether it has yielded intended incomes of helping reduce Bermuda's reliance on sweets and sugary drinks and products is questionable, what is certain is that poor eating habits is one of the risk factors of certain chronic diseases that we can do something about now. People in Bermuda not only pay too much for health insurance, but also for food. And it has been reported in the media by at least one charity that food costs are overtaking electricity bills. Healthier food items must become more affordable to encourage more people to make better food choices that will lead them to better health outcomes.

Madam President, I was also pleased to read in the Throne Speech that there will be discussion around a National Cultural Heritage Policy. This conversation is not new, as the One Bermuda Alliance has made some positive strides in this area as far back as 2014.

Madam President, to progress as a people and as a country, too much attention cannot be given to the importance of defining what it means to be uniquely Bermudian. Too many of us look to other places to help us define who we are. Bermuda had no indigenous people. We all arrived here from elsewhere, and brought with us expressions of cultural identity through our traditions, art, food, music, dress. These are just examples. While the collective foundation of who we are stems from our genesis, to progress as a people—as a body of Bermudian people—it is important that we identify and meld the collective contributions that separate us, but valued together would truly make us one people.

Madam President, the plans for pension reform allowing pension funds to help families purchase

homes is an area that causes me concern. I am in support of helping people to get a piece of the rock, but not at the expense of not being able to care for themselves in the future. The \$12,000 pension withdrawal scheme was a quite good one and a necessary one. The one-year pension suspension option has immediate short-term benefits, but has long-term ramifications, as, at retirement, people who have already withdrawn such funds may find that they will have insufficient funds to live off of during retirement. And a withdrawal of money for mortgages will compound this.

Madam President, as at mid-October this year, \$102 million of pension funds had been approved for withdrawal. This scheme may well put home ownership within the reach of younger persons in high-paying jobs, such as those in international business. As such persons will be higher earners they will have more time left to make up withdrawn funds. For persons who have amassed pension funds over the years of working it is risky, as those persons will be even closer to retirement age with years left to pay back a mortgage and with fewer dollars in their retirement pot to be self-sustaining during retirement. This scheme will not benefit most of us since even those with a home and untouched pension funds are currently struggling to make ends meet at retirement.

Madam President, I have already taken a bit of time, so I will not spend a whole lot of time now on the topic of unemployment insurance. I do, however, wish to note that unemployment insurance is beneficial for ensuring that employees have some funds available to them in the event that they find themselves unemployed. However, a downfall is that this type of insurance will result in an additional tax burden on employers and possibly employees, [but] employers in particular who are already finding themselves struggling. A consequence of mandating this type of tax on employers may be that to afford the additional tax, employers may opt to reduce headcount or decide not to add positions in order to remain economically viable.

In closing, Madam President, I recognise that this Throne Speech was about what could be delivered during this legislative period. I wish to highlight, though, something noteworthy that I believe was missing from the Throne Speech which should have also been given highest priority—that is domestic violence against women.

I recognise that both men and women are victims of domestic violence. And, certainly, I do not wish to minimise the plight of abused men. But as a former hotline counsellor with the Women's Resource Centre who has seen and spoken to countless women who are in domestic violence relationships and have been victims of sexual assaults and domestic violence situations, I understand that women in this community are greatly impacted by the physical, emotional, and other types of violence that they experience.

We all know about the violence that has resulted in the murder of Miss Cann in September, and Miss Dillon-Burgess remains missing. But sadly, nothing has been said about priorities for the further protection of our women. It is said that attention is given to that which is deemed valuable. Our seniors are valuable, our economy is valuable, our education system is valuable, our children are valuable, equally, our women are valuable. This type of violence and these things affecting all of these groups have to all be given equal priority.

Thank you, Madam President.

**The President:** Thank you, Senator Robin Tucker.

Would any other Senator care to speak?

Well, someone needs to; we do not want to cut it short.

Senator Arianna Hodgson, you have the floor.

**Sen. Arianna Hodgson:** Hello, can you hear me?

**The President:** Yes. Perhaps if you push it up closer to the microphone itself, yes.

**Sen. Arianna Hodgson:** Good day, Madam President and Members of the Senate.

If I were to ask each of you about your plans for 2020 I am sure that, in many ways, things have not gone as planned. Who would have thought that in losing my seat I would have won the opportunity to have been appointed to the Senate and selected to serve as a Junior Minister? I am honoured, humbled, and deeply grateful to our Premier, to our party, and to my colleagues for their support.

Madam President, today I am just as excited for a fresh start as I am for the future. While there are those who would suggest that the affairs of the Senate should be handled by seasoned, more mature persons, I propose that now is the time for new energy, ideas and action. Nearly two months ago the PLP was given a clear mandate. This was a mandate to lead, to continue to safely navigate this pandemic, to limit the economic destruction of this health care crisis, and to re-envision a Bermuda for Bermudians.

Madam President, protecting Bermudians from COVID-19 is our first priority. Since March our Government has stepped in to provide strong leadership and a clear plan, as well as stewardship and management to help us contain the spread and transmission of the virus in our country. We have punched above our weight and have set a global standard in testing and preventing the spread of the disease. While we are not out of the woods yet, and we still need to wear our face coverings and follow strict hygienic regimes, we have much to be proud of.

I would like to take this opportunity to thank our dedicated health care professionals and everyone associated with managing this disease across our Is-

land. These essential workers, public officers, and other members of our community have worked tirelessly to hold our country together while the world stood still. So, while I say thank you, I also make a personal commitment to doing my part to adhere to the regulations designed to protect our communities and to encourage my peers to do the same.

Madam President, in this year's Throne Speech our Premier laid out a very ambitious plan outlining the Government's agenda and focus for this session. It is a plan that sets out our shared vision for Bermuda, which prioritises an investment in our people, which highlights our focus on prevention and forces us to revisit our heritage and our cultural identity.

Madam President, Bermuda is at a crossroads. And stimulating the economy is a major component of our Government's plan. For years we have been faced with challenges when it comes to taking care of our Bermudians, and COVID-19 will inevitably have an adverse impact on the Government's 2020/21 budget. While there is no denying that this year's budget will be challenging, I trust that our Finance Minister, along with his team, will continue to work in the best interests of our people to make appropriate changes in line with changing circumstances.

Madam President, a big part of stimulating our economy has to do with getting immigration right. And I am extremely excited to be working with Minister Hayward as we tackle progressive immigration reform that acknowledges the contributions of our non-Bermudian workers, but also protects the rights of Bermudians. During the last legislative session, the Government passed <sup>3</sup>mixed-status legislation. This year we will build on this progress by tackling other areas of immigration that have left many people in precarious status positions for far too long.

Madam President, as Bermuda experiences unparalleled levels of unemployment, this Government is committed to addressing the unemployment crisis and we are working to provide development opportunities and training initiatives to strengthen, re-train, and reskill our workforce. So, yes, we need to figure out how to get our people back to work, but while we work to restore employment to previous levels, we must remember that each of us have a responsibility to show up on time, to do what needs to be done, and to always give our best.

Madam President, the transformation of our public school system has been a long time coming. And while we understand the importance of this reform, we cannot and will not rush this process. We have made a promise to be transparent and to include our people in the redesign of our system, and we will do everything in our power to keep this promise.

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<sup>3</sup> Bermuda Immigration and Protection Amendment Act 2020

Madam President, it is easy to think that you can improve our education system with the right curriculum or the right management schemes, but this is not the case. It is important that we provide our young people with a comprehensive, well-rounded education that prepares our students to compete on both the local and global stage, while also considering our values, culture, and unique heritage. It is equally important that we create an authority that will focus on student performance and outcomes.

Madam President, advances in technology and the growth of social media have made it very easy to distribute explicit images and content over the web. Over the years we have noticed an increasing number of incidences whereby members of our communities, both young and old, have chosen to post sexually explicit images of former partners online without consent. Madam President, we cannot let this continue.

Madam President, revenge porn and similar acts can have immense psychological impacts which will inevitably play out in our communities. And I am excited about our Government's efforts to enact legislation to address revenge porn and online assaults and to protect the victims of these modern assaults.

Madam President, the care and welfare of our seniors and persons with disabilities is everyone's concern. And this Government is committed to accommodating the voices and rights of the most marginalised persons. In Bermuda we have one of the highest ageing populations in the world. At a time when our seniors are choosing between food and medications, I applaud our efforts to develop a National Seniors Strategy and welcome the introduction of a national drug formulary to assist with reducing and managing costs. While I am excited about our plans to enshrine the rights of differently abled persons and the additional support provided for our seniors, I want to remind each of us that it takes a village. Our families and communities also have a role to play in ensuring that these persons can enjoy fundamental rights and freedoms.

Madam President, our Government has not and will not forget our children. As leaders, we must do everything in our power to ensure that Bermuda's future will be built by those to whom it most belongs. I celebrate our Government's commitment to developing a National Youth Policy to engage our youth in the creation of government policy and stand with this Government as we seek to establish the Office of the Public Guardian and replace the Child Care Placement Board with the Children's Commission, who will be responsible for advocating for our children in care and promoting best practice policies and programmes.

Madam President, the holidays are coming, and with COVID-19 in our midst, there is no doubt that we have got some rough times ahead of us. The year 2021 will bring its own unique challenges, and it is likely that we will spend the next few years rebuilding

and balancing a thriving economy ensuring that Bermudians who have lost their jobs and are not working are cared for during these difficult times. As we continue to manage the effects of this pandemic, there is still much uncertainty around the crisis and what happens next. The best thing we can do for our country and our economy is to continue to diligently work to navigate this health crisis and to push on with the resilience that we have always exhibited.

In these unprecedented times, we need strong leadership and new levels of thinking. In order to meet these unprecedented challenges, we need to concentrate on practical action which forces this transformational change and growth.

Madam President, I am truly looking forward to this year's session and to ushering in a new normal where Bermudians are afforded equal opportunities to build and to break cycles of multigenerational trauma and violence. While we may vote differently, we are all in this together and we must work together. Now is not the time for partisan politics. It is the time for bold action. And I am hopeful that we can continue to bridge the deep racial and socio-economic divides that have plagued our Island home for far too long. Thank you.

**The President:** Thank you, Senator Arianna Hodgson.

Now, Senators, it is half past 12. We usually take a lunch break, but as we have gone so well, I wondered . . . I am putting it out to you: Do you want to break for lunch, or do you want to continue and finish earlier?

**An Hon. Senator:** I would say to continue would get my vote.

**The President:** Continue? We will continue.

Do you need five minutes just to stretch? No.

**An Hon. Senator:** Owen can stretch himself.

**The President:** All right, we will continue.

I was going to ask who is going to speak next? Would any Senator care to speak?

Senator Jones, you have the floor. Marcus Jones.

**Sen. Marcus Jones:** Thank you, Madam President. I was going to take your suggestion to stretch, but since I am the—

**The President:** You are outvoted!

*[Laughter]*

**Sen. Marcus Jones:** —second to last person that has got to give my speech, rather than there be air on the radio waves, I guess it is up to me to carry the debate.

**The President:** You have the floor, Senator Marcus Jones.

**Sen. Marcus Jones:** Thank you and good afternoon, Madam President, and good afternoon to the listening audience.

Let me first begin by thanking the new leader of the One Bermuda Alliance, Honourable Cole Simons, JP, MP, for inviting me back to the Senate. It is my desire to have him be satisfied with his selection as I endeavour to represent the Opposition to the best of my ability. I would be remiss if I did not take this opportunity to extend my sincerest appreciation to former Senator Jamie Jardine who served nine years in the Senate. He has served the country well in this capacity. His thorough analysis of the legislation and well-thought-out deliberations are well documented and displayed a wide range of knowledge. He will be a great miss.

Having not had the pleasure of replying to a Throne Speech in 2019, which was not presented, maybe I can indulge the President for double the time normally afforded to make up for last year. We can call it the Somerset Cup Match two-for-one-deal that this country has grown used to in our summer classic. But in light of the size of this Throne Speech, I do not believe that this will be necessary.

As we all know, the governing party's presentation of their annual Throne Speech is traditionally a rollout of its legislative agenda for the coming year, a formal wish-list of what it wants to accomplish outlined in broad strokes without having to be bogged down by those pesky details that politicians hate to have to explain. It is an opportunity for them to pontificate to some degree on their high successes of their most recent year in Government, but also to inspire the electorate on what they intend to do to make the lives of its citizens better, and position the country to experience prosperity and a steady hand in its governance.

Unfortunately, this Throne Speech is light in both of those endeavours and, in my humble opinion, looks suspiciously like the brainchild of a technical officer within the civil service rather than the meticulous awe-inspiring flair of the Premier and his leadership team. But this is pure speculation on my part.

Madam President, as stated in my last Reply to the Throne Speech in November 2018, there are three fundamental principles that I consider when offering feedback on legislation, budget proposals and, in this case, the Throne Speech. It is a means by which I put my markers down to guide me in all my debates in this Chamber: 1) Future generations; 2) Bermuda's oneness; and 3) Solution-driven deliberations.

**Future generations:** Our greatest resource on this Island of 21 square miles is its people. How we as legislators go about our work determines not only the lives of its present residents, but most importantly,

those future generations of people who will come behind us.

**Bermuda's oneness:** Bermuda is a melting pot of various ethnicities. Most of us can trace our origins back three and four generations when our forefathers were not even living on this Island. Despite the fact that our origins are different, gender, racial, economic and educational experiences are different, and finally, our party affiliations are different, we are still *one* Bermuda. We have that common tie that binds us. And although there will be times when we fuss and fight in these hallowed halls, we must not forget that we are one people with one purpose, which is to create a quality of life for all of its citizens, the haves and the have-nots, the born Bermudians and the adopted Bermudians.

**Solution-driven deliberations:** It will be extremely tempting for me to speak *ad nauseum* on the ills of Bermuda, its terrible mistakes and poor planning by successive Governments. To produce clickbait for the print and digital media [would] be par for the course for most traditional politicians. But we on this side are not like your traditional politicians. We believe in giving a fair and balanced critique of this present administration, a nod of approval when they get it right, disapproving feedback when it falls short of its stated goals, but, more importantly, our best efforts in offering alternative ideas to improve the legislation. Please do not expect us to pull out green pom-poms to cheer on this Government. That is the unenviable job of the Government Senators in these Chambers, and it would be most inappropriate of me to take that job from them (Junior Ministers, no less) in a work environment where jobs are being lost hand over fist as a result of companies going out of business and some severely downsizing their operations.

In the spirit of these three stated markers, allow me to mention the areas within this Throne Speech that I was pleased to see and would encourage the Government to follow through on implementing their agenda as it relates to these aspirations.

Madam President, positives from this Throne Speech:

1) Having the convening of Parliament in the old Town of St. George's. The setting in the Town of St. George's for the reconvening of Parliament 2020, celebrating the original Assembly held 400 years ago was appropriate and full of historical significance. One could not miss the sacredness of this event as it hailed back to our rich beginnings as a colony in the place where it all started.

2) The National Cultural Heritage Policy. I took special note of the Government's intent to introduce its National Cultural Heritage Policy for Bermuda. As a colony, much of the historical education we experienced when in school was that of the United Kingdom and our neighbours to the west of us, the United States. This was always a pet peeve of mine,

that we, as a country with a rich heritage, spent little time promoting the beginnings and progressive journey of this piece of limestone in the middle of the Atlantic that has done much in the world of global economics, academia, sports and culture. We *must* put this at the forefront of our public discourse and make it a requirement not only in our government run schools, but also in the private schools.

3) Approving additional capital projects. One of the tools in a government's toolbox to stimulate a country's faltering economy, or in our case, to jumpstart it after a major national crisis, is by injecting funding into the community through capital projects. Of course, we place a discerning eye on our debt status and look for ways to increase revenue while decreasing expenditure in government. But full-scale austerity would not be the right antidote [to what] ails us, but rather, a well-thought-out plan to improve the country's infrastructure through these projects, making sure that the capital investment is shared equitably amongst companies that are committed to hiring locals, whether they are friends of the present administration or not.

4) Continuing the reform policies for immigration. Quote from the Throne Speech: "Government will continue to protect the rights of Bermudians, while reforming policies to increase the residential population to support economic growth." Well stated. And we, the Opposition will be watching intently to ensure that this administration continues the bipartisan work and reform that reflects the wishes of the people, and will exercise equal contribution and buy-in from both parties, rather than the biased view of a select few who have a political agenda.

5) Revising of the Constitution. Back in the 1960s when the first draft of our Constitution was ratified by the Legislature of the day, it was a great starting point. But it is debatable whether the crafters of this document were a fair representation of the residents of Bermuda at that time, and, more importantly, whether it is relevant for a 21<sup>st</sup> century Bermuda. So reform is necessary and long overdue.

6) The financial assistance scheme improvements: The after-effect of a national disaster as we have experienced through this pandemic is proof positive that our society needs a safety net for those who are the most vulnerable economically. Soliciting funding from the private sector for this endeavour at this juncture may be a little problematic, as some businesses cannot even keep their doors open. I have taken special note of this Government's intention to reform the system to ensure that its recipients are on a pathway to employment.

Madam President, as Her Majesty's Loyal Opposition, we are duty-bound on this side of the political aisle to offer constructive feedback and offer alternative ideas and concepts to improve the governance of this Island. From time to time, the Westminster form of parliamentary discourse for the party in

Government can be uncomfortable and untenable. But it is the natural tension of this political system that holds the Government to account and provides the necessary conflict to produce the best results. Like nasty-tasting medicine, it may be tough to swallow but it is necessary.

In my introductory remarks, I made the observation that this Throne Speech, in comparison to successive administrations of the past, can be considered lightweight as it relates to content, a perfunctory approach to matters that are at the core of Bermuda's existence as a jurisdiction of global importance, and in some cases, it lacked a mention of even the smallest degree in the areas where this community having just endured a health crisis of biblical proportions we would be extremely interested in knowing the Government's intent and plans for the way forward.

I believe this Throne Speech is remarkable in what it has *not* said or addressed, more than what it *does* say. Take, for example, the issue of reducing the cost of living. This Government dedicated two paragraphs to the cost of living and economic inequality on the second page of its 2018 Throne Speech. Being highlighted early in that speech demonstrates its importance to a Labour Government. Fast forward to 2020: After a worldwide pandemic that impacted businesses and the livelihoods of hundreds of residents on this Island, what does this current version of the Throne Speech do to address that major issue that the Premier deemed, in his words, *the overarching theme of this session* (in 2018)? Barely a passing gesture, Madam President. In fact, an obligatory mention of the phrase "cost of living" was made in conjunction with the challenge it presents. Thus, the need for immigration reform hidden in one sentence.

Did I miss something over the last two years that will convince me that this Government has made significant inroads to curb the skyrocketing cost of living for all and to dismantle the systemic economic inequality that prevails in this country?

Nothing. Zilch. Nada.

Let's talk about the Government's intent to promote diversification of this economy. In its 2018 rendering of the Throne Speech, FinTech and blockchain-based national identity system was heralded as the emerging third pillar of Bermuda's economy, generating wealth and job creation. This terminology is not even mentioned in this speech—not its success or the progressive and ever-evolving track it may be on.

Nothing. Zilch. Nada.

How about the hospitality and tourism industry—Bermuda's recognised second pillar of the economy behind international business—an industry in which the Government has had to bail out a foreign company that owns the Fairmont Southampton by paying the 750 employees their redundancy pay. [This is] the same company who could not meet *that* obligation in time, but yet has the financial resources to invest tens of millions of dollars into renovating that

physical plant. The same company, which, based on his press conference, the Finance Minister states his Government will do *all* in its power to recoup these funds even if legal channels are required. [This] leaves the country uncertain on whether it will be able to regain the advancement of these monies made available to remedy this dilemma. Surely, this Speech would invest much attention to an industry that has the second highest number of employees in the workforce.

Nothing. Zilch. Nada.

Shockingly, save for an announcement of the successful reintroduction of scheduled flights and the resumption of our tourism industry, which is found on page 9 of the Throne Speech, there is a significant lack of consideration to the present state or future intent of this Government in their efforts to drive this industry to a place of sustainability to keep our people employed. Nothing reassuring is said about safeguarding the continued autonomy of the Bermuda Tourism Authority in light of the announcement of Members of Parliament being placed in the positions of Board Chair and Member.

After a pandemic that was instrumental in the closure of some hotels and the downsizing of others, the silence is deafening in this speech as it relates to this industry and leaves the public, especially those directly affected befuddled.

Let's now switch our attention to those issues raised in the Throne Speech that can be considered problematic, at best, and reckless at worst. The Government proposes to produce (as per page 8 of the Throne Speech) a revised capital development plan setting out targeted project expenditure to keep Bermudians working. A noble aspiration, one would say, and one that is desperately needed as our economy has tanked following this COVID crisis that still prevails today.

One would extract from this statement, in combination with additional messaging from press statements, that the funds may be used from the heralded infrastructure fund, which is a public/private initiative set up a few years ago which has a revised reported balance north of \$19 million. By its title, one would expect its usage to be invested in construction projects, not in venture capital start-ups, such as an electric vehicle rental business, which is what this fund has invested in so far.

Why do I raise this issue? I raise it because the public would need to be assured that the stated purposes outlined in this Throne Speech are in alignment with the original intent of this fund, and that the contractors chosen will be fairly selected without bias for those who have close ties with this Government. How can we ensure that our elected politicians do not have a direct link to these funds at the expense of needy small firms who have fallen on hard times?

Madam President, the Throne Speech states on page 6 that the Tax Reform Commission will be invited to update its recommendations made in 2018 in light of the new economic realities created by the pandemic. The Government quotes from the Fiscal Responsibility Panel to bolster its claim that, and I quote, "[I]t is essential to achieve greater equity by reducing taxes for those at the bottom of the pyramid while extending taxes to those with significant capital income or assets."

The present administration built on initiatives made by the former OBA Government to implement more equitable payroll tax tiers for low-wage earners. But this same panel stated in its 2019 edition, and I quote, "On tax reform, we regard 2019 as a year of missed opportunity, not just because of the further delay in meeting the target for budget balance, but because of the absence of significant tax reform along the lines of that proposed by the Tax Reform Commission or this Panel, as well as the *de facto* easing of the government's fiscal targets facilitated by the suspension of contributions to the Sinking Fund."

Not having the political will to implement recommendations made by economic advisors such as this has put the Government in a position of *missed opportunity*. What is made crystal clear from this panel is that these tax reforms are necessary for Bermuda to achieve its debt sustainability goals. If one has not embarked on recommendations that are outstanding, to ask for an update on them is understandable, but rings hollow, because one has not followed through on the initial suggestions.

One could accuse the PLP Government of borrowing from the OBA's former Throne Speeches and draft legislation on the idea of immigration reform. I quote once again from the Throne Speech: "[T]he Government will continue to protect the rights of Bermudians, while reforming policies to increase the residential population to support economic growth."

Since when has a PLP administration advocated increasing the residential population? Stunning, to say the least. This statement would cause one's spirits to rise in optimism, especially those who find themselves without citizenship, although recent developments in this area would suggest this is only wishful thinking. The bipartisan approach used to bring about solutions to the mixed-family status issue, although considered a good start, has not gone far enough to allow immigration reform to be a tool to support economic growth.

Similar to the point raised regarding tax reform once again, this administration sits in the place of *missed opportunity*, while our competitors to the south of us have exercised their political muscle, reconciled with the injustices of the past and have positioned themselves to be an inviting jurisdiction which attracts job creators willing to invest in their countries and stimulate their economies. Citing the Fiscal Responsi-

bility Panel again, their 2019 edition, and may I quote, Madam President?

**The President:** Yes, you may, Senator Jones.

**Sen. Marcus Jones:** “While some of Bermuda’s key industries can rely on a flow of high-skilled professionals that are resident for a few years at a time, many of its skilled workers are torn between a desire to continue working in Bermuda and restrictions on the prospect that they and their dependents can ultimately live and work in Bermuda as citizens. This in turn lessens their commitment to the island, reduces their incentive to invest, makes them more likely to return to their countries of origin, and makes Bermuda less attractive both for businesses and people. Treating people who have spent many years of their lives contributing to the island’s economy simply as economic units, rather than offering them a stake in the future of Bermuda, is ultimately counterproductive, both socially and economically.”

Madam President, in closing—and I see everyone smiling—I would like to underscore what has been mentioned by my colleagues as it relates to using pension funds as an investment vehicle to fund a down payment on a home for first-time homebuyers.

Has this Government gauged the appetite for this withdrawal by the targeted demographic that they are offering this benefit to? If so, what do the surveys and questionnaires tell us? Have the actuaries and fund managers given their expert opinion on this activity and its short- and long-term impact? Especially since the population census of 2016 claims that the ageing of Bermuda’s population and the forecast of its further shrinkage (the most serious long-term issue Bermuda faces) could have profound implication for Bermuda’s economic growth, and for the financial viability of its pillars for social welfare embodied in its various pension, health and welfare schemes. We see this move by Government as being short-sighted, bordering on reckless.

Once again, I quote from the departed Caribbean and religious leader, Dr. Myles Monroe. “When purpose is not known, abuse is inevitable.” In this case, purpose *is* known, which is the reserving of income by the working-age residents for future use in their retirement years. But this is being ignored. We can appreciate the move by this Parliament to enact legislation that provided relief for those in financial need during this pandemic. But to then take it a step further and make it a tool for investment outside its remit is immoral.

As stated at the beginning of my contribution to this debate today, this Throne Speech, in my humble opinion, can be described as a lightweight boxer trying to enter a boxing match designed for the heavyweight division. There are weighty issues that this country has to face requiring a heavyweight boxer’s approach. Bermuda has weathered many a storm in

its history and this could be one of its worst in history. This Government will need to draw on the resources of all of its citizens in the form of innovative ideas and even utilise the expertise of those groups with whom they have traditionally refused to consult, to be able to navigate us through the effects of this COVID pandemic and beyond. I thank you for your indulgence, Madam President.

**The President:** Thank you, Senator Marcus Jones.

And is there any other Senator who wants to speak?

No. Then I would just like to highlight a couple of items.

As someone who has worked in the health care system for many years, obviously, I am very, very interested in the “affordable universal healthcare for all” that this Government has indicated by the introduction of the Bermuda Health Plan. I know that there has been so much over the years that has been done to try to get Bermudians who have a high rate of obesity, a high rate of . . . when you go to the stores and you see what people have in their carts, it makes you wonder *Are they listening? Are they really wanting to address the whole issue?*

I know growing up some of us . . . I am giving away my age now, but certainly years ago having to walk to school and not sitting around and just watching television, but you really had to . . . and you enjoyed walking. You enjoyed walking to school, you enjoyed doing all the things, being engaged in all sorts of activities. So, that is one of the reasons why we are dealing with the high obesity, not just in older people but in young people.

So I think if there is anything that we would want to reinforce it is for families as well as in the school system . . . I know there are attempts to address the diet in the school systems. But we need to do it at home as well. And when I go shopping, and I see what people are putting in their carts, it really, really . . . it almost makes me want to go up to them and say, *Don’t you think you should do something different?* And I have to remind myself that I am only responsible for my own household. But it is an issue, so I am glad that, number one, we are addressing a universal health plan.

The other issue that I see, and it has been mentioned by some of you here today, [is] that people, particularly older people, may have to choose whether or not they pay for their medications: *Can I afford to have this? Or can I afford to buy my medication?* And that is a terrible thing for people to have to do. And so I think the fact that this Government is not only going to come up with an affordable universal health care plan, but they also want to establish a national drug formulary . . . because you cannot do one without the other.

I am also very pleased to see that there is going to be the establishment of an Education Authori-

ty. I think that the transformation of the school system . . . and again, giving away our ages. When we were younger . . . I mean, the school system, the output particularly in the public schools was really, really high in terms of the grades; the results that you saw in the school system then. So something is adrift.

I remember somebody who was visiting Bermuda saying to me, *It seems to me that the private schools are doing better than public schools.* And that is a question we should ask ourselves, particularly when you look at math . . . when you look at the results in the school system. So I am glad that there is going to be an Education Authority and also that we are going to really look at what we are doing for our young people.

I was on a panel years ago, and I went into the prison system. I was doing a counselling degree, and I went into the prison system just to talk to some of the prisoners there. And the majority of them there, who were there for various . . . whether it was drugs or whatever, they did not do well in school, particularly in their teens. They left school early. So for quite a few of them not having completed their education and being able to have a school-leaving certificate was a real, real issue. Because what happened is that they got caught up in using marijuana or some other activity, and then their lives just took a wrong turn. And most of them would say to me, *Oh, if only I had somebody talking to me in my teenage years, to speak to me about the value of school.*

And the other thing is they did not have role models. And so I was really pleased when for a time we had people who took young people, young teenagers, particularly boys, under their wings to educate. So I was pleased to hear that we are going to be addressing this, because we need to turn the lives of our young people around. Not only do we have an older population here, but we need to try to protect and save our young people.

So I am pleased about the school. I am pleased about the health care for all. I did not hear too much about the subsea cables. I think it was mentioned, but Bermuda can certainly reap the benefits of the need for global connectivity. I think it was mentioned briefly by someone, and I do not recall, but definitely I think that we need to benefit from that connectivity of the data protection.

The Office of the Public Guardian has been mentioned, and the construction of a marina at St. George's. I was really, really delighted to see that this was included. And wage reform. And finally, not that I think that there is an issue for us here in this . . . and I probably will get a slap on the wrist, but the code of conduct. I think that this is something . . . it just needs to remind us of the code of conduct of our parliamentarians, whether in here or outside of the facility. It is very important because we are considered as leaders, and people are looking to us. And they are expecting,

wherever we are . . . whether at work or play, people are looking to us as models. I know that the Speaker has talked about this and I think that there is a committee which will be addressing it, but the code of conduct I think is something that will be [done], hopefully, in this next year.

I will leave now for Dr. Peets to wrap up this section, but I just want to say that I appreciate all the contributions that you all have made so far.

Dr. Peets, it is over to you, Senate Leader

## MOTION

### MESSAGE TO HIS EXCELLENCY THE GOVERNOR ON THE PRESENTATION OF THE 2020 THRONE SPEECH

**Sen. the Hon. Dr. Ernest Peets:** Thank you, Madam President.

I move that the following message be sent to His Excellency the Governor:

"May it please your Excellency, the Senate has the honour to thank your Excellency for the most gracious speech with which your Excellency was pleased to open the present session of Parliament."

**The President:** Is there any objection to that motion?

No objection.

A suitable message will be sent. Thank you.

*[Motion carried: Message of thanks to be sent to His Excellency the Governor.]*

**The President:** We are now moving on to the second item on our Orders of the Day, which is consideration of the draft Order entitled Public Health (COVID-19) Emergency (No. 3) Extension Order 2020.

Senator Curtis Richardson, I believe this is your Bill.

### SUSPENSION OF STANDING ORDER 71(2)

**Sen. Curtis Richardson:** Yes, Madam President, I move that Standing Order 71(2) be suspended so that Senate may now proceed with consideration of the Public Health (COVID-19) Emergency (No. 3) Extension Order 2020.

**The President:** Is there any objection to that motion?

No objection.

Carry on, Senator Curtis Richardson.

*[Motion carried: Standing Order 71(2) suspended.]*

**Sen. Curtis Richardson:** Madam President, I move that the Senate do now take under consideration the draft Order entitled Public Health (COVID-19) Emergency (No. 3) Extension Order 2020.

**The President:** Is there any objection to that motion?  
Carry on then, Senator Richardson.

## ORDER

### PUBLIC HEALTH (COVID-19) EMERGENCY (NO. 3) EXTENSION ORDER 2020

**Sen. Curtis Richardson:** Madam President, I am pleased to invite this Senate Chamber to consider the [draft] Order entitled [Public Health \(COVID-19\) Emergency \(No. 3\) Extension Order 2020](#).

Madam President, as this Senate knows, the coronavirus disease, COVID-19, is caused by a new virus that has spread quickly throughout the world since it came to light in China in late 2019. COVID-19 is highly infectious and transmits easily between people who are in close contact or through coughs and sneezes. While most infected people suffer mild flu-like symptoms, some become seriously ill and even die. There is no cure for COVID-19, although over the course of the year more effective treatments have become available and vaccine development is being expedited around the world. Without a cure or a vaccine, other ways of slowing and controlling [how] the disease is spread are needed.

As Bermudians, you will know [that] wearing face masks, practicing good hand hygiene, maintaining physical distance between us and [following] all health protocols contribute to infection control. In addition, one of the World Health Organization's [WHO] recommendations for controlling the disease is quarantine. This means separating healthy people from other healthy people in case they have the virus and could spread it.

Strong evidence has found quarantine to be an important tool in reducing the number of people getting infected with COVID-19. This turns me to the importance of following public health directions and legal requirements such as the obligation to quarantine. This is particularly important if you have recently returned from traveling to any part of the world. While Bermuda's real-time reproduction rate for the coronavirus disease remains below one, this cannot be said for many of the countries surrounding us.

Madam President, I would like to take this opportunity to remind the Bermuda community that the Quarantine (COVID-19) (No. 3) Order 2020 provides, in summary, that any traveller who arrives in Bermuda must take a COVID-19 test upon arrival at the airport and shall—this is obligatory—place himself in quarantine at his house or accommodation until such time as he shall receive results of the COVID-19 [test].

If that traveller has a negative pre-departure test, then the second negative test (the airport test) will release that person from quarantine. If that traveller has not had a negative pre-departure test, the pe-

riod of quarantine lasts until the traveller has had a test on day eight with a negative result. The penalties for a breach of this requirement are outlined in the Quarantine Act 2017, which provides, on summary conviction, for six months imprisonment or a fine of \$25,000.

Madam President, the Minister of Health consulted the Chief Medical Officer and determined that a communicable disease of the first or second category, named COVID-19, continues to pose a severe threat to public health in Bermuda. This extension Order will extend the Public Health (COVID-19) Emergency (No. 3) Order 2020 made under the Public Health Act 1949 to permit the Governor to continue the Public Health (COVID-19 Emergency Powers) Regulations 2020 which imposed extraordinary measures necessary in the interest of public health to prevent, control, and suppress COVID-19 in Bermuda—extraordinary measures, such as, for example, the quarantine requirements.

Madam President, Honourable Senators will be aware that the most recent Public Health (COVID-19) Emergency (No. 3) Order 2020 was made under the negative resolution procedure, effective from the 27<sup>th</sup> of October 2020 for 30 days, and expiring on the 26<sup>th</sup> of November 2020. However, the COVID-19 pandemic continues to rage on globally, and a public health emergency continues to exist on our shores.

Therefore, in accordance with section 107A(3) of the Public Health Act 1949, I bring this Extension Order to the Senate Chamber to prolong the state of public health emergency for a further 60 days, ending on the 25<sup>th</sup> of January 2021.

Thank you, Madam President.

**The President:** Thank you, Senator Curtis Richardson.

Would any Senator care to speak on this Order?

No. Then Senator Curtis Richardson.

**Sen. Curtis Richardson:** Madam President, I move that the said draft Order be approved and that the following message be sent to his Excellency the Governor:

“May it please your Excellency, the Senate, having had under consideration the draft Order entitled the Public Health (COVID-19) Emergency (No. 3) Extension Order 2020 proposed to be laid by the Minister responsible for Health under the provisions of section 107A of the Public Health Act 1949, has the honour to inform your Excellency that the Senate has approved the said draft Order.”

**The President:** Is there any objection to that motion?  
No objections. A suitable message will be sent.

*[Motion passed: The Public Health (COVID-19) Emergency (No. 3) Extension Order 2020 was approved.]*

**The President:** Thank you, Senator Curtis Richardson.

**Sen. Curtis Richardson:** Thank you, Madam President.

**The President:** That brings us to item number 14.

## MOTIONS

**The President:** There are none.  
Item number 15.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

**The President:** Would any Senator care to speak?  
Senator Darrell first and then Senator Richardson.

Senator Darrell, you have the floor.

**Sen. Owen Darrell:** Thank you, Madam President.

I would like to take this opportunity today to send condolences to the family of a former student of mine.

I actually engaged with Mr. Clevonte Lodge-Bean when he was a student at the Berkeley Institute before he transferred (after I left) to CedarBridge Academy where he graduated from this June. Unfortunately, yesterday, myself and some of my other Senate colleagues and Ministers of the Government along with hundreds of others attended a home-going service, celebration of life, for Clevonte, who as has been reported, was a young superstar on the track, representing Bermuda in many overseas competitions, representing both public high schools, and had numerous friends and was loved by all.

Clevonte used to refer to himself, and others used to refer to him, as the “great Lodge.” I actually first met Clevonte when he was in middle school. I was friends with his mom and his family. He was just a ball of energy and full of life. It was unfortunate that he tragically lost his life. So I want to send the condolences to his mom, Delphina; his daddy, Alan [Daniels], father Lamont [(Monty) Bean] and also Mr. Norbert Simons. Some would have seen an article where Mr. Simons was his track coach and took on a father-figure role.

It was a touching celebration at National Stadium. Many of you would have seen, maybe on social media (if you were not there), that Clevonte was given a last lap. One of his races was the 400 metre. His friends, his teammates, his classmates took him one last time around the track of National Stadium. So,

once again, I would like to send my condolences to the family of Clevonte.

And, on a happier note, I would like to send Happy Birthday wishes. I know they do not usually do this in these places, but two specific individuals who happen to live in Smith’s South. I met them a couple of months ago when canvassing. One is a lady by the name of Ms. Pam Quarterly. She celebrated a very special birthday a few weeks ago and I did call her to tell her Happy Birthday. You would know that Ms. Quarterly does a lot of giving back into society. So I want to just celebrate her today and her birthday. And another individual who lives in constituency 8, Smith’s South, the Honourable John Barritt, former Member in another place. He is the father of a friend of mine and he also celebrated a significant milestone birthday in recent weeks. I also called to wish him a Happy Birthday.

So I just want to take the opportunity to celebrate those particular individuals in constituency 8. I will occasionally do more as I sit here. Thank you, Madam President.

**The President:** Thank you, Senator Owen Darrell.

Senator Curtis Richardson, you indicated you wanted to speak. You have the floor.

**Sen. Curtis Richardson:** Madam President, I would like to offer condolences to a very helpful member of mine during my latest campaigning. Her name is Nathalie, on the passing of her mother on the 9<sup>th</sup> of October, Ruth Ann Marie Barnett (nee Thomas). She was a beloved wife of Fitz “Ken” Barnett of London England. She was formerly of 2 Railway Terrace, Pembroke Parish, Bermuda. She was mother of Sharon, David [Lisa], Yvette, Nathalie and Mark [Danielle]. She was the daughter of the late Alfred and Marie Thomas and sister of Cynthia Stovell and [Alfred] Thomas [Jr]. She leaves to mourn behind many family and friends. And I just wanted to pass on, again, my condolences to, especially Nathalie, who was very instrumental and a good friend of mine. That’s all I have.

**The President:** Thank you.

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

I would ask that the entire Senate join me in congratulating Mrs. Louise Franks who made the headlines yesterday celebrating her 107<sup>th</sup> birthday.

*[Desk thumping]*

**The President:** I am sure we all would—

**Sen. Michelle Simmons:** What a milestone! If only we all could reach those golden years. She celebrated in style with a drive-by event. And a certain person who sits in another place, i.e., the Premier, joined her for a short while as he also was celebrating. So I would like to extend Happy Birthday wishes to both of them.

*[Desk thumping]*

**Sen. Michelle Simmons:** Secondly, I am asking for the Senate to send congratulations to the head of school at BHS, Ms. Linda Parker; to the chair of the trustees, Mariette Savoie; and to the fundraising campaign chair, who was Pam Ferreira, on the opening of their state-of-the-art Innovation Centre. I am sure we have all seen snippets on television, on the news, and in the newspaper about this wonderful centre which is dedicated to the advancement of science, technology, engineering and math education, in particular, as well as the arts. The Innovation Centre is making it possible for the girls, the young women at BHS, to really take their science studies even further, as far as they would like. And I think that it is very kind of the school to also plan to offer access to the facility to other schools. So congratulations to BHS on the opening of that centre.

Also, and this is just coincidentally, another BHS congratulation. Two of their students, two 14-year-old girls, won the Bermuda Economic Development Corporation's Youth Pitch competition recently, as well as the People's Choice Award for a project which means that they can help charities to connect with interested volunteers. It is quite a clever programme that they have worked out, and I am sure that the \$5,000 they earned will help them to move forward with their project. So, congratulations to Moya van Niekerk (and I hope I am pronouncing her surname correctly) and Loré de Kock for winning that competition.

And finally, I would like to congratulate Senior Magistrate Mr. Juan Wolffe for pushing forward with a vision he has had for some time, I believe, to undertake the launch of more treatment courts. We all know that there is a very high recidivism rate in our prisons, and it is imperative that instead of locking them up we should treat the causes of the problems we are seeing. I know that Senior Magistrate Wolffe is quite determined to do this, and I just want to thank him for pressing forward with his vision, and hopefully helping to reduce the recidivism rate in our prisons. Thank you, Madam President.

**The President:** Thank you, Senator Michelle Simmons.

Would any other Senator . . . Senator Marcus Jones, you have the floor.

**Sen. Marcus Jones:** Thank you, Madam President.

I would like for this Senate Chamber to send condolences to the family of the late Charles Samuel Robinson who passed on September 26<sup>th</sup> of this year. His distinction is not only based on him being my uncle, but he was truly a strong family man and a community man.

Although he was born in the heart of Somerset, the Portland Square Ely's Harbour area, but he was able to meet the love of his life, his wife Marlene, and they moved to the Somerset Bridge area. From there he was able to impact his community and thereabouts through his church membership of the White Hill Gospel [Chapel]. In the 1950s he became a founding member of the Gospel Light Quartet. They sang on radio programmes such as the Calvary Bible Hour and at rallies done by Franklin Zuill. They also sang throughout the various assemblies, for conferences and other special events.

He was also well known as a master carpenter from Somerset to St. George's. His skills and expertise were strongly sought after. He also was one of the founding members of CaMp HoPe. Those of you who know of that very strong youth programme, he was involved in this ministry for 50 years. He served in many capacities: arts and crafts, sports, music—where he played his accordion. He was very well known for playing his accordion. He used his carpentry skills in the building of benches, tables, kayaks, cricket bats, maintenance and repairs to the *New Hope* boat. He also assisted with infrastructure, camp coordination, as well as Bible teaching. He played a key role in CaMp HoPe's substantial impact on the lives of young people both locally and internationally.

So, I just wanted to bring to the attention of the Senate this afternoon the passing of my uncle, a great giant of a man, Mr. Charles Samuel Robinson. Thank you, Madam President.

**The President:** Thank you, Senator Marcus Jones.

Would any other Senator care to speak?

No. Then, Minister Peets, Government Leader in the Senate, the adjournment (item number 16).

## ADJOURNMENT

**Sen. the Hon. Dr. Ernest Peets:** I make a motion to adjourn.

**The President:** You certainly can. Yes.

*[Crosstalk]*

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

Senator Darrell.

**Sen. Owen Darrell:** Thank you, Madam President.

Madam President, may I please have the indulgence to read my maiden speech as I get my feet wet in the Senate?

**The President:** You certainly may.

## MAIDEN SPEECH

### THANKSGIVING, AN EXPRESSION OF GRATITUDE

**Sen. Owen Darrell:** Thank you.

Madam President, thank you for the opportunity to give what some like to call my “maiden speech” here in the Senate. If you would be so kind today to allow me to use my maximum 15 minutes to speak on the topic of thanksgiving, an expression of gratitude.

You see, Madam President, when I mention “thanksgiving,” many can be forgiven for allowing their thoughts to wander to large feasts with family and friends featuring a juicy turkey, stuffing and yams, or possibly my sister-in-law’s amazing collard greens with some real ham followed by a slab of pumpkin pie.

Madam President, if I were a Canadian citizen, Thanksgiving Day would have been on the second Monday in October. And if I were an American citizen, Thanksgiving would be on the fourth Thursday in November, which happens to be tomorrow. But since I am a proud Bermudian, Madam President, I would ask that you allow me to celebrate “Thanksgiving Day” today, Wednesday, November 25, 2020.

Madam President, let’s rewind the clock back to a few months ago when the Premier of Bermuda decided that he would call a general election. I felt that this was finally a good time to run as a candidate for election, having been an approved PLP candidate as far back as the 2012 election, just like at least one other Senator in this Chamber (who shall remain nameless).

The constituency that I chose was an area which I grew up very close to, Smith’s South, constituency 8. And while my choice to run in that area may have shocked many, I saw it as a unique opportunity, an opportunity to demonstrate to everyone that I have never been afraid of hard work, never been afraid to seek new opportunities, never been afraid to meet new people, and never been afraid to offer myself as a servant. From August 26<sup>th</sup> until October 1<sup>st</sup> I was able to knock on hundreds of doors, to make hundreds of phone calls, to send countless emails, and have meaningful conversations with citizens who care deeply about our home.

To those 1,331 eligible voters in Smith’s South, I give thanks to you today. Thank you for allowing me to have meaningful dialogue. Thank you for keeping it real. And thank you for sharing your concerns candidly.

Madam President, of course, I could never have accomplished this feat alone. I was very fortunate to have an extremely dedicated group of individuals who supported me (with pom-poms, I might add) from the moment that my candidacy was announced. My team of supporters totalled some 70 people, some of whom I had never met before my campaign started.

I wish today, Madam President, to publicly express my gratitude to the amazing team that was assembled to assist my efforts in Smith’s South. Whether it be my mom and campaign manager, Marlette Darrell, and her group of fantastic friends (many of whom I refer to as “aunt”) making calls while enjoying tea and sandwiches; whether it be to constituency 8 resident, Ms. Olita Smith, who called me on day-one and said, *I’ve never canvassed before, but I want to come and try it out*; whether it be Ms. Zakina Allen, Ms. Darmell Jones, Mr. Andre Place—lifelong Progressive Labour Party branch members of Smith’s South who called and said, *We want to be part of something special*, and proceeded to canvass with me every single night.

Whether it be my cousin, DeRoy Butterfield who said, *Tell me the days and times, Cuz, and I will be there*. Whether it be friends who supported from behind the scenes or the workers who showed up and showed out on election day, I salute you today! I publicly say, *Thank you for your support*.

There is something about a look on people’s faces when you look them in the eye and say, “thank you,” Madam President. They feel a sense of appreciation. Madam President, this was no more evident than on the night of October 1<sup>st</sup>. Yes, election night. You see, while some candidates may have been locked inside a polling station nervously biting their nails, listening to the returning officer call out the name chosen on the ballot, I was at home hosting a thank-you reception for each and every one of my team members—within social distancing guidelines (I might add).

Madam President, recognising the hard work of individuals and why they do what they do is one of the most important things that an individual can do. As an educator by trade, I was told that if your objectives are not clear for your students—the “why”—then surely you are wasting your time.

Madam President, you see [while] I personally did not get elected in constituency 8 on October 1<sup>st</sup>—and let’s be frank, I was not expected to win the constituency—I was indeed victorious. The team I have confidence in was selected by the majority of voters to represent their interests, and for that I am grateful. I have made so many more connections in Smith’s South and met people on both sides of the political equation who have expressed their confidence in me and in the direction that the PLP Government is taking us.

Madam President, this brings me to the next group of individuals to whom I wish to express gratitude today: They are my Senate colleagues. Yes, the Minister of Youth, Culture and Sports, the Honourable Ernest Peets; the Junior Minister of Labour, Senator Arianna Hodgson; the Junior Minister of Transport, Health and National Security, Senator Curtis Richardson; and the Junior Minister of Social Development, Seniors, and Home Affairs, Senator Lindsay Simmons. Since the day they were sworn in on October 8<sup>th</sup>, 2020, as respected servants of the people of Bermuda, I have seen first-hand the dedication that my Senate colleagues give on a daily basis.

Madam President, let's reference Senator Hodgson, for instance. Known in the community as "the good mom" for the work that she does to encourage and inspire women, especially the mothers who are raising children without the support of a second parent. Senator Hodgson took time to attend a job fair a few weeks back at Fairmont Southampton and stood beside the nearly 700 workers who have found themselves unemployed due to the closing of Bermuda's flagship hotel. She went to support them in seeking new opportunities. She also attends hours of briefing meetings in two ministries in order to research facts so that she can be a voice for the youth and women of Bermuda.

Senator Hodgson, on behalf of Bermuda, I publicly give thanks for the work you are doing.

Madam President, in the September 10<sup>th</sup> edition of the daily, may I quote?

**The President:** You certainly may.

**Sen. Owen Darrell:** The headline wrote: "Not all superheroes have supernatural powers."

This headline was referring to now Senator Lindsay Simmons, an individual who has acted as a foster parent for over 20 children in Bermuda, an individual who is the president of the Foster Parents Association and continues to provide free lunch to schoolchildren every single day. You may ask, *Does she have time to do anything else?* Madam President, the answer is yes. Senator Simmons has answered another call to serve in the role of a Junior Minister, a role that sees her spend hours and hours in meetings discussing and developing action plans to assist the most vulnerable individuals in our community.

Madam President, I say thank you today to Senator Simmons.

Madam President, a short while ago we sat and heard the lengthy outline that Senator Richardson gave on the topic of new COVID-19 regulations. The hours that he and the public health officials spend in an effort to keep this country safe cannot be quantified enough. Where would Bermuda be without the leadership of our health officers? On top of that, he is in meetings with the Minister of Transport, the Minister of

National Security providing strong and steady leadership for Bermuda.

Senator Richardson, I say thank you today for your service and, dare I say, countless hours of hard work.

Madam President, I also want to give thanks today to Senator Smith, the Opposition Senate Leader, and to my former principal, Senator Michelle Simmons, for their words of encouragement in encouraging us to come together and collaborate.

It is unfortunate that I [have to] wish that all of us will reflect on their words and do the same. See, Madam President, it makes me sad, and quite frankly angry, that on this my "Thanksgiving Day" not everyone in our community recognises, appreciates or finds it necessary to give thanks. Instead, Madam President, there are some in our community who feel the need to run interference, or to throw cold water on the hard work that some of us are doing as servants of the people.

In an opinion piece carried by a news media earlier this week, there was an author, who goes by the pen name of "Senator MJ," who was sent to deliver a message contrary to one of thanks, one rather full of startling contradictions, innuendos about worth or value of some public servants. The writer of this piece proceeded to disrespect some people living in Bermuda, referring to them with such titles as *subjects, natives, money-grabbers, jammed-up financial individuals and flag-waving, horn-honking supporters.*

Instead of giving thanks, Madam President, the writer wanted to take shots. Shame on that messenger!

See, Madam President, I might be able to forgive the author who goes by "Senator MJ" of this opinion piece for not remembering that in 2012 the particular party who liked to wear red Bermuda shorts, red neck ties and red dresses, won the general election and promptly appointed two Ministers (one of which has never stood as a candidate in his life), three Junior Ministers in this very place, as well as another Junior Minister in a different place. Maybe the author who goes by the pen name "Senator MJ" did not really take note, because those appointments were not expected to work hard for the people who needed their assistance most.

Maybe author Senator MJ did not remember, because the individuals who were entrusted to such positions in 2012 were otherwise topping-up their private business interests and the interests of those around them. Or maybe author Senator MJ legitimately would not have known what was going on back in 2012 because the author was then wearing a Kelly green tie with his green pom-poms trying to figure out a way to position himself in a PLP safe seat and join such an illustrious team of politicians.

Madam President, in closing I would like to finish where I started, not by giving credence to the comments of an author who has failed to win an elec-

tion in two different OBA safe seats, for two different political parties, but rather by expressing gratitude to every member of our society who is working hard to rebuild Bermuda with Bermudians at heart. Your efforts are noticed and appreciated.

And on my "Thanksgiving Day," Madam President, I say thank you.

**The President:** Thank you, Senator Owen Darrell.

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

No. Then I just have a comment. This is the first meeting of our Senate Session, and I just want to congratulate each and every one of you here, and to also say that today you have really expressed yourselves extremely well. I am very, very impressed, and I look forward to working with each and every one of you. Thank you very much for today.

The Senate stands adjourned until next week, Wednesday. And for those of you who celebrate Thanksgiving on Thursday, do so and enjoy and be safe.

Thank you.

**Some Hon. Senators:** Thank you, Madam President.

*[At 1:42 pm, the Senate stood adjourned until 10:00 am, Wednesday, 2 December 2020.]*

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**BERMUDA SENATE****OFFICIAL HANSARD REPORT  
2 DECEMBER 2020****10:03 AM***Sitting Number 3 of the 2020/2021  
Session*

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

**The President:** Good morning, Senators.  
The Senate is now in session; shall we pray?

**PRAYERS**

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

**CONFIRMATION OF MINUTES***[Minutes of 25 November 2020]*

**The President:** Confirmation of Minutes.

**Sen. Michelle Simmons:** Madam President.

**The President:** Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Madam President, I move that the Minutes of the meeting of Wednesday, the 25<sup>th</sup> of November 2020, be taken as read.

**The President:** Is there any objection to that motion?

**Sen. Robin Tucker:** Madam President, may I just point out an adjustment which needs to be made before we go further?

**The President:** Yes, indeed.

**Sen. Robin Tucker:** Under "Present", my name is Mrs. Robin Tucker, Mrs. R. S. Tucker. And there is a small typo under the first point at 10:02 am, which is, after Senator Simmons's first initial there should be a full stop and not a comma.

**An Hon. Member:** Good point, yes. I see that.

**The President:** Thank you for that. Yes. Thank you.

*[Inaudible interjection]*

**Sen. Robin Tucker:** [At] 10:02 am, the very first sentence.

**The President:** Thank you, Senator Tucker.

**Sen. Michelle Simmons:** Madam President, I move that the Minutes of Wednesday, 25<sup>th</sup> of November 2020, with those two adjustments, be confirmed.

**The President:** Is there any objection to that motion?  
No objection. The Minutes are confirmed with that adjustment.

*[Minutes of 25 November 2020 confirmed.]*

**The President:** Thank you, Senator Michelle Simmons.

**Sen. Michelle Simmons:** Thank you.

**MESSAGES**

**The Clerk:** There are no messages, Madam President.

**The President:** Thank you, Mr. Somner.

**REPORTS OF COMMITTEES**

**The President:** There are none.

We will move on to Announcements, but before we do, Senators, I would just like to bring to your attention a couple of items.

**ANNOUNCEMENTS  
BY THE PRESIDENT****VIRTUAL SENATE MEETINGS**

**The President:** One is that there was a memo from the Minister, Minister Kim Wilson, with the recommendation that Members should no longer meet in person in the Chamber. Further, she is recommending that Members follow the rules implemented by Dr. Binns for the civil service, and that is, no more than 10 persons, hands washed and sanitised, physical distancing should be maintained, masks to be worn for the duration of the meeting, and windows that could be opened [which] would increase ventilation, and the room cleaned and disinfected between meetings.

As a result of this directive, we will be meeting today here. And next week we will meet virtually.

## STANDING ORDER 49—RULES OF DEBATE

**The President:** Additionally, Senators, in light of what transpired last week on the motion to adjourn, I would just like to reiterate a couple of points that were shared with you during the orientation and the training session that was given last week, Monday.

I would like to draw to your attention [Standing Order 49], the rules of debate. I think you all have copies of the information that was shared. It is out of order to use offensive, insulting or disrespectful language about Members of the Senate or which tend to bring the Senate into disrepute.

I would also like to share that the President or the Chair is responsible for maintaining order and decorum. The duty is to ensure that Members observe the rules and that the dignity of the Senate is not compromised. It is out of order to use offensive, insulting or disrespectful language about Members of the Senate or which tend to bring the Senate into disrepute.

I would just like to share with you that Senator Darrell has apologised to me as a result of some of the comments that were made last week. And I would just encourage Senators to remind themselves of the Standing Orders.

I will now move on with our agenda, and that is item number five, Announcements. The first announcement is the Audited Financial Statements of the Office of the Information Commissioner for the fiscal year ended the 31<sup>st</sup> of March 2019.

Senator Arianna Hodgson . . . Oh, Senator Darrell; I beg your pardon. Senator Darrell, you have the floor.

**Sen. Owen Darrell:** Thank you, Madam President. Good morning.

**The President:** Good morning.

## ANNOUNCEMENTS

### AUDITED FINANCIAL STATEMENTS OF EXPENSES OF THE OFFICE OF THE INFORMATION COMMISSIONER FOR THE YEAR ENDED THE 31<sup>ST</sup> OF MARCH 2019

**Sen. Owen Darrell:** Madam President, I hereby present for the information of the Senate the Audited Financial Statements of Expenses of the Office of the Information Commissioner for the year ended the 31<sup>st</sup> of March 2019.

**The President:** Thank you.

The next [announcement] is the Bermuda Civil Aviation Authority Annual Report. Senator Richardson, you have the floor.

### BERMUDA CIVIL AVIATION AUTHORITY'S ANNUAL REPORT 2017/18, "BUILDING ON OUR FOUNDATION"

### BERMUDA AIRPORT AUTHORITY ANNUAL REPORT 2019/20, "NAVIGATING CHALLENGES, FOCUSED ON THE FUTURE"

### PAROLE BOARD COMBINED REPORT 2017 TO 2019

**Sen. Curtis Richardson:** Thank you, Madam President.

Madam President, I hereby present for the information of the Senate the following reports: the Bermuda Civil Aviation Authority Annual Report for the fiscal year 2017/18, entitled "Building on Our Foundation"; the Bermuda Airport Authority Annual Report for the fiscal year 2019/20, entitled "Navigating Challenges, Focused on the Future"; and the Parole Board Combined Report 2017 to 2019, covering the activities of the Parole Board over the period from the 20<sup>th</sup> of November 2017 to the 31<sup>st</sup> of December 2019.

Madam President, there are Statements for these that will be held and read at the next sitting.

**The President:** Thank you, Senator Richardson.

We now move on to the announcement regarding the BELCO North Power Station. That is Senator Arianna Hodgson.

You have the floor.

### CUSTOMS DUTY (BELCO NORTH POWER STA- TION) REMISSION AMENDMENT ORDER 2020

### CUSTOMS TARIFF (APPROVED BUSINESSES) AMENDMENT (NO. 4) NOTICE 2020

### CUSTOMS TARIFF (APPROVED BUSINESSES) AMENDMENT (NO. 5) NOTICE 2020

### CUSTOMS TARIFF (APPROVED BUSINESSES) AMENDMENT (NO. 6) NOTICE 2020

### CUSTOMS TARIFF (APPROVED ORGANISATIONS) AMENDMENT (NO. 2) NOTICE 2020

### PUBLIC TREASURY (ADMINISTRATION AND PAYMENTS) (SUPPLEMENTAL UNEMPLOYMENT BENEFIT) REGULATIONS 2020

### PUBLIC TREASURY (ADMINISTRATION AND PAYMENTS) (TEMPORARY UNEMPLOYMENT BENEFIT) AMENDMENT (NO. 3) REGULATIONS 2020

**Sen. Arianna Hodgson:** Madam President, I hereby present for the information of Senate the following subsidiary items:

- the Customs Duty (BELCO North Power Station) Remission Amendment Order 2020 as made by the Minister of Finance under the provisions of section 2 of the Customs Duty (Special Remission) Act 1951;
- the Customs Tariff (Approved Businesses) Amendment (No. 4) Notice 2020;
- the Customs Tariff (Approved Businesses) Amendment (No. 5) Notice 2020; and
- the Customs Tariff (Approved Businesses) Amendment (No. 6) Notice 2020.

Each is made by the Minister of Finance under the provisions of Customs Procedure Code 4229 of the Fifth Schedule to the Customs Tariff Act 1970. [Continuing are the following:]

- the Customs Tariff (Approved Organisations) Amendment (No. 2) Notice 2020 as made by the Minister of Finance under the provisions of Customs Procedure Code 4140 of the Fifth Schedule to the Customs Tariff Act 1970;
- the Public Treasury (Administration and Payments) (Supplemental Unemployment Benefit) Regulations 2020 as made by the Minister of Finance under the provisions of section 33 of the Public Treasury (Administration and Payments) Act 1969;
- the Public Treasury (Administration and Payments) (Temporary Unemployment Benefit) Amendment (No. 3) Regulations 2020 as made by the Minister of Finance under the provisions of section 33 of the Public Treasury (Administration and Payments) Act 1969.

E-copies of these items can be accessed on Senators' tablets and on the parliament website.

**The President:** Thank you, Senator Arianna Hodgson. (Why do I want to change your name?)

**Sen. Arianna Hodgson:** No worries.

**The President:** I do apologise.

## NOTICES OF MOTION

**The President:** There are none.

## PETITIONS

**The President:** There are none.

## STATEMENTS

**The President:** There are none.

## INTRODUCTION OF BILLS

**The President:** There are none.

## FIRST READING OF PUBLIC BILLS

### INSURANCE AMENDMENT (NO. 2) ACT 2020

#### DIGITAL ASSET BUSINESS AMENDMENT ACT 2020

#### LAND VALUATION AND TAX (SPECIAL PROVISIONS AND POSTPONEMENT OF PREPARATION OF DRAFT VALUATION LIST) ACT 2020

### HEALTH PROFESSIONALS (MISCELLANEOUS AMENDMENTS) ACT 2020

#### ST. GEORGE'S CLUB ACT 2020

#### BERMUDA NATIONAL PARKS AMENDMENT ACT 2020

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

- the Insurance Amendment (No. 2) Act 2020;
- the Digital Asset Business Amendment Act 2020;
- the Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020;
- the Health Professionals (Miscellaneous Amendments) Act 2020;
- the St. George's Club Act 2020; and
- the Bermuda National Parks Amendment Act 2020.

## FIRST READING OF PRIVATE BILLS

**The President:** There are none.

## QUESTION PERIOD

**The President:** My understanding is that there were questions which were raised last week that Senator Darrell, you have responses to those questions. You have the floor.

### QUESTION 1: BERMUDA COLLEGE 2019/20 ANNUAL REPORT

[Senator Marcus Jones' Parliamentary Question of 25 November 2020, recommitted.]

**Sen. Owen Darrell:** Thank you, Madam President.

I believe the first question was asked by Senator Smith last week, and it was, How many students received scholarships this year? While this question is

a little difficult to answer, I will answer it in two parts or three parts.

So the first part: There are a total of 70 College Promise students at the Bermuda College this year, 47 of whom are new College Promise students. This represents an 80 per cent increase over the last year, while 23 out of 26 students in the initial cohort have returned for a second year, representing an 88 per cent retention rate. Now, that is [for] scholarships. The Bermuda College actually makes a distinction between scholarships and financial aid.

So I will answer the second [part] with financial aid in mind. This semester 71 students received financial assistance from the tuition grant, which comprised 44 students in the academic divisions and 27 students in the PACE. To date 871 awards have been granted to Bermuda College students since this annual grant was put in place in 2017. [Additionally,] 104 students were awarded financial assistance by the Bermuda College Foundation. So I know the question was a general one about scholarships. But as you can see, it is broken down over many different types of financial assistance.

[The second part of that] Question asked: How many students who received scholarships actually graduated? I am a little bit unclear on the question, but I will answer it like this with this caveat: I was not sure if the question is pertaining to College Promise students or all students who received government financial assistance. But here is the answer: If you are talking or asking about the College Promise, or scholarship students, then there will not be any graduates at this time, as the programme started in the fall of 2019 and is only in its second year. The first cohort would be eligible for graduation in May of 2021. If you are referencing all students who received government assistance, this information is not currently available.

#### QUESTION 2: BERMUDA COLLEGE 2019/20 ANNUAL REPORT

*[Senator Ben Smith's Parliamentary Question of 25 November 2020, recommitted.]*

**Sen. Owen Darrell:** And number three, What is the percentage of public school students who graduated from high school and are enrolled in the Bermuda College? Of the Bermuda College enrolments, 90 per cent are from the Bermuda Public School System as of August 2020.

Thank you, Madam President.

**The President:** Thank you, Senator Darrell, for the response.

Senator Smith, you have the floor.

**Sen. Ben Smith:** Yes, Madam President. I just want to clarify. My question actually asked what percentage of students from public school graduated with the re-

quirements to get into the Bermuda College, because the purpose of giving this opportunity is that we are trying to give better opportunities for our students. What I am trying to figure out is how many of the students who are attending public school are leaving with the ability to actually take this opportunity.

Thank you.

**Sen. Owen Darrell:** I will get that answer.

**The President:** Thank you, Senator Darrell and Senator Smith.

Does anybody else have questions or responses to what has been—

**Sen. Marcus Jones:** Yes, Madam President.

**The President:** Senator Jones, you have the floor.

**Sen. Marcus Jones:** Yes. Thank you, Madam President. Good morning to my colleagues.

I just wanted to say thank you to the Junior Minister for providing us with that information, simply because I believe the public would surely like to know. And I am very happy to see that 23 of the 26 returned in the second year. I am very much encouraged by those numbers. And this is information that we on this side of the aisle would like to continuously be made available to the public because I believe it is information that is worth disseminating.

Thank you, Madam President.

**The President:** Thank you, Senator Jones.

Does any other Senator have a response or question?

No?

Then thank you, Senator Darrell, for providing the information that was asked [for] last week.

#### ORDERS OF THE DAY

**The President:** Moving along, there are no Orders of the Day today.

#### MOTIONS

**The President:** There are none.

#### CONGRATULATORY AND/OR OBITUARY SPEECHES

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

Senator Tucker, you have the floor.

**Sen. Robin Tucker:** Thank you, Madam President.

On behalf of the . . . well, first I would like to start with condolences. So on behalf of the Opposition

Senate Team, I would like to express condolences to all families and friends of those who have recently lost loved ones. Specifically, I would like to extend condolences to Acting Commissioner of Corrections, Ms. Keeva-Mae Joell-Benjamin, on the recent passing of her mother, Ms. Beverley Anita Joell, who some may remember from her time working at the Salvation Army Thrift Shop in Hamilton. I extend heartfelt condolences to Ms. Joell-Benjamin and her entire family.

I would also like to provide two points of congratulations. One, to Ms. Remy Richardson on becoming the first Filipino and the first female to be promoted to supervisor at the Royal Hamilton Amateur Dinghy Club, where Ms. Richardson has worked for almost 30 years. Some may also remember Ms. Richardson from Wahoo's Bistro & Patio in St. George's, where she has worked for a number of years with her Bermudian husband Lee Richardson.

And finally, I would like to extend congratulations to the MarketPlace for putting on a great mobile Christmas parade, ensuring that those of us who enjoy the annual event could do so safely. I had the pleasure of being roadside with my granddaughters, who are five and one. And the excitement on their faces and those of the other children nearby as the vehicles and Santa passed was priceless. Well done to MarketPlace and everyone who had a hand in organising and participating in such a great event! Thank you for giving us a little joy and semblance of normalcy as we navigate through the challenges of COVID-19.

Thank you.

**The President:** Thank you, Senator Robin Tucker.

Would any other Senator care to speak?

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

I would like to offer or ask that the Senate offer condolences to the family of the late Honourable Leonard Ormand Gibbons. Leonard was the husband of Sally, a former colleague of mine, and father of Susan Gray and Geoffrey, who is now deceased unfortunately. Leonard ran Leonard O. Gibbons Real Estate Ltd. for more than 35 years. He was, as many of you will recall, an elected Member of Parliament, having first represented Smith's North in February 1989 and eventually rising to at least two Cabinet positions that I remember, first as Minister of Community Affairs and then later as Minister of Works and Engineering, in which position he handled some significant government projects.

But above all, Leonard was a proud family man and was committed to serving his church, the Anglican Church of Bermuda. And I particularly recall his serving for, it must be 35–40 years on the Business Committee of the Church Society. He was a

faithful worshiper at Holy Trinity Church. And I also want to extend my condolences to his church family.

In addition, I would like condolences to be sent to the family of the late Charles Samuel "Boo" Brown, especially to his wife of many, many years, Mrs. Millicent Brown; all of his children; all of his grandchildren and great-grans. Mr. Brown was a friend of my parents, and when I was growing up and attending the Berkeley Institute, he was one of those wonderful bus drivers who would convey us to school and pick us up at the end of the day, take us home. He interacted with us always with a warm greeting, always with a smile, always with encouraging words. He was known, and he stood out because he always was immaculately dressed, whether he was in his bus driver's uniform or indeed out and about socialising.

I attended school with some of his children, and I would just like to let them know we are thinking of them and remembering them in prayer.

Madam President, thank you for listening.

**The President:** Thank you, Senator Michelle Simmons.

I am sure that the Senate body would like to be associated with the comments that you have made about the Honourable Leonard Gibbons, who had such an illustrious career. And I would say that about all the comments that have been made for those who have passed.

Thank you.

Would any other Senator care to speak?

Senator Darrell, you have the floor.

**Sen. Owen Darrell:** Thank you, Madam President.

Madam President, I would like the Senate to send condolences to the family of the late Ms. Sherlyn Eleanor Jones, nee Warner. Ms. Jones was laid to rest this past Saturday at her church, where she was a devoted member of the New Testament Heritage Worship Centre. Ms. Jones, and I knew her and many of my classmates at Harrington Sound Primary School—she was actually Ms. Burgess at the time. Ms. Jones was a long-serving teacher at Harrington Sound Primary School. And she went quietly about her duties for many years at Harrington Sound, and she was one of the most respected educators ever to grace the building. And she served under many other education giants, principals such as Ms. Aurelia Burch and Dr. Charlotte Ming.

As I said, she was a devoted member of the New Testament Heritage Worship Centre, and she would have celebrated her 80<sup>th</sup> birthday this Christmas Day. Unfortunately, she also lost her husband, a PLP stalwart, Mr. Donald Jones, earlier this year, as well as her brother, who was another long-serving member and PLP supporter. She is survived by her sons Ervin and her son Shannon, whom many would know from his football career on the Bermuda National Team and

Devonshire Colts; grandsons San-tse and Thierry; and granddaughters Sanaa and Elliyah.

I would also like to point out, as I did not call her by name, but Mrs. Jones was also one of those volunteers whom I thanked last week, as she made many calls during my campaign back in September.

Madam President, I would also like the Senate to send condolences to [the family of] Mr. Jerry Lynn Simons, the husband of Ms. Deborah Simons and father of Dr. Dana Selassie, Amber, Regis and Ryan Simons. Mr. Simons was Dr. Selassie's father, and Dr. Selassie is a personal friend of mine, and she also was a former colleague of mine more recently. Also, his brothers and sisters—and I would just like to point out three in particular, Ms. Francine Simons, who was a long-serving member and executive member of the Progressive Labour Party; his sister, Ms. Elaine Butterfield, who is married to my cousin; and his other sister, Ms. Deborah Leverock, who is also a former colleague of mine.

And finally, with the probably 20 seconds I have left, I would like to send congratulations, on a happier note. Some of you may have seen that one of my colleagues who sits in another place, Minister Jason Hayward, completed his promise that he made back in July, it was a birthday promise, that he would donate significant money to three of the childhood community clubs [operating] when he was growing up. And those three are Social Club, North Village and Dandy Town. And I just want to congratulate him in this time where there are a lot who are struggling, that he was able to find some of his extra, personal funds to give to worthy community clubs. Thank you, Madam President.

**The President:** Thank you, Senator Darrell. And I would think that all Senators in this body would join you in your condolences, and particularly those congratulations. So thank you, Senator Darrell.

Would any other Senator care to speak?

No. Then we will move on to the adjournment.

Dr. Peets. Minister Peets and Government Leader in the Senate, you have the floor.

## ADJOURNMENT

**Sen. the Hon. Dr. Ernest Peets:** Thank you, Madam President. Given the conclusion of our activities for today, I recommend that we adjourn until next week, Wednesday.

**The President:** Thank you, Minister Peets.

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

**Sen. Owen Darrell:** Madam President.

**The President:** Senator Darrell, you have the floor.

## ANNIVERSARY OF THE 2 DECEMBER 2016 PROTEST

**Sen. Owen Darrell:** Thank you, Madam President.

Madam President, I am not going to speak from notes today. But I am going to speak from my heart. Every Tuesday evening . . . well, last week Tuesday and this week Tuesday I got a call from our Senate Leader, the Honourable Senator Ernest Peets, Minister of Youth, Culture and Sports. And he gathers the team together, and he says, *Well, let's just go over what we're going to discuss in tomorrow's sitting.* And at the end we ask each other, *Well, who is going to speak on the motion to adjourn? or What Statements do you have?*

And I said, *Well, I don't think I'll say anything.* And we finished up our meeting, we said our good-byes, and we went our separate ways.

I then looked at my phone, Madam President, and I had a message from a very good friend of mine. He said, *Where are you?*

And I said, *Well, I'm just wrapping up a meeting. It is 9:00 pm. I left the office late. I haven't eaten. But I'll come and meet with you.*

So I drove to the place where my friend was, Madam President. And I sat on his couch. And, you know, the first question that my friend asked was, *Hey, how are you?*

And I said, *Well, how are you?* And we both actually gave the same answer, Madam President. We said, *It's been a rough day; it's been a rough couple of weeks, and a rough couple of months.* Overall, we came to the conclusion that things right now are pretty rough for everyone.

And I sat there and the sit-off that was supposed to last maybe five minutes turned into an hour and a half. And we just kind of talked about different things and, you know, kind of tried to come up with some sort of plan as to how we could make things a little less rough for ourselves.

I got home and, you know, prepared for today, still, Madam President, with no intention of speaking on this motion to adjourn. And I woke up this morning to a few images on my cell phone. One image was of a PLP Member, a long-serving PLP Member, who is 68 years old (I hope she does not mind my saying her age). And she was sitting on a sidewalk, and her hands were over her eyes, and her eyes were full of tears. I said, *Hmm. That's an iconic image. I've seen it before.*

The second image was an image of two individuals who at the time were just Members of the Progressive Labour Party who now sit in another place. And the look of anger on their faces was real.

The other image was an image of the then-young pre-40 Opposition Leader, now Premier of the country. And there was another image of members of the Bermuda Police Service, using what some know as pepper spray, aiming it directly in the faces of by-

standers (I will call them). And the caption below said, *December 2<sup>nd</sup>*, exactly four years ago today.

I sent a message to my Senate colleagues, and I apologised. I said, *I know I said I would not say anything today. But I woke up after seeing these images, after having the discussion with my mate, and I was sad.*

Some will say, *Well, that was four years ago. Some of the events that have transpired since then you should be happy about.* I mean, the Government of the day, who clearly were not listening at the time, they would have, you know, lost an election some months later. They would have lost another election three years after that. So, you know, *Let's get over it. You won that battle.*

And I kept thinking, and I said, *Well, you know, there's a time that says you should forgive and forget.* And those images, Madam President, will not allow anyone to forget. I am not sure how much forgiveness could be given at this time, but you definitely cannot forget. And this brings me back to the late hour that I left my office and the couch conversation that I was having with my friend. And it brings us to a place where there are many people in this country who are struggling. And you may say, *Well, how does one connect with the other?*

I see emails all day which talk about anxiety levels, people threatening to harm their lives, take their lives because they cannot deal with the levels of stress, you know, people taking shots and digs at public officers because they cannot get maybe the financial assistance response that they need in a timely manner, people who are threatened with court proceedings by their landlords because they are just not understanding that this pandemic that we are [living] in has caused them to lose their job and they cannot pay their rents.

And you may say, Madam President, *Well, how is any of that connected?* I go to the grocery store, and I stand there, and the lady says, *Oh, you're that PLP guy.*

I said, *Hi. My name is Owen Darrell.*

She says, *Well, tell me. Why does the Government have a hiring freeze?* And I have to explain to her that it is a temporary measure so that the Minister of Finance could take a look at the country's finances and figure out where we can cut, where we can hire people so that we can use the money that we have wisely and take care of people.

And I go back to December 2<sup>nd</sup>, [2016] and that whole protest was about an airport deal that the Progressive Labour Party in Opposition were protesting at the time. We had looked through it, we had looked through the numbers, and we just could not see how it was going to work. And dare I say that four years later they are about to have a ceremony to open this new airport. And there will probably be bells and whistles and ooh's and ah's. But in quarter two of 2020, Madam President, this Government had to pay

the owners of that airport—which is not the Government—about \$5 million. And in quarter three this Government had to pay the owners of that airport \$15 million. Simple math, you add that up, those two quarters, \$20 million.

And it makes me sad, Madam President, that some may want us to forget what happened on December 2<sup>nd</sup>, 2016. But when you see the emails, the calls, people stopping you in the grocery store, the look on people's faces of, *I don't know how I'm going to survive next week, next month, into next year,* it hurts, Madam President. It really, really does hurt. And believe it or not, we can throw out numbers and we can take shots at individual's pay packets and whether they are working hard or not working hard. But sometimes, or dare I say most of the time, the struggle that is going around in Bermuda hits a lot closer to home than you may think.

So, Madam President, I just wanted to take this time during the motion to adjourn to remember December 2<sup>nd</sup>, 2016. I want to give thanks once again to those individuals, many of whom were not elected officials, who on December [2<sup>nd</sup>] decided to stand up for something that they may not have known would cost them \$20 million in 2020, but they could see that it was not a good deal.

So, Madam President, as we reflect on four years ago, 2016, I just want to tell everyone in Bermuda to hang in there. And I can tell you without a shadow of a doubt that this Government, the Progressive Labour Party Government, is doing all they can to make the days and the weeks that are coming less rough.

Thank you, Madam President.

**The President:** Thank you, Senator Darrell.

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

No?

Then, Senators, the Senate stands adjourned till next week, Wednesday.

Thank you.

[At 10:40 am, the Senate stood adjourned until 10:00 am, Wednesday, 9 December 2020]

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**BERMUDA SENATE****OFFICIAL HANSARD REPORT  
VIRTUAL SITTING  
9 DECEMBER 2020  
10:01 AM***Sitting Number 4 of the 2020/2021 Session*

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

**The President:** Good morning, Senators.  
The Senate is in session; shall we pray?

**PRAYERS**

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

**CONFIRMATION OF MINUTES**

*[Minutes of 2 December 2020]*

**The President:** Confirmation of Minutes of the 2<sup>nd</sup> of December 2020.

**Sen. Michelle Simmons:** Madam President.

**The President:** Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Thank you.  
First, Madam President, I would like to point out a slight adjustment which needs to be made. It is on page 3.

**The President:** Yes.

**Sen. Michelle Simmons:** And it would be the third paragraph from the top on the left-hand side where I was speaking. In the last sentence it says, "And a churchman who had served for many years on the Anglican Church . . ." It should be "Society's Business Committee." The word "Society's" has been omitted.

**The President:** Thank you. Is that the only correction?

**Sen. Michelle Simmons:** That is all I saw.

**The President:** Thank you for that.

**Sen. Michelle Simmons:** Madam President, I will move that the Minutes of the meeting of Wednesday, the 2<sup>nd</sup> of December 2020, be first of all adjusted as indicated, and then taken as adjusted or amended.

**The President:** Thank you, Senator Simmons.  
Is there any objection to that motion?

**An Hon. Senator:** No objection.

**The President:** No objection.  
Thank you.

**Sen. Michelle Simmons:** Madam President, I move that the Minutes of Wednesday, the 2<sup>nd</sup> of December 2020, be confirmed with the amendment just mentioned.

**The President:** Thank you, Senator Simmons.  
Is there any objection to that motion?  
No objection; the Minutes will be confirmed following that correction.

*[Minutes of 2 December 2020 confirmed]*

**The President:** Thank you, Senator Michelle Simmons.

**MESSAGES**

**The Clerk:** [There are] no messages, Madam President.

**The President:** Thank you, Mr. Clerk.

**REPORTS OF COMMITTEES**

**The President:** There are none.

**ANNOUNCEMENTS**

**The President:** I think we have an announcement from Senator Darrell.  
Senator Darrell, you have the floor.

**PREMIER, MINISTERS AND OPPOSITION LEADER  
PERSONAL STAFFS ACT 2019  
ANNUAL REPORT 2020**

**Sen. Owen Darrell:** Thank you, Madam President.  
Madam President, I hereby present for the information of Senate the Premier, Ministers and Op-

position Leader Personal Staffs Act Annual Report for the fiscal year 2019/2020.

**The President:** Thank you, Senator Darrell.

## NOTICES OF MOTION

**The President:** There are none.

## PETITIONS

**The President:** There are none.

## STATEMENTS

**The President:** And we have a few Statements, the first one being the Bermuda Airport Authority Annual Report.

Senator Curtis Richardson.

**Sen. Curtis Richardson:** Yes, Madam President.

**The President:** Junior Minister of Transport, you have the floor.

### BERMUDA AIRPORT AUTHORITY ANNUAL REPORT 2019/20, "NAVIGATING CHALLENGES, FOCUSED ON THE FUTURE"

**Sen. Curtis Richardson:** Thank you, Madam President. Madam President, I am pleased to lay before the Senate the Bermuda Airport Authority's Annual Report 2019/20, "Navigating Challenges, Focused on the Future" and audited accounts as required under provisions of the Bermuda Airport Authority Act 2017.

Madam President, the principal responsibility of the Airport Authority is to protect Bermuda's interests in the public-private partnership with Bermuda Skyport Corporation Limited and ensure that contractual value is delivered on budget, on time and within the quality specifications contained in the project agreement. At the time the report was prepared, the new terminal building was 97 per cent complete and scheduled for official opening in July 2020. However, due to COVID-19, the opening was delayed and is scheduled [for] December 2020.

Madam President, the Airport Authority is the owner of the L. F. Wade International Airport, and in addition to overseeing the management, operations and redevelopment of the airport, the Airport Authority has direct responsibility for delivery of air traffic control, Bermuda weather services, ground electronics services, and airport rescue and firefighting services. The report highlights that essential air navigation services were insured to the Airport Authority, reducing costs and increasing local employment opportunities. The Airport Authority also completed its largest capital

project to date, on time and under budget, delivering an upgraded Bermuda Doppler weather radar system.

Madam President, the Airport Authority and Bermuda Tourism Authority worked with stakeholders to implement a comprehensive Air Service Development Strategy targeting more sustainable and diverse year-round passenger traffic. It is worthy to note that one of the highlights of the report is that air passenger traffic numbers were consistently above minimum revenue guarantee threshold levels during the reporting period.

Madam President, the financial year of the Airport Authority ends on the 31<sup>st</sup> of March. The Auditor General has signed off on the financial statements, as they represent a fair view of the operations. I take this opportunity to thank the Office of the Auditor General for their cooperation and support.

Madam President, in closing, I would like to recognise two of the Airport Authority's team members, Ms. Michele Bean and Mr. James Campbell, who achieved the certified PPP professional designation, which is the definitive industry standard for Public-private Partnership Professionals. And [I would like] also to publicly thank and commend the hard-working and committed staff of the Bermuda Airport Authority as well as the Bermuda Airport Authority Board for their diligent efforts.

Thank you, Madam President.

**The President:** And thank you, Senator Curtis Richardson. I believe you have a second Statement.

**Sen. Curtis Richardson:** I do.

**The President:** And you can proceed with that.

### BERMUDA CIVIL AVIATION AUTHORITY ANNUAL REPORT 2017/18, "BUILDING ON OUR FOUNDATION"

**Sen. Curtis Richardson:** Madam President, I present the Bermuda Civil Aviation Authority's Annual Report 2017/18, "Building on Our Foundation." Madam President, I am pleased to lay before the Senate the Bermuda Civil Aviation Authority's [Annual] Report 2017/18, "Building on Our Foundation," in accordance with provisions of the Civil Aviation Authority Act 2016. The report covers the period the 1<sup>st</sup> of April 2017 to the 31<sup>st</sup> of March 2018, which is the first full year of operation as a semi-autonomous administration.

Madam President, the financial year of the Bermuda Civil Aviation Authority [BCAA or the Authority] ends on the 31<sup>st</sup> of March. The Auditor General has signed off on the financial statements, as they present fairly the financial position of the Authority at the end of the financial year.

Madam President, although the Authority changed from a government department to a quango, the commitment and priorities remained consistent:

growing the aircraft registry; acting as an independent, reliable safety regulator both locally and overseas; and streamlining processes to meet the needs of operators on an ongoing basis.

Madam President, key highlights set out in the report are as follows:

- the establishment of an office at Farnborough Airport in the UK on the 1<sup>st</sup> of December 2017 (moved from Central London);
- Skyport's Aerodrome Certificate was issued;
- an RFP was issued for airworthiness service in Russia;
- in March 2018 the BCAA Board established human relations, business development and finance subcommittees;
- the Aircraft Registry grew by 9 per cent (70 additional aircraft);
- the collective bargaining agreement 2017–2020 was signed with the Bermuda Public Services Union;
- in January 2018 the Cape Town Convention was implemented in Bermuda;
- a major IT security upgrade was implemented;
- six posts in the approved BCAA organisation structure were filled;
- a risk assessment of America's Cup activity was completed, and the Safety Risk Mitigation Plan was implemented;
- the Air Safety Support International (ASSI) Audit of BCAA was completed;
- the Internal Quality Assurance Audit of Registration, Air Navigation Services and Personnel Licensing Sections was completed;
- the online payment system went live;
- the BCAA was voted the Best Aviation Regulatory Safety Authority in the Caribbean by Aerospace and Defence Awards.

Madam President, the first full year of operation was extremely successful. I urge all residents to read the report. In closing, I would like to thank the management and staff at the Bermuda Civil Aviation Authority and the board of directors for their continued hard work and dedication.

Thank you, Madam President.

**The President:** Thank you, Senator Curtis Richardson, Junior Minister of Transport.

We will now have the third Statement, and that is by Junior Minister of Home Affairs, Senator Simmons.

Senator Lindsay Simmons, you have the floor.

## **EFFORTS TO IMPROVE MARINE ENFORCEMENT**

**Sen. Lindsay Simmons:** Thank you, Madam President.

Madam President, I would like update Honorable Members on the efforts to improve the Gov-

ernment's capability to address illegal fishing and the resultant offences against our most threatened protected marine species and habitats. These species help make Bermuda the unique gem that we know, and every effort must be made to protect them from illegal activities such as poaching and wilful damage and destruction.

Madam President, Honourable Senators will likely be aware of a recent incident involving protected parrotfish at the East End of the Island that is currently being investigated by the Department of Environment and Natural Resources (the department). This is not an incident of illegal fishing, but rather is better described as a wildlife crime on a fish species that is not only beautiful to look at for locals and tourists alike, but one that provides us benefits well beyond that of a passing meal.

Madam President, parrotfish play a vital role in maintaining our fragile marine ecosystem. Parrotfishes are a diverse group of primary herbivorous fishes, and 14 different types are known to occur in Bermuda. The name comes from their bright colours and because their teeth are fused together and look like a parrot's beak. Most parrotfishes live on coral reefs where they eat seaweed, which includes microalgae. Their feeding helps to keep the reefs clean, ensuring that corals are not smothered by seaweed and that there is room for new coral larvae to attach. This allows reefs to stay healthy and grow, providing habitat for other fish and invertebrates; fish that our commercial fishermen legally harvest for our consumption. These same reefs provide our greatest protection from the major storm events. As they graze, parrotfish also consume rock and dead coral, which is ground up and excreted as sand. A large parrotfish can produce hundreds of pounds of sand per year, which helps to build our world-famous beaches. All in all, this is a fish species that we can legitimately say that we rely on for the health of Bermuda's natural environment and our own well-being.

Madam President, investigating incidents of illegal killings, injury and/or damage to our most [threatened] wildlife can be very challenging as they tend to occur away from normal observation—at night and underwater. Even if caught in the act or reported, the department has to prove beyond a reasonable doubt in a court of law that an offence has occurred based on evidence available.

Madam President, recognising these challenges, the Minister of Home Affairs is looking to provide tools to our wardens to assist them in the form of:

- continual enforcement training;
- improved cooperation with other enforcement agencies;
- use of technologies for enforcement;
- ensuring [legislation], offences and penalties to fit the crime;
- continued enforcement training.

Madam President, recognising the need to ensure that our staff are properly trained, this past October the Fisheries Warden section joined with many other non-police service enforcement teams to undertake training with the Department of Public Prosecutions to hone their skills in investigating and developing cases for prosecution.

Not only did this training provide a good update to their existing skills, this gave the opportunity to discuss with other colleagues with similar challenges potential gaps to be addressed in the legislative process—evidence-gathering and retention. Over the course of the upcoming year, the department will be working on instituting these recommendations to increase its enforcement capabilities, as well as undertaking continuing training where possible.

Madam President, on behalf of the Ministry of Home Affairs, I would like to thank the Minister of Legislative Affairs, the Director of Public Prosecutions and her team, the Bermuda Police Service and the Department of Health for their assistance in providing this extremely beneficial training for our wardens.

#### **Improved Cooperation with Other Enforcement Agencies**

**Sen. Lindsay Simmons:** Madam President, the Bermuda reef platform, its bays and harbours, as well as the offshore fishing areas are truly massive, areas that need to be patrolled in good conditions and bad, in daytime and at night. With this in mind, I would like to acknowledge the increased capacity and capabilities that the new Coast Guard has brought to the table.

I would like to take the opportunity to thank the members of the Coast Guard for their support to date. The Fisheries Warden team look forward to working more closely with them in conjunction with the Marine Operation Centre and the Bermuda Police Service in the future.

#### **Use of New Technologies for Enforcement**

**Sen. Lindsay Simmons:** Madam President, we recognise that we cannot physically be everywhere all the time. As a result, the department is investigating new technologies to assist in its work.

These will be identified in the Marine Resource Enforcement Strategy that is currently being development to address all major issues faced by fisheries—protected species, marine heritage and pollution control.

These will range from body cameras to boat-mounted infrared cameras for the night-time operations, [a] new means of communicating with the public, as well as incorporating the existing capability provided by other government agencies.

#### **Ensuring Legislation, Offences and Penalties Fit the Crime**

**Sen. Lindsay Simmons:** Madam President, parrotfish have been legally protected since 1993, and it is an offence under the Fisheries Act 1972 to take, kill and/or sell parrotfish, with a penalty up to a \$50,000 fine and two years' imprisonment. Apparently, this does not appear to be an effective deterrent by some. As such, the Ministry will be reviewing the possibility of strengthening not only this offence, but a number of others identified during stakeholder consultations as a result of the recent court decision.

Madam President, while the Government strives to do better, we can achieve even more with the assistance of the public. Given the possibility that these parrotfish have been caught to sell, the department would like to take this opportunity to also remind members of the public that they should only purchase fish from a licensed commercial fisherman, who should provide a licence number for verification.

Should anyone see suspicious activity, they should report it as soon as possible to the Fisheries Wardens at 535-4615, the Bermuda Coast Guard at 294-0610, or the Bermuda Police Service at 211. Timely reporting is critical to assisting with a successful prosecution.

Madam President, in closing, Honourable Senators can be assured that the Government will continue to do our utmost to tackle illegal fishing and wildlife crimes. I look forward to reporting back to you in the near future with new and improved measures of control, as well as our success in this area.

Thank you, Madam President.

**The President:** Thank you, Senator Simmons, Junior Minister of Home Affairs.

We now have the fourth Statement, which is the Employment and Labour Legislative Amendments.

Senator Hodgson, Junior Minister of Labour, you have the floor.

**Sen. Arianna Hodgson:** Good day, Madam President. We are actually going to hold this over until next week's discussion.

**The President:** So this Statement will be put off till next week.

Thank you, Senator Hodgson.

### **INTRODUCTION OF BILLS**

**The President:** There are none.

### **FIRST READING OF PUBLIC BILLS**

#### **RESIDENTIAL CARE HOMES AND NURSING HOMES (TRANSFER OF FUNCTIONS) ACT 2020**

### HEALTH INSURANCE (MISCELLANEOUS) AMENDMENT ACT 2020

### COMPANIES AND PARTNERSHIPS (ELECTRONIC REGISTRY) AMENDMENT ACT 2020

### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2020

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

- the Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020;
- the Health Insurance (Miscellaneous) Amendment Act 2020;
- the Companies and Partnerships (Electronic Registry) Amendment Act 2020; and
- the Bermuda Immigration and Protection Amendment (No. 2) Act 2020.

### FIRST READING OF PRIVATE BILLS

**The President:** There are none.

### QUESTION PERIOD

**The President:** Senators, we will now entertain questions on the three Statements that have been given, the first one being the Bermuda Airport Authority's Annual Report that was given by Senator Richardson.

Would any Senator care to ask questions on this Statement?

**Sen. Michelle Simmons:** I would, Madam President.

**The President:** Senator Michelle Simmons, you have the floor.

#### QUESTION 1: BERMUDA AIRPORT AUTHORITY'S ANNUAL REPORT 2019/20, "NAVIGATING CHALLENGES, FOCUSED ON THE FUTURE"

**Sen. Michelle Simmons:** My question is about the Doppler radar system. I know that there have been many issues with it over the past year. And I wondered if the Airport Authority was satisfied that this system is now consistently reliable.

**The President:** Thank you, Senator Michelle Simmons.

Would any other Senator like to ask a question?

No other Senator wants to ask a question.

Therefore, Senator Curtis Richardson, you can respond to the question put by Senator Michelle Simmons.

**Sen. Curtis Richardson:** Thank you for the question, Senator. I will take it under advisement. I can point to the report that was read. The Doppler system has been reconstructed. So I will get the answer to that, a definite question—[rather an] answer to your question.

**The President:** Thank you, Senator Curtis Richardson.

We will now move on to the second Ministerial Statement, which was given by Senator Curtis Richards, which is the Bermuda Civil Aviation Authority's Annual Report. Would any Senator care to ask questions on this Statement?

Hearing none, then we will move on to the third Statement, which was given by Senator Lindsay Simmons, Efforts to Improve the Marine Enforcement. Would any Senators care to ask questions on this Statement?

**Sen. Michelle Simmons:** Madam President, may I?

**The President:** Yes, indeed. Senator Michelle Simmons, you have the floor.

#### QUESTION 1: EFFORTS TO IMPROVE MARINE ENFORCEMENT

**Sen. Michelle Simmons:** We all heard about that very unfortunate incident of the parrotfish that were found basically gutted. And I was wondering how many other incidents have been identified by the Fisheries Department over the past year which had to be followed up with regard to enforcement? It would help us to understand the extent of the challenge which fisheries has to keep abreast of these incidents which are not friendly to our marine environment. So I will just repeat it again: How many incidents have been identified over the past year which had to be followed up with regard to enforcement? Thank you.

**The President:** Thank you, Senator Michelle Simmons.

Would any other Senator care—I see questions from the Cabinet Office. There is a question from the Cabinet Office?

**An Hon. Senator:** No. No.

**The President:** Sorry. Then I will put it over to Senator Lindsay Simmons to respond.

**Sen. Ben Smith:** Madam President. Madam President, I just have a quick question.

**The President:** Oh! Sorry. Ben Smith, yes.

You can ask your question, Senator Ben Smith.

## QUESTION 1: EFFORTS TO IMPROVE MARINE ENFORCEMENT

**Sen. Ben Smith:** So, Madam President, now that we have the Coast Guard online, would it be possible to find out how many incidents where the Coast Guard have been able to help out in this enforcement so that we can have an understanding of what the increased capability of the Coast Guard is doing to effect our being able to monitor all of our waters?

**The President:** Is that your only question, Senator Ben Smith?

**Sen. Ben Smith:** Yes.

**The President:** Thank you.  
Senator Simmons.

**Sen. Lindsay Simmons:** Thank you so much. I am waiting for a response.

*[Pause]*

**The President:** Thank you for that. Are you anticipating a response in a few minutes?

**Sen. Lindsay Simmons:** I am just waiting. So I am not sure how long they are going to take to get back to me.

**The President:** All right.

*[Pause]*

**The President:** Senator Simmons, I am just allowing just a couple of minutes for you before we move on with the Orders of the Day.

Senators, we will just give another two minutes.

**Sen. Lindsay Simmons:** I will have a response to you by our next meeting.

**The President:** Next meeting; fine.

Thank you then. Thank you very much, Senator Simmons.

Then we will move on with our agenda.

## ORDERS OF THE DAY

**The President:** And the first Order of the Day is the second reading of the Insurance Amendment (No. 2) Act 2020 that is given by Senator Hodgson, Junior Minister of Finance.

Senator, you have the floor.

## BILL

### SECOND READING

#### INSURANCE AMENDMENT (NO. 2) ACT 2020

**Sen. Arianna Hodgson:** Thank you.

Madam President, I move that the Bill entitled the Insurance Amendment (No. 2) Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?

No objection. Carry on, Senator.

**Sen. Arianna Hodgson:** Madam President, the purpose of the Bill entitled the [Insurance Amendment \(No. 2\) Act 2020](#) is to require registration under the Insurance Act 1978 of any incorporated segregated account company which intends to carry on insurance business.

Madam President, Senators will recall that the Incorporated Segregated Accounts Companies Act [the ISAC Act] was passed by the House in 2019. The ISAC set down a framework for the registration of incorporated segregated accounts companies and governs the establishment of incorporated segregated accounts by the ISAC. The ISAC is intended to be a hybrid of the existing segregated accounts companies provided for by the Segregated Accounts Companies Act 2000 [the SAC Act] and the conventional company with limited liability.

Madam President, while the ISAC Act and the SAC Act allow for the creation of segregated accounts, or cells, segregated accounts created under the ISAC framework create a separate legal entity, whereas segregated accounts created under the SAC Act do not create separate bodies corporate.

Madam President, the ISAC provides for a company to which the Companies Act 1981 applies to be registered as an incorporated segregated accounts company. A company carrying on insurance or investment fund business may register as an incorporated segregated accounts company, but all other companies must first obtain the approval of the Minister of Finance. Madam President, the operative date for the ISAC is the 15<sup>th</sup> of January 2020, and there is presently one insurance entity registered under the ISAC which has two insurance segregated accounts. Both ISA's [insurance segregated accounts] are registered as special purpose insurers.

Madam President, the Bermuda Monetary Authority [BMA] Insurance Assessment and Licensing Committee [IALC] reviews and makes decisions on the viability of applications for the grant of licences and registration under the Insurance Act, related regulations and rules. IALC meetings are scheduled on a weekly basis; however, the Chair of the IALC can propose an alternative date. Applicants would generally be advised of the outcome of the IALC's decisions on

the same day. Once approved, applicants may submit a separate application to the Authority to be licensed. A certificate of registration is normally issued by the Authority within three business days.

Madam President, key amendments to the Insurance Act 1978 are as follows:

Section 3 of the Insurance Act 1978 provides that no person shall carry on insurance business in or from within Bermuda unless he is registered by the Authority as an insurer. It is proposed to amend section 3 by adding a deeming provision which provides the following: "Where an ISAC has established at least one incorporated segregated account that intends to carry on insurance business then such ISAC shall also be deemed as intending to carrying on insurance business." Madam President, the purpose of the amendment to section 3 is to ensure that a non-licensed ISAC does not fall outside of the insurance licensing regime simply because they are registered under the ISAC Act only.

Section 5 of the Insurance Act 1978 covers matters related to the factors which the Authority is required to consider at the time of registration. It is proposed to amend section 5 to include additional registration criteria for bodies corporate that wish to carry on insurance business under the ISAC framework. Accordingly, the Authority will be required to consider the following additional factors during the registration process: "The nature of the intended relationship between the incorporated segregated accounts company and any incorporated segregated account established by it to carry on insurance business; and the nature of the insurance business to be carried on by the incorporated segregated accounts company and any incorporated segregated account established for such purpose."

Madam President, in accordance with the Authority's normal custom and practice, the Senate is advised that the Authority commence the consultation period on the 30<sup>th</sup> of March, concluding on the 6<sup>th</sup> of April. The Authority advised that there were few submissions received and that there were no material objections raised.

The Senate is also advised that the consultation included discussions with the ISAC Working Group and the Bermuda Insurance Management Association [BIMA]. The ISAC Working Group comprises representatives of the insurance sector together with other sectors, insurance intermediaries, as well as the legal sector. As all parties were involved in the development of the 2019 Act, an extended consultation period was not required.

Madam President, I wish to express my sincere thanks to the Authority together with the insurance sector and the ISAC Working Group, as well as the Ministry of Legal Affairs for their assistance with the development of this Bill. Thank you, Madam President.

**The President:** Thank you, Senator Arianna Hodgson, Junior Minister of Finance.

Would any Senator care to speak on this Bill?

Hearing none, then it is back to you, Senator Arianna Hodgson.

## SUSPENSION OF STANDING ORDER 26

**Sen. Arianna Hodgson:** Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?  
No objection.

*[Motion carried: Standing Order 26 suspended.]*

## BILL

### THIRD READING

#### INSURANCE AMENDMENT (NO. 2) ACT 2020

**Sen. Arianna Hodgson:** Madam President, I move that the Bill entitled the Insurance Amendment (No. 2) Act 2020 be now read a third time.

**The President:** Is there any objection to the third reading?  
No objection.

**Sen. Arianna Hodgson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Insurance Amendment (No. 2) Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

*[Motion carried: The Insurance Amendment (No. 2) Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Hodgson.

**Sen. Arianna Hodgson:** Thank you, Madam President.

**The President:** We will now move on to the second Order of the Day, and that is the second reading of the Digital Asset Business Amendment Act 2020.

And Senator Hodgson, I believe this is your Bill as well.

You have the floor.

**BILL****SECOND READING****DIGITAL ASSET BUSINESS  
AMENDMENT ACT 2020**

**Sen. Arianna Hodgson:** Thank you, Madam President. Madam President, I move that the Bill entitled the [Digital Asset Business Amendment Act 2020](#) be now read a second time.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Arianna Hodgson:** Madam President, Senators will be aware that the digital asset business environment is a rapidly evolving space and, as such, it is important that Bermuda's regulatory and supervisory framework keeps pace with the rapid rate of change so as to be able to remain relevant and fit for purpose. Madam President, after its first complete year of oversight of digital asset businesses, the Bermuda Monetary Authority [BMA or the Authority] undertook a formal review and analysis of the lessons learned from its licensing process, as well as from its interactions with market participants.

Madam President, the purpose of the review was to ensure that Bermuda continues to maintain an appropriate regulatory framework to attract new business and to ensure that it continues to support financial innovation that may benefit the jurisdiction. In particular, Madam President, the Authority considered whether the current set of licence classes under the Digital Asset Business Act [DABA], consisting of the [Class] M (modified) and the [Class] F (full) licences, were appropriate for supporting all of the stages of innovation in the still-evolving digital asset business environment.

Madam President, based on its research and analysis and by giving additional consideration to the fact that innovation requires rapid testing and piloting, the Authority has determined that the present regime does not adequately support the earliest stages of innovation, and therefore it is necessary and appropriate to enhance the FinTech regulatory framework to support all stages of innovation.

Madam President, the Authority is of the view that the best way to enhance the present framework is by the addition of a new Class T (or test) licence. The purpose for this class of licence is for the testing of a minimum viable product or service via beta testing or piloting. The [Class] T licence will have an initial duration of 12 months or less and appropriate regulatory requirements based on proportionality.

Madam President, it is expected that this new class will fill the gap identified during the Authority's review and will encourage more start-up companies to

domicile in Bermuda while they are testing and scaling-up the digital asset products and services.

Madam President, another substantive amendment covers matters related to exemption orders. Presently, there are no requirements for exempted entities to be registered or for exempted entities to submit reports to the Authority. It is proposed to amend the Act to make it mandatory for exempted entities to submit an application for an exemption and to submit an annual declaration confirming that the conditions that support an exemption continue to exist.

Madam President, this change will mean that the Authority will have better data on its market participants both licensed and exempted. Similar amendments have been made to the trusts and investment funds supervisory framework in order to meet anti-money laundering and economic substance requirements. Madam President, Senators are advised that this provision was included in the Digital Asset Amendment Act 2019 and was passed but was omitted when the amendment to the Act was made in 2019. As such, and in the interest of transparency, the Authority has resubmitted the changes in this 2020 amendment.

Madam President, the final substantive amendment is clarifying a power introduced last year that would allow the Authority to modify a fee in cases where companies will require other licences in addition to a DAB [digital asset business] licence, particularly where a business activity crosses between Acts, such as investing in digital assets. Presently, a company may need both an investment business licence and a digital asset business licence, potentially requiring two fees for a single activity. The Authority is of the view that [in] these cases in particular [it] may be appropriate for the Authority to offer a flexible fee structure, and the amendment identifies when it would be used.

Madam President, the other amendments to the Act are not deemed as substantive. These include, for example, the addition or amendment to certain definitions which are intended to provide greater clarity and enhanced operation of the Act.

Madam President, with those introductory remarks, I now present the Bill entitled the Digital Asset Business Amendment Act 2020 and welcome remarks from other Senators.

Thank you, Madam President.

**The President:** Thank you, Senator Hodgson.  
Would any Senator care to speak on this Bill?

**Sen. Ben Smith:** Madam President.

**The President:** Senator Ben Smith, you have the floor.

**Sen. Ben Smith:** Madam President, I would just like to say that the Opposition is in support of this Bill and has no objections.

**The President:** Thank you, Senator Smith.

Would any other Senator care to speak on this Bill?

Hearing none, then Senator Hodgson, it is back over to you. And you need to do the second reading again . . . second motion, sorry.

#### SUSPENSION OF STANDING ORDER 26

**Sen. Arianna Hodgson:** Yes. Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?

No objection.

Carry on.

*[Motion carried: Standing Order 26 suspended.]*

### BILL

#### THIRD READING

##### DIGITAL ASSET BUSINESS AMENDMENT ACT 2020

**Sen. Arianna Hodgson:** Madam President, I move that the Bill entitled the Digital Asset Business Amendment Act 2020 be now read a third time.

**The President:** Is there any objection to the third reading?

No objection.

**Sen. Arianna Hodgson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Digital Asset Business Amendment Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

*[Motion carried: The Digital Asset Business Amendment Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Arianna Hodgson.

**Sen. Arianna Hodgson:** Thank you, Madam President.

**The President:** We will move on to the third Order of the Day, and that is the second reading of the Land

Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020. And that is in the name of the Junior Minister of Home Affairs, Senator Lindsay Simmons.

You have the floor.

### BILL

#### SECOND READING

##### LAND VALUATION AND TAX (SPECIAL PROVISIONS AND POSTPONEMENT OF PREPARATION OF DRAFT VALUATION LIST) ACT 2020

**Sen. Lindsay Simmons:** Madam President, I move that the Bill entitled [Land Valuation and Tax \(Special Provisions and Postponement of Preparation of Draft Valuation List\) Act 2020](#) be now read for the second time.

**The President:** Is there any objection to that motion?

No objection.

Carry on, Senator Simmons.

**Sen. Lindsay Simmons:** Madam President, I am pleased to introduce for the second reading the Bill entitled the Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020. This Bill seeks to modify the effect of the Land Valuation and Tax Act 1967 so as to extend the validity period of the current valuation list and postpone the preparation of the next valuation list for Bermuda.

Madam President, Senators will be aware that the valuation list sets out the annual rental value [ARV] for properties in Bermuda. The 2015 valuation list is the current list in force. As part of the provisions of the 1967 Act, a new draft valuation list is to be prepared every five years. An Island-wide revaluation is a review of the ARV of all properties in Bermuda at a particular point in time, and the ARVs are the basis for determining the land tax that is payable by property owners. The next draft valuation list is due to go on deposit on the 31<sup>st</sup> of December 2020 and is to come into effect for land taxation purposes on the 1<sup>st</sup> of January 2021, thereby replacing the current 2015 valuation list.

Madam President, the COVID-19 pandemic continues to ravage economies worldwide, and Bermuda has not been spared this economic tsunami and catastrophe with unprecedented unemployment levels and depressed economic activities in all industry sectors. In respect of the 2020 draft valuation list, ARVs are to be based on rental levels, as at the antecedent valuation date of July 2019—seven months prior to the COVID-19 pandemic.

Madam President, an Island-wide revaluation based on the July 2019 pre-COVID rental levels would

be extremely painful for local businesses and homeowners in the wake of the current and continued economic hardship facing Bermuda since the pandemic. Consequences of a revaluation during the COVID-19 period will have a potentially detrimental impact upon businesses, homeowners and even the public sector. This could result in economic instability, given the uncertainty over land tax liabilities.

This just does not make sense. It is far more beneficial economically to tie the new ARVs under the next revaluation cycle scheduled for 2025—to post-COVID-19 levels—where the impact of the economic circumstances are clearer and the economy will have a longer period to recover. A post-COVID-19 valuation date ensures that the next revaluation period reflects the impact that the pandemic has on property values. Considering the volatility in the rental market and the existing uncertainty in the economy as a whole, postponing the Island-wide revaluation is a sensible and sound decision.

Madam President, countries globally are using this time to help reduce uncertainty for those affected by the impact of COVID-19 in the form of economic stimulus packages. Furthermore, conducting an Island-wide revaluation during economic instability is not in keeping with rating principles and industry practices. Consequently, other jurisdictions have acted to reduce uncertainty in this regard and have postponed their approaching property revaluations.

For example, England and Wales postponed their 2021 revaluation of properties in May of 2020, and more recently, in September, Scotland postponed their 2022 revaluation. The postponement of a revaluation is not novel to Bermuda, as in 1995 the draft valuation was cancelled following its deposit. As a result, the 1989 valuation list remained in force until it was replaced by the 1999 draft valuation list, the next five-year valuation list. Thus, the postponement of the preparation of the next draft valuation list means that the current 2015 valuation list remains in force for another five years until it is replaced by the 2025 draft valuation list.

Madam President, as per provisions in the 1967 Act, there are effectively two occasions when the ARV can be objected to. One is in respect to a new draft valuation list. Taxpayers have six months to lodge an objection to a new ARV appearing in the new draft valuation list. The other opportunity is following a physical change to a property, and a proposal is served to amend the ARV in the valuation list. Taxpayers have a 28-day objection period in such circumstances. Therefore, the postponement of the Island-wide revaluation will remove the right of objecting to the 2020 draft valuation list, as ARVs will remain as in the current 2015 valuation list.

Madam President, I must emphasise, however, that all taxpayers will still have the right to request a reassessment of their property if there have been any physical changes such as [additions,] mergers,

splits, demolitions, et cetera. Notifications of such building work are normally triggered by a certificate of use and occupancy permit, but currently one-fifth of all requests for property inspections received by the Land Valuation Department are made directly by taxpayers themselves. This practice will not change, and the rights of taxpayers will continue to be safeguarded and preserved. Thus, taxpayers will still have the right to both request a reassessment of their property following physical alterations and the right to object to any proposed ARV amendments made by the department to the 2015 valuation list, as they do now.

Madam President, it should be also noted that there are no adverse financial effects arising from a postponement of the preparation of the next draft valuation list. A postponement would actually secure the existing land taxation basis without threat, as the current 2015 valuation list will remain in effect. The certainty of \$85.5 million in revenue raised from land tax, which is government's third-largest direct revenue stream, will not be affected or jeopardised by the proposed extending of the 2015 valuation list. Consistency in property taxation will be maintained, as there will be no holistic changes to the 36,000-plus ARVs as occurs with each Island-wide revaluation.

Furthermore, as the Minister of Finance previously committed earlier this year to revenue-neutral valuation lists in this 2020 pre-budget report that is the new 2020 draft valuation list, which raises the same \$85.5 million in land tax than any potential decrease in ARVs could possibly have resulted in a higher land tax payment to offset the revenue shortfall. Thus, taxpayers' ARVs decreased. They have experienced increases in their land tax payments. Additionally, if the existing 2015 valuation list remains in force, ARV thresholds for pensioner exemptions, rent control, and sales of properties to restricted persons will not need to be adjusted as a consequence of the new 2020 draft valuation list and across the board changes to the ARVs.

Madam President, postponing the preparation of the next draft valuation list is in keeping with the Government's continued focus on supporting businesses and homeowners impacted by the pandemic with economic stimulus and recovery packages, while maintaining consistency and reliability in property taxation and not jeopardising critical land tax revenue. The postponement of the preparation of the 2020 draft valuation list is a sensible decision and approach for our country as a whole. Now is not the time for Government to roll out comprehensive changes to ARVs which could affect the land tax rates at a time when the country needs certainty, consistency and stability.

Madam President, with those introductory remarks, I present the Bill entitled the Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020.

Thank you, Madam President.

**The President:** Thank you, Senator Lindsay Simmons, Junior Minister for Home Affairs.

Would any Senator care to speak on this Bill?

**Sen. Robin Tucker:** Madam President.

**The President:** Senator Robin Tucker, you have the floor.

**Sen. Robin Tucker:** Thank you, Madam President.

I would like to just talk a little bit about the financial impacts that this piece of legislation has on individual property owners. So leaving the 2015—

**An Hon. Senator:** Madam President—

**The President:** Senator Robin Tucker, can you . . . I do not think your voice is loud. Can you speak closer to the microphone?

**Sen. Robin Tucker:** Sure.

**An Hon. Senator:** And video, please?

**The President:** I beg your pardon?

**An Hon. Senator:** Video.

**Sen. Robin Tucker:** My video was not on; sorry.

**The President:** And your video, yes. We do not see you.

**Sen. Robin Tucker:** Okay.

**The President:** There we are.

**Sen. Robin Tucker:** I apologise for that.

So in leaving the 2015 land valuation legislation [INAUDIBLE] five years until 2025 primarily benefits the Government, but on the face of it appears to benefit property owners. And the reason I say that is because, although household sales values are up, property values [INAUDIBLE]—

**An Hon. Senator:** Madam President.

**Sen. Robin Tucker:** And will continue [INAUDIBLE]—

**An Hon. Senator:** Point of order.

[Pause]

**Sen. Robin Tucker:** —will likely [INAUDIBLE] economic recovery during COVID.

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

**Sen. Robin Tucker:** I am sorry. Madam President, I heard, I think I must have dropped out.

**The President:** Yes. Did you finish?

We do not see you again.

Did you finish?

**Sen. Robin Tucker:** No, I did not, actually.

**The President:** There we are. And you need to speak a little louder. We are still . . . your voice is a little bit distant.

**Sen. Robin Tucker:** Okay. Is this a bit better?

**The President:** Yes, it is. You are coming closer to the microphone. That makes a difference.

**Sen. Robin Tucker:** Okay. So, Madam President, postponing a review of the ARVs in 2020 does obviously help Government maintain land tax revenues at the 2015 rate. But because of declining property values reassessment would result in lower land tax payments for property owners. This review could put more money in the pockets of the property owners, which is [INAUDIBLE] and will be needed over the next five years as we recover from economic impacts of COVID-19.

What is clear is that over the next few—

**The President:** Senator Tucker. Senator Tucker.

**Sen. Robin Tucker:** Yes.

**The President:** We do not see you again. I do not know what is happening with your microphone, as well. We do not hear you so well.

**Sen. Robin Tucker:** Yes. It keeps dropping. It keeps dropping out, unfortunately.

Okay. So what is clear is over the next five years, Government will continue to benefit from the \$85.5 million in land tax revenues based on the 2015 valuation list.

So I would like to ask Senator Simmons if she could specifically clarify how the individual property owners would benefit financially when property values are decreasing while land tax payments remain at current 2015 levels, which would be higher than current rates based on 2015 ARV levels.

Thank you, Madam President.

**The President:** Thank you, Senator Tucker.

Would any other Senator care to speak on this Bill?

**The Clerk:** No.

**The President:** No. Then, Senator Simmons, you have a question that has been posed by Senator Tucker.

**Sen. Lindsay Simmons:** Will you give me one minute? I am just getting the answer.

**The President:** Yes.

*[Pause]*

**The President:** Sorry. Senator Michelle Simmons, I see you have raised your hand. Do you want to speak on the Bill?

**Sen. Michelle Simmons:** Yes, Madam President.

**The President:** You have the floor.

**Sen. Michelle Simmons:** I would like to speak, though I will just warn you my Internet seems to be dropping every now and again. So I hope I can get through this.

**The President:** You have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

With regard to this Bill, I would like to just try and summarise my understanding of it because I hope that this will help members of the public to get an appreciation for what this Bill is really trying to do. In 2015, Government produced ARVs which were based on rental values at that time. In conjunction with that, Government would have assessed the rates of land tax. And as a result, all of those members of the community who had to pay land tax submitted their taxes.

In 2020, we all know—I do not have to say it, but I will anyway—we are living in a really different time. The pandemic has had such a huge impact on our community in many different ways. One of those impacts is current rental values have declined considerably, and that is not just because of the pandemic. It is because of the prevailing economic climate. So current rental values are a lot lower than they would have been in 2015.

If those ARVs were calculated this year, Government would have to assess a lower tax rate, and therefore everyone would be jumping for joy because they would probably end up paying less land tax.

However, we need to look at a more global view here because we are talking about the same Government which has had to dig deep into its pockets to find assistance for families who just have no means of supporting themselves. And this has been going on since at least April of this year.

I know that initially there were hundreds of families receiving this support, and maybe it was

thousands; I cannot remember the figure. And then it fell because many people went back to work. But the truth is Government has paid out a lot of revenue which was not budgeted for. And therefore, it would almost be suicidal for Government to calculate a lower tax rate and collect less land tax from members of the public at this time, because it would result in even more negative balance sheet figures for the Government.

I do not believe Government will benefit from holding the ARVs at 2015 rates. I believe that the community at large will benefit because it means the Government deficit will not continue to increase, and it will mean Government can continue to give support to those people who at this time really, really need it.

If you are not convinced that the need is great, just talk to anyone who right now is wondering where their Christmas meal is coming from. And with some of the recent changes—and I am talking about the changes over the past couple of days with regard to the closure of restaurants and bars and schools—there are many more families who are looking at even less revenue than they were counting on for this period. So in my opinion, I think Government is wise to delay the production of a new land valuation [list] until after we get out of this pandemic. And in 2025, hopefully rental values will have returned to more reasonable levels so that the tax rate will not be lower than it is at this time.

So I hope that this will help members of the public to understand that, yes, Government will continue to collect land tax at the rate that was assessed in 2015. But this is for the benefit of the whole community. Thank you, Madam President.

**The President:** Thank you, Senator Michelle Simmons.

Would any other Senator care to speak on this Bill before I turn it back to the Junior Minister?

No. Then, Senator Lindsay Simmons, it is back to you.

**Sen. Lindsay Simmons:** Thank you, Senator Simmons.

There is no guarantee, because we are just speculating here that ARVs will go down. Remember, the ARV would have been done for July 2019. So the ARVs could have gone up or down, fluctuated. So right now what we are doing is putting a freeze on it so that people are able to—but the ARVs tend to go up instead of down. So we are freezing it so that we are helping the economy right now to stay stable. Thank you.

**The President:** Thank you, Senator Simmons.

Hearing no other Senators wanting to speak, then you can do your second reading [for this one].

**SUSPENSION OF STANDING ORDER 26**

**Sen. Lindsay Simmons:** Thank you, Madam President. Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?  
No objection.

*[Motion carried: Standing Order 26 suspended.]*

**Sen. Lindsay Simmons:** Okay. Madam President, I move that the Bill entitled Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020 be now read for the third time.

**The President:** Second time.

**Sen. Lindsay Simmons:** What? For the second time.

**The President:** Is there any objection to that motion?  
No objection.  
You can move the third reading now.

**BILL****THIRD READING****LAND VALUATION AND TAX (SPECIAL PROVISIONS AND POSTPONEMENT OF PREPARATION OF DRAFT VALUATION LIST) ACT 2020**

**Sen. Lindsay Simmons:** Madam President, I move that the Bill entitled the Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020 be now read for the third time.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Lindsay Simmons:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020 do now pass.

Is there any objection to that motion?  
No objection.  
The Bill is passed.

*[Motion carried: The Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Lindsay Simmons.

We are now moving on to the fourth item on our Orders of the Day. And this is the second reading of the Health Professionals (Miscellaneous Amendments) Act 2020. And this is in the name of Senator Richardson, the Junior Minister for Health.

You have the floor.

**BILL****SECOND READING****HEALTH PROFESSIONALS (MISCELLANEOUS AMENDMENTS) ACT 2020**

**Sen. Curtis Richardson:** Thank you, Madam President.

Madam President, I move that the Bill entitled [Health Professionals \(Miscellaneous Amendments\) Act 2020](#) be now read a second time.

**The President:** Is there any objection to that motion?  
No objection.  
Carry on, Senator.

**Sen. Curtis Richardson:** Madam President, I stand before you to introduce the Bill entitled the Health Professionals (Miscellaneous Amendments) Act 2020 (herein "the Bill").

Madam President, the Ministry of Health is responsible for the legislation that provides the framework for the regulation of health care professionals. The Bill seeks to streamline and standardise several regulatory functions and requirements in the following legislation (herein referred to as "legislation"): the Allied Health Professions Act 2018; the Dental Practitioners Act 1950; the Medical Practitioners Act 1950; the Nursing and Midwifery Act 1997; the Optometrists and Opticians Act 2008; the Pharmacy and Poisons Act 1979; and the Psychological Practitioners Act 2018.

Madam President, this legislation establishes seven regulatory authorities that set clinical, cultural and ethical standards, and ensure ongoing professional competence and conduct for over 2,400 registered health professionals. These regulatory authorities are also responsible for the qualifications for entry into a professional registry, directing registration and licensure, prescribing continuing education and ensuring adherence to standards.

Madam President, the respective regulatory authorities under the legislation are [as follows]: the Bermuda Dental Board; the Bermuda Medical Council; the Bermuda Nursing and Midwifery Council; the Bermuda Psychologists Council; the Council for Allied Health Professionals; the Optometrists and Opticians Council; and the Pharmacy Council. These statutory bodies are essential for public protection and preserv-

ing trust and confidence in the delivery of care by registered health care professionals in Bermuda.

Madam President, it is important to reiterate that regulatory authorities are guided by their respective legislation and make regulatory decisions independently. However, administrative support services for regulatory authorities are provided by the Ministry. This is due to the relatively small number of health professionals in Bermuda, as compared to larger jurisdictions who have greater numbers of health professionals [and] can collect fees to provide for their own regulatory support services.

Madam President, the Ministry is challenged with meeting both the need and demand for expanding regulatory functions and standards that require greater oversight, compliance monitoring, and administration. The fragmentation of regulatory support across Ministry departments and sections, other government departments, and their multiple roles and responsibilities impacts the advancement of more efficient and effective regulation. Several solutions are in progress or have been implemented in order to address the challenges that have been presented. But this Bill seeks to make improvements to health professionals' regulation.

Madam President, in the past the Ministry sought to make updates to one primary piece of legislation at a time. However, this Bill differs because it proposes to streamline updates to several regulatory authorities across all the legislation. The Bill seeks to standardise statutory requirements for membership, quorums, voting status, annual reporting, corporate body status and penalties. The Bill also seeks to continue the expansion of the code of conduct to include standards of practice and scopes of practice, to amend appeal provisions in order to enhance and support public protection, to improve the disciplinary process, and to clarify the role and responsibility of their respective registers.

Madam President, the Bill also intends to designate the Bermuda Health Council [the "Council"] as the registrar for the five regulatory authorities and allow registration and renewal fees to be collected by the Council in order to offset the administrative costs of providing the regulatory support services. This shift aligns with the Health Council's existing statutory function to regulate health professionals by monitoring licensing, certification, standards and codes of practice. It will also finalise the transition of secretariat support for the regulation of health professionals from the Office of the Chief Medical Officer and the Registrar General to the Health Council. When this transition is complete, the Health Council will be the secretariat for the following five regulatory authorities: the Bermuda Dental Board; the Bermuda Psychologists Council; the Council for Allied Health Professionals; the Optometrists and Opticians Council; and the Pharmacy Council. This transition is already in progress and expected to be completed by the end of the

year. The Bermuda Medical Council will continue to be supported by the secretariat of the Office of the Chief Medical Officer, and the Bermuda Nursing and Midwifery Council will continue to provide their own administration.

Madam President, the Ministry supports a modern and robust regulatory environment that balances public protection, professional responsibility and resources. This transition will improve registration, efficiency and regulatory effectiveness by consolidating most regulatory authorities under one entity. Additionally, it allows the Office of the Chief Medical Officer to focus on other areas within their remit, such as epidemiology and surveillance, national drug [policy], and the local coordination of international public health initiatives in conjunction with the Department of Health. The Health Council's quango framework enables greater flexibility and innovation for its health services regulation.

If I may, Madam President, there is some feedback from someone's microphone?

**The President:** It looks as if everyone is muted.

**Sen. Curtis Richardson:** Okay.

The Health Council's quango framework enables greater flexibility and innovation for health services regulation. Even though the secretariat support for the Bermuda Medical Council and the Bermuda Nursing and Midwifery Council will remain the same, the Health Council is best positioned to improve coordination and strategic planning between regulatory authorities. The Ministry is committed to stewardship of and improvements to the health system which promote greater alignment between public health professionals and regulators.

Madam President, earlier I provided some background about the purpose of the legislation that is proposed for amendment, but I would like to acknowledge the individuals behind the scene who make the regulation of health professionals possible. The Ministry appoints 31 boards, councils and committees to perform mandated and advisory functions for the Ministry. Fourteen of these boards, councils and committees are statutory bodies that oversee functions that support the regulation of health professionals. Madam President, there are over 70 appointed members who perform these regulatory functions on a largely voluntary basis. Members work tirelessly to support the regulation of health professionals by committing their technical expertise and time. Members are reimbursed according to the Government Authorities (Fees) Act 1971 at the rate of \$50 per day when a meeting is attended, and \$100 for the chairperson or equivalent. Many of these members go above and beyond a scheduled meeting time in order to fulfil their legislative and regulatory function. This is especially true as Bermuda navigates through a global pandemic. I commend the regulators and thank them,

and all of the health care professionals, for their service to the community.

Madam President, this represents the full [summary of] amendments proposed by this Bill. With these brief remarks, I am pleased to introduce the Bill today.

Thank you, Madam President.

**The President:** Thank you, Senator Curtis Richardson, Junior Minister of Health.

Would any Senator care to speak on this Bill?

**Sen. John Wight:** Madam President, I just have a question for the Senator.

**The President:** Yes.

**Sen. John Wight:** So this Bill obviously will affect many health professionals, practitioners in our community. So I guess my question is, Have the repercussions or consequences of the elements of this Bill been discussed with the various bodies? And if so, what was the reaction from the various boards and the heads of the health professionals?

**The President:** Thank you, Senator John Wight.

Would any other Senator care to speak on this Bill?

**Sen. Robin Tucker:** Yes, please, Madam President.

**The President:** Senator Robin Tucker, we need to see you. We hear you, but we do not see you.

Yes. I can see you now.

**Sen. Robin Tucker:** Madam President, it was stated in another place that the intent of the Health Professionals (Miscellaneous Amendments) Act 2020 legislation is to streamline and create efficiencies of certain regulatory bodies as named by Senator Richardson. In the health profession by [INAUDIBLE] registration and regulatory oversight and other administrative functions [INAUDIBLE] Ministry of Health to the Bermuda Health Council.

Madam President, I agree that sensible action taken for the purpose of streamlining processes and increasing efficiencies should absolutely be taken. So I state from the outset that the Opposition supports the intent of this amended legislation. Madam President, with that said, although supportive of the amended legislation, I question whether responsibility for the registration, regulatory and other functions of seven additional regulatory bodies, on top of the Health Council's current requirements would eventually result in the Health Council's becoming administratively overburdened, ultimately impacting the quality of services provided and their ability to deliver efficiently.

Madam President, the Bermuda Health Council's mandate is to regulate, coordinate and enhance

the delivery of health services in Bermuda. Its website states that Bermuda, of those approximately 2,500 registered health professionals from 25 different health professions, all of these health professions are required to be registered with the Bermuda Health Council. Madam President, since the Health Council will be adding five additional regulatory bodies to its existing [INAUDIBLE] it is—

**The President:** Senator Tucker, we are not hearing you properly.

[Feedback]

**The President:** Senator Tucker, could you repeat your question? It was not clear, and we do not see you again.

**Sen. Robin Tucker:** Okay. Apologies. The connection keeps dropping out, Madam President.

**The President:** Yes. I understand that. But can you repeat your question?

**Sen. Robin Tucker:** Surely. So, Madam President, since the Health Council will be adding five additional regulatory bodies to its existing load, it is imperative the quality standards in the delivery of health services are maintained. To accomplish that, the Health Council must have sufficient available capacity to handle the added load, and the resources to get it done to standard.

So, Madam President, given that the Council will undertake increased responsibility, would Senator Richardson please confirm if the Bermuda Health Council will require more staff than what they currently have to carry out the administration of duties required by this new legislation? Madam President, often, new initiatives come with associated costs before efficiencies are realised. Would Senator Richardson also confirm what up-front administration, human capital, physical research requirements or other costs would be required as a result of streamlining registration and regulatory services to achieve greater efficiencies?

Madam President, the legislation allows for the Bermuda Health Council to [INAUDIBLE]. . .

[Feedback]

**The President:** Senator Tucker.

**Sen. Robin Tucker:** —renewal fees redirected from the Ministry of Health. It was mentioned in another place that these funds will be used to offset [INAUDIBLE] . . . Yes? Sorry?

**The President:** Senator Robin Tucker, can you repeat the last question you have? I can hear you now,

but the others were not hearing the last question you were asking. Just the last minute.

**Sen. the Hon. Dr. Ernest Peets:** Madam President, if I may?

**The President:** Yes.

**Sen. the Hon. Dr. Ernest Peets:** We do understand that Senator Tucker's question is very, very important. Given the state of her Internet, would it be appropriate if she sends her question in writing and perhaps we can address it next week?

**The President:** Senator Tucker, did you hear the response from Minister Peets? He is asking if you can submit your questions in writing, and they will address them next week. Because it seems as though there are a number of questions that you asked, and it is important that they hear. And I think if you put it in writing, then they will be able to address it.

**Sen. Robin Tucker:** Yes, Madam President. I can do that. Thank you.

**The President:** Thank you.

Do you want to continue to make any additional points other than the questions you put forward?

**Sen. Robin Tucker:** I have actually a number of points, but I also have questions.

**The President:** We do not see you again.

**Sen. Robin Tucker:** Yes. I do have a number of points that also have questions attached to them.

**The President:** Well, you can continue with your points. But the questions I think you need to add them to the questions you are going to submit for next week.

**Sen. Robin Tucker:** Okay. So, Madam President, would it be okay just to continue? And then I will still submit the questions in writing?

**The President:** Yes. Indeed you can. But it would probably be closer to your microphone so that we can hear the comments you have. Thank you.

**Sen. Robin Tucker:** Okay. Thank you, Madam President.

So, given that the Council will undertake increased responsibility, would Senator Richardson please confirm if the Bermuda Health Council will re-staff [INAUDIBLE] than what they currently have to carry out the administration of the duties required by this new legislation?

**Sen. Curtis Richardson:** Madam President.

**The President:** Yes.

**Sen. Curtis Richardson:** Senator Richardson here.

**The President:** Senator Richardson, yes.

**Sen. Curtis Richardson:** Unfortunately, I am not sure if your reception is receiving anything different from Senator Tucker. But we—it is absolutely no way to comprehend what she is saying, unfortunately. Maybe the technology is not working. Could she put all of her questions in writing?

**The President:** She has agreed that she will put all of her questions in writing. I was trying to see if she had any comments—not questions, but any particular comments about the Bill. But she is fading in and out in terms of whether we can see her or not. So I will give her one last opportunity to make any comments. Not questions, but any comments. And if we do not see [her], then we will have to ask [her] to put [her] comments also in writing.

**Sen. Curtis Richardson:** Thank you, Madam President.

**The President:** Thank you, Senator Richardson.

**Sen. Robin Tucker:** Okay. Thank you [INAUDIBLE] and President. And so as I am dropping off, I will [INAUDIBLE].

**The President:** Senator Tucker, sorry, but we will have to improve . . .

*[Crosstalk]*

**Sen. Robin Tucker:** [INAUDIBLE] Madam President, I can hear you.

**The President:** Yes. But, Senator Tucker, we neither see you and we do not hear you properly. Do you have another alternative microphone or something? I mean, we see you now. But your voice is fading and we do not see you as well. It is coming and going, and it is very disjointed. And we are not able to follow your comments at all.

So the signal is bad. We will have to try and improve on that—

**Sen. Robin Tucker:** I will, as I mentioned [INAUDIBLE].

**The President:** But you can indicate whether or not you support this Bill at some point.

**Sen. Robin Tucker:** Absolutely we support the amendment.

**The President:** Thank you.

**Sen. Robin Tucker:** Thank you, Madam President.

**The President:** Thank you, Senator Robin Tucker. I am sorry that you are having the technological difficulties at this time.

Would any other Senator care to speak on this Bill?

No. Then it is back over to you, Senator Richardson.

**Sen. Curtis Richardson:** Thank you, Madam President.

To answer Senator Wight's question, yes. Consultation began in 2017 and continued up until this point. Draft legislation was shared and feedback was received throughout the process. There were no objections to the proposal for amendments. And there are 14 statutory bodies which provide stewardship for the regulation of health professionals, and they have all indicated their support.

**Sen. John Wight:** Good. Thank you, Senator. Appreciate that.

#### SUSPENSION OF STANDING ORDER 26

**Sen. Curtis Richardson:** You are welcome.

Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to the second reading?

No objection.

Carry on, Senator Richardson.

*[Motion carried: Standing Order 26 suspended.]*

### BILL

#### THIRD READING

##### HEALTH PROFESSIONALS (MISCELLANEOUS AMENDMENTS) ACT 2020

**Sen. Curtis Richardson:** Madam President, I move that the Bill entitled Health Professionals (Miscellaneous Amendments) Act 2020 be now read a third time.

**The President:** Is there any objection to the third reading?

No objection.

**Sen. Curtis Richardson:** Madam President, I move that this Bill do now pass.

**The President:** It has been moved that the Bill entitled the Health Professionals (Miscellaneous Amendments) Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill has passed.

*[Motion carried: The Health Professionals (Miscellaneous Amendments) Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Curtis Richardson.

**Sen. Curtis Richardson:** Thank you, Madam President.

**The President:** We now move on to the fifth item on the Orders of the Day, and that is the second reading of the St. George's Club Act 2020. And this is in the name of Senator Darrell, the Junior Minister of Public Works.

You have the floor. Senator Darrell.

### BILL

#### SECOND READING

##### ST. GEORGE'S CLUB ACT 2020

**Sen. Owen Darrell:** Madam President, I move that the Bill entitled [St. George's Club Act 2020](#) be now read a second time.

**The President:** Is there any objection to that motion?

No objection.

Carry on, Senator Darrell.

**Sen. Owen Darrell:** Madam President, I am pleased to lead the debate on the Bill entitled the St. George's Club Act 2020. Madam President, Senators will recall that in February of this year, Hotelco St. George's—sorry, Hotelco Bermuda SGC, the company behind the St. Regis Hotel development in the Olde Towne of St. George, confirmed that it had plans to buy the St. George's Club resort shortly after the resort's closure. Hotelco advised that their plans were to renovate and redevelop this much-beloved property in the same spirit as they were developing the neighbouring St. Regis Bermuda Resort, one that celebrates the Town of St. George and its culture and history. This signified Hotelco's confidence and conviction that St. George's had begun to re-emerge as a tourist destination and a favourite for Bermudians alike.

Madam President, Senators may also recall the Tourism Investment Act becoming operative in 2017, with its primary objective to make Bermuda more attractive to foreign investors and to incentivise local tourism-related business owners to reinvest in

their product. Hotelco is one such investor who proposed to purchase the resort and refurbish it during 2020 with a view to reopening the hotel in 2021 to coincide with the opening of the new St. Regis Bermuda [Resort] in St. George's.

The developers of the St. George's Club and the St. Regis Bermuda [Resort] have the same parent company with the St. Regis Development Company, [that] being the Hotelco Bermuda [Holding] Ltd. Unfortunately, Madam President, we were hit with the global coronavirus pandemic, which in essence put the Island on pause for several months as countries around the world were tasked with developing strategies and guidelines for slowly returning back to normal once the virus was better understood.

The St. George's Club project was not immune to this global crisis, with Hotelco remaining committed to this redevelopment, albeit slightly behind their original schedule. Against that brief background, Madam President, Hotelco seeks to have a lease which is coterminous with the St. Regis Bermuda [Resort] lease of 262 years. Portions of the two properties are adjacent to each other. Hotelco also seeks to lease the property at 2 South Prison [Street], which is not included in the current club lease and for a term which is coterminous with the St. Regis lease as well. Currently, the existing club lease is for a term of years that started in 2009 and expires on December 31, 2128.

Madam President, under the Public Lands Act 1984, Government is empowered to grant leases for terms of a maximum of 120 years, including the period of any tenant's renewal options. The St. Regis Bermuda lease expires on the 1<sup>st</sup> of September 2278.

Madam President, in order for the developer to achieve coterminous leases, there are two options for consideration. The first option is to allow the existing lease to run for its full term, and once the necessary approvals have been given, grant Hotelco another lease for 120 years commencing on the 1<sup>st</sup> of January 2129. Again, after necessary approvals, a further lease of 30 years would achieve a lease period that is coterminous with the St. Regis lease. This is an impractical solution and does not accord with the existing Government's commitment to the developer that the club and the St. Regis leases will be coterminous.

Madam President, the second and preferred option is to pursue a special Act for the purpose of allowing the grant of a lease for a term equivalent to the remaining term of the St. Regis Bermuda Resort lease made pursuant to the St. George's Resort Act 2018, which supersedes the now repealed St. George's Resort Act of 2015.

Madam President, it should be noted that there are a few remaining timeshare owners at this property, and the developers remain committed to honouring their agreements by permitting them to use the club in accordance with their existing contracts. As related to the locals, the developers have also com-

mitted to granting access to the beach at the club consistent to access of the beach at the St. Regis Hotel site.

Madam President, with the St. Regis Hotel on target to open in April of 2021, and the St. George's Club redevelopment getting back on track, this is truly an exciting time for the Town of St. George's. And Bermuda generally will now see the East End of the Island becoming a vibrant place to visit, similar to the City of Hamilton and, in recent years, the Dockyard in the West End.

Thank you, Madam President.

**The President:** Thank you, Senator Darrell.

Would any Senator care to speak on this Bill?

**Sen. John Wight:** Madam President, I fully support Senator Darrell's comments. I think if anybody has not seen the new hotel in St. George's, it is worth a visit. The area looks tremendous in terms of creating further tourism product for the Island. This is tremendous for job creation for Bermudians in a parish that desperately needs increased activity. So I think that the proposal makes absolutely good sense for Bermuda.

**The President:** Thank you, Senator John Wight.

Would any other Senator care to speak on this Bill?

**Sen. Ben Smith:** Yes, Madam President.

**The President:** Senator Ben Smith, you have the floor.

**Sen. Ben Smith:** The Opposition also is in agreement and supports this Bill. Anything that can increase the tourism product, and specifically to the area of St. George's, we definitely support. And we are happy that they have continued to see the need to invest in St. George's. That partnership is going to be important.

We would like to highlight specifically the endeavour to introduce more options to the industry for our next generation. The commitment for them to continue to work and develop our tourism product by giving opportunities for the workers to be developed I think is the important part to this development and something that we fully support.

We do have a couple of questions specifically around the golf course that is for the St. Regis project. Is that golf course going to be available just to St. Regis and to the St. George's Club? Or is this going to be available to public access, not just from an invitation standpoint, but proper public access to playing at the golf course?

And the second part is relating to the beach access. There are certain points where there are restrictions to that. If we could get some clarification of when those restrictions are just so that it is not a situa-

tion where the restrictions happen to fall on days when you would probably see more locals wanting to use the facility. Thank you.

**The President:** Thank you, Senator Ben Smith and Leader of the Opposition.

Would any other Senator care to speak on this Bill?

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

As a resident of St. George's, I am very, very happy to support this Bill. It is good to see more investment coming to St. George's. And I am sure I do not have to remind everyone, but I will say it anyway. We are the most historic and the oldest part of Bermuda. And many of our visitors love to come and spend time in St. George's. So providing more opportunities for people to actually stay in hotels here in the Olde Towne is a very good thing.

Also, I think this will contribute toward strengthening St. George's position with regard to its World Heritage status. So this is a good thing, a very good thing. And looking at the work that Hotelco has done on the St. Regis Hotel, which I walk past most mornings, I am very encouraged and very happy that this organisation has decided to invest in the St. George's Club as well.

I do have one question—well, two questions. The first is about the timeshare owners. I noted that the Junior Minister, Senator Darrell, mentioned that there are a few timeshare owners who remain associated with St. George's Club. But I was wondering if he had a more specific number. Do we have any idea of actually how many timeshare owners are still involved?

And the second question has to do with the beach access as well. I have found it amazing the number of people who have actually approached me with regard to beach access at St. Catherine's Beach. And I keep reassuring them, *Yes, the public will, and we do have access right now*. And since Hotelco is also going to be taking over some more beach nearby, I think it is important to stress that this access, which applies to Saint Catherine's Beach, will apply to the other beaches.

But I think the public needs to have the reassurance of hearing it stated as often as possible. The beaches are important to people who live here in St. George's. And they are important to people who come to visit because there are some lovely beaches and coves here. So my question about the beach access is, What exactly is guaranteed?

With those comments, Madam President, I will stop. Thank you.

**The President:** Thank you, Senator Michelle Simmons, Vice President of the Senate.

Would any other Senator care to speak on this Bill?

Hearing none, then, Senator Darrell, it is over to you. You have a couple of questions to respond to.

**Sen. Owen Darrell:** Thank you, Madam President. And thank you, fellow Senators, for your concern and your questions.

The first one, if I can just recall, was a question about the golf course. And I know Senator Smith is a former swimmer. I did not know he was a golfer.

[Laughter]

**Sen. Owen Darrell:** But yes, I have been assured that the golf course, the golf club will be open to all who wish to play golf there and pay whatever the fee payment there is [if] they wish to play golf.

I think the second question by both Senators was one about the beach. And as I did mention in my brief, locals will have access to the beach. Locals still have access to the beach now. I was telling my Senate colleague here a moment ago that that is actually one of our favourite beaches to go to. When I say "our," I mean myself and my kids. We spent some time there this summer.

And often, as you can tell, many boats actually pull up in that cove area. But the only case [when] the beach may be restricted is in the case of maybe a wedding or a special event being planned by the hotel. But the developers in their talks with the Government and all stakeholders of St. George, like Senator Simmons, have been assured that they will not be restricting the beach from locals.

And Senator Simmons, your third question was one about how many timeshare owners are still there. There are 163 timeshare owners who still remain at the St. George's Club.

And the owners of St. Regis—just to go back to access to the beach—they have been consistent in their messaging as far as access to the beach. And they have reassured the public, as well as Government, many times that access to the beach will be available.

I think that [these comments] answer the concerns and questions, Madam President.

**The President:** Yes, Senator Darrell. You now move to do the second reading—the motion (sorry). Just repeat the motion that the Bill be read a second time.

[Crosstalk]

**Sen. Owen Darrell:** Madam President, I move that [Standing Order] 26 be suspended—

**The President:** No, no. Before you do that, I am asking that you indicate that the Bill be now read a second time. You need to say that before you—

**Sen. Owen Darrell:** Madam President, I move that the Bill entitled St. George's Club Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?  
No objection.  
Carry on, Senator Darrell, now [Standing Order] 26.

### SUSPENSION OF STANDING ORDER 26

**Sen. Owen Darrell:** I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?  
No objection.  
Carry on.

*[Motion carried: Standing Order 26 suspended.]*

## BILL

### THIRD READING

#### ST. GEORGE'S CLUB ACT 2020

**Sen. Owen Darrell:** Madam President, I move that the Bill entitled St. George's Club Act 2020 be now read a third time.

**The President:** Is there any objection to the third reading?  
No objection.

**Sen. Owen Darrell:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the St. George's Club Act 2020 be now passed.  
Is there any objection to that motion?  
No objection.  
The Bill is passed.

*[Motion carried: The St. George's Club Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Darrell.  
We now have our final Order of the Day, and that is the second reading of the Bermuda National Parks Amendment Act 2020.

And this Bill is in your name as well, Senator Darrell, Junior Minister of Public Works. You have the floor.

## BILL

### SECOND READING

#### BERMUDA NATIONAL PARKS AMENDMENT ACT 2020

**Sen. Owen Darrell:** Thank you, Madam President. Madam President, I move that the Bill entitled [Bermuda National Parks Amendment Act 2020](#) be now read a second time.

**The President:** Is there any objection to that motion?  
No objection.  
Carry on, Senator Darrell.

**Sen. Owen Darrell:** Madam President, I am pleased to lead the debate on the Bill entitled the Bermuda National Parks Amendment Act 2020. Madam President, Senators are aware that our National Hero, Mary Prince, is recognised on the world stage for the crucial role she played in the abolishment of slavery throughout the British Empire by telling the painful story of her life as an enslaved woman in Bermuda.

Madam President, Mary Prince was born into enslavement in the parish of Devonshire in 1788, and worked for a number of years in various locations in Devonshire, Paget and Pembroke. She spent a number of years in the Caribbean after being sold to new owners in Grand Turk Island in 1806, where she was forced to work in the salt ponds there, and again in 1815 to new owners in Antigua.

She travelled to London in 1828 with her Antiguan owners, where she left them, as slavery was no longer supported in England, although it was still legal in the British colonies. Ms. Prince eventually became involved with a group of abolitionists who assisted in having her autobiography published. This narrative provided a first-hand account of the horrors of slavery. She became the first Black woman to present a petition to the British Government in 1829, arguing for the basic human rights of slaves.

In 1833, Ms. Prince passed away, which happened to be the same year that the Slavery Abolition Act of 1833 was passed and officially freed 800,000 slaves in the colonies.

Madam President, earlier this year the Department of Community and Cultural Affairs assembled a committee to consider a suitable site related to Mary Prince to commemorate and honour her legacy. A number of sites were considered, and Devonshire Bay Park was determined as the most appropriate location.

Madam President, this Bill therefore seeks to provide for the renaming of Devonshire Bay Park to Mary Prince Emancipation Park. The site not only reflects her connection to Devonshire, but the park's good access, central location, tranquillity, and proximity

ty to the ocean facing south, acknowledges the parts of her life she spent in the Caribbean.

Thank you, Madam President.

**The President:** Thank you, Senator Darrell.

Would any Senator care to speak on this Bill?

**Sen. Ben Smith:** Madam President.

**The President:** Senator Ben Smith, you have the floor.

**Sen. Ben Smith:** Madam President, the Opposition is in full support of the [re]naming of this park. We think it is important that we continue to highlight the history of Bermuda. And I think this is a starting point for us to be able to take opportunities to look at other parks and other buildings in Bermuda, and potentially use those as an opportunity for us to highlight our history and our heroes. So we support this, and we hope that this will be the beginning of many more changes.

Thank you.

**The President:** Thank you, Senator Ben Smith.

Would any other Senator care to speak on this Bill?

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

I too would like to give support to this Bill. Mary Prince is a National Hero. She is certainly someone who is respected worldwide. And if I recall correctly, she was even mentioned recently in the House of Commons in the UK.

**The President:** Mm-hmm.

**Sen. Michelle Simmons:** So renaming this park Mary Prince Emancipation Park is something that I am very glad the Government has done.

I am just sorry that it has taken Bermuda so long to find a way of honouring this woman who really fought the cause for all of those who were enslaved in the Caribbean and Bermuda so that we could enjoy the benefit of freedom. So, thank you, Bermuda Government. And I support this Bill.

**The President:** Thank you, Senator Michelle Simmons.

Would any other Senator care to speak on this Bill?

No.

Then over to you, Senator Darrell.

**Sen. Owen Darrell:** Madam President, I move that the Bill entitled Bermuda National Parks Amendment Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?

No objection.

Carry on.

## SUSPENSION OF STANDING ORDER 26

**Sen. Owen Darrell:** Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?

No objection.

Carry on.

*Motion carried: Standing Order 26 suspended.]*

## BILL

### THIRD READING

#### BERMUDA NATIONAL PARKS AMENDMENT ACT 2020

**Sen. Owen Darrell:** Madam President, I move that the Bill entitled Bermuda National Parks Amendment Act 2020 be now read a third time.

**The President:** Is there any objection to the third reading?

No objection.

**Sen. Owen Darrell:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Bermuda National Parks Amendment Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

*[Motion carried: The Bermuda National Parks Amendment Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Darrell. And thank you, all Senators who participated.

## MOTIONS

**The President:** There are none.

### CONGRATULATORY AND/OR OBITUARY SPEECHES

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

**Sen. the Hon. Dr. Ernest Peets:** Yes, Madam President.

**The President:** Minister Peets, you have the floor.

**Sen. the Hon. Dr. Ernest Peets:** I would like to invite the Senate to extend our thanks and congratulations to the staff at the Bermuda Hospitals Board. This has been a difficult year for our country and a difficult year for the entire world regarding the pandemic. Our healthcare workers are on the front lines every single day. They are dedicated to our well-being. And I believe they are deserving of our support and our encouragement. So I invite the Senate to congratulate the many healthcare workers who are out there every single day, coming to help us stay safe.

**The President:** Thank you, Senator Peets, Government Leader in the Senate. I am sure each one of us Senators will join you in those comments.

Would any other Senator care to speak on the Congratulatory and/or Obituary Speeches?

**Sen. Arianna Hodgson:** I would, Madam President.

**The President:** Senator Robin Tucker.

**Sen. Arianna Hodgson:** Hodgson. (Unless Senator Tucker had a comment.)

**The President:** Sorry. You have the floor.

**Sen. Arianna Hodgson:** Thank you, Madam President.

I would like to spend special congratulations to our latest Rhodes Scholar, Kenza Wilks, along with his parents, Carmel Baxter-Wilks and Glen Wilks. I personally had the pleasure of watching Kenza debate while he attended the Somersfield Academy. I am sure that he will continue to make our country proud. I think that it is very important to celebrate our young people. We must continue to work towards creating an environment where everyone can realise their full potential. So again I would like to give a special congratulations to Mr. Kenza Wilks.

**The President:** Thank you, Senator Hodgson.

Would any other Senator care to speak on Congratulatory and/or Obituary Speeches?

**Sen. the Hon. Dr. Ernest Peets:** Yes, Madam President. I was wondering if the Senate would join me in extending our condolences to the family of Aberdeen Lydia Matthew, also lovingly known as "Aunt Diddles." She was the last surviving child of Harry and Etoy of Texas Road in St. David's. She was laid to rest on December the 5<sup>th</sup> this weekend. She is lovingly missed by her children, grandchildren and great-grandchildren, the entire SDA [Seventh-day Adventist]

fellowship and all those who love St. David's. We certainly extend our sympathies and best wishes to the Matthew family and Fox family of Aunt Diddles.

**The President:** Thank you, Minister Peets, Government Leader in the Senate.

Would any other Senator care to speak?

No. Then we will move on.

## ADJOURNMENT

**The President:** Minister Peets.

**Sen. the Hon. Dr. Ernest Peets:** Yes, good afternoon. I certainly make a motion that we adjourn our Senate session to December 16<sup>th</sup>.

**The President:** Thank you.

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

**Sen. Ben Smith:** I would, Madam President.

**The President:** Senator Ben Smith, you have the floor.

### COVID-19—A REMINDER TO REMAIN VIGILANT

**Sen. Ben Smith:** Madam President, as we in Bermuda are going through a spike in our COVID-19 cases, I think it is important that we reiterate to the community what we need to do together to make sure that we are going to not only make it through these next couple of weeks, but be able to keep our economy moving and keep our people safe. It is important that everybody adheres to the mask-wearing, social distancing.

But more importantly, we are about to see a lot of our young people return home from university. And I think it is important that we send a message out to not just our young people, but the parents of our young people that this is normally a festive time for Bermuda. But we have seen that we have not been able to have Easter. We have not been able to have Cup Match. The children were unable to have Halloween. But all of these things that were a loss of the way we do things normally can prevent us from losing lives.

And because of that, we need to make sure that over this Christmas holiday, and specifically over these next couple of weeks, we have to do everything we can to prevent this continuing [increase] of cases in Bermuda. So please take this opportunity to make sure that we are not having huge house parties, that we are not putting ourselves in harm's way. And follow the rules in every way that you possibly can so that our country can be safe and that we can continue to hold our economy together until we can get on the other side of this.

There is a glimmer of light with a vaccine on the horizon. But it is really important that we do everything that we can. As a country, we have done an amazing job together to make sure that we keep our country safe by following the rules and doing what is expected of us. But we need to understand that, yes, we are all going through COVID fatigue, right? Everybody is tired of the things that we have been doing over and over again. It is not the time for us to let up. We are going to continue to do everything we can so that we can keep the country safe.

Thank you, Madam President.

**The President:** Thank you, Senator Ben Smith, Opposition Leader in the Senate.

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

Hearing none, then, Senators, the Senate stands adjourned until Wednesday, the 16<sup>th</sup> of December. Thank you for your participation this morning.

**Some Hon. Senators:** Thank you, Madam President. Stay safe.

*[At 11:57 am, the Senate stood adjourned until 10:00 am, Wednesday, 16 December 2020]*

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**BERMUDA SENATE****OFFICIAL HANSARD REPORT  
VIRTUAL MEETING  
16 DECEMBER 2020  
10:05 AM**

*Sitting Number 5 of the 2020/2021 Session*

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

**The President:** It is now 10:05, so we will start.  
Good morning, Senators.  
The Senate is now in session. shall we pray?

**PRAYERS**

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

**CONFIRMATION OF MINUTES**

*[Minutes of 9 December 2020]*

**The President:** Confirmation of Minutes of the 9<sup>th</sup> of December 2020.  
Senator Michelle Simmons.

**Sen. Michelle Simmons:** Madam President.

**The President:** You have the floor.

**Sen. Michelle Simmons:** I move that the Minutes of the meeting of Wednesday, the 9<sup>th</sup> of December 2020, be taken as read.

**The President:** Is there any objection to that motion?

**Sen. Robin Tucker:** Madam President.

**The President:** Yes, Senator Tucker.

**Sen. Robin Tucker:** I just have just one thing.  
The Minutes do indicate that a meeting of the Senate was conducted in the temporary Chamber. Should it continue to say that? Or should it be reflected that it was actually—

**The President:** A virtual meeting.

**Sen. Robin Tucker:** Yes.

**The President:** Yes. Thank you for that notation. That will be corrected.

**Sen. Michelle Simmons:** Madam President.

**The President:** Yes, Senator Simmons.

**Sen. Michelle Simmons:** With that correction, I would like to move that the Minutes of Wednesday, the 9<sup>th</sup> of December 2020, be confirmed.

**The President:** Is there any objection to that motion?  
No objection; the Minutes of the 9<sup>th</sup> of December 2020 will be confirmed once that correction has been made.

*[Minutes of 9 December 2020 confirmed]*

**The President:** Thank you, Senator Michelle Simmons.

**Sen. Michelle Simmons:** You are welcome.

**MESSAGES**

**The Clerk:** [There are] no messages, Madam President.

**The President:** Thank you, Mr. Somner.

**REPORTS OF COMMITTEES**

**The President:** There are none.

**ANNOUNCEMENTS****SENATE WELCOMES NEW GOVERNOR**

**The President:** Senators, I have an announcement.  
I would like for us to acknowledge the swearing in of the new Governor, Ms. Rena Lalgie, which occurred at Government House on Monday, and to say that we in the Senate extend a very warm welcome to her and her family to Bermuda.

The next item under Announcements is from the Senator the Honourable E. G. Peets, spokesperson for Legal Affairs and the Government Leader in the Senate.

Minister Peets, it is over to you.

**ANNUAL REPORT OF THE LEGAL AID OFFICE  
FOR THE FISCAL YEARS 2013 TO 2019**

**Sen. the Hon. Dr. Ernest Peets:** Thank you, Madam President.

I hereby present for the information of the Senate the Annual Report of the Legal Aid Office for the Fiscal Years from 2013 to 2019.

**The President:** Thank you, Minister Peets.

*[Inaudible interjection]*

**The President:** The second item is the Audited Financial Statements, and this is in the name of the Junior Minister of Public Works.

**Sen. Owen Darrell:** Good morning, Madam President.

**The President:** Good morning.

**BERMUDA LAND DEVELOPMENT COMPANY  
LIMITED AUDITED FINANCIAL STATEMENTS AND  
REPORT FOR THE FISCAL YEARS ENDED  
MARCH THE 31<sup>ST</sup>, 2012–2017**

**BERMUDA LAND DEVELOPMENT COMPANY  
AUDITED FINANCIAL STATEMENTS AND REPORT  
FOR THE FISCAL YEAR ENDED  
MARCH THE 31<sup>ST</sup>, 2018**

**Sen. Owen Darrell:** I hereby present for the information of the Senate the Audited Financial Statements and Report on the operations of the Bermuda Land Development Company Limited for the fiscal years ended March the 31<sup>st</sup>, 2012, 2013, 2014, 2015, 2016 and 2017; and also the Audited Financial Statements and Report on the operations of the Bermuda Land Development Company for the fiscal year ended March the 31<sup>st</sup>, 2018.

**The President:** Thank you, Senator Darrell, Junior Minister for Public Works.

The next is the Treatment of Offenders Board report.

Senator Richardson.

**ANNUAL REPORT OF THE TREATMENT OF  
OFFENDERS BOARD FOR THE YEAR ENDED THE  
31<sup>ST</sup> OF DECEMBER 2018**

**ANNUAL REPORT OF THE TREATMENT OF  
OFFENDERS BOARD FOR THE YEAR ENDED THE  
31<sup>ST</sup> OF DECEMBER 2019**

**Sen. Curtis Richardson:** Good morning, Madam President.

I hereby present for the information of Senate the Annual Report of the Treatment of Offenders Board for the year ended the 31<sup>st</sup> of December 2018; and the Annual Report of the Treatment of Offenders Board for the year ended the 31<sup>st</sup> of December 2019.

**The President:** Thank you, Senator, Junior Minister for National Security.

The next item is the Annual Report of the Department of Financial Assistance. This is in the name of Senator Hodgson.

Senator, you have the floor.

**Sen. Arianna Hodgson:** One minute, please.

*[Pause]*

**ANNUAL REPORT OF THE DEPARTMENT  
OF FINANCIAL ASSISTANCE FOR FISCAL YEARS  
ENDING THE 31<sup>ST</sup> OF MARCH 2019 AND THE 31<sup>ST</sup>  
OF MARCH 2020**

**Sen. Arianna Hodgson:** Madam President, I hereby present for the information of Senate the Annual Report of the operations of the Department of Financial Assistance for fiscal years ending the 31<sup>st</sup> of March 2019 and the 31<sup>st</sup> of March 2020. Senators can access copies of the report on their tablet and at the parliamentary website. Thank you.

**The President:** Thank you, Senator Hodgson, Junior Minister for Labour. It is greatly appreciated.

The next [announcement] is the Public Health (COVID-19 Emergency Powers) Regulations. And that is in the name of Senator Richardson.

You have the floor, Junior Minister of Health.

**Sen. Curtis Richardson:** Good day, Madam President.

**The President:** Senator Richardson.

**PUBLIC HEALTH (COVID-19 EMERGENCY  
POWERS) (NO. 3) AMENDMENT  
REGULATIONS 2020**

**PUBLIC HEALTH (COVID-19 EMERGENCY  
POWERS) (NO. 3) AMENDMENT (NO. 2)  
REGULATIONS 2020**

**PUBLIC HEALTH (COVID-19 EMERGENCY  
POWERS) (NO. 3) AMENDMENT (NO. 3)  
REGULATIONS 2020**

**Sen. Curtis Richardson:** Madam President, I hereby present for the information of the Senate the following regulations. Each is made by his Excellency the Governor on the advice of the Minister of Health and in

exercise of the power conferred by section 107B of the Public Health Act 1949:

- the Public Health (COVID-19 Emergency Powers) (No. 3) Amendment Regulations 2020;
- the Public Health (COVID-19 Emergency Powers) (No. 3) Amendment (No. 2) Regulations 2020; and
- the Public Health (COVID-19 Emergency Powers) (No. 3) Amendment (No. 3) Regulations 2020.

**The President:** Thank you, Senator Richardson. You can continue when you are ready.

#### **PUBLIC HEALTH (COVID) EMERGENCY (NO. 3) EXTENSION ORDER 2020**

**Sen. Curtis Richardson:** Yes, Madam President.

I hereby present for the information of Senate an Order entitled the Public Health (COVID) Emergency (No. 3) Extension Order 2020, as made by the Minister responsible for Health under the provisions of section 107A of the Public Health Act 1949.

#### **QUARANTINE (COVID-19) (NO. 3) AMENDMENT (NO. 5) ORDER 2020**

#### **QUARANTINE (COVID-19) (NO. 3) AMENDMENT (NO. 6) ORDER 2020**

**Sen. Curtis Richardson:** Madam President, I hereby present for the information of the Senate the following Orders as made by the Minister responsible for Health in exercise of the powers conferred by section 9 of the Quarantine Act 2017: the Quarantine (COVID-19) (No. 3) Amendment (No. 5) Order 2020; and the Quarantine (COVID-19) (No. 3) Amendment (No. 6) Order 2020.

**The President:** Thank you, Senator Richardson, Junior Minister for Health.

### **NOTICES OF MOTION**

**The President:** The first one is in the name of Senator Simmons, Junior Minister for Home Affairs. You have the floor.

#### **SUBMARINE COMMUNICATIONS CABLES (REGULATORY AUTHORITY FEES) REGULATIONS 2020**

**Sen. Lindsay Simmons:** Thank you, Madam President.

Madam President, I hereby present for the consideration of Senate the draft Regulations entitled the Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020, prepared to be laid

by the Minister responsible for telecommunications under the provisions of sections 14, 33, 45, 58 and 65 of the Submarine Communications Cables Act 2020 as read with section 44 of the Regulatory Authority Act 2011.

And I give notice that at the next day of meeting I will move that the said draft Regulations be approved.

**The President:** Thank you, Senator Simmons.

The next item is the Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020 in the name of, again, yourself, Senator Simmons.

You have the floor when you are ready.

#### **ELECTRONIC COMMUNICATIONS (REGULATORY AUTHORITY FEES) AMENDMENT REGULATIONS 2020**

**Sen. Lindsay Simmons:** Thank you.

Madam President, I hereby present for the consideration of Senate the draft Regulations entitled the Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020, proposed to be made by the Minister of responsible for Telecommunications under the provisions of sections 6 and 11 of the Electronic Communications Act 2011, as read with section 44 of the Regulatory Authority Act 2011.

And I give notice that at the next day of meeting I will move that the said draft Regulations be approved.

**The President:** Thank you, Senator Simmons.

The third notice of motion is in the name of the Junior Minister of Finance, Senator Hodgson, the Government Fees Amendment (No. 2) Regulations.

You have the floor.

#### **GOVERNMENT FEES AMENDMENT (NO. 2) REGULATIONS 2020**

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I hereby present for the consideration of the Senate the draft Regulations entitled the Government Fees Amendment (No. 2) Regulations 2020, proposed to be made by the Minister of Finance under the provisions of section 2 of the Government Fees Act 1965.

And I give notice that at the next day of meeting I will move that the said draft Regulations be approved.

**The President:** Thank you, Senator Hodgson, the Junior Minister of Finance.

That completes item number 6, the Notices of Motion.

## PETITIONS

**The President:** There are none.

## STATEMENTS

**The President:** And we have two Statements that I can see. One is the Parole Board Report.

*[Inaudible interjection]*

**The President:** Oh. That is going to be . . . oh, yes, I am sorry.

*[Inaudible interjections]*

**The Clerk:** We will have to carry that one over.

**The President:** Senator Richardson.

**Sen. Curtis Richardson:** Yes.

**The President:** Can you respond regarding the Parole Board Report?  
Is that available?

**Sen. Curtis Richardson:** Yes, it is available.

**The Clerk:** We do not have a copy of it.

**The President:** Have copies been shared with the Senators?

**Sen. Curtis Richardson:** I did send an email to the PS [Permanent Secretary] to send them out. I am not sure why they were not.

**The President:** We have not received them so far. So in that case . . .

**The Clerk:** Carry that over to Monday.

**The President:** Can we carry this one over until Monday then, Senator Richardson? Because it is important for the Senators to have copies of it, particularly—

**Sen. Curtis Richardson:** I agree, Madam President.  
So the Parole Board combined Report 2017–2019 conveying the activities of the Parole Board [for the] period of the 20<sup>th</sup> of December 2017 to the 31<sup>st</sup> of December 2019 will be carried over to the next sitting.

**The President:** Yes. So that would be Monday. Thank you.

And then the Statement then is the Employment and Labour Legislative Amendments. And this is in the name of Senator Hodgson.

Senator Hodgson, Junior Minister for Labour, you have the floor.

## EMPLOYMENT AND LABOUR LEGISLATIVE AMENDMENTS

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, today I am pleased to announce the tabling of two critical pieces of legislation: the Employment Amendment Act 2020; and the Trade Union and Labour Relations (Consolidation) Act 2020.

### Background

**Sen. Arianna Hodgson:** Madam President, the overarching aim of the Ministry of Labour is the expansion of jobs within Bermuda. The Government previously announced that it would introduce amendments to the [Employment Act and a consolidated Labour Act](#). These two Bills seek to strengthen the rights and obligations of employers and employees in Bermuda's labour force, as well as modernise and clarify areas of the existing legislation to ensure that it is in line with international best practices. In addition, the legislation will revise the labour dispute mechanisms in Bermuda.

Both of these legislative changes are a long time coming and have had substantial input from employers, trade union representatives and the Government over the years.

### Legislative Development Process

**Sen. Arianna Hodgson:** Madam President, it is important for me to provide context as to how we arrived at this point today. The Labour Law Reform Committee [the LLRC] is a subcommittee of the Labour Advisory Council [the LAC], which is a tripartite council chaired by the Minister responsible for Labour. In 2013, under the direction of the then Minister of Home Affairs, the LAC was asked to review the existing employment and labour legislation in Bermuda and to recommend amendments that addressed problems within the legislation. The focus was on areas of ambiguity and areas considered archaic and outdated for the 21<sup>st</sup> century, particularly when compared to examples of more modern legislation in other jurisdictions and the standard set for best practices by the International Labour Organization [ILO].

Madam President, the LLRC provided its recommendations on reform to the Minister responsible for Labour in 2018. The LLRC's review included the following employment and labour legislation: the Employment Act 2000; the Labour Relations Act 1975; the Trade Union Act 1965; and the Labour Disputes Act 1992.

The LLRC consisted of the following members:

## Union Representatives:

- Edward Ball, Jr. (BPSU)
- Chris Furbert (BIU)
- Michael Charles (BUT)

## Employer Representatives:

- Keith Jensen (BEC)
- Stephen Todd (BHA)
- Graham Redford (BEC)
- Carlita O'Brien (Bermuda Government)

## Independent Representatives:

- Wendell Hollis (Chairman)
- Thad Hollis (Deputy Chairman)

## Ex Officio Members:

- Marcelle Lawrence (Bermuda Government)
- Gabrielle Cann (Bermuda Government)

Madam President, the LLRC reviewed each Act in its current form and brought into consideration the experience of the LLRC members in dealing with such legislation. The LLRC's approach was to overcome the various challenges of the current legislation and to bring the legislation in line with modern principles for laws governing the relationship between a business and a trade union, and between an employer and an employee.

The following points are very important to note:

- Various industry stakeholders were invited to provide their comments and views on the current legislation with suggested amendments, which were reviewed and considered by the LLRC during its review.
- Once the LLRC presented its recommendations to the Minister, consultation took place with the various members of the LAC, who represented the views of their respective members.
- The LAC members were invited to provide submissions and consultation with the Minister responsible for Labour, and this took place between August 2018 and February 2019.

Madam President, the Ministry of Labour worked closely with the Attorney General's Chambers to produce an Employment Amendment Bill and a Trade Union and Labour Relations (Consolidation) Bill that is equitable and promotes good and fair employment practices.

### Employment Amendment Act 2000

**Sen. Arianna Hodgson:** Madam President, please allow me to highlight some of the major amendments to the Employment Act 2000:

1. Probationary periods: Timeframes have been built into the legislation to avoid the practice of lengthy extensions of the probationary period. Employers will now be required to provide employees with a review of their performance midway through their probationary period so that employees are aware of areas that need

improvement to enable successful completion of their probation. There are exclusions to this section to take into account those services which require a longer probationary period due to the nature of the work conducted.

2. Antenatal care. Employees are no longer required to work for one completed year before being entitled to paid time off from work to attend antenatal appointments.
3. Bereavement leave. Persons for whom bereavement leave may be taken have been extended to include grandparents, great-grandparents, grandchildren and great-grandchildren.
4. Payment upon termination. Employers will be required, upon the termination of an employee, to pay any wages and other remuneration or benefits owed to an employee within seven days or at the next interval that the employee would have been paid.

Madam President, new sections being added to the Act in this Bill include the following:

- Independent Contractor—The Labour Relations Manager may issue guidance surrounding the employment relationship as it relates to independent contractors to ensure that persons are not being incorrectly classified.
- Meal Breaks—Employees are entitled to a meal break of at least 30 minutes after working continuously for five hours.
- Bullying and Sexual Harassment—Employers are required to have a policy against bullying and sexual harassment in the workplace that applies to all employees. The inclusion of this provision is to ensure that all workers are protected from bullying and sexual harassment at work and from colleagues. This addition follows guidance set out by the ILO Convention on Violence and Harassment in the world of work.

Madam President, it is anticipated that the Employment Amendment Act will come into operation on the 1<sup>st</sup> of June 2021 to allow employees, employers and their respective representatives to familiarise themselves with its provisions and make the necessary changes to their current contracts of employment and/or handbooks to ensure compliance.

### Trade Union and Labour Relations (Consolidation) Act 2020

**Sen. Adrianna Hodgson:** Madam President, now I turn to the new Trade Union and Labour Relations (Consolidation) Act 2020. This is a consolidation of the Trade Union Act 1965, the Labour Relations Act 1975, and the Labour Disputes Act 1992. It is important to provide a brief summary of some of the

more significant changes contained in this comprehensive and ground-breaking legislation.

**Tribunals and Boards of Inquiries.** In the current labour legislation in Bermuda, there are the following nine tribunals and boards: (1) the Permanent Arbitration Tribunal; (2) the Essential Industries Disputes Settlement Board; (3) the Trade Union Act Tribunal; (4) the Labour Disputes Tribunal; (5) Sole Arbitrator; (6) Arbitrator with Assessors; (7) Independent Chairman with Arbitrators; (8) Mediator; and (9) the Board of Inquiry. Additionally, the Employment Act 2000 established the Employment Tribunal to hear employment-related complaints.

The legislation being tabled today will streamline and consolidate the number of tribunals across all labour and employment legislation into one to be known as the Employment and Labour Relations Tribunal. This means that there will be one tribunal to handle all employment complaints and labour-related disputes. This is a significant improvement on the current state of affairs.

**Mediation.** Under the current Labour Relations Act, the Minister has the option to refer a dispute to a mediator. In the proposed amendments, referral to mediation by the Minister has been removed, as mediation outside of the Labour Relations Section has been found to be unnecessary, as it prolongs resolution, and most parties opt out.

**Civil Penalties.** Under the Labour Acts, persons who commit offences are liable on summary conviction to a fine or imprisonment. In the proposed amendments, establishment of civil penalties up to \$5,000 will replace most offences requiring court appearances. A civil penalty regime entails a faster, less laborious process with both the Labour Relations Manager and the Employment and Labour Relations Tribunal able to impose a penalty.

**Definitions.** A number of definitions are out of step with best practice. Therefore, this legislation will revise definitions for “employer,” “lockout” and “management person.” This legislation will also add the following new terms: “employers organisation” and “civil penalty.”

### Conclusion

**Sen. Arianna Hodgson:** Madam President, the Employment Amendment Act 2020 and the Trade Union and Labour Relations (Consolidation) Act 2020 will constitute the Employment and Labour Code of Bermuda. This task and the process to get to the tabling of this Bill was a collaborative effort by the Ministry of Labour and the members of the LAC. The LAC’s ability to work together in the interest of their members and the labour force of Bermuda is highly commended and greatly appreciated. It is the vision of the Ministry of Labour to comprehensively engage employers, labour and Government to reinvigorate the Bermuda economy, which benefits everyone.

Thank you.

[Pause]

**An Hon. Member:** Mr. Somner, her microphone is muted. Tell Madam President her microphone is muted.

**The Clerk:** Madam President, your microphone is on mute.

**The President:** Sorry. I was looking at the wrong button.

## INTRODUCTION OF BILLS

**The President:** There are none.

### FIRST READING OF PUBLIC BILLS

#### INVESTMENT FUNDS AMENDMENT ACT 2020

#### BERMUDA MONETARY AUTHORITY AMENDMENT (NO. 2) ACT 2020

#### TAX REFORM COMMISSION AMENDMENT ACT 2020

#### MARINE AND PORTS SERVICES ACT 2020

#### MERCHANT SHIPPING AMENDMENT (NO. 2) ACT 2020

#### EMPLOYMENT AMENDMENT (NO. 2) ACT 2020

#### TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 2020

**The President:** The following public Bills have been received from the Honourable House of Assembly and are now read for the first time; their titles are, respectively: the Investment Funds Amendment Act 2020; the Bermuda Monetary Authority Amendment (No. 2) Act 2020; the Tax Reform Commission Amendment Act 2020; the Marine and Ports Services Act 2020; the Merchant Shipping Amendment (No. 2) Act 2020; the Employment Amendment (No. 2) Act 2020; and the Trade Union and Labour Relations (Consolidation) Act 2020.

### FIRST READING OF PRIVATE BILLS

**The President:** There are none.

So, Senators, we will now entertain questions on the [Statement entitled] Employment and Labour Legislative Amendments which has been read by the Junior Minister of Labour, Senator Hodgson.

Would any Senator care to ask questions on this Statement?

**Sen. Ben Smith:** I would, Madam President.

**The President:** Senator Marcus Jones.

**Sen. Marcus Jones:** I give way to the Opposition Senate Leader—

**The President:** I beg your pardon. I beg your pardon.

**Sen. Marcus Jones:** I give way to the Opposition Senate Leader. He actually stated that he had a question. I will yield to him first.

**The President:** Minister Weeks *[sic]*, you have the floor.

**Sen. Marcus Jones:** No. That is Senator Ben Smith.

**The President:** I beg your pardon.

Senator Ben Smith, you are on mute. You have the floor.

**Sen. Ben Smith:** Yes. Good morning, Madam President.

**The President:** Good morning again. You have some questions on this Statement?

## QUESTION PERIOD

### QUESTION 1: EMPLOYMENT AND LABOUR LEGISLATIVE AMENDMENTS

**Sen. Ben Smith:** Yes. I would like to thank the Junior Minister for her Statement this morning.

Specifically, on the Statement on page 2 referring to the LLRC, which provided the recommendations. Can the Junior Minister tell us if there were any recommendations that were put forward by the LLRC that did not make it into this set of amendments, that we might be looking to see changes in coming amendments?

Madam President, should I ask another question now or allow the next person to go?

**The President:** Well, Senator Hodgson, do you want to respond to that question?

**Sen. Arianna Hodgson:** Madam President, I will actually just confirm that I will have the information at our next session.

**The President:** Fine.

Then, Senator Smith, if you have a second question, you can [ask] it now.

### QUESTION 2: EMPLOYMENT AND LABOUR LEGISLATIVE AMENDMENTS

**Sen. Ben Smith:** Thank you, Madam President.

Madam President, small businesses and medium-sized businesses in Bermuda are already quite taxed for the amount of things that they have to do. Because of that, a lot of times they might not have in the HR department access to lawyers as part of their organisation.

Can the Junior Minister let us know whether there will be some guidance provided for smaller businesses so that they can make sure that the policies that they have in place covers all of the amendments and all of the changes so that they do not find themselves in trouble in the future because they did not have certain things lined up in their policy?

**The President:** Thank you, Senator Smith. Do you have a supplementary or a third question?

*[No audible response]*

**Sen. Arianna Hodgson:** Madam President, our Ministry will provide the support and clarity that businesses need during the transitional period.

**The President:** Thank you, Senator Hodgson.

Would any other Senator care to ask questions on this Statement?

**Sen. Marcus Jones:** Yes, Madam President. I would like to ask a few questions.

**The President:** Senator Marcus Jones, you have the floor.

### QUESTION 1: EMPLOYMENT AND LABOUR LEGISLATIVE AMENDMENTS

**Sen. Marcus Jones:** Thank you, Madam President, and good morning to you, and good morning to my fellow Senators as well as the listening audience.

I do thank the Junior Minister for giving us this Statement. I think it is very helpful. I do have a question from page 5, item two, it talked about the antenatal care, where employees no longer have to wait for an entire year before they can utilise these benefits. Now, does that year start from the end of the probationary period or is the probationary period included in that year?

### QUESTION 2: EMPLOYMENT AND LABOUR LEGISLATIVE AMENDMENTS

**Sen. Marcus Jones:** My second question is also on page 5 under item four, Payment upon Termination. We see now where there has been an improvement where the wages of the terminated employee have to

be paid within those first seven days. Now, will that payment in that short period of time, will that also be used in lieu of two weeks' notice, which is the normal practice of some employers, if the employee is told short-notice, then they are paid, in lieu of the short notice, those wages?

### QUESTION 3: EMPLOYMENT AND LABOUR LEGISLATIVE AMENDMENTS

**Sen. Marcus Jones:** My third question is on page 7, and I am actually pleased to see that these nine tribunals will be consolidated into one. I think it is a great idea by this Government. And I would like to ask a question. Are the members of this consolidated tribunal—[are these] paid positions? And can the Junior Minister at the next session please give us an indication of what that remuneration is?

And finally, my—

**The President:** Is it a supplementary? You have had three questions. Is this a supplementary to that third question?

**Sen. Marcus Jones:** I have utilised my number of questions. Thank you very much, Madam President.

**The President:** Thank you, Senator Jones.  
Senator Hodgson.

**Sen. Arianna Hodgson:** Madam President, I will have those details at our next session.

**The President:** Thank you for that.  
Would any other Senator care to ask questions on this Statement?  
Hearing none, then I thank you, Senators.  
And thank you, Senator Hodgson, for your Statement.

### ORDERS OF THE DAY

**The President:** The first item on the Orders of the Day is the second reading of the Companies and Partnerships (Electronic Registry) Amendment Act 2020, and this is in the name of Senator Hodgson, the Junior Minister of Finance.

Senator Hodgson, you have the floor.

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I move that the Bill entitled Companies and Partnerships (Electronic Registry) Amendment Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?  
No objection.  
Carry on, Senator Hodgson.

## BILL

### SECOND READING

#### COMPANIES AND PARTNERSHIPS (ELECTRONIC REGISTRY) AMENDMENT ACT 2020

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, the Bill before the House is the [Companies and Partnerships \(Electronic Registry\) Amendment Act 2020](#). This Bill amends the Companies Act 1981, the Partnership Act 1902, the Limited Partnership Act 1882 [sic], the Exempted Partnerships Act 1992, and the Overseas Partnerships Act 1995 to provide powers for the Minister of Finance to make regulations to require that all documentation under each of those Acts required to be filed with, or issued by, the Registrar of Companies is to be filed or issued by means of an electronic record, in accordance with the Electronic Transactions Act 1999 and to make other minor amendments to the Companies Act [1981].

Madam President, the Electronic Transactions Act 1999 makes provision for the validity, admissibility, or enforceability of information required to be in writing in the form of an electronic record, as well as the delivery and dispatch. The electronic registry system has been designed to: (a) receive such information, which upon approval will be posted in the company's public record; (b) automatically notify the applicant of its receipt; and (c) if required, a certificate will be automatically generated.

Madam President, following an RFP process in 2019, the Registrar of Companies engaged the services of Foster Moore, the world's expert in electronic registries, to design and build the Registrar of Companies' electronic registry system replacing the current paper-based system.

Madam President, the Registrar's electronic system will be implemented in several phases, beginning with some of the registration services available in February 2021. The remaining services will be made available over the ensuing months, with the expectation that by summer 2021, the Registrar of Companies will be fully operating its electronic registry system.

Madam President, upon the full implementation of the electronic registration system, all filings required by the various pieces of legislation will be submitted via the electronic platform, which will be hosted on the Registrar of Companies' website. Certificates and notices required to be issued by the Registrar will be generated by the electronic registration system. This also means that all records that are required to be available to the public will be available for viewing online.

Madam President, the other main amendment relates to the requirement to publish and file a pro-

spectus with the Registrar of Companies by companies that offer shares to the public.

Madam President, Bermuda is viewed by industry in Bermuda, as well as onshore advisors, as administratively burdensome in relation to share offerings. The prospectus requirement increases the cost and time that it takes to complete the offering, making Bermuda far less attractive than competitive jurisdictions such as Cayman and the British Virgin Islands that do not require publication and filing of a prospectus where a non-local company offers shares to the public.

Therefore, Madam President, this Bill eliminates the requirement for exempted companies that offer shares to the public to publish and file a prospectus with the Registrar of Companies. It is therefore proposed to eliminate the requirement for exempted companies that offer shares to the public to publish and file a prospectus with the ROC [Registrar of Companies].

Madam President, with those brief introductory remarks, I now present the Bill entitled the Companies and Partnerships (Electronic Registry) Amendment Act 2020 and welcome comments from other Senators.

Thank you, Madam President.

**The President:** Thank you, Senator Hodgson, Junior Minister of Finance.

Would any Senator care to speak on this Bill?

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Good morning again, Madam President and fellow Senators.

**The President:** Good morning.

**Sen. Michelle Simmons:** I certainly support this Bill. It just brings the processes by which companies are required to file documents with the Registrar of Companies into the 21<sup>st</sup> century. We live in a very technological world now, and it will facilitate these filings, and at the same time it will also enable the Registrar of Companies to provide electronic records back to those said companies. So once again, I support this Bill. I think it is very appropriate at this time. Thank you.

**The President:** Thank you, Senator Michelle Simmons.

Would any other Senator care to speak on this Bill?

**Sen. Marcus Jones:** Yes, Madam President., Senator Jones.

**The President:** Senator Jones, you have the floor.

**Sen. Marcus Jones:** I will say, Madam President, I did lose technical connectivity in the last couple of minutes of the Junior Minister's presentation. And I also see that my lovely face is not on the screen.

**The President:** Yes.

**Sen. Marcus Jones:** But I believe that you can hear me.

**The President:** Yes. We can hear you, and hopefully your technical problem will resolve itself. But you can make your comments.

**Sen. Marcus Jones:** Okay. Yes.

First and foremost, we welcome this amendment, this Companies and Partnerships (Electronic Registry) Amendment Act of 2020. We see this amendment as necessary. It is an upgrade from the Registrar of Companies' filing and issuing the documents. I think it is great that we are finally moving from this paper-based system to an electronic recording system. I believe it is long overdue. And we realise [that] to accomplish this, additional amendments are required in all of the other associated Acts.

I will also make an observation. During the Junior Minister's presentation, she did mention the Limited Partnership Act. It should be 1883. That would be the correct year of that particular Act.

We do have one question. And I did take note that the vendor that was utilised by the Registrar of Companies was Foster Moore. My question would be, Was this particular transformation of the system—was there a tender for several vendors to vie for the contract? Or did the Government see that the vendor that had been, the vendor that was on record, was doing a sufficient job and there was no need to do an outside tender? And that would be my one question.

**The President:** Thank you, Senator Jones.

Would any other Senator care to speak on this Bill?

Hearing none, then, Senator Hodgson, it is over to you.

**Sen. Arianna Hodgson:** Thank you, Madam President. I will confirm those details at our next meeting.

**The President:** Thank you.

With that, then you can move the Bill, the second reading.

**Sen. Arianna Hodgson:** Madam President, I move that the Bill entitled Companies and Partnerships (Electronic Registry) Amendment Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?  
No objection.

Carry on, Senator Hodgson.

### SUSPENSION OF STANDING ORDER 26

**Sen. Arianna Hodgson:** Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?  
No objection.

*[Motion carried: Standing Order 26 suspended.]*

## BILL

### THIRD READING

#### COMPANIES AND PARTNERSHIPS (ELECTRONIC REGISTRY) AMENDMENT ACT 2020

**Sen. Arianna Hodgson:** Madam President, I move that the Bill entitled Companies and Partnerships (Electronic Registry) Amendment Act 2020 be now read a third time.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Arianna Hodgson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled Companies and Partnerships (Electronic Registry) Amendment Act 2020 do now pass.

Is there any objection to that motion?  
No objection. The Bill is passed.

*[Motion carried: The Companies and Partnerships (Electronic Registry) Amendment Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Hodgson.

**Sen. Arianna Hodgson:** Thank you, Madam President.

**The President:** We are now moving on to the second item on the Orders of the Day, and this is the Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020. And this is in the name of Senator Richardson, the Junior Minister for Health.

You have the floor.

**Sen. Curtis Richardson:** Thank you, Madam President.

Madam President, I move that the Bill entitled Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?  
No objection. Carry on.

## BILL

### SECOND READING

#### RESIDENTIAL CARE HOMES AND NURSING HOMES (TRANSFER OF FUNCTIONS) ACT 2020

**Sen. Curtis Richardson:** Madam President, I stand before you to introduce the Bill entitled the [Residential Care Homes and Nursing Homes \(Transfer of Functions\) Act 2020](#). Madam President, the Ministry of Health is committed to improving and advancing our health and long-term care system. This Bill is another step towards improving care home regulation. Fundamentally, these advancements will ensure good-quality care for seniors and persons with disabilities in care homes.

The Residential Care Homes and Nursing Homes Amendment Act 2017 introduced new service standards, and strengthened regulation to improve quality of care and quality of life for residents in the 20 care homes that fall under this Act.

In addition to a strong regulatory framework, right-touch compliance monitoring, and education and training are essential to maintaining these standards. The Ministry has made good progress in these areas. However, to sustain and advance these improvements in an efficient and effective manner requires more robust coordination and regulatory oversight.

Madam President, historically, regulatory responsibilities for health services and professionals have been spread across various entities under the Ministry of Health. This has resulted in challenges with securing required compliance resources and efficiently improving regulatory policy and practice. As a result, the Ministry is consolidating appropriate health regulation under the Bermuda Health Council. This decision was based on [the following factors]: (1) the council's quango structure [which] enabled greater flexibility and innovation; (2) the transfer of functions aligning with the council's mandate; and (3) the council, and thus these functions, remaining under the policy oversight of the Ministry of Health.

Madam President, in 2017 there was an initial transfer of regulatory responsibilities for health services from the Office of the Chief Medical Officer to the Health Council. At this time, regulation of care homes was also identified as a function that should be consolidated within the remit of the Health Council. However, changes were already pending for updates to the regulatory framework for the care homes, and thus the transfer was placed on hold. With implementation of the framework now complete and the council having prepared itself to assume this role, I stand before the Senate with this proposed amendment to transfer the regulatory functions for the care homes

from the Ministry of Health to the Bermuda Health Council. Madam President, I am pleased to present this Bill supporting our efforts towards a more efficient and effective regulatory policy and practice. Thank you.

**The President:** Thank you, Senator Richardson.

Would any other Senator care to speak on this Bill?

**Sen. Robin Tucker:** Yes, Madam President. I would.

**The President:** Senator Robin Tucker, you have the floor.

**Sen. Robin Tucker:** Thank you, Senator Curtis Richardson.

Madam President, the Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020 brings oversight and regulatory responsibility for [residential care homes and nursing] care homes that provide room, board and personal care for two or more seniors or a differently abled person. The responsibility has been spread across several areas under the Health Ministry's remit that have included Ageing and Disability Services, the Ministry's Elder Care Team, the Health Department's Community Rehabilitation Programme, Nutrition Services, Environmental Health in community nursing and other areas. The number of resources required to oversee and regulate the functions of the care homes and nursing homes is obviously resource intensive, as evidenced by the spread of areas that maintain oversight and administer services.

So, demand is high for quality care home services. We know that we are an ageing population. Many of our residential care services are at 90 per cent, and some are at 100 per cent capacity and have waiting lists. There are still people at the hospital in the Continuing Care Unit because there—

**The President:** Senator Tucker, you are fading away. Can you speak closer to the microphone, please?

**Sen. Robin Tucker:** Certainly.

**The President:** Thank you.

**Sen. Robin Tucker:** Yes, Madam President.

Many of our residential care services are at 90 [per cent] to 100 per cent capacity and have waiting lists. There are still people in the old hospital annex in the Continuing Care Unit because there are insufficiently equipped facilities, or [there are] families who are unable to bring their loved ones home. Operating a quality care home is expensive. Property costs are high. Capital requirements in having appropriately trained and qualified staff are crucial. The issues will

become greater over time without being addressed properly.

There is alignment with the Bermuda Health Council's mandate that could bring about some positive changes. And that is such that legislation makes sense in its intent to consolidate residential care homes and nursing home functions under the Bermuda Health Council, transitioning responsibility from the Ministry of Health. By accomplishing this, it is anticipated that the stronger ties with the Bermuda Health Council will bring about further improvement in the health and quality of care of our seniors and differently abled persons who reside in our residential care homes and nursing homes.

Madam President, with that said, our seniors and differently abled persons are amongst our most vulnerable in this society. And while improvements have already been realised to improve the quality of care, this legislation has potential to do much more. But a lapse of execution could set back current, and impede future, strides. So while the Opposition supports this legislation, there should be some assurance that a transfer of functions from the Ministry of Health to the Bermuda Health Council will not see any unintended impacts to service for our seniors and other vulnerable persons as a result of insufficient resources needed to carry out its very important functions in accordance with this new legislation.

So with that said, I would just like to ask if Senator Richardson could confirm how much of an impact the requirements of the Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020, together with the requirements of the other recently passed legislation, namely the Health Professionals (Miscellaneous Amendments) Act 2020, that will see the Bermuda Health Council having regulatory oversight of five new health professional bodies—how much of those responsibilities will add to the Health Council's existing workload? So I would like to know what assurances can be provided to the public that the Bermuda Health Council will be able to balance its pre-existing and new requirements without falling short on delivering on its mandate to regulate, coordinate and enhance the delivery of health services in Bermuda, which also includes improving the health and quality of care for our seniors and differently abled persons in care home?

**The President:** Thank you, Senator Robin Tucker.

Would any other Senator care to speak on this Bill?

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Good morning, Madam President.

**The President:** Good morning.

**Sen. Michelle Simmons:** The supervision of nursing/care homes is a really important function. As Senator Tucker said, we are in the midst of an ageing population, and so there is a significant number of people who need the services provided by care homes. Many of our nursing homes/care homes are private institutions as opposed to government-owned and -operated facilities, so oversight is really important to ensure that members of our elderly population are receiving the high quality of care and support that they deserve and that they need.

As I read through this Bill, Madam President, a couple of thoughts came to mind. First of all, how many care or nursing home beds actually exist in Bermuda at this time? I think it is something the public would be interested in knowing. Also, what proportion of those beds is in private nursing and care homes? I think this is another important piece of information that would help the public to get a sense of how we are catering to the needs of our elders. I also, as I read through the Bill, took some time to look at the role of the Health Council. And if you would permit me, Madam President, I would just like to read a little excerpt from the 2004 Health Council Act.

**The President:** Certainly you may. Carry on.

**Sen. Michelle Simmons:** In that Act, a health service provider, which the nursing and care homes are, is defined as “a person, group of persons or organization that operates a business offering health services to the public, but does not include a person who is an employee under a contract of service.” (That is the end of the quote.) Therefore, in my opinion, consolidating the supervision of care and nursing homes under the umbrella of the Health Council is most appropriate because it is actually part of their original function as defined in the Act. This is a definite way of ensuring that standards are maintained, because the Health Council is responsible for the supervision, or certainly the registration, of all of those who are involved in health care in Bermuda.

My only concern about this consolidation is that there should be a sufficient [number of] people assigned to the oversight function. And I believe Senator Tucker was going in this same direction. This has definitely been a challenge in the past. And I would hope that with this change in function and also with the consolidation of the supervision of nursing and care homes under the umbrella of the Health Council, this issue will be addressed and that sufficient manpower will be allocated to the appropriate and regular supervision of nursing and care homes.

So with those few remarks, Madam President, I would like to say that I do support this Bill. I think it is very appropriate.

Thank you.

**The President:** Thank you, Senator Michelle Simmons, Vice President.

Would any other Senator care to speak on this Bill?

**Some Hon. Senators:** Yes, Madam President.

**The President:** Minister Weeks *[sic]*.

**Sen. the Hon. Dr. Ernest Peets:** Thank you so much, Madam President.

Just a quick note. In the interest of making sure that the Government Senators have the right information based on our [INAUDIBLE], we are wondering if Senator Tucker would be kind enough to put her questions in writing so that we can ensure that we give an appropriate response. Thank you.

**The President:** Sorry, Minister Weeks *[sic]*.

**An Hon. Senator:** Weeks?

**The President:** Sorry . . . Minister Peets, Minister Peets. I am sorry. I was distracted by someone.

Just to say that the Parliament website is on, but not the SharePoint. Just to let you know.

**Sen. the Hon. Dr. Ernest Peets:** Understood.

*[Inaudible interjections]*

**The President:** So, Minister Peets, have you made your comments?

**Sen. the Hon. Dr. Ernest Peets:** Yes, I have.

**An Hon. Member:** Do you need to repeat it?

**The President:** Thank you. Thank you.

Would any other Senator care to speak on this Bill?

**Sen. John Wight:** Madam President.

**The President:** Yes. Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

I too am supportive of the consolidation of these services. One of the concerns that I have, which sort of piggybacks on comments made by a couple of the other Senators, is not just the workload involved by the Health Council, but the Health Council was created in 2004 to supervise the health insurers. And being the CEO of a group of companies that has a health division, I can say that some of the issues that surface are very detailed and unique and complex. So with the recent transition from the five (I think) last week of the other medical boards transitioning to the

Health Council, along with the nursing homes this is not just a very increased workload for the Health Council, but it is also the complexity of the issues that are involved in each of these various areas.

So I guess my concern would be, you know, does the Health Council have the right personnel with the right skill sets to be able to effectively govern all of these various areas of practice in Bermuda?

**The President:** Thank you, Senator Wight.

Would any other Senator care to speak on this Bill?

No. Then it is over to you, Senator Richardson, for response.

**Sen. Curtis Richardson:** Yes, Madam President. And I would first like to thank all Senators for their questions with regard to this particular Bill. I certainly believe it is moving us in the right direction.

These questions that have been presented today, they were backed with statements. And unfortunately, I would ask if the questions actually be put into writing so they can be simplified to be answered. At this moment, I could sift through the questions and answers that I do have, but it would be piecing together answers as opposed to direct answers to your questions.

**The President:** Senators, the Junior Minister has asked for the questions to be put in writing, and he will respond to each one of them. So will you do so at your earliest convenience? And they could be addressed perhaps at the next sitting, which is on Monday.

With that then, Senator Richardson.

*[Crosstalk]*

**The President:** You can speak further.

**Sen. Curtis Richardson:** Yes. In addition, Madam President, the questions that Senator Tucker presented last week, I could also present the answers to them on Monday as well. So it will be collectively all together if that is allowed.

**The President:** Thank you.

With that then, you can proceed to move the Bill.

#### SUSPENSION OF STANDING ORDER 26

**Sen. Curtis Richardson:** Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?  
No objection.

*[Motion carried: Standing Order 26 suspended.]*

## BILL

### THIRD READING

#### RESIDENTIAL CARE HOMES AND NURSING HOMES (TRANSFER OF FUNCTIONS) ACT 2020

**Sen. Curtis Richardson:** Madam President, I move that the Bill entitled Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020 be now read a third time.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Curtis Richardson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

*[Motion carried: The Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Curtis Richardson, Junior Minister of Health.

Can you confirm for us then, Senator Richardson, that the next item, the Health Insurance (Miscellaneous) Amendment Act 2020, will be carried over to the next day of meeting?

**Sen. Curtis Richardson:** I can confirm it will be carried over to the next meeting.

**The President:** Thank you, Senator Curtis Richardson, Junior Minister of Health.

Senators, that leaves us to move on to the fourth item, which is the second reading of the Bermuda Immigration and Protection Amendment (No. 2) Act 2020. And this is in the name of Senator Darrell, the Junior Minister for the Cabinet Office.

Senator Darrell, you have the floor.

**Sen. Owen Darrell:** Good morning, Madam President.

**The President:** Good morning to you.

**Sen. Owen Darrell:** Madam President, I move that the Bill entitled the Bermuda Immigration and Protec-

tion Amendment (No. 2) Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?

No objection.

Carry on, Senator Darrell.

## BILL

### SECOND READING

#### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2020

**Sen. Owen Darrell:** Madam President, today I present to this Honourable Chamber the [Bermuda Immigration and Protection Amendment \(No. 2\) Act 2020](#). These amendments pertain to the laws and regulations governing the granting of land licences that will streamline the process associated with them.

#### Introduction and Purpose

**Sen. Owen Darrell:** Madam President, sometimes governments and legislators put in place legislation, regulations and policies with good intent, which may seem good at the time, but eventually [may] create inefficiencies within Government. Madam President, the Efficiency Committee became aware of these challenges when it presented its report in 2019. One such area was the process for issuing alien licences.

Madam President, the Ministry of the Cabinet Office met with the Chamber of Commerce, Real Estate Division, to review the processing of alien licences for the purchase of Bermuda property. We held several discussions regarding the process with the legal fraternity and with individuals within government departments.

Madam President, it had long been advanced that extended processing delays negatively affected sales, and as a consequence potential buyers had lost interest and were withdrawing from purchases. The processing impediments also represented a loss of revenue to the government. Madam President, this Government is committed to streamlining its internal processes in order to facilitate better business in Bermuda. In this regard, we have identified specific areas for improvement in the approval of land licensing. Madam President, the objectives, therefore, of the proposed legislative amendments are to better facilitate the sale of property to international buyers, specifically those who are eligible to do so in accordance with the law, thus contributing to the economy of Bermuda.

Madam President, there have been considerable delays in the processing and approval applications for alien land licences. Many of these delays are ranging in excess of six months, resulting in some properties not being sold and amounting to significant

revenue loss to the government. Madam President, several realtors have raised concerns about the length of time it takes for overseas buyers to purchase property that they are eligible to acquire, [which] has a negative impact on the real estate market. The process is cumbersome and manually driven through three government departments, and has caused unacceptable and frustrating delays.

One of the delays that we identified was the requirement for the Minister to publish a notice in the *Gazette* before approving an application for a land licence. This notice invited objections to an application to purchase property and allowed two weeks in which to lodge such an objection. This served to cause a delay in the whole process. Madam President, I hasten to point out that over the past two years there has been only one objection to an application, and that objection was unsuccessful. Whereas the property was purchased in accordance with the law, there are no grounds for the purpose of objection, making the provision of the Act redundant.

Madam President, to better understand solutions which may be adopted, we invited discussions from industry-leading realtors and those technical officers who were responsible for the administration of this function. The aim of these discussions was to identify why the alien land licence process was so elongated and stagnant, with a view to streamlining the process in order to complete transactions in less than four weeks. Madam President, there was considerable dialogue with realtors on this matter. Two critical recommendations emanated from these discussions, and they were: (1) to address the requirement for government to advertise; and (2) to provide exemption for condominiums, which currently are subject to the same regime as freehold properties.

Madam President, additionally, this Bill seeks to provide certainty regarding the authority to grant approval of application for land licences, and this is reflected in the definition of "Minister." This ensures that the function of approval is unambiguous and allows for functionality whenever there is a change in responsibility for land licences.

Madam President, in reviewing the process for application to acquire land by restricted persons, we noted that there was a plethora of information that we deemed unnecessary, intrusive and irrelevant. For example, in the first Schedule to the 2007 Regulations, applicants are required to provide details about the nationality of their parents and spouse, information that has no bearing at all on the decision-making process. This Bill seeks to remove the requirement for this useless information.

Also, Madam President, as part of the application process for the purchase of a condominium, the potential purchaser or their agent has to submit three copies of plans drawn to scale by a registered surveyor. This too has proven to be cumbersome, especially in the condominium market. We are therefore amend-

ing the 2007 regulations to exclude condominiums from this requirement, and we also are reducing the number of plans required for other properties to one.

Madam President, in closing, I would like to thank the realtors who assisted the Government in this legislative project. Finally, I would also like to thank the public officers in the Cabinet Office, the Department of Immigration and the Attorney General's Chambers who assisted with this project.

Thank you, Madam President.

**The President:** Thank you, Senator Darrell, Junior Minister for the Cabinet Office.

Would any Senator care to speak on this Bill?  
Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

As the President of the Chamber of Commerce when this Bill was first initiated for discussion with Government, this is music to my ears. So I think this is a win-win all around. And certainly it increases the fees for government at a time when we desperately need more revenues coming in. This makes it easier for people from overseas to acquire property so they can live here and start using Bermuda-owned taxis to get around and eating at Bermuda-owned restaurants. So this is, I think, a terrific initiative that has come to conclusion. So, I am very supportive of this.

**The President:** Thank you, Senator Wight.

Would any other Senator care to speak on this Bill?

Senator Ben Smith, you have the floor.

**Sen. Ben Smith:** Thank you, Madam President.

The Opposition is also in support of this Bill. Anything that can increase efficiency and streamline we will be supportive of. One comment would be that—the other side of this—is that it seems like we are making it easier for foreigners to buy property in Bermuda. From a PLP Government perspective, that seems a little counter to what we normally hear from this Government when it comes to protecting Bermudians and protecting Bermuda's interests. So it is a balancing act. Obviously, we would like to see the same thing, where we are trying to stimulate the economy, increase the amount of revenue that can come in so that we can protect the economy side of Bermuda. But the balancing act is that there is an erosion of the middle class. And a lot of our Bermudians would like to [someday] purchase properties and land, [but] as we sell more of our land to foreigners we increase the possibility that this [possibility] goes away.

The only question that I really have is going to be based off of the changing in the gazetting. The Junior Minister spoke specifically to a recent time period where there have not been a lot of objections. My question is, Have there ever been objections that

were from the gazetting that led to its being turned over? And my reason for asking that is, when you take away transparency and when you take away the scrutiny level, are we opening it up to something potentially going through, that if that scrutiny had been there a situation might have changed? Thank you, Madam President.

**The President:** Thank you, Senator Ben Smith.

Would any other Senator care to speak on this Bill?

No. Then it is over to you, Senator Darrell.

**Sen. Owen Darrell:** Thank you to the Opposition Senate Leader for the comments, as well as the Independent Senator.

Senator Smith, I will undertake to get you the answers to your concerns there at the end.

Madam President, I move that the Bill entitled the Bermuda Immigration and Protection Amendment (No. 2) Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?

No objection.

Carry on, Senator Darrell.

#### SUSPENSION OF STANDING ORDER 26

**Sen. Owen Darrell:** Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?

No objection.

*[Motion carried: Standing Order 26 suspended.]*

### BILL

### THIRD READING

#### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2020

**Sen. Owen Darrell:** Madam President, I move that the Bill entitled the Bermuda Immigration and Protection Amendment (No. 2) Act 2020 be now read a third time.

**The President:** Is there any objection to a third reading?

No objection.

**Sen. Owen Darrell:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Bermuda Immigration and Protection Amendment (No. 2) Act 2020 do now pass.

Is there any objection to that motion?  
No objection.  
The Bill is passed.

*[Motion carried: The Bermuda Immigration and Protection Amendment (No. 2) Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Darrell.

## MOTIONS

**The President:** There are none.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

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

**Sen. Marcus Jones:** I would, Madam President, Senator Jones.

**The President:** Senator Jones, you have the floor.

**Sen. Marcus Jones:** Thank you, Madam President.

I was quite pleased to read in yesterday's daily a young lady who was celebrating her sixth birthday who wanted to, rather than receive gifts, use the opportunity to give to others. Her name is Tazara Pitcher. And the story is very inspiring. Due to the situation that we are all under right now with the pandemic, this young lady had an idea to donate any gifts in the form of finances to be given to the Family Centre because she observed, through watching the daily press conferences, that there were a number of families who were under undue stress financially. And she took it upon herself to offer to her mother that she would like to utilise the opportunity of gift-receiving to be a gift-giving enterprise.

And so this young lady, Tazara Pitcher, needs to be congratulated from this Chamber. And I suspect that there will be others amongst us, other Senators, who would like to join in to give a hearty thank you and acknowledgement to this young lady for her willingness to be a giver rather than just a receiver. That again is Tazara Pitcher, a six-year-old young lady, Somersfield Academy student.

My second congratulations, Madam President, would be to the St. George's Town Crier, Mr. David Frith. I have had the privilege of conducting a number of tours to the Town of St. George's. And during my six-hour tour of the entire Island, one of the highlights of that tour was to bring my tourists to the Town of St. George's to be a spectator of the enactment of the ducking of the town gossip, which invariably was always a woman.

*[Laughter]*

**Sen. Marcus Jones:** And I thought to some degree this would bring about some level of angst amongst the female population of the country. But I am not going to try and rewrite history. But it appears that it was the female population that was very much involved in that type of behaviour.

Be that as it may, the Town Crier, Mr. David Frith, was absolutely Hollywood-quality Town Crier. And I never got tired of listening to him. I would make sure that I was there with my tourists, and I would laugh as it I heard it for the first time. And he was absolutely fantastic. We understand under this pandemic that he was made to be laid off mid-May. But he has stated on various occasions that he is quite willing to come back and to get involved again. He has been an ambassador for this country abroad. In fact, he won the Sir Francis Drake Armada Cup at a competition in the UK in 2011. So he has international acclaim, as well.

So, from these Chambers I would like to extend a congratulations and a hearty thank you to the former Town Crier, Mr. David Frith. Thank you for your indulgence, Madam President.

**The President:** Thank you, Senator Jones.

Would any other Senator care to speak on the congratulatory and obits?

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

I am going to start with some young people. First of all, I would like the Senate to join with me in congratulating two young Bermudian soccer players. The first is Ajani Burchall, who is the 16-year-old son of Shennon and Margo Burchall, and is a student at Bournemouth Academy in the UK. He normally plays for the under-18 team, having just turned 16 in November. Recently, however—recently he was asked to sit on the bench for the [English] Championship league team at their match against Huddersfield and, surprisingly, Ajani was asked to play in the match. It was only for about 10 minutes, but it was a history-making 10 minutes because he became the third-youngest player ever to do this at Bournemouth. I believe that he impressed many in that short period when he was on the field. And I think we have much more to hear about this young, talented Bermudian footballer. So, well done to Ajani!

Then my second Bermudian soccer player is a young female Bermudian footballer by the name of Aaliyah Nolan, who scored recently for Leeds United on Sunday, the 13<sup>th</sup> of December, as they played to a 4–3 win against Stockport County. Aaliyah's goal was described as "brilliant." I just want to congratulate her on achieving her dream—she has had this dream for

years—of playing soccer professionally. And by the way, if any of you want to follow, Leeds United is now fourth in their league. And it is one of the Football Association's Women's National League, Division One North teams. Aaliyah plays in a forward position. So, well done to Aaliyah!

Madam President, I would also like to congratulate another young person who is well known by a few of us here in the Senate Chamber. And her name is Ashley Bento. I think Senator Darrell will remember Ashley from his previous life as a teacher. She was recently called to the Bermuda Bar. Ashley is a graduate of the Berkeley Institute. She has an Associate's Degree earned with Distinction from Bermuda College, and a Bachelor of Laws [LLB] Degree from the University of Greenwich in London, in which she earned First Class Honours. After her LLB, she completed the Legal Practice Course at the BPP University in London. And now she is working as a lawyer. This young lady has had this dream for years. And I am so glad that her determination has brought her to this point. So, well done to Ashley!

I also hope that I still have a couple of minutes to offer congratulations to Dr. Malcolm Brock, who was recently installed as the E. F. Gordon Professor of Thoracic Surgery at Johns Hopkins University Medical School in Baltimore, Maryland. Of course, he has a lengthy and very impressive bio, which I do not have time to go through here. But I will mention a few of his stops along the way: Graduate of Warwick Academy and Bermuda College; fluent in Japanese, thanks to a Rotary scholarship; and is a graduate of Princeton University; Bermuda Rhodes Scholar; eventually graduated with his M.D. from the very same Johns Hopkins in 1991.

Dr. Brock has assisted many Bermudians who found themselves at Johns Hopkins receiving medical treatment. I may not have to tell everyone, because many of you know this, but he is the son of Mansfield "Jimmy" Brock and Beverly Brock. So, well done to Dr. Malcolm Brock! And it is so good to see the name Dr. E. F. Gordon now also being recognised further afield (i.e., in Baltimore, Maryland, at Johns Hopkins University).

And finally, Madam President, I would like to offer condolences to the family of the late Gloria Pearman—her husband Colin, her daughter Jo-Dina, her son Craig, his wife Gladys and their grandchildren, Gabriel and Mathew. Gloria was an educator par extraordinaire. And her very last position was as Principal of Port Royal Primary School, where I am sure she helped to shepherd a number of young people through their primary school years. She was a devoted wife and mother, and will be definitely a great miss in the Sandys community. And that comes from someone who resides down here in St. George's. So condolences to the Pearman family. And thank you, Madam President.

**The President:** Thank you, Senator Michelle Simmons.

Would any other Senator care to speak?

**Sen. Ben Smith:** Thank you, Madam President.

**The President:** Senator Ben Smith, you have the floor.

**Sen. Ben Smith:** Thank you, Madam President.

I would like to follow-on on those condolences to [the family of] Mrs. Pearman, who was in her 90<sup>th</sup> year. I was a student at Port Royal Primary. So I know fully what an important teacher she was. It is amazing when you have an educator who touches the lives of young people. Now in my position today, I can remember those early years with just the attention that she would give to each student, the way that she made sure to take out individual attention so that she would speak to you and work with each and every student to try to get them to reach their furthest.

I know that my sister Wendy, who is also a teacher in Bermuda, can owe a lot of the reason why she became a teacher from some of the mentorship that came from Gloria Pearman.

I know that she will be missed. It is important that we acknowledge that those kinds of educators touch the lives of so many people, and this is something that I will never forget.

Thank you, Madam President.

**The President:** Thank you, Senator Ben Smith.

Would any other Senator care to speak?

**Sen. the Hon. Dr. Ernest Peets:** Thank you, Madam President.

**The President:** Yes. Minister Weeks—Minister Peets, you have the floor.

**Sen. the Hon. Dr. Ernest Peets:** Thank you. Thank you so much.

We certainly at the Ministry of Youth, Culture and Sports also concur with the congratulatory remarks for our young athletes, especially a couple of those mentioned by Senator Simmons. Their success is a motivation for us all to continue to do the work that we do each and every day. And so, certainly on behalf of the Ministry, we certainly want to congratulate them. We know that their success is also our success.

Particularly also in the time of great need, I certainly want to congratulate the PLP branches for Devonshire, constituency 10, 11, 12, 13, 14 and 15, all of the volunteers who recently this weekend attended to meals, to meet persons up in Devonshire. I certainly want to recognise them and thank them for their charity.

Thank you so much.

**The President:** Thank you, Minister Peets.

And, Senator Robin Tucker, you indicated you would like to speak. You have the floor.

**Sen. Robin Tucker:** Thank you, Madam President.

I want to offer congratulations to the family of Mr. Ernest Tucker, who was considered to be one the Canadian Broadcast Company's [CBC] first Black journalists. He was conducted into the CBC [News] Hall of Fame recently. Mr. Tucker started his career with CBC Toronto's newsroom and was a radio and journalism teacher at John Abbott College for over 30 years. It is also believed that Mr. Tucker was the first Black student at Ryerson's School of Journalism in Canada. So although Mr. Tucker did pass away in January 2019 at the age of 87, acknowledging his contributions to journalism is certainly something to celebrate, [as he was] one of our other Bermudians making impacts in places outside of Bermuda. So I just want to offer his family congratulations on his being inducted.

I also want to send condolences to the friends and family of Annette Michelle Wade. Annette was also a friend of mine, as well. I met Annette in the late 1990s as we attended the same church. A few years after we met, Annette became a member of a book-of-the-month club that I actually started.

And before I knew it, she became the regular host for our monthly meetings for announced events and opening her house to a bunch of us. And it was always a lot of good times and great fellowship. So I will remember Annette as a kind, compassionate, tell-you-what-she-thought kind of a person, who always made time for a laugh and to have a really great catch-up. Over the years, we had lost a bit of contact. But we did make time to see each other when we could.

So I would just like to again extend sincere condolences to her family, and of course the rest of her friends, on her passing. Thank you, Madam President.

**The President:** Thank you, Senator Robin Tucker.

Would any other Senator care to speak on the congratulations and/or obituaries?

No. Then I would just like to say I am sure the entire Senate body is very pleased to have heard the congratulations for all of our young people who have been mentioned this morning by the various Senators. Certainly they bode very well for Bermuda's future. And it is an encouragement, I think, to many other young people as well.

I would also like to be associated with the condolences that have been expressed regarding Gloria Pearman, whom I also knew quite well. And she was, as has been said, a 90-year-old who actually taught for 46 years. And I do recall attending Thanksgiving dinners to which several friends, including my husband and me, were in attendance. And she always

demonstrated a regalness which was matched by her humour. And she will be sorely missed. But she was a great educator and well-liked by all. And I think the comments that have been made by you Senators have been greatly appreciated by her family.

With that said, then we will move on to our final item on the agenda.

## ADJOURNMENT

**The President:** Minister Peets, it is over to you.

**Sen. the Hon. Dr. Ernest Peets:** Thank you, Madam President.

I make a motion that we adjourn until Monday, the 21<sup>st</sup> of December.

**The President:** Thank you, Minister Peets.

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

**Sen. Marcus Jones:** Yes, Madam President.

**The President:** Senator Marcus Jones, you have the floor.

### L. F. WADE INTERNATIONAL AIRPORT BERMUDIANS SHOULD BE PROUD

**Sen. Marcus Jones:** Thank you, Madam President.

I thank you for this opportunity to contribute to the celebration of the recent opening of our new airport. From all indications, this is a fabulous facility that has been built. It is getting rave reviews from locals, from those who have been able to utilise this building. Unfortunately, it is a project that came under a fair amount of contention and conflict. But one cannot deny with a straight face that this particular edifice is nothing less than remarkable. And I believe that all Bermudians should be proud of this particular building.

But there is a narrative that has been bandied about the community, one that can be categorised as a negative spin. Now, we understand that from its inception there were disagreements on the financial model that was used and that was put forward by the former OBA Government to bring this airport to completion. And that is a natural conflict and the toing and froing that goes on between opposing parties within a Westminster political system. So we understand that there are going to be the natural conflicts. We actually saw it under the PLP Government with the hospital that was built. There was some pushback from the then-opposing party in the financial model of the hospital being built. And so we saw it again with the airport.

But I believe that situations like this, when all of the disagreements have been stated and all of the objections have been made, once we get a capital

project finished, I believe that we as a country need to come together, put aside our differences and congratulate those who were instrumental in bringing this airport to fruition. We understand through the speeches that were held on the day that there were 885 Bermudians employed in constructing this building. There were 400 contractors who were hired to help and contribute to the completion of this building.

At a time when business, especially in the construction industry, is at an all-time low and many of our craftsmen, many of our masons and carpenters have been having a hard time finding work, surely we as a nation can come together and look at this project that was three years in the making that provided lots of jobs and enterprise and economic stimulus for this country. Surely we can come together and applaud it and congratulate it.

Now, we know that there are some who take opportunities to focus on that regretful day, December the 2<sup>nd</sup>, 2016, when we know that a number of our fellow citizens were pepper sprayed. Now, that particular event hits close to home to me, because I remember quite clearly that within three weeks of being sworn in as a Senator for the Opposition I was recruited to be a part of the Bipartisan Joint Select Committee that was chosen to actually do some investigation on the happenings of that particular fateful day. I am reminded of the speech that was made by President Franklin Roosevelt. He made a statement referring to the Second World War that it was “a date which will live in infamy . . .” And I believe for Bermuda, December the 2<sup>nd</sup>, 2016, will be a date that will live in infamy for a lot of reasons.

And being on that Joint Select Committee allowed me to see the inner workings, the background things that were going on, decisions that were being made that many within the public are not aware of.

Now, there was a 61-page report that was produced by this bipartisan Joint Select Committee. The instant it happened, like I said, December the 2<sup>nd</sup>, 2016, and 34 months later we were able to get an actual report. Now, that committee had to go through many different hoops to be able to complete its mission, from a number of Senators and MPs who had to give up their posts and had to regretfully not be able to continue. A number of things came up where persons could not continue. That, we understand.

But the assignment was finished and completed. Some within the community were not satisfied with this report. Some felt that it did not go far enough to actually analyse and investigate the activities that led up to the December 2<sup>nd</sup>, 2016, event. But suffice it to say, of the (I want to say) eight members of this committee, there were hours of video footage that we looked at to see for ourselves what actually transpired during the day. We were able to interview a number of persons, not only the victims. There were people who were directly or indirectly involved with the decision-making of the day. But we cannot diminish or devalue

the experiences of those within our community who actually were victims in this event. We do not diminish their pain and their suffering.

What I find incredibly sad and unfortunate is that there are some within our community who will use the trauma that some within our community had to endure as a means of political expediency. It is a sad day when we as a community cannot come together and look to bring about resolution and healing as opposed to using it as a leverage to make political points.

Madam President, I will never be a part of any activity that actively works to look for political advantage at the expense of our people in this country. You know, there is a saying that the traditional politician would avoid the truth in order to win an election. Well, I say to you quite candidly, Madam President, that does not fit my definition of a politician. I will walk directly into the truth at the risk of losing an election, Madam President. Truth and integrity cannot be compromised. When we use our people as a leverage to get a political point, I think that is shameful.

Now, if we look back on those events of the day, recognise that the remit and the mandate of that Parliamentary Joint Select Committee was very narrow. Its mandate required that they investigate the decisions that were made on the day. And I believe it is fair to say that there were many contributors to the decisions that were made on that day.

Now, I was naïve when I was recruited as a part of this committee. Because I was under the impression that both parties, and Independents, were coming together to bring about resolution and healing. And once the investigation was made into a report, and its subsequent recommendations, that there would be a groundswell of persons who were involved in the reports, both parties would recognise their contributions to this sad day and go about the work of bringing about healing and restoration. I really thought that was going to be the case. I was so naïve. But I am learning that despite the negativity that may try and prevail, truth and genuine empathy for people who are hurting always outdoes and overrules intentions that are used to bring a wedge between us.

Now, I was quite aware that during the course of the investigation of this fateful day, December the 2<sup>nd</sup>, 2016, as the minority group of this bipartisan select committee (being on the Opposition), if I had any contrary or counterarguments to what that committee decided on, I realised that I had the privilege of writing a minority report. But, Madam President, I was so intent on demonstrating to the public that we politicians who are on either side of the aisle under a situation like this that hurt all of us—not just those who were victims directly, but those of us within the community who had grandmothers and aunts and uncles and relatives and friends who also were hurt by this type of charade—I really thought that it was important that rather than be a part of a minority report, that I would

collaborate. That is Senator Michelle Simmons's word that I am going to use all year because it is very important. Collaboration was my thrust.

And mind you, at the time when we were deliberating on this report, there were things in the draft that I was 100 per cent against. I thought it was unfair. I thought it did not give a true reflection of what happened on the day. And because I was part of the minority, raising my voice louder did not get my point across any better. I had to make compelling arguments with the chairman, who happened to be the Honourable Kim Swan. And he and other committee members were not too fussy about some of the observations that I made. So trust me, Madam President. There was a fair amount of horse-trading that was going on behind the scenes to make sure that we came to an agreement of a report that we can live with.

Now, Madam President, you would know that in the business world partners come together and they try and put a business together. There is never a 100 per cent agreement. In fact, most married couples will admit to you, I guess with a gun to their head, that they do not agree 100 per cent of the time with their spouse! So by and large, often in my own personal life I always go by the 80/20 rule. If I am going into a partnership, if I am going into an agreement with someone, I recognise [that] the reality is 100 per cent agreement generally is unattainable. I can live with 80 per cent. Twenty per cent I may disagree with, I may have to swallow; but I can live with 80 per cent. And that was the case here with this report that we produced after numerous months of deliberating.

And this committee had so many things that it had to get around. We had a number of witnesses whom we asked to come—

**The President:** Senator Jones, you have two more minutes.

**Sen. Marcus Jones:** I have two more minutes. Okay, Madam President. I am going to wrap this up.

It is important that we do not use the victimisation mind-set of people within our community for political leverage. We must look for healing. In situations like this where people on either side of the political aisle come together to make recommendations that we do not repeat the same things again, where we validate the trauma that our fellow community members experienced and come up with ways and means that we cannot do the same thing again—especially when there is equal blame between the Opposition and the Government at the time, the Speaker of the House, the Deputy Governor, the People's Campaign—there are many contributors to the bad decision-making.

But I close, Madam President, by saying my heart goes out to those who were traumatised by that pepper spray. I would suggest to you that now is the

time to use forgiveness. I echo the words of the great former Speaker of the House, Mr. Stanley Lowe, who said, "To err is human, to forgive divine." Now is a day when we need to administer forgiveness for those who made bad decisions on that day so that we can heal as a nation and as a country.

Thank you, Madam President.

**The President:** Thank you, Senator Jones.

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

Hearing none, then as has been indicated by the Government Leader in the Senate and Minister, Dr. E. G. Peets, the Senate stands adjourned until Monday, the 21<sup>st</sup> of December.

Thank you all, Senators, for your time today.

**Some Hon. Senators:** Thank you, Madam President. Thank you.

**The President:** Thank you.

*[At 11:49 am, the Senate stood adjourned until 10:00 am, Monday, 21 December 2020]*

**BERMUDA SENATE****OFFICIAL HANSARD REPORT  
21 DECEMBER 2020  
VIRTUAL SITTING  
10:01 AM**

*Sitting Number 6 of the 2020/2021 Session*

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

**The President:** Good morning, Senators.  
The Senate is now in session; shall we pray?

**PRAYERS**

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

**CONFIRMATION OF MINUTES**

*[Minutes of 16 December 2020]*

**The President:** The Minutes are of the 16<sup>th</sup> of December. Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Good morning, Madam President and colleagues.

**The President:** Good morning.

**Sen. Michelle Simmons:** I move that the Minutes of the meeting of Wednesday, the 16<sup>th</sup> of December 2020, be taken as read.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Michelle Simmons:** Madam President, I move that the Minutes of Wednesday, the 16<sup>th</sup> of December 2020, be confirmed.

**The President:** Is there any objection to that motion?  
No objection; the Minutes of Wednesday, the 16<sup>th</sup> of December, are confirmed.

*[Minutes of 16 December 2020 confirmed]*

**The President:** Thank you, Senator Michelle Simmons.

**MESSAGES**

**The Clerk:** No messages, Madam President.

**The President:** Thank you, Mr. Somner.

**REPORTS OF COMMITTEES**

**The President:** There are none.

**ANNOUNCEMENTS****APPOINTMENTS TO SESSIONAL  
AND STANDING COMMITTEES**

**The President:** I do have one announcement for Senators. And that is in accordance with the Sessional and Standing Committees of both Houses, I wish to announce the Senate members of the following committees:

On the **Private Bills Committee**, Senator Michelle Simmons, the Vice President, and Senator Arianna Hodgson have agreed to represent the Senate on that committee.

And on the **Register of Members' Interest Committee**, Senator Lindsay Simmons and Senator Marcus Jones have agreed to be representatives on that committee.

And on behalf of the Senate body, I would like to thank them for their agreement to serve on these committees.

**NOTICES OF MOTION**

**The President:** There are none.

**PETITIONS**

**The President:** There are none.

**STATEMENTS**

**The President:** We have two Statements from Senator Richardson. The first one is the Parole Board Report.

Senator Curtis Richardson, you have the floor.

**PAROLE BOARD REPORT 2017–2020**

**Sen. Curtis Richardson:** Good day, Madam President and everyone.

Madam President, I am pleased to introduce the [Report of the Parole Board for 2017–2020](#), in compliance with section 8 of the Parole Board Act

2001. As we may be aware, under the Act the board is an independent body empowered to make decisions governing the time and conditions of release of inmates by assessing the risk they pose to the community and to themselves.

Madam President, the parole process starts at the beginning of an inmate's incarceration. It is the inmate's responsibility to demonstrate the ability and willingness to live a prosocial life through recreational and vocational goal-setting programmes. In addition, a convicted person must have served one-third of their sentence and otherwise present a low risk to the community before being considered for parole. The board is mandated to meet with all incarcerated persons who are eligible for consideration of parole three months prior to their parole eligibility date (PED). Madam President, the board was able to meet with all such persons as specified before their PED, with the exception of one inmate due to the global pandemic.

For the years under review, Madam President, the board highlighted changes resulting from a 2019 Supreme Court ruling and a female parolee at large; both of these matters had their genesis in 2016. The board has worked to change its process of governing and handling of parole breaches and recalls successfully since.

Madam President, the board continues to work well in its role as part of the criminal justice system. Senators will note that the grant of parole is not taken lightly, as the report indicates: "The safety of the community weighs heavily with the Board (and) each deliberation is done with grave consideration." The board extends its gratitude to its partner agencies, given the challenges placed upon them to accomplish the parole process. Madam President, I too would like to commend the cooperation and commitment to duty of the Department of Corrections and Court Services personnel for their role in assisting the board to meet its mandate.

Madam President, during the reporting years, the board granted parole to 37 persons, and seven parolees were recalled. Additionally, the board met with 129 post-released parolees for update reviews, and 12 were deemed to have re-offended seriously enough to be recalled.

Madam President, the complexity of the board's decisions includes the facts of the crime, past history, treatment needs, community and family support, risk to re-offend, and input by the Department of Corrections and the victim. Before inmates are considered for parole, they must meet two elementary requirements, those being obtaining (1) suitable pre-approved accommodation and (2) employment. The board also considers suitable educational pursuits in the place of employment. Madam President, as of the 31<sup>st</sup> of December 2019, most inmates had been successful in obtaining employment. It is important to note that post COVID-19, employment has become more challenging.

Madam President, the board also gave some recommendations as it relates to programming and facility improvements, which the Department of Corrections and the Ministry Headquarters are addressing.

Madam President, I wish to thank the former Chairman, Mr. Rolfe Commissiong JP, and the other members of the board for their service and commitment to the administration of justice under their remit. Madam President, I would also like to welcome the new Chairman of the Parole Board, the Honourable Derrick V. Burgess JP, MP.

I am grateful for your leadership on this very important board.

Thank you, Madam President.

**The President:** Thank you, Senator Richardson. I believe you have a second Statement. You can proceed with that.

### TREATMENT OF OFFENDERS BOARD REPORT 2018–2019

**Sen. Curtis Richardson:** Thank you, Madam President.

I rise this morning to introduce to the Legislature the Report of the [Treatment of Offenders Board for 2018/19](#). This report is in accordance with section 8(1) of the Treatment of Offenders Board Act 1979, and Rule 170 of the Correctional Rules 1980 as per the 1989 Revision. The Treatment of Offenders Board is governed by the Prison Rules 1980, the Prisons Act 1979, the Prisons Amendment Act 2013 and the Treatment of Offenders [Board] Act 1979. Senators will be aware that the Treatment of Offenders Board was created to ensure the rights of inmates while incarcerated and that fair and adequate treatment is upheld within all corrections facilities.

Madam President, the responsibilities of the board include being available to inmates who wish to discuss any ongoing concerns, and it is the board's duty to ensure guidance to inmates on how best to move forward with any processes that they may seek advice on. The board is also responsible for conducting adjudications regarding inmates who may [contravene] the prison rules which are guided by the Prisons Act 1979, and to hand down disciplinary sanctions on offending inmates.

Madam President, the board meets on the first Wednesday of each month at the Westgate Correctional Facility and on the third Wednesday of each month at the Co-Ed Correctional Facility, which includes the Farm Facility Right Living House.

Madam President, throughout 2018, there were many breaches of the perimeters at the corrections facilities, including an escalation in both inmate and officer dissatisfaction with the overall operation and management of the facilities. The board continues to adjudicate inmates for various forms of contrabands

and have had to tighten awards in response to the escalations.

Madam President, please allow me to give the statistical breakdown of the adjudications and interviews for infractions against prison rules and general concerns of inmates, respectively. There were 54 adjudications at the Westgate Facility, 15 related to cell phone infractions, 17 instances of assault and 22 general infractions against prison rules. There were seven adjudications at the Farm Facility: two cell phone infractions and five general infractions against prison rules. There were no adjudications from the Co-Ed Facility.

Madam President, rota visits are conducted in teams of two or more members at each facility. They allow for on-location discussions and resolutions with both inmates and Corrections Department administration and officers of ongoing concern[s]. There was a total of six visits to the Westgate Correctional Facility. There was one visit to the Co-Ed Facility and five visits to the Farm Facility. During these visits, members spoke with inmates about the challenges at the facility and their overall well-being.

Madam President, the board would like to acknowledge the efforts of the inmates who have given back to society by speaking to selected groups and individuals and helping others to avoid the pits into which they fell. The board also wishes to acknowledge the results of the Right Living House programme. The inmates who were interviewed have shown a huge improvement as a result of being enrolled in the Right Living House. The success rate of that programme remains positive, and the board commends the Right Living House staff on a job well done.

Madam President, throughout 2019, various facility visits and interviews unveiled the harsh realities of life in prison. Inmates and administration both noted that the environment at the facilities began to be of grave concern—physical and otherwise. Levels of tension at Westgate continued to rise as the demographics of the inmate populace shifted. Westgate is home to younger men with long-term sentences.

Madam President, the physical condition of the facilities is understandably poor, given their age. Each facility continues to record its restorative needs with the Department of Works and Engineering. The 2019 hurricane season added to the deterioration and destruction of the facilities and the perimeters. Thus, security breaches are still of grave concern.

The board continues to adjudicate inmates for various forms of prison rule violations. The following is a statistical breakdown of adjudications and interviews for infractions against prison rules and general concerns of inmates, respectively:

Madam President, in total there were four adjudications at the Farm Facility. There were [54] adjudications at the Westgate Facility. The level of contention at the Westgate Facility worsened over the year as inmates struggled to conform to life at the facility.

Approximately 35 per cent of prison rule infractions involve mobile phones and related parts. The ever-increasing number of mobile phones and offenses is a battle for the Corrections Department team. They continue to combat this issue.

Madam President, the frequency of rota visits decreased during 2019 as security concerns arose for the members of the board, partly due to industrial action. The Correction Department's administration and the Treatment of Offenders Board worked together to ensure that confidence was restored. There was a total of two visits to the Westgate Correctional Facility and 23 inmate interviews. During these visits, members spoke with inmates about the challenges at the facility and their overall well-being.

*[Pause]*

**Sen. Curtis Richardson:** (Pardon me.)

Madam President, there were three visits to the Co-Ed Facility, and one inmate was interviewed. The Right Living House programme shifted to the Co-Ed facility after the programme at the Farm closed due to the building being deemed uninhabitable. The programme itself continues to benefit inmates immensely. The success rate remains positive, and the board commends the inmates and staff on a job well done. Overall, Madam President, the main issues expressed by inmates at the Co-Ed are relative to the overall physical state of the facility.

Madam President, I wish to thank the hard work and dedication of the Treatment of Offenders Board members. The work they provide and the commitment to our corrections community are paramount. I also wish to thank all other agencies involved who work together to ensure that the board is able to carry out its mandate safely and effectively. Our co-operation and collaboration will ensure that we conduct the work of the Government together and strive to improve the health and well-being of the corrections community. Only together can we succeed.

Thank you, Madam President.

**The President:** Thank you, Senator Richardson.

## INTRODUCTION OF BILLS

**The President:** There are none.

## FIRST READING OF PUBLIC BILLS

**The President:** There are none.

## FIRST READING OF PRIVATE BILLS

**The President:** There are none.

## QUESTION PERIOD

**The President:** We will first entertain questions on the first Statement which was given by Senator Richardson, and that is on the Parole Board Report 2017–2020.

Would any other Senator care to ask questions on this report?

**Sen. Ben Smith:** Yes. Good morning, Madam President.

**The President:** Good morning, Senator Ben Smith. You have the floor.

### QUESTION 1: PAROLE BOARD REPORT 2017–2020

**Sen. Ben Smith:** Madam President, I just note that the report is from 2017 to 2020. I wonder if the Junior Minister can let us know why it is 2017 to 2020 instead of each individual year, and why the reports were late.

**Sen. Curtis Richardson:** Madam President.

**The President:** Yes.

**Sen. Curtis Richardson:** I could defer to give that answer in greater detail at the next sitting.

**The President:** Thank you.

**Sen. Curtis Richardson:** And when Senate meets. Actually, I may even prior to that send a response to Senator Smith by email.

**The President:** Yes. I was going to suggest that rather than wait until the next meeting, you can respond in that manner. So thank you.

**Sen. Curtis Richardson:** Yes. Yes.

**The President:** Would any other Senator care to ask questions?

Or, Senator Smith, do you have a follow-up question, supplementary question or a second question?

**Sen. Ben Smith:** No. That is okay, Madam President.

**The President:** That is all right.

Would any other Senator care to ask questions on this report?

Hearing none, then we will move on to the second Statement, which was the Treatment of Offenders Board Report 2018/19.

Would any other Senator care to ask questions on this report?

## QUESTION 1: TREATMENT OF OFFENDERS BOARD REPORT 2018/19

**Sen. Ben Smith:** Yes, Madam President. I would just like to ask the same question I asked before because the report should be annual. And with the detail that is in these reports and what can be done with the information, it would be important we have them in a timely manner. So if the Junior Minister can undertake to just give us the information on why they are late and how we are going to fix that going forward? Thank you.

**The President:** Thank you, Senator Ben Smith.

Would any other Senator care to ask questions on this Statement?

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Thanks, Madam President.

I would like to ask about a statement in the report which indicates that “the physical condition of the facilities—and that is plural—is understandably poor, given their age.” I know that the facilities down here in the East (i.e., the Co-Ed Facility and the Prison Farm) are very old facilities. Westgate is a lot younger. I cannot remember the exact year when it opened, but my question is, What is being done about the physical condition of these facilities? And I am particularly concerned about Westgate, which is still a relatively new (in my eyes) facility. So the question is, What is being done to improve those physical conditions? Thank you.

**The President:** Thank you, Senator Michelle Simmons. Is that your only question? [Do you] have a supplementary?

**Sen. Michelle Simmons:** No. I do not.

**The President:** Thank you.

Senator Richardson.

**Sen. Curtis Richardson:** Thank you, Madam President.

To Senator Smith's *[sic]* question . . . I am sorry. Who was it?

**The President:** Senator Michelle Simmons was the second one.

**Sen. Curtis Richardson:** Right. The first one was Senator Smith?

**The President:** Yes. Senator Ben Smith.

**Sen. Curtis Richardson:** I will also confirm . . . there may be a typographical error in the heading of this report for the Treatment of Offenders Board.

The statement that I read clarifies that it is from 2018/19. I will clear that up and get verification of that typographical error and to also answer your question as related to the length of time these reports come, by email.

Again, to the second question from Senator—

**The President:** Michelle Simmons.

**Sen. Curtis Richardson:** —Michelle Simmons, I will also, if you do not mind, get the answer to your question directly by email.

**The President:** Senator Michelle Simmons indicates that she would look forward to that.

Would any other Senator care to ask questions on these Statements?

No. Then, Senator Richardson, I see that you have responded to the questions that were presented last week. Did you want to read those responses now? I think there were two Senators who had asked questions from last week. And one was Michelle Simmons, and her questions were in reference to the nursing care home beds.

**Sen. Curtis Richardson:** Thank you, Madam President. The answer to those questions will be forwarded to the respective [Senator] today.

**The President:** Thank you. And the other one, yes, was . . . So Senators will receive those responses today?

**Sen. Curtis Richardson:** Correct. That is Senator Simmons and Senator Tucker as well—

**The President:** Tucker, yes. That is true.

*[Crosstalk]*

**Sen. Curtis Richardson:** —had a series of questions.

**The President:** Yes.

**Sen. Curtis Richardson:** I have all replies. They will be sent out today.

**The President:** Thank you very much, Senator Richardson. It is greatly appreciated.

**Sen. Curtis Richardson:** I think Senator Wight had a question as well, and I will have responses [for] him.

**The President:** Thank you very much, Senator Curtis Richardson, for that response.

Minister Peets, I just want clarification on the Orders of the Day.

**Sen. the Hon. Dr. Ernest Peets:** Yes. Good morning, Madam President.

**The President:** Good morning again.

I just wanted to clarify with you whether or not all of the points 1 through 9 on the Orders of the Day, from 1 through 9 will be carried over as well as items number 10 and 11?

**Sen. the Hon. Dr. Ernest Peets:** Yes, Madam President. I am seeking the gracious consideration to accept the recommendation to adjourn all of the business for Orders of the Day until January the 13<sup>th</sup>, 2021.

**The President:** Thank you for that clarification, Minister Peets. In that case, we will move on to item number 14.

## MOTIONS

**The President:** And, Senator Michelle Simmons, I think you have a motion. You have the floor.

## MESSAGE TO THE GOVERNOR

### CHRISTMAS AND NEW YEAR'S GREETINGS

**Sen. Michelle Simmons:** Thank you, Madam President.

Madam President, I move that the following message be sent to Her Excellency the Governor:

“May it please Your Excellency:

“The Senate has the honour to present its compliments to Your Excellency and family and respectfully extends its greetings for a very Happy Christmas and a prosperous New Year.”

**The President:** Thank you, Senator Michelle Simmons. And I am sure all Senators support that motion.

**Sen. Michelle Simmons:** Thank you.

**The President:** You have a second one?

## MESSAGE TO THE HOUSE OF ASSEMBLY

### CHRISTMAS AND NEW YEAR'S GREETINGS

**Sen. Michelle Simmons:** Yes, I do.

Madam President, I move that the following message be sent to His Honour the Speaker and the Honourable House of Assembly:

“To His Honour the Speaker and Members of the Honourable House of Assembly:

“The Senate has much pleasure in extending to your Honourable House sincere greetings for a very Happy Christmas and a prosperous New Year.”

**The President:** Thank you, Senator Simmons.

Are there any objections to that motion and the earlier one being sent, from any of the Senators?

Hearing none, those two motions will be re-sent. Thank you, Senator Michelle Simmons.

**Sen. Michelle Simmons:** Thank you, Madam President.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

**The President:** Would any Senator care to speak on these items?

**Sen. Michelle Simmons:** Yes. I would, Madam President.

**The President:** Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** I would like to extend congratulations to educational psychologist Dr. Kendra-Lee Pearman, who is the new Executive Director of the Reading Clinic. Dr. Pearman has quite a bit of experience working with children with exceptions. And I am sure that students and parents who seek the support of the Reading Clinic will appreciate her assistance.

I also would like to extend thanks to Dr. Glenn Faries (who is retiring as Executive Director of the Reading Clinic) for all that he has done to advance the work of that valuable institution in the community.

Madam President, I also would like to extend very hearty congratulations to the awardees who received recognition from the Bermuda Arts Council last evening at a very special ceremony in which our very own Minister Peets was involved. There were three very talented Bermudian artists who were recognised for their pioneering work. The first is singer Peter Nash, who received a Lifetime Achievement Award. The second is visual artist Sharon Muhammad, formerly Sharon Wilson, who received a Founders Award. And well-known musician Wendell “Shine” Hayward received a Founders Award. They are three well known, well respected artists here in Bermuda. And I send hearty congratulations to all of them. I am sure the Senate would like to join in those congratulatory remarks. Thank you, Madam President.

**The President:** Thank you very much, Senator Michelle Simmons. And I agree with you that all Senators would want to be associated.

But would any other Senator care to speak further on Congratulatory and/or Obituary Speeches?

Hearing none, I would like to specifically associate myself with the comments of Senator Michelle Simmons on the congratulations to Dr. Glenn Faries, whom I had the pleasure of liaising with while I was on the LCCA [Lady Cubitt Compassionate Association]. He did so much to help young students [whom] that association was helping. So, kudos to him.

## ADJOURNMENT

**The President:** Dr. Peets, Minister Peets, you have the floor.

**Sen. the Hon. Dr. Ernest Peets:** Thank you so much, Madam President.

I recommend that the Senate session be adjourned until January the 13<sup>th</sup>, 2021.

**The President:** Thank you, Minister Peets.

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

**Sen. Lindsay Simmons:** I would, Madam President.

**The President:** Senator Simmons, Lindsay Simmons.

**Sen. Lindsay Simmons:** Yes, yes.

**The President:** Senator Lindsay Simmons, you have the floor.

## MAIDEN SPEECH

**Sen. Lindsay Simmons:** Thank you, Madam President.

Madam President, I would like to call this my official Maiden Speech in the Senate.

Madam President, currently I am President of the Foster Parents Association. And I would like to talk to you about foster care and what it means to me and what we do for the children in Bermuda.

Going back to when I was a little girl, I did not know anything about foster care. I just knew my mother and my father raised up four girls and we did not necessarily want for anything. We had a great life. And then I got into Berkeley, I realised that not everybody had the same opportunities that I was given. When I graduated from Berkeley, I was given the Gold Cup, the Community Service Cup for community service. My parents always instilled in us that need to give back. And that has been something that my family has always done.

My house’s name is “Do-drop Inn”; anybody drops into our house. We were able to bring anybody home. Anybody needed a meal, we fed them. So as my parents instilled this in us . . . and at 24 I decided to follow my mother’s footsteps and become a foster parent. And I got a four-year-old beautiful girl. She graduated from Berkeley last year. And it warmed my

heart to see her go through these stages and graduate. And she was given the Glenda Edwards [Scholarship] Fund that we started seven years ago.

I just want to say that the children in Bermuda who are in foster care are our children. They should not be children who are *left out*. They are children who need extra love. I could not imagine growing up and not being raised by my family. So imagine the only home you know or the only home you had ever been in is the home of a complete stranger. It gives me great honour and pride to know that so many people in community rally together around these children, whether it be to give money for scholarships . . .

And in December every year, November–December, we do an angel tree at Rosa’s Cantina. My boss is like, *Lindsay, you always want to do something*. So the angel tree is the most special incentive I do yearly. And this is our fifth year. So I do angels for every single child who is in foster care and children who are in the homes, Brangman Home and the Residential Treatment [Services] for the boys. Madam President, all of our angels were taken, and people brought back gifts.

I got a Facebook message a few minutes after I posted that we were doing the angel tree again this year—because we started a little late—from Celia Correia. She sent me a message: Do I have an eight-year-old boy who needs a gift? She said, *I have a son who is eight*. And she wanted him to know that there are children out there who do not experience Christmas how he experiences it. She came. She got the angel. She was the first one to bring back the gift, with her son. She did not just bring back the gift; she brought her son. And I had a conversation with him, and I let him know how fortunate he is every year and how he is going to make this eight-year-boy’s Christmas great.

On the angels we put what children want for Christmas. Now, they are just—you know, some children want iPads, laptops, MacBooks. And some children want underclothes. And when I see the ones with underclothes, it breaks my heart because they are asked, *What would you like for Christmas?* And for them to write that they want underclothes breaks my heart because they could ask anything. But, you know, she came. And she brought her son, brought the gifts. And I smiled.

I have a long-time friend whom I met five years ago, Denise Nanette, from RenRe [Renaissance Reinsurance]. She is a silent angel. She and her team at RenRe, they go out and they make sure these children have iPads, laptops. She will say, *Lindsay, what else do they need?* RenRe is a huge supporter of this, and they have been since we started—throughout the year Denise asks, *Does anybody need food during COVID-19?* She reached out to me, and we made sure single parents and the elderly had food during COVID-19. Denise does not like recognition, but she is one of those people who makes sure that

hundreds are fed and clothed, silently with no recognition.

We have Diane Steede, from Walkers Bermuda. Her team, this is their second year helping us. And they make sure, same thing, the children get the clothes they need, iPads, MacBooks and things that I might want too, but . . . No, but seriously, they make sure that they get gifts that children actually want. They make sure that they have a bright Christmas. And it warms my heart. And I am emotional about it because I see the children come and collect these gifts . . . and the pedal bikes. We also did gifts for Big Brothers and Big Sisters. And I take it to Patrina [O’Connor-Paynter] every year.

We had Mansfield from Port Royal Fire Service. He said, *Hey, Lindsay*. He came up to the job.

And I said, *Look. We have an angel tree!*

And he said, *My guys are going to donate one*. He took four angels himself. They donated money so that a child could get a laptop and other gifts. You have Inspector Tracy Burgess, who has always supported the Foster Parents Association. She and her team took 15 angels, the Gang Unit at the Bermuda Police Service. You have people who come together for these children. You have everyday people who make sure that these children have gifts for Christmas. And I know that there are a lot of things that are needed in Bermuda. But imagine waking up Christmas morning and not having a gift. They all have gifts, and we make sure of it.

Even I get people to donate gifts for families who are in need—grocery vouchers. BELCO every year comes through. They give us money to make sure that we could get gifts for the children. They give us \$1,000, for BELCO vouchers to give to families who are in need.

And then on Saturday we had a TV for the Boys Home. And then a gentleman, Raymond Rochester, he donated \$1,000 a few years back to get gifts. He said, *Lindsay, why you didn’t tell me about the angel tree?*

I said, *Raymond, you’re up here almost every day. You didn’t see the angel tree?*

He said, *You know, I go straight to the bar.*

So I said, *Well, you know what? I need a TV for the Girls Home*. So we joked around, and I said, *Look! Ms. Trew is here from Family Services. She just asked me for a TV*. So I said, *Take a picture, Raymond, with her. You’re going to give me money, right?*

He said, *You know I am going to give you money, Lindsay*. He went in his pocket and took out some money. And with him and Donnie [Correia] from Sound Decision . . . I sent Donnie a message that said, *Donnie, I need a TV*. He gave me a huge deal on it. And the money that Raymond donated would buy Brangman Home a TV, as they do not have one.

I am fortunate that the Premier appointed me as the Junior Minister of Social Development and Seniors, because these children mean a lot to me. I

see them. We have relationships with the foster families. And yearly we do a party for the children, Madam President. This year, unfortunately we could not do it. And that angel I spoke about earlier, Denise, she was going to throw a whole party for the foster children. But COVID-19 happened, so that got scratched. But as always, she made sure that all foster children got gifts.

So I just want to thank the public for supporting and rallying around these children to make Christmas that much better. Because this year has been one of the toughest years of my life, so I can only imagine people who are struggling.

And I just want to say a special shout-out to the foster parents. Because the foster parents whom we have in Bermuda are not rich. They are rich in love. But they are everyday hard-working individuals who go over and beyond, because the foster [stipend] that we receive are barely enough to feed them. You step in as a foster parent because you want to open your heart and your home to these children. So it is a commitment, and it is an everyday commitment. These children become your children, whether they leave your home or they stay.

I was fortunate enough six years ago to gather a little bundle of joy right out of the hospital. And I was able to adopt her. She is my daughter. And without being a foster parent, I would have never gotten this miracle. I mean, they say *nature versus nurture*. I am mixed, but I look white. (I will put that out there.) And my daughter is a beautiful brown-skinned baby. If I did not know any better, I would have thought I gave birth to her. She acts just like me, Madam President. It is scary.

But I just want to thank the community again for coming together and making sure that these children have a bright Christmas. And that I always in our parties, when we have our parties yearly, I let them know that the community bought these gifts. The community loves and cares about them, because at the end of the day these children are our future. And if we give them the tools and show them the love now, they will be positive, productive members of our society because they already come with baggage. And when we start peeling away the layers, they are just like us.

So, Madam President, I just want to put it out there that these are our children. And they should not be forgotten. If anybody wants to reach out and find out more about foster care, I would encourage this. There are tons of children who need love. And not just that you need to take them into your homes. You can even go to visit Patrina at Big Brothers and Big Sisters and sign up even if it is every weekend for a couple of hours. Not just children in foster care need help. There are children with single parents who might need a break or [there] is not a mother or a father to help these children. I just think that it is a lot of people who

do not know that we have children who could use your support.

So, Madam President, thank you for this time, and I hope that the community realises that these are the children who should not be forgotten, because they are a part of the thread of Bermuda.

Thank you, Madam President.

**The President:** Thank you, Senator Lindsay Simmons.

I am sure the entire Senate body was very moved by your comments. And we certainly note your commitment, your sincerity. You are where you are needed.

I personally want to congratulate you and to commend you for the work that you do. And I think sharing this information with us, the Senate body, as well as the general public who may not be aware of all that you do and the needs of children in Bermuda, I think you have certainly shared that. And as a result we were all more informed. So I thank you personally.

**Sen. Lindsay Simmons:** Thank you, Madam President.

**Sen. Robin Tucker:** Madam President.

**The President:** Senator Robin Tucker, you have the floor.

**Sen. Robin Tucker:** I just wanted to ask if I can associate myself with your sentiments as well in congratulating Senator Simmons, because her commitment truly does come through.

And so, Senator Simmons, I just want to say thank you for what you do for Bermuda's children. It is absolutely well needed. So, thank you. Thank you for your commitment.

**Sen. Lindsay Simmons:** Thank you.

**The President:** Thank you, Senator Tucker.

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

Hearing none, then, Senators, the Senate will stand adjourned until January the 13<sup>th</sup>. Thank you all for your presence and commitment today.

**Some Hon. Senators:** Thank you, Madam President. Season's greetings.

*[Crosstalk and laughter]*

**The President:** Before I go, I will say . . . Minister Peets, you have the floor. You wanted to say . . . I had forgotten to give my comments as well. But, Minister Peets, you have the floor if you want to say something about greetings.

**CHRISTMAS GREETINGS**

**Sen. the Hon. Dr. Ernest Peets:** Sure. Thank you so much, Madam President.

I certainly want to wish all of my Senate colleagues a safe and blessed Christmas. And we certainly thank you for your deliberation and your consideration and the work that you do. Thank you so much.

**CHRISTMAS GREETINGS**

**The President:** Thank you, Minister Peets.

And I would like to absolutely follow you and commend all Senators for the work that they have done in this last month or so that we have been meeting. And I want to wish each and every one of you a most blessed and enjoyable and *safe* Christmas, and also to advise and encourage all Bermudians to follow the COVID-19 restrictions to ensure that our Island remains safe. It is absolutely critical. The numbers are rising, and I think we need to encourage everyone to follow the restrictions, wear their masks, maintain social distance and be responsible when it comes to mixing households.

So with that, have a blessed Christmas, everyone. And we will see you in the New Year.

Thank you. Senate is adjourned.

**Some Hon. Senators:** Thank you, Madam President. Merry Christmas to all.

Merry Christmas! Have a Happy Christmas, everyone, and be safe.

*[At 10:58 am, the Senate stood adjourned until 10:00 am, Wednesday, 13 January 2021.]*

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**BERMUDA SENATE****OFFICIAL HANSARD REPORT  
13 JANUARY 2021  
VIRTUAL SITTING  
10:03 AM**

*Sitting Number 7 of the 2020/2021 Session*

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

**The President:** Good morning again, Senators, Happy New Year to you all. The Senate is now in session; shall we pray?

**PRAYERS**

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

**CONFIRMATION OF MINUTES**

*[Minutes of 21 December 2020]*

**The President:** Confirmation of Minutes.  
Senator Michelle Simmons.

**Sen. Michelle Simmons:** Good morning, Madam President.

**The President:** Good morning.

**Sen. Michelle Simmons:** I move that the Minutes of the meeting of Monday, the 21<sup>st</sup> of December 2020, be taken as read.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Michelle Simmons:** Madam President, I move that the Minutes of Monday, the 21<sup>st</sup> of December 2020, be confirmed.

**The President:** Is there any objection to that motion?  
No objection; the Minutes of the 21<sup>st</sup> of December 2020 are confirmed.

*[Minutes of 21 December 2020 confirmed]*

**The President:** Thank you, Senator Michelle Simmons.

**MESSAGES**

**The President:** Clerk, are there any messages?

**The Clerk:** No messages, Madam President.

**The President:** Thank you, Mr. Somner.

**REPORTS OF COMMITTEES**

**The President:** There are none.

**ANNOUNCEMENTS**

**The President:** There are none.

**NOTICES OF MOTION**

**The President:** There are none.

**PETITIONS**

**The President:** There are none.

**STATEMENTS**

**The President:** There are none.

**INTRODUCTION OF BILLS**

**The President:** There are none.

**FIRST READING OF PUBLIC BILLS**

**The President:** There are none.

**FIRST READING OF PRIVATE BILLS**

**The President:** There are none.

**QUESTION PERIOD**

**The President:** There are none.

**ORDERS OF THE DAY**

**The President:** The first Order of the Day is the second reading of the Health Insurance (Miscellaneous) Amendment Act 2020, and that is in the name of Senator Richardson.

Curtis Richardson, the Junior Minister of Health, you have the floor.

**Sen. Curtis Richardson:** Madam President, I move that the Bill entitled [Health Insurance \(Miscellaneous\) Amendment Act 2020](#) be now read a second time.

**The President:** Is there any objection to that motion?  
No objection.  
Carry on, Senator Richardson.

## BILL

### SECOND READING

#### HEALTH INSURANCE (MISCELLANEOUS) AMENDMENT ACT 2020

**Sen. Curtis Richardson:** Madam President, the Ministry of Health seeks to support our community by providing cost-effective health insurance policies through the Health Insurance Department (HID). HIP [Health Insurance Plan] and FutureCare health insurance policies are available to any resident in Bermuda.

Madam President, since February 2020 Bermuda, like the rest of the world, has been hit by the effects of the COVID-19 pandemic. As we are all aware, this has led to loss of jobs and income due to the closure of various businesses, whether permanent or temporary. The lockdown that Bermuda experienced in March 2020 and the incremental reopening of this Island affected our seniors and vulnerable population in particular. These populations also predominantly receive their health insurance through HIP and FutureCare. Enrolment terms for HIP and FutureCare plans are governed by the Health Insurance (Plans) Regulations 1987.

The Regulations outline when a premium for the plans is owed, when a policy has lapsed, and when a termination is required because of a lack of premium payment. The premium payment is due on the first of each month, and failure to pay the premium for 60 days will result in a termination. Due to these restrictions and loss of income, the Health Insurance Department felt it only fair to support their policyholders. As such, the department chose to vary the termination period from the legislated 60 days to 90 days for their HIP and FutureCare policyholders. This variation occurred for premiums due between the 1<sup>st</sup> of February 2020 and the 1<sup>st</sup> of April 2020.

Madam President, like the rest of the world, the Health Insurance Department had to change due to the demands of this pandemic. While not widely practiced in Bermuda before, telehealth became standard for delivery of office visits, especially [for] the vulnerable. The Bermuda Health Council recently published guidance to normalise this method of health care delivery. The changes to the Health Insurance

(Health Insurance Plan) (Additional Benefits) Order 1988 and the Health Insurance (FutureCare Plan) (Additional Benefits) Order 2009 will now include the opportunity for our HIP and FutureCare policyholders to use telehealth as an option for their physician office visits, which will greatly assist in physical distancing, which is one of the vital tools in combatting COVID-19.

Madam President, I am pleased to present this Bill supporting our efforts to support our vulnerable during these times.

**The President:** Thank you, Senator Curtis Richardson.

Would any other Senator care to speak on this Bill?

Senator John Wight had indicated first.  
Senator Wight, you have the floor.

*[Pause]*

**The President:** Senator Wight?

**Sen. John Wight:** I am sorry. Can you hear me now, Madam President?

**The President:** Yes, I can hear you now.

**Sen. John Wight:** Good. Thank you.

I just want to initially declare my interest as the CEO of one of Bermuda's licensed health insurers.

I just have a couple of comments. One is, I am very supportive of the Bill, certainly for businesses that were struggling during that period [it] made a lot of sense to enact this provision. I would just ask the Government: As this is something that was not discussed previously with the health insurers and it impacted all of the health insurers, I would just ask that these types of amendments be discussed with important stakeholders in the future.

And secondly, just curious why in 2021 we are now looking at this Bill for something that impacted the period from February to April in 2020.

So those are my comments, Madam President.

**The President:** Thank you, Senator Wight.

Senator Tucker, you have the floor. (I am sorry I did not see you initially.)

**Sen. Robin Tucker:** Good morning again, Madam President.

**The President:** Good morning again. You have the floor.

**Sen. Robin Tucker:** Thank you.

The Opposition supports the temporary 90-day extension and certainly joins in Senator Wight's comment to really ask for clarification as to why we are continuing to do this now, since effectively it has already been done.

I would also like to add a question as it relates to *ongoing*. So there are still quite a number of people who are out of work. And so, I would like to know if there is any plan to continue administering these benefits in the way that they did back in April. Thank you.

**The President:** Thank you, Senator Robin Tucker.

Would any other Senator care to speak on this Bill?

No. Then, Senator Richardson, you have a couple of questions [to answer].

**Sen. Curtis Richardson:** Thank you, Madam President, and thank you, Senator Wight.

Why we are just reading the Bill now, and it is in 2021, is due to necessity of such things to have been done. So that is why it was brought forward now. If you want me to elaborate on another portion to answer your question, I can do that later on and send you an email.

Senator Tucker, I will get back to you on the question at the soonest.

**The President:** Thank you, Senator Curtis Richardson.

We now move the second reading again.

#### SUSPENSION OF STANDING ORDER 26

**Sen. Curtis Richardson:** Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?  
No objection.

*[Motion carried: Standing Order 26 suspended.]*

**The President:** Is there any objection to that motion?  
No objection.  
Carry on, Senator Richardson.

### BILL

#### THIRD READING

##### HEALTH INSURANCE (MISCELLANEOUS) AMENDMENT ACT 2020

**Sen. Curtis Richardson:** Madam President, I move that the Bill entitled Health Insurance (Miscellaneous) Amendment Act 2020, overview of the Bill, be now read a third time.

**The President:** Is there any objection to the third reading?

No objection.

**Sen. Curtis Richardson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled Health Insurance (Miscellaneous) Amendment Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

*[Motion carried: The Health Insurance (Miscellaneous) Amendment Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Richardson.

**Sen. Curtis Richardson:** Thank you, Madam President and fellow Senators.

**The President:** We now move on to the second Order of the Day, and that is the consideration of the draft Regulations entitled the Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020. And this is in the name of Senator Lindsay Simmons.

You have the floor.

**Sen. Lindsay Simmons:** Good morning, Madam President.

**The President:** Good morning.

**Sen. Lindsay Simmons:** The Orders of the Day, number 2 and number 3, actually, could be read together, please.

**The President:** Yes. You can continue to proceed.

**Sen. Lindsay Simmons:** Thank you, Madam President.

Madam President, I move that the Senate do now take under consideration the draft Regulations, the Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020 and the Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020.

**The President:** Is there any objection to that motion?  
No objection. Carry on, Senator Simmons.

#### DRAFT REGULATIONS

##### SUBMARINE COMMUNICATIONS CABLES (REGULATORY AUTHORITY FEES) REGULATIONS 2020

**ELECTRONIC COMMUNICATIONS  
(REGULATORY AUTHORITY FEES)  
AMENDMENT REGULATIONS 2020**

**Sen. Lindsay Simmons:** Madam President, I am presenting for consideration the regulations entitled [Submarine Communications Cables \(Regulatory Authority Fees\) Regulations 2020](#) and the [Electronic Communications \(Regulatory Authority Fees\) Amendment Regulations 2020](#).

Madam President, I am pleased to present to Honourable Senators the culmination of the Submarine Communications Cables Act 2020, which was approved by the Legislature in February of last year. These Regulatory Authority fee amendments constitute the final capstone in this Act, completing a critical piece in the development of Bermuda as a hub jurisdiction for communications cables.

Madam President, note at present there are no subsea cable [hubs] in the North Atlantic. Marking Bermuda as the first and only such hub in our hemisphere for subsea communications cables could attract larger multi-national communications and data companies to not only utilise this hub, but also domicile in Bermuda.

Madam President, the fees proposed are aligned with international standards in other jurisdictions and, where appropriate, take into account the magnitude of the Regulatory Authority's work involved in evaluating applications for subsea cable landings. There are several categories of fees. Some apply only to those transiting through Bermuda, as noted in the Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020, and some apply only to those cables that land and provide services to the Bermuda market, as in the Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020.

The fees specified under the Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020 include service fees for (a) an installation permit, and (b) a licence application. Each [fee] is \$1,000. There is also an annual fee of \$30,000. The fees specified under the Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020 are for holders of a Submarine Cable Communications Licence, which lands and provides services in our domestic market. This fee is aligned with the fees charged for [other] communications operators in the Bermuda market.

Madam President, we look forward to working with our colleagues in the Bermuda Business Development Agency and the Regulatory Authority to promote the burgeoning opportunities Bermuda can offer the wider world.

Madam President, with those introductory remarks I now invite consideration for the regulations, Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020 and the Electronic

Communications (Regulatory Authority Fees) Amendment Regulations 2020. Thank you, Madam President.

**The President:** Thank you, Senator Simmons.

Would any other Senator care to speak on these regulations?

Senator Robin Tucker, you have the floor.

**Sen. Robin Tucker:** Thank you, Madam President.

I just want to say that the Opposition is in support of these amendments. We clearly see that these amendments will bring quite a bit of economic benefit to the Island. And so certainly we are in full support.

Thank you, Madam President.

**The President:** Thank you, Senator Robin Tucker.

Would any other Senator care to speak on these regulations?

No. Then over to you then, Senator Simmons. You have the floor.

**Sen. Lindsay Simmons:** Madam President, I move that the said draft Regulations be approved and that the following message be sent to Her Excellency the Governor.

**The President:** Is there any objection to that motion?

No objection. A suitable message will be sent to the Governor.

*[Motion carried: Draft Regulations entitled Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020 and Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020 were approved.]*

**The President:** Thank you, Senator Lindsay Simmons.

**Sen. Lindsay Simmons:** Thank you, Madam President.

**The President:** Moving on then to item number 4 on our agenda, and that is the consideration of the draft Regulations entitled Government Fees Amendment (No. 2) Regulations 2020. And that is in the name of Senator Hodgson, the Junior Minister of Finance.

You have the floor.

## **DRAFT REGULATIONS**

### **GOVERNMENT FEES AMENDMENT (NO. 2) REGULATIONS 2020**

**Sen. Arianna Hodgson:** I do now take under consideration the draft Regulations entitled the [Government Fees Amendment \(No. 2\) Regulations 2020](#).

Madam President, these fees are new fees being added to Head 25 and Head 73A of the Government Fees Regulations 1976.

Head 25 is being amended to introduce a government authorisation fee for holders of a Submarine Cable Communications Licence in accordance with section 19 of the Electronic Communications Act 2011. These annual fees are assessed at 1 per cent of the licensee's gross revenue derived from providing electronic communications to the Bermuda market. This fee is aligned with the fees charged for other communications operators in the Bermuda market.

Head 73A is being amended to introduce government authorisation fees for (1) an installation permit application under section 33 and section 45 of the Submarine Communications Cables Act 2020; (2) a licence application under section 15, read with section 58 of the SCCA [Submarine Communications Cable Act 2020]; (3) an annual fee under section 65 of the SCCA; and (4) the right for the licence holder to have submarine cables in the protection zone for the duration of the licence under section 15, read with section 65, of the SCCA.

Madam President, I move that the said draft Regulations be approved and that the following message be sent to Her Excellency the Governor:

"May it please Your Excellency:

"The Senate, having had under consideration the draft Regulations entitled the Government Fees Amendment (No. 2) Regulations 2020 proposed to be made by the Minister of Finance under provisions of section 2 of the Government Fees Act 1965, has the honour to inform Your Excellency that the Senate has approved the said draft Regulations."

**The President:** Senate Hodgson, the motion should come at the end.

So can I ask if any Senator wants to speak on the Regulations?

**Sen. Marcus Jones:** Yes, Madam President.

**The President:** Senator Marcus Jones, you have the floor.

**Sen. Marcus Jones:** Good morning to you, Madam President, and to my fellow Senate colleagues and to the wider listening audience.

We the Opposition are in agreement and support this particular legislation. It is quite clear to us that these fees amendments are designed so that to be in alignment with the submarine communications cables regulatory fees, and we think that it is important that they be in sync.

We do have two questions. One, if the fees levied represent 1 per cent of the licensees' gross revenue, what documents will the government need to be able to confirm these amounts? And how regularly and when will these documents be submitted to en-

sure that 1 per cent of the revenue collected will be actually levied? And number two, will we prorate the fees if the service provider is here for 10 years as opposed to the set 25 years?

And that is it. Thank you, Madam President.

**The President:** Thank you, Senator Marcus Jones.

Would any other Senator care to speak on these Regulations?

No. Then, Senator Hodgson, you have a couple of questions [to answer] before you move the motion again.

**Sen. Arianna Hodgson:** Madam President, I will have the responses at our next sitting. I will just confirm.

**The President:** Thank you for that. You can now move the motion.

**Sen. Arianna Hodgson:** Madam President, I move that the said draft Regulations be approved and that the following message be sent to Her Excellency the Governor:

"May it please Your Excellency:

"The Senate, having had under consideration the draft Regulations entitled the Government Fees Amendment (No. 2) Regulations 2020 proposed to be made by the Minister of Finance under the provisions of section 2 of the Government Fees Act 1965, has the honour to inform Your Excellency that the Senate has approved the said draft Regulations."

**The President:** Thank you, Senator Hodgson.

Is there any objection to that motion that the Regulations be sent?

Thank you, Senator Hodgson. A suitable message will be sent to the Governor.

*[Motion carried: Draft Regulations entitled Government Fees Amendment (No. 2) Regulations 2020 were approved.]*

**The President:** Item number 5, the second reading of the Investment Funds Amendment Act 2020.

And Senator Hodgson, I believe, as the Junior Minister for Finance this is your Bill. You have the floor.

*[Inaudible interjections]*

**The President:** It is [item] number 4; sorry.

**Sen. Ben Smith:** Madam President.

**The President:** Yes, Senator Smith.

**Sen. Ben Smith:** I am sorry to interrupt. But I just wanted to double-check to make sure that . . .

**The President:** It is item number 4. I beg your pardon.

**Sen. Ben Smith:** No. I am actually more concerned about the audio. I want to ensure that our audio is working correctly.

**The President:** I can hear you. I can hear you. Yes. Senators, the rest of you here, the audio . . .

*[Inaudible interjection]*

**Sen. Ben Smith:** There might be an issue with [parliament.bm](http://parliament.bm) as it relates to our discourse being readily available for persons in the community to actually listen in.

**The President:** The streaming?

*[Crosstalk]*

**Sen. the Hon. Dr. Ernest Peets:** Good morning, Madam President.

Yes, I sent that message to Mr. Lamb about 15 minutes [ago].

**The President:** Minister Peets, Mr. Lamb is checking on that. And so, hopefully, he will get back to us.

**Sen. the Hon. Dr. Ernest Peets:** Thank you, Madam President. Thank you, Senator Smith.

**The President:** We will now move on to item number 4.

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I move that the Bill entitled Investment Funds Amendment Act 2020 be now read a second time.

**The Clerk:** Did she do this one?

**The President:** She did this one. She is now on 5.

**The Clerk:** It should be 5?

**The President:** Yes. In fact it is. Senator Simmons had done both together.

**The Clerk:** Oh, she did them together?

**The President:** She did them together, yes.

*[Inaudible interjection]*

**The President:** Just clarity from Mr. Somner, we are on item number 5, Investment Funds [Amendment Act 2020].

**The Clerk:** Yes.

**The President:** Senator Hodgson, you may carry on.

## BILL

### SECOND READING

#### INVESTMENT FUNDS AMENDMENT ACT 2020

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I am pleased to present the Bill entitled [Investment Funds Amendment Act 2020](#) for the consideration of Senators.

The Bill seeks to make changes falling in two categories: (1) drafting changes of a housekeeping nature designed to achieve consistency and enhance certainty; and (2) changes designed to ensure the scope of the regime remains aligned with assurances provided to the European Commission and the European Union's Code of Conduct Group in 2019 and early this year.

Madam President, the implementation experience that the Authority has gained since the 2019 Amendment Act came into force on 1 January of this year and the transitional period provided for in the Amendment Act ended on 30 June have confirmed that there are certain minor, yet important, revisions to the Act and the associated Definition Order that need to be made. These amendments will ensure the investment funds regime is administered efficiently and in a manner consistent with the commitments given to representatives of the European Commission and, ultimately, the European Union's Code of Conduct Group [Business Taxation].

Madam President, the Government and the Bermuda Monetary Authority are mindful of the sensitivity associated with amending the Investment Funds Act 2006, given the vital role that the carefully constructed Amendment Act played in securing Bermuda's removal earlier this year from the European Union's list of non-cooperative jurisdictions for tax purposes.

Madam President, the Authority has apprised the team within the EC's [European Commission] DG TAXUD of the amendments which are proposed and provided them with a copy of the draft Investment Funds Amendment Bill 2020. The Authority made it clear that the amendments do not change the scope of the 2019 IFA Amendments. The Team at the EC DG TAXUD have communicated that, while their comments cannot preclude a different assessment by member states, they did not expect the changes to raise concerns.

Madam President, the proposed amendments are as follows:

- A. Amendments of a housekeeping nature:
1. To introduce a requirement for an operator of a private fund to ensure that there is a person resident in Bermuda who has access to the books and records of the fund. This obligation is consistent with those that apply to all other registered funds and should have been included in the Amendment Act.
  2. To clarify that the annual filing for all registered funds is due to be made within six months of the financial year end.
  3. To remove provisions specific to the appointment of fit and proper service providers Professional Class B funds, as the Amendment Act addressed this obligation for all classes of funds.
  4. To align the cross-referencing to application fees set out in the Bermuda Monetary Authority Act 1969.
  5. To introduce powers for the Authority to amend or exempt from payment any fee as it may determine. These powers are consistent with those under the Insurance Act 1978.
  6. To remove the additional obligation for Professional Class A funds and Professional Class B funds, to appoint a registrar as this obligation will be captured for all funds in the proposed amendments that follow.
  7. To impose an obligation on all authorised and registered funds to appoint a registrar. Madam President, existing funds have six months of the date of the coming into operation of the Investment Funds Amendment Act 2020 to comply with this requirement.
  8. Finally, to ensure that LLC funds are subject to a comparable obligation as unit trust funds, company funds and partnership funds.
- B. Madam President, amendments to maintaining alignment of scope are as follows:
1. The definition of “company fund” is to be amended to include structures recently introduced under the Incorporated Segregated Accounts Companies Act 2019.
  2. Paragraph 3(i) of the Definition Order will be amended to clarify that open-ended investment funds listed on a stock exchange are not excluded from the IFA regime. Madam President, when the Definition Order was developed, the intent behind paragraph 3(i) was to ensure that structures, such as closed-ended [investment funds] listed on a stock exchange, were not inadvertently brought into the scope. The Authority has recognised,

however, that the existing wording may also apply to open-ended investment funds listed on a stock exchange, which was not the purpose. The proposed wording reflects the precise intent of this requirement.

Madam President, the Authority has consulted with industry stakeholders on the proposed changes. And the feedback received was cosmetic in nature, which suggested that the stakeholders do not have concerns with the amendments that are being proposed.

Madam President, with those introductory remarks, I now present the Bill entitled the Investment Funds Amendment Act 2020 and welcome comments from other Senators.

Thank you, Madam President.

**The President:** Thank you, Senator Hodgson.

Would any Senator care to speak?

Oh, before I do, can I just advise Senators that Mr. Lamb has reported that the streaming is not working at the moment; however, someone is working on it. But the radio is, so we are being broadcast.

So would any Senator care to speak on this Bill?

**Sen. Marcus Jones:** Yes, Madam President.

**The President:** Senator Jones, you have the floor.

**Sen. Marcus Jones:** Thank you, Madam President.

The Opposition surely supports this amendment to the legislation. And in this Government's intent to be in alignment with international standards, a variety of administrative and housekeeping upgrades as it relates to definitions, filing dates, et cetera, are necessary.

Thank you, Madam President.

**The President:** Thank you, Senator Marcus Jones.

Would any other Senator care to speak on this Bill?

No.

Then, Senator Hodgson, it is over to you.

### SUSPENSION OF STANDING ORDER 26

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?

No objection.

*[Motion carried: Standing Order 26 suspended.]*

**BILL****THIRD READING****INVESTMENT FUNDS AMENDMENT ACT 2020**

**Sen. Arianna Hodgson:** Madam President, I move that the Bill entitled Investment Funds Amendment Act 2020 be now read a third time.

**The President:** Is there any objection to the third reading?

No objection.

**Sen. Arianna Hodgson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled Investment Funds Amendment Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

*[Motion carried: The Investment Funds Amendment Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Hodgson.

Now moving on to item number 6, which is the second reading of the Bermuda Monetary Authority Amendment (No. 2) Act 2020. And that is also in the name of Senator Hodgson, the Junior Minister of Finance.

You have the floor.

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I move that the Bill entitled the Bermuda Monetary Authority Amendment (No. 2) Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?

No objection.

Carry on, Senator Hodgson.

**BILL****SECOND READING****BERMUDA MONETARY AUTHORITY  
AMENDMENT (NO. 2) ACT 2020**

**Sen. Arianna Hodgson:** Thank you.

I move that the Bill entitled the [Bermuda Monetary Authority Amendment \(No. 2\) Act 2020](#) be now read the second time.

**The President:** Are there any objections?

No objections.

Continue on, Minister.

**Sen. Arianna Hodgson:** Madam President, I am pleased to present the Bill entitled the Bermuda Monetary Authority Amendment (No. 2) Act 2020. The purpose of this Bill is to amend the Fourth Schedule to the Bermuda Monetary Act 1969 to clarify the obligation relating to payment of certain fees by persons licensed, or proposed to be licensed, under the Digital Asset Business Act 2018 and the Insurance Act 1978.

Madam President, by way of background, the Bermuda Monetary Authority undertook a comprehensive review of its target operating model, together with its fee structure, in 2018. At the end of the review process, together with a comprehensive consultation process, the Bermuda Monetary Authority Amendment (No. 3) Act 2018, which contained fee schedules for the years 2019, 2020 and 2021, was passed by the Legislature. Fees related to the digital asset business sector were enacted under the Digital Asset Business Act 2018.

Madam President, subsequent to the implementation of the fee changes, the Authority conducted a review of the 2021 fee schedule, and they observed that a small number of fees required alignment and/or additional precision as follows:

**Insurance Fees.** It is proposed to amend the Act to adjust the 2021 registration fees to be paid by class 1 through class 3 general business, class 3A general business, class 3A run-off general business, and class 3A affiliated insurers and reinsurers. Madam President, presently, the registration fees regarding these entities range from \$2,500 to \$25,000. It is proposed to amend Part C of the Fourth Schedule of the Act by adjusting the registration fee to \$2,250 through \$25,920 for this category of insurers to bring the fees into alignment with the corresponding annual fees as originally intended.

Revisions to be made to the registration fees for class 3A insurers carrying on general business and/or a class 3A affiliated insurer. Madam President, it is proposed to amend Part C of the Fourth Schedule of the Act to revise the registration fees for a class 3A insurer carrying on general business and/or a class 3A affiliated insurer. Presently, the registration fees regarding these entities range from \$25,000 up to \$45,000 based on gross premiums. It is proposed to amend Part C of the Fourth Schedule of the Act by adjusting the registration fee downwards to \$24,550 up to \$44,500 for this category of insurers to bring the fees into alignment with the corresponding annual fees as originally intended.

Revisions to be made to the registration fees for a class 3A insurer carrying on run-off general business. Madam President, it is proposed to amend Part C of the Fourth Schedule of the Act to revise the registration fee for a class 3A insurer carrying on run-off general business. Presently, the registration fee for

this class ranges from \$25,000 up to \$40,000 based on gross reserves. It is proposed to amend Part C of the Fourth Schedule of the Act by adjusting the fees to \$24,550 up to \$44,500 for this category of insurer to bring the fees into alignment with the corresponding annual fees as originally intended.

Application fee, commercial solvency self-assessment. There will also be a requirement to adjust the application fee covering an exemption and/or a modification to a commercial solvency self-assessment from \$10,000 to \$1,000 in accordance with the Authority's original intent.

Digital asset business fees, annual fee. Madam President, it is proposed to amend Part C of the Fourth Schedule of the Act to remove the requirement for a digital asset business provider to calculate and pay annual fees to the Authority based on estimated client receipts. Instead, a digital asset business provider will be required to pay annual fees based on client receipts.

There will also be a requirement to amend Part C of the Fourth Schedule of the Act to make minor adjustments to various parts of the Fee Schedule to align the structure of the Schedule in certain parts with the rest of the Fee Schedule and to renumber the relevant provisions accordingly.

Madam President, I wish to emphasise that the amendments will result in the establishment of fees that were the subject of previous engagement with industry stakeholders. Indeed, the Bill will ensure that the third yearly instalment of the graduated fee structure that was agreed upon in the year 2018 consultation process and subsequently passed by the Senate Chamber will come into force on 1 January 2021 as intended.

Madam President, in closing, I would like to thank all of those persons within the Bermuda Monetary Authority, the Attorney General's Chambers and the Ministry of Finance who have assisted with the development of this Bill.

Madam President, I now present the Bill entitled Bermuda Monetary Authority Amendment (No. 2) Act 2020, and welcome comments from other Senators.

**The President:** Thank you, Senator Arianna Hodgson.

Before I turn it over to other Senators to respond, I would just like to let you know that the streaming is now working. So we are mainstreaming live.

Would any other Senator care to speak on this Bill?

**Sen. Marcus Jones:** Yes, Madam President.

**The President:** Senator Marcus Jones, you have the floor.

**Sen. Marcus Jones:** Thank you, and thank you as well to the Junior Minister for giving us the presentation of this particular Bill.

We in the Opposition have no objections to the legislation, as we recognise that the fee adjustments were necessary. But we do, as we were listening to the brief, recognise that this legislation is going to be passed after the 1<sup>st</sup> of January when it was supposed to be made active. I guess my question to the Junior Minister is, Will this cause any issues, or will it be problematic in the actual operations and the official date of commencement, being that we are now passing this after January the 1<sup>st</sup>?

Will an amendment be required to make sure that everything is correct and official? Or is that a moot point? I am not sure; that is why I am asking this question, being that we are doing this after the fact. And I would appreciate some clarifications for that from the Junior Minister.

Thank you, Madam President.

**The President:** Thank you, Senator Marcus Jones.

Would any other Senator care to speak on this Bill?

No. Then, Senator Hodgson.

**Sen. Arianna Hodgson:** Thank you, Madam President.

I can provide some additional clarity if need be at the next meeting. But I do believe that the Ministry has sought the necessary advice in terms of moving things forward.

**The President:** Thank you.

Senator Marcus Jones, my understanding, because of the change administratively, certainly this Bill was presented and passed in the House in December. And I believe, I have been told, that it may just be an administrative issue. But that will be addressed in due course, and you will have an answer to that question.

**Sen. Marcus Jones:** I appreciate it. Thank you.

**The President:** Senator Arianna Hodgson, if there are no other questions from any other Senators, then I suggest you move the Bill now.

Senator Hodgson, you have the floor.

#### **SUSPENSION OF STANDING ORDER 26**

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?  
No objection.

*[Motion carried: Standing Order 26 suspended.]*

## BILL

### THIRD READING

#### BERMUDA MONETARY AUTHORITY AMENDMENT (NO. 2) ACT 2020

**Sen. Arianna Hodgson:** Madam President, I move that the Bill entitled the Bermuda Monetary Authority Amendment (No. 2) Act 2020 be now read for the third time.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Arianna Hodgson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Bermuda Monetary Authority Amendment (No. 2) Act 2020 do now pass.

Is there any objection to that motion?  
No objection.  
The Bill is passed.

*[Motion carried: the Bermuda Monetary Authority Amendment (No. 2) Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Arianna Hodgson.

We are now moving on to item number 7 [under Orders of the Day], and that is the second reading of the Tax Reform Commission Amendment Act 2020. And that too is in the name of the Junior Minister of Finance.

Senator Hodgson, you have the floor.

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I move that the Bill entitled the Tax Reform Commission Amendment Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?  
No objection.  
Carry on, Senator Hodgson.

## BILL

### SECOND READING

#### TAX REFORM COMMISSION AMENDMENT ACT 2020

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I am pleased to present the [Tax Reform Commission Amendment Act 2020](#) for the consideration of Senators of this Chamber.

Senators will recall that in the Government's 2020 Speech from the Throne it was announced that:

"During this Session, the Government will lay the foundation for the necessary changes to our system of taxation, which . . ." (fosters) "economic inequality while stifling much-needed economic growth. The inequality laid bare by the Pandemic's impact cannot be an accepted feature of the new economy; therefore, the Tax Reform Commission will be invited to update its recommendations made in 2018 in light of the new economic realities created by the Pandemic."

Madam President, Senators will recall that in October 2017 the Government established the Tax Reform Commission by way of the Tax Reform Commission Act 2017. The objective of the Tax Reform Commission was to examine Bermuda's tax system for the purpose of determining any measures that may be taken to best enable a system of taxation and revenue collection that is equitable, effective, efficient, competitive and transparent, and to prepare and submit its report and recommendations to the Minister of Finance. The Tax Reform Commission Report was made available to the Government in October 2018 and included several recommendations. The Government considered all of the recommendations in the Tax Reform Commission Report and introduced some measures in the 2019/20 Budget.

Madam President, as mentioned in the Throne Speech, the Ministry will provide the legislative authority and the revised terms of reference for the Tax Reform Commission to update recommendations made in 2018 to reflect the current economic circumstances and the recent developments in international tax policy on Bermuda's international competitiveness. In order to meet this policy objective, it is proposed to amend section 3 of the Tax Reform Commission Act 2017 to allow the Minister of Finance to appoint a subsequent Tax Reform Commission when the period of existence and operation of the prior Commission has expired and it has been dissolved. This will provide that the current provisions of the Act will apply to the subsequent Commission as it applied to the original Commission.

Madam President, as mentioned previously, the objective of the Commission, as included in subsection (3) of the Act, is to advise the Government of any measures that may be taken to best enable an equitable, effective, efficient, competitive and transparent system of taxation and revenue collection, and to prepare and submit its report and recommendations to the Minister of Finance. The Act also provides for the following: the composition of the Commission; the functions, operations and procedures of the Commis-

sion; the financial and audit provisions, including reporting requirements of the Commission; protection from liability and preservation of confidentiality for the Commission; and other items.

Madam President, these provisions of the Act will apply to any new Tax Reform Commission created by this amendment, which empowers the Minister of Finance to appoint another Tax Reform Commission [TRC]. The Government strongly believes that tax reform must have the widest possible input, and it is our view that we can work with all stakeholders to design a system that enhances Bermuda's global competitiveness and ensures fairness. Similar to when we formed the first TRC, the new Commission will seek to draw participants from international business, local business, trade unions, hoteliers and academia. Its mission will be to conduct a wholesale review of our system of revenue collection and taxation, and to make recommendations to the Minister of Finance on revenue and tax reform.

The Government will closely evaluate and consider all recommendations included in any new Tax Reform Commission Report. And as per this Government's normal custom and practice, the appropriate consultation with the various stakeholders will be conducted before any major changes are made to our tax system.

Madam President, as soon as this Bill is passed in the Legislature, the Government will select the members of the TRC early this year and provide the terms of reference. The Commission will then have six months, starting from the date of appointment of the Commission, to complete their work.

Madam President, in closing, as this Government begins its second term in office, the proposed re-establishment of the TRC to examine and provide recommendations to reform our tax system represents another step in our efforts to rebuild Bermuda with Bermudians at heart, as promised in our election platform.

With those introductory remarks, Madam President, I now read for the second time the Bill entitled the Tax Reform Commission Amendment Act 2020 and welcome comments from other Senators.

**The President:** Thank you, Senator Hodgson.

**Sen. Arianna Hodgson:** Thank you.

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

**Sen. Marcus Jones:** Yes, Madam President.

**The President:** Senator Marcus Jones, you have the floor.

**Sen. Marcus Jones:** Thank you.

I believe that we are all aware from the initial Tax Reform Commission that was set up in 2017 that its work was very important. We realise that from their inception they were able to present a 72-page report that advised the Government on tax reform enhancements. And we also recognise that in a crisis period that we are living in right now, where government coffers are at an all-time low, we understand the challenge that the Government has. On one hand, it cannot overburden its citizenry at a time when folks are losing jobs, businesses are stretched; at the same time it recognises that revenues have decreased significantly.

In light of the first work that was done back in 2017, there were a number of different recommendations made. And that was from three years ago. And if you look at the full body of this 72-page report, very few of the recommendations that were submitted were actually implemented, or acted on. In fact, we observed in a statement made in the Fiscal Responsibility Panel of 2019, and I will quote from them: They felt that [for] the present Government [it was a] "missed opportunity" to be able to implement some of these changes. This would have represented almost \$140 million of tax increase. And we surely do encourage the Government, when they are embarking on putting this new Commission together, that this will not just be an exercise in futility—trying to satisfy all of the community that work is being done, when in actual fact we see in the initial report three years since which very little has been acted upon.

And secondly, allow me to make this observation: We were able to listen to remarks made by the Minister of Finance where he said quite candidly that there will be no increase in taxes in the 2021/22 Budget. So, Madam President, I ask the question . . . If there is going to be no increase or change in the tax structure as it sits today, I would say that commissioning this committee to be formed as early as now to make recommendations which in six months' time (being that we are in the midst of a crisis) will be made obsolete, I would ask the question: Is it a good decision or is it sound judgment to set up a Commission now when their services will be far more (shall we say) relevant and important, say, eight to ten months from now? Because we can all see and have experienced that this pandemic has changed the economic landscape on a week-to-week, month-to-month basis.

So I would caution the Government in its endeavours to inform and give information to the public and to itself recommendations and advice as far as tax reform is concerned, that we ensure that when they do hand the reins over to this Commission to come up with recommendations it will be done in a timely fashion. And not only in a timely fashion, but it will be implemented, some of these recommendations, so that we do not go through another exercise (as I said before) in futility when we go through the

procedures and the stats, but do not actually implement it.

So I am looking for some sort of assurance from the Government that they will, once receiving these recommendations, actually put them to work.

Notwithstanding those comments, we do support this legislation. And I thank you, Madam President, for this time.

**The President:** Thank you, Senator Marcus Jones.

Would any other Senator care to speak on this Bill?

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

We all know how much the financial landscape has changed in Bermuda over the past year. And it has been two years since the former Tax Reform Commission submitted its report—that is, in November 2018, to be precise. As Senator Jones said earlier, a number of the recommendations in that report have not really been touched. Although there were promises that we would be seeing a general services tax imposed, I do not think this is the time for that. But there were many, many other recommendations in that report.

I do not think any of us believes that tax reform is something that will happen very swiftly. But the Government is on the right path in terms of trying to ensure that Bermuda has a system of taxation and revenue collection that is fair. They want an equitable, effective, efficient, competitive and transparent system. That is what was said when the initial Tax Reform Commission was established.

I certainly support the re-establishment of a Tax Reform Commission, especially since we have such different financial circumstances right now. And Government is wise to call on the experts to make recommendations for its consideration. However, I too, like Senator Jones, would like to see progress made in terms of enacting recommendations and not just seeing these things sit in a nice, glossy report on a shelf.

So with those comments, I definitely agree the Government is wise to re-instate a Tax Reform Commission. But I also call on them to move forward once the recommendations are made, after they have been considered, and let us see some change in terms of how we collect revenue for Government.

Thank you, Madam President.

**The President:** Thank you, Senator Michelle Simmons.

Would any other Senator care to speak on this Bill?

No. Then it is over to you, Senator Hodgson.

**Sen. Arianna Hodgson:** Thank you, Madam President.

I would just like to make a comment that we will continue to monitor the effects of the current pandemic, and as we move forward we will make the necessary changes. So rest assured that we will do our best to make sure that the recommendations put forward which work in line with our larger goals of boosting the economy do come into effect.

### SUSPENSION OF STANDING ORDER 26

**Sen. Arianna Hodgson:** Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?  
No objection.

*[Motion carried: Standing Order 26 suspended.]*

## BILL

### THIRD READING

#### TAX REFORM COMMISSION AMENDMENT ACT 2020

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I move that the Bill entitled Tax Reform Commission Amendment Act 2020 be now read a third time.

**The President:** Is there any objection to a third reading?

No objection.

**Sen. Arianna Hodgson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Tax Reform Commission Amendment Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

*[Motion carried: The Tax Reform Commission Amendment Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Arianna Hodgson.

**Sen. Arianna Hodgson:** Thank you, Madam President.

**The President:** We now are moving on to item number 8 [under Orders of the Day]. It is the second reading of the Marine and Ports Services Act 2020. And that is in the name of Senator Curtis Richardson, the Junior Minister of Transport.

You have the floor.

**Sen. Curtis Richardson:** Madam President, I move that the Bill entitled Marine and Ports Services Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?  
No objection.

## BILL

### SECOND READING

#### MARINE AND PORTS SERVICES ACT 2020

**Sen. Curtis Richardson:** Madam President, the Bill for consideration is the [Marine and Ports Services Act 2020](#). The Bill makes amendments to the current Marine Board Act 1962, which is 58 years old and required extensive modernisation to address gaps in our local maritime legislation and to ensure Bermuda is aligned with the International Maritime Organization's [IMO] conventions and protocols.

Madam President, the International Maritime Organization's primary purpose is to develop and maintain a comprehensive regulatory framework for shipping. Its remit includes safety, environmental concerns, legal matters, technical cooperation, maritime security, and the efficiency of shipping. The IMO uses five main instruments, or tools, in exercising its functions: (1) conventions, (2) protocols, (3) recommendations, (4) resolutions, and (5) codes and guidelines. Contracting parties to the IMO instruments are expected to implement the agreed intentions of the IMO domestically by enacting laws and regulations and implementing procedures as necessary to meet required standards. Ratification by the signatory states ensures that the uniform regulatory framework obtains globally.

The United Kingdom is the signatory and contracting party to the IMO instruments for itself, its Overseas Territories and Crown Dependencies; and in that way Bermuda is also responsible for meeting the obligations and responsibilities of the IMO instruments.

Madam President, by resolution on 4 December 2013, the IMO adopted the III Code made by IMO Resolution A.1078(28), which provides a global standard to enable states to meet their obligations. Its objective is to create uniform standards intended to enhance maritime safety and protect the marine environment and develop measures necessary for giving full and complete effect to the relevant IMO instruments. At the same time, the IMO adopted the frame-

work and procedures for the IMO Member State Audit Scheme [IMSAS]. This represents a change from a voluntary to a mandatory audit scheme and uses the III Code as its basis. Audits for all states will take place every seven years.

The first mandatory audit for the UK and her Overseas Territories and Crown Dependencies will take place in February 2021. Upon completion of the III Code audits of all member states, the IMO will publish the results of each member state for wider circulation. The UK Government as the signatory is responsible for implementing the III Code requirements across the British Territories and coordinating the IMSAS audit process for their Red Ensign Group [REG] shipping administrations. Bermuda is a part of the REG as a Category 1 shipping registry.

Madam President, to properly implement and enforce Bermuda's rights, obligations and responsibilities with respect to the relevant IMO instruments, our legislation, regulations, policies and procedures must be reviewed, debts identified, responsibilities clarified and remedies put in place.

Madam President, in order to raise awareness of the importance of the III Code to the Bermuda maritime industry, meetings with all relevant stakeholders have been held over the past years under the sponsorship of the Bermuda Shipping and Maritime Authority [BSMA]. The purpose of this meeting was to discuss establishing a forum for developing the necessary measures to address IMSAS audit requirements as an all-inclusive national initiative.

Madam President, the Government of Bermuda is the primary state party and/or entity responsible for the implementation of IMO instruments in Bermuda. It has the rights, obligations and responsibilities of a quasi-signatory to the IMO instruments. The Government is responsible for enacting the required legislation for giving effect to those IMO instruments and International Maritime Conventions that have been extended to Bermuda, provisioning the administrative and infrastructure requirements, including qualified and trained technical staff necessary for the implementation and enforcement of the IMO instruments.

Madam President, the preparation for the audit has been years in the making. In August 2017 the UK Maritime and Coast Guard Agency (MCA) visited Bermuda to assess Bermuda's readiness for the pending IMO audit, which produced a detailed gap-analysis report in January 2018, highlighting all exposed areas to be addressed. This was followed by a mock III Code audit in December 2019 by the MCA to review the changes made after its 2017 visit. The mock III Code audit covered Bermuda's flag, port and coastal state obligations to ensure alignment with international best practices and closely scrutinised Bermuda's marine legislation for any gaps.

Madam President, taking everything into account, Bermuda performed well during the mock audit, a testament to Bermuda's great efforts to require that

international standards have been met by local boats and Bermuda-registered ships over the years. The audit, however, uncovered some shortcomings requiring attention in relation to our maritime legislation not showing clear responsibility of certain functions relating to our flag, port and coastal state responsibilities. Matters such as oil pollution control, search and rescue operations, storage of dangerous goods, port waste, and approved standard of training, certification and watch-keeping requirements were targeted for legislative improvements.

Madam President, with Bermuda being such a small jurisdiction, some of our marine-related functions are shared between more than one Ministry and our legislation was unable to clearly show which ministry was solely responsible for that function. Some of the responsibilities will need to be addressed by way of Memorandums of Understanding (MOUs) between ministries and quangos in order to satisfy requirements of the upcoming audit by the IMO.

Madam President, as a reputable maritime nation having a prestigious shipping registry and being a world-class tourist destination, it is imperative that Bermuda succeeds in the upcoming IMSAS audit with the highest grades in order to maintain its global position. Failure to pass the audit will be detrimental to Bermuda's ability to provide port services that meet international standards and will hamper Bermuda's shipping registry programmes. However, the legislative amendments in this Bill will go a long way in making sure that this is not the case.

Thank you, Madam President.

**The President:** Thank you, Senator Curtis Richardson.

Would any Senator care to speak on this Bill?

**Sen. Marcus Jones:** Yes, Madam President.

**The President:** Senator Marcus Jones, you have the floor.

**Sen. Marcus Jones:** Yes. I would like to congratulate the Government, and specifically the Junior Minister of Transport, for bringing forth this amendment to the legislation. It is quite obvious that these amendments are necessary, and they come with much thought and consideration. So we appreciate that.

One of the points that I took note of in the Junior Minister's brief was that one of the number-one priorities of this particular department, Marine and Ports, and what is reflected in this particular legislation is safety. Safety is a major part of this legislation. I will take you back to last year, the last day of 2020. Unfortunately, we noted that there was a ferry pilot who was caught for impaired operation of the ferry. And under the former legislation, which we aim to amend today, that pilot could only be subject to a maximum fine of \$1,000 and 12 months imprisonment, as this was his

first offence. Now, we take note that at the time the senior magistrate was disheartened at his inability to suspend the ferry pilot's licence. And in the senior magistrate's words (I quote), it was "abject madness" and "gross leniency."

Now, if we go back to the month of November, a month earlier, a man was caught in a roadside breath-test checkpoint driving with almost twice the legal alcohol limit, and was fined \$1,000 and banned from driving. His licence was suspended for 18 months. So, Madam President, allow me to set up a comparison for you. I believe the public will be able to see how we as a legislative body here in the Senate, as well as in the House, can remedy these issues that are glaring in our face. On one hand, we have a ferry driver caught with impaired piloting. He is operating a public service transport vessel where potentially hundreds of persons can be in harm's way. He is found to have broken the law. He is fined, and there is an opportunity for him to be imprisoned, which very rarely happens. But there is no way that his licence can be suspended. In comparison, we have a private driver who is found impaired driving. He can potentially put several people in harm's way. But his licence is suspended, and in this case for 18 months.

Madam President, we here in the Senate have an opportunity to make this right. Now, I am going to say something that is known by the public, we looked to actually make it a public statement. But we know and we have learned that alcohol and drug abuse are within Marine and Ports, specifically around the ferry operations. It is a known fact. We know that there are many people within the public who have sent emails to Marine and Ports questioning some of the behaviour of the pilots and the crew that could potentially have brought danger to those who were riding on this ferry. So we know this exists. But as a community do we need a major catastrophe to happen in order for there to be a prerequisite for us to beef up this legislation?

Madam President, I [ask] this Government, and now specifically to the Junior Minister of Transport, Will his Government consider beefing up this legislation so that not only the fines will be increased, but also that operators who put the country at large at risk by behaviour which brings to danger and puts people in harm's way which goes diametrically against one of the foundational principles of the Marine and Ports Department, which is to ensure that all passengers are in a place of safety . . . Will this Government be willing to step up and beef up this legislation to not only increase the fines, but also to suspend operators who are found guilty of impaired driving?

This could act as a deterrent and scourge those who have so many—and I would say hundreds of people—in those ships that they are responsible for. Ensure that they do all they can to abide by the laws so that our people, passengers, both local and

tourists alike, will be safe on public transport vehicles and vessels.

Thank you, Madam President.

**The President:** Thank you, Senator Marcus Jones.

Would any other Senator care to speak on this Bill?

No. Then it is over to you, Senator Curtis Richardson, for a response.

**Sen. Curtis Richardson:** Thank you, Madam President, and thank you, Senator Jones.

I do hear your concern as safety being a major part of the legislation and your request for beefing-up of the legislation, as you stated. I will point out that this Act repeals the Marine and Ports Act 1962 and introduces a new Marine and Port Services Act. The beefing-up, as you say, and the reference that you used of the ferry operator . . . that is common knowledge, public knowledge. I can say that the Minister of Transport has already made a statement with reference to the pilot's licence. And the timing of this offence and the bringing of this Bill to the Senate is no more than coincidental.

I can say that the changes that have been put in place with this new Bill do in fact satisfy your question, as the powers have shifted to different departments within the Ministry. And this will come to light. That particular situation with the ferry operator is something that is under investigation and being dealt with accordingly.

That is all I have in response.

**The President:** Thank you, Senator Richardson. You can now move the Bill.

#### SUSPENSION OF STANDING ORDER 26

**Sen. Curtis Richardson:** Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?  
No objection.

*[Motion carried: Standing Order 26 suspended.]*

### BILL

#### THIRD READING

##### MARINE AND PORTS SERVICES ACT 2020

**Sen. Curtis Richardson:** Madam President, I move that the Bill entitled Marine and Ports Services Act 2020 be now read a third time.

**The President:** Is there any objection to the third reading?

No objection.

**Sen. Curtis Richardson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Marine and Ports Services Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

*[Motion carried: The Marine and Ports Services Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Curtis Richardson.

We now move on to item number 9 [under the Orders of the Day], which is the second reading of the Merchant Shipping Amendment (No. 2) Act 2020. And that too is in the name of Senator Curtis Richardson, the Junior Minister of Transport.

You have the floor.

**Sen. Curtis Richardson:** Madam President, thank you. I move that the Bill entitled Merchant Shipping Amendment (No. 2) Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?  
No objection.

### BILL

#### SECOND READING

##### MERCHANT SHIPPING AMENDMENT (NO. 2) ACT 2020

**Sen. Curtis Richardson:** Madam President, the Bill for consideration is the [Merchant Shipping Amendment \(No. 2\) Act 2020](#). The Bill makes amendments to the Merchant Shipping Act 2002, the principal Act, to fully implement the Wreck Removal Convention 2007 in Bermuda. This will enable Bermuda to request the United Kingdom to extend the Convention to Bermuda.

This Bill also addresses some gaps in Bermuda's maritime legislation and is part of an ongoing effort to keep up with our international obligations to ensure our maritime legislation remains current and aligned with the International Maritime Organization (IMO) Convention and protocols. I will provide a summary of the amendments in chronological order.

Madam President, in December 2019 the UK Maritime and Coastguard Agency [MCA] conducted a mock III Code audit of Bermuda in preparation for the official IMO III Code audit of the UK and the Overseas Territories that is currently scheduled for February

2021. The [mock] audit was conducted by two MCA representatives, and a total of 10 Government and local agencies participated in the audit. Overall, Bermuda had a good audit result, and the Bermuda Shipping and Maritime Authority [BSMA], in consultation with other key stakeholders, are addressing all of the audit findings. And some amendments proposed in this Bill are related to findings in the mock audit.

Madam President, during the mock audit the BSMA was unable to demonstrate the mechanism for impartial investigations into the conduct of seafarers holding standards of training certification and watch-keeping certification or endorsement, and a process for withdrawal, suspension or cancellation of such certifications when warranted. This was evidenced by the fact that sections 73 through 80 of the principal Act, which allowed for enquiries into the competency of seafarers to hold certificates, had been repealed.

The legislation only contemplates the removal of a certificate in cases of fraud or error. It appears and it is assumed that during the implementation of the Maritime Labour Convention [MLC], the legislative requirements in 2013, a policy decision was made to remove the previously referenced sections as they were considered redundant and the decision was based on advice provided at the time. Therefore, amendments are required to reintroduce the repealed sections 73 through 80.

Madam President, as prefaced in my earlier comments, amendments are required to the Act to fully implement the Nairobi International Convention in Bermuda, and the following provides some background on this matter. In November 2018 the Merchant Shipping Act 2002 was amended by inserting a new part, Part IXA after section 216 of the Act, to make salient provisions of the Convention applicable in Bermuda.

In keeping with the procedure to request the extension of an international convention, Bermuda drafted a transportation table that was submitted to the UK Department of Transport [DfT] for their review and comment. The UK Department of Transport has subsequently advised and recommended that we make additional amendments to Part IXA to add and augment local provisions for the full implementation of the Convention in Bermuda. With these amendments, Bermuda will satisfy all of the legislative requirements to have the Convention extended to Bermuda by the UK.

Madam President, the Bill's final amendment is a result of the mock audit findings with respect to Part XI, Accident Investigations [and Inquiries]. The findings highlighted that marine accidents are investigated by investigators from the BSMA, who are also responsible as general superintendents for safety on board ships registered with the BSMA (i.e., an organisation which may be affected by the outcome of the investigation). Currently, the decision on whether to investigate an accident is taken by the Chief Marine

Surveyor, who oversees the safety surveys and certification of these ships. And investigators also function as surveyors of these ships. Therefore, currently the BSMA is unable to demonstrate that investigations into marine casualties are protected from direction or interference from any person or organisations which may be affected by its outcome, or that the investigators are objective and impartial.

To address and best manage these potential conflicts of interests, section 228(4) needs to be amended by replacing the Chief Marine Surveyor [CMS] with the Chief Executive Officer [CEO] throughout, as the UK Maritime and Coastguard Agency has accepted this approach, which has been utilised by other Overseas Territories members within the Red Ensign Group, a British ship registry, [or the REGs]. The CEO has the independence as a result of currently not having any specific duties or responsibilities under the Act, unlike the CMS, who is appointed under section 10 of the Act and is directly involved in the surveying and inspection of Bermuda-registered ships. Therefore, amendments are proposed to sections 228(4)(e), 228(4)(f) and 228(4)(k) to replace "CMS" with "CEO."

Thank you, Madam President.

**The President:** Thank you, Senator Curtis Richardson.

Would any Senator care to speak on this Bill?

**Sen. Marcus Jones:** Yes, Madam President.

**The President:** Senator Marcus Jones, you have the floor.

**Sen. Marcus Jones:** Thank you.

From the initial Merchant Shipping Act of 2002, an amendment made to the principal Act of 2012 and now 2020, there have been little changes to the legislation. And the ones that we see in this amendment under the [INAUDIBLE]. . . we welcome any amendments that can keep Bermuda in line with current practice within the maritime space.

It is important. So we support this Bill, Madam President.

**The President:** Thank you, Senator Jones.

Would any other Senator care to speak on this Bill?

No. Then, Senator Curtis Richardson, it is over to you for a response.

#### SUSPENSION OF STANDING ORDER 26

**Sen. Curtis Richardson:** Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

**The President:** Is there any objection to that motion?

No objection.

*[Motion carried: Standing Order 26 suspended.]*

## BILL

### THIRD READING

#### MERCHANT SHIPPING AMENDMENT (NO. 2) ACT 2020

**Sen. Curtis Richardson:** Madam President, I move that the Bill entitled Merchant Shipping Amendment (No. 2) Act 2020 be now read a third time.

**The President:** Is there any objection to the third reading?

No objection.

**Sen. Curtis Richardson:** Madam President, I move that the Bill be now passed.

**The President:** It has been moved that the Bill entitled the Merchant Shipping Amendment (No. 2) Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

*[Motion carried: The Merchant Shipping Amendment (No. 2) Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senator Curtis Richardson.

**Sen. Curtis Richardson:** Thank you, Madam President.

**The President:** We now move on to item number 10 [under Orders of the Day], and that is the second reading of the Employment Amendment (No. 2) Act 2020. And that is in the name of Senator Arianna Hodgson, Junior Minister for Labour.

You have the floor.

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I move that the Bill entitled the Employment Amendment (No. 2) Act 2020 be now read a second time.

**The President:** Is there any objection to that motion?

No objection.

## BILL

### SECOND READING

#### EMPLOYMENT AMENDMENT (NO. 2) ACT 2020

**Sen. Arianna Hodgson:** Thank you, Madam President.

Madam President, I am pleased to introduce the Bill entitled the Employment Amendment (No. 2) Act 2020, which seeks to provide a number of reforms to employment law. Madam President, as Honourable Senators will be aware, the project to modernise and consolidate Bermuda's labour and employment legislation has been ongoing for a number of years. Madam President, the Labour Law Reform Committee [LLRC], a subcommittee of the Labour Advisory Council [LAC], was created in 2014 to review all of the existing labour legislation in Bermuda and to recommend changes that they thought were appropriate. This subcommittee consisted of union representatives, employer representatives, independent representatives and ex officio members of the Bermuda Government.

Madam President, following broad and extensive consultation with key stakeholders, a report was prepared with numerous recommendations on legislative changes. The recommendations were largely accepted, and the drafting of the legislation was progressed.

Madam President, a decision was taken to keep the Employment Act with amendments, which forms the basis of every individual employment relationship as a stand-alone piece of legislation, while consolidating the Trade Union Act, the Labour Relations Act and the Labour Disputes Act into one Act called the Trade Union and Labour Relations (Consolidation) Act 2020.

It is the intention that both statutes will form the employment and labour code for Bermuda. Madam President, the debate on the Labour Consolidation Act will immediately follow this debate. I take that route.

Madam President, this Bill seeks to provide increased benefits and protections for workers in areas including probation, lay-offs, redundancy and termination. The proposed new protections include:

- the requirement for employers to provide new employees with a performance review during their probationary period;
- the requirement for an employer to provide a reason related to performance or operational requirements when seeking to terminate an employee's contract when the employee is on probation;
- the requirement for an employee's period of continuous employment to include any period of lay-off;
- the requirement for an employer who terminates an employee's contract of employment to pay wages within seven days or during the next regular payment cycle; and

- an employer to have the capacity to terminate an employee within six months without notice or severance if he is guilty of misconduct on two separate occasions or 12 months without notice or severance if he is guilty of misconduct on four separate occasions.

Madam President, the Bill provides for zero tolerance of violence and harassment in the workplace in keeping with the International Labour Organization's adoption of the Violence and Harassment Convention in 2019. The amendments will deal with bullying and sexual harassment in the workplace. Employers will be required to have in place a policy on bullying and sexual harassment, and recourse for employees for any contravention of the policy.

Madam President, a statement of employment outlines the conditions of employment and every employer is required to provide this document to employees, and both employers and employees must sign said document. Madam President, the Bill provides for the following proposed additions to the statement of employment:

- the entitlement to meal breaks and rest days;
- entitlement to overtime pay or hours in lieu;
- whether there are any work permit-related conditions and restrictions; and
- the inclusion of the employer's written policy against bullying and sexual harassment.

Madam President, often persons are hired as independent contractors, but the work relationship is actually that of an employee, resulting in no benefits. Madam President, the Bill provides for the Labour Relations manager to issue and publish guidance for the purpose of determining whether a relationship more closely resembles that of an employee than that of an independent contractor.

Madam President, currently, the persons for whom bereavement leave may be taken are spouses, children, parents and siblings. The Bill extends this to include grandparents and great-grandparents, and grandchildren and great-grandchildren.

Madam President, these amendments will have a positive impact as the workplace becomes more equitable and employees will be treated with increased fairness. The enhanced protections for employee's rights will provide just and fair conditions in work and enhanced social protections.

Madam President, with these remarks, I now present the Bill entitled the Employment Amendment (No. 2) Act 2020 and welcome comments from other Senators.

**The President:** Thank you, Senator Arianna Hodgson.

Would any other Senator care to speak on this Bill?

**Sen. John Wight:** Yes, Madam President.

**The President:** Senator John Wight. Yes, you have the floor, Senator Wight.

**Sen. John Wight:** Thank you, Madam President.

I have several concerns regarding this Bill which I would like to express. So it has been the stated goal of the Government, which I believe is supported by all Bermudians, that we need more jobs in Bermuda. We need more existing employers to create jobs in Bermuda. And we need more overseas companies that are comparing Bermuda against other jurisdictions such as Cayman and Canada, for example. And so in light of that, when I read through this Bill there were several provisions that caused concern.

One of them, by example, would be the definition of "redundancy," which will now include not just salary, but bonuses as well. So any amendments to the legislation that increase the cost of doing business or increase the administrative burden to Bermuda businesses are not, in my view, good.

So to use that example again, redundancy is regrettably the way of the world in Bermuda and everywhere. With the world changing so quickly, jobs that were necessary yesterday may not be necessary tomorrow. And for many businesses, a large component of a person's compensation can be bonuses. In fact for international businesses in many cases bonuses actually form a larger part of compensation than the salary does.

I will use a second example in terms of the administrative burden, which would be the requirement for all employees after five continuous hours to have a 30-minute meal break. I think this type of provisioning just kind of reminds me of the way of the world 30 years ago. I think in many businesses the requirements are that employees have to work to meet the demands of the customers.

So the administrative burden of employers having to keep track of whether an employee has worked greater than five hours in a row to warrant a 30-minute meal break, I think is well intentioned, but I just think is administratively burdensome. So my strong view is that if this Bill is enacted as put forward, this will make Bermuda less competitive against many of our competitors at a time when Bermuda absolutely needs to create new jobs for Bermudians.

And as I said before, we need existing employers to want to create new jobs. We want overseas businesses to want to incorporate in Bermuda. And this will increase the cost of doing business in Bermuda and add administrative burden.

So while well intentioned, I really believe that this does not align with the Government's stated goal of creating new jobs in Bermuda.

So, Madam President, those are my comments.

**The President:** Thank you, Senator John Wight.

Would any other Senator care to speak on this Bill?

**Sen. Robin Tucker:** Yes, Madam President.

**The President:** Is that Senator Tucker? Yes. Senator Tucker, you have the floor.

**Sen. Robin Tucker:** Thank you, Madam President.

In my other life as HR manager, I have responsibility for balancing the needs of those employers and employees. So I fully understand the challenges that the Government has in trying to strike a balance to protect the needs and interests of both parties to bring about a fair and equitable workplace. It is not an easy undertaking. So I commend the Government for reviewing this legislation and putting forth these amendments that are the subject of our discussions here today.

While there were amendments made since the Employment Act originally came into force in 2000, even with the changes proposed in this piece of legislation it is agreed that more work needs to be done. So I look forward to further proposed amendments in the future. With that said, Madam President, while the Opposition and the Government often disagree it is hoped that my comments will be received as intended, and that is to ensure that whatever is decided today is to the benefit of all of the people in this country—employees and employers alike.

Madam President, the Opposition supports the Labour Relations Manager issuing guidance to determine whether a person is deemed an employee or independent contractor. I think it is reasonable to transfer such high-level functions to those who routinely advise on such matters, as they may be best positioned to make such a determination.

My challenge with this piece of legislation is that it gives the Labour Relations Manager the authority to create laws on behalf of Parliament while removing the requirements of that legislation to be returned to Parliament for further examination to ensure that that piece of legislation appropriately reflects what the Parliament wishes. I would be interested to know the reason for this.

Madam President, Members of Parliament are elected by the people of this country to represent their interests. Parliament has within their remit the delegated responsibility to make laws, but the ability to delegate its legislative responsibility should only be done in emergency (or other justifiable reason) to prohibit circumventing the laws designed to protect all of us.

Madam President, the proposed amendment removes a critical safeguard in section 6 of the Statutory Instruments Act 1977. Removal of section 6 would mean that any legislation the Labour Relations Manager created through a delegated legislative process would not have to be returned to Parliament to

scrutinise the legislation. Simply put, the Labour Relations Manager would be allowed to create legislation independent of parliamentary oversight. We in the Opposition find this concerning.

Madam President, my comments on this amendment do not criticise the point of the amendment. I do, however, take issue with removing of the only safeguard currently in place to ensure oversight and accountability through parliamentary scrutiny in any case short of an exceptional circumstance.

**The President:** Senator Tucker, I just need to ask Senator Hodgson if we are going into Committee, because if that is the case then we will deal with the clauses. If we are going to go into Committee, we should be speaking generally about the Bill and we will deal with the clauses in Committee.

So, can I have confirmation from Senator Hodgson whether or not we will be going into Committee?

**The Clerk:** And the Opposition.

**The President:** And the Opposition. I just need to know whether or not we are going into Committee, because if we are, then we will deal with the clauses in Committee and any amendments.

**Sen. Ben Smith:** Madam President, we would like to go into Committee.

**The President:** Thank you.

Then we will continue, Senators, for anyone to speak generally on the Bill. And then we will go into Committee where we will be able to speak individually on any of the clauses.

So would any other Senator care to speak generally on the Bill?

*[No audible response]*

**The President:** Senator Hodgson, you are in agreement that we are going into Committee?

**Sen. Owen Darrell:** Good morning, Madam President. I would actually like to speak generally on this Bill.

**The President:** Senator Owen Darrell, you have the floor.

**Sen. Owen Darrell:** Thank you, Madam President.

First of all I want to commend the Minister of Labour, the Junior Minister, as well as their team for bringing this Bill to this honourable place and fixing some of the employment matters that kind of have been outstanding for a very long time. It makes me happy to be a proud member of the Progressive Labour Party, where we can actually speak to some of

the amendments that are being made to the Employment Act today.

The first one that kind of jumped out at me was the matter that talked about including sexual harassment and bullying policies to be put in place by the employers. In speaking with a lot of individuals in the community, it seems like kind of underground bullying by different members of the workplace has been on the rise in years. And unfortunately, outside of the Human Rights Commission, there was really no real place that spoke to this. So I am happy to see that in there.

You know, I am sure all of us have had situations where you talk to individuals about their employment, how they feel about going to work, and there have been people who have said, you know, *I feel bullied. I don't feel happy at my place of employment.* So I am glad to see that has been added and will be added when this goes into effect on June 1<sup>st</sup>.

Also, I want to speak to the independent contractor agreements. I think this is very important in today's climate. So many times individuals, especially now, especially young people, to be honest with you, are desperate to find a job and to just kind of sign on the dotted line in an effort to feed their families. So often they feel pressured by the employer to accept agreements that are along the lines of employer-independent contractor agreements. But it is not until after their contract is signed that the employee would realise that, you know, they have little protections or benefits as an independent contractor instead of a full employee.

In reading through some of the amendments that were put forward, I was actually shocked to know that in 2021 there are still employers who do not feel the need to give their employees meal breaks and add that into their statement of employment. I do note Senator Wight's comment on increased administration or administrative work. However, I can tell you that if anyone has been working for five hours and they are not having a meal break, I am sure they would let you know without much administrative processes having to be put in place.

The other matter that I find very interesting and that I am glad that these amendments speak to, is that some companies . . . *some*, I will say "some" companies, unfortunately, have abused the probationary period for employees. You know, you can recall many, many stories that . . . well, myself, maybe former students. I ask them, *How are you doing? Where are you working?* And, you know, they are excited about their new job. You know, by all accounts they seem happy. Their employer seems happy. And then you see them in a few months' time and you say, *How's the job going?* And they say, *Oh, well, he let me go at my probationary period.*

The question is, *So why did they let you go?* And a lot of times . . . and I remember this quote from a friend of mine one time. He said, *Well, you know*

*how it works. Nobody asks. You don't ask any questions when they let you go during probation. They don't give you any reasons. They just say you didn't pass the probationary period, and they let you go.* So I am glad to see those amendments placed in the Employment Act.

The final one that I agree with is the seven days of the final payment. Again, I am sure many of us have heard of situations where for whatever reason . . . someone's time at a place has come to an end and it may not be a happy time, they may feel upset about how things ended. And there are sometimes employers who actually withhold the money of these employees, and this is money that is rightfully due to them. And it kind of does not put a situation where individuals can get immediate closure.

There are real stories in the community where people are owed a final paycheque. And because the situation was so toxic at the job where they had left or were let go from, some of them have just said, *You know what? Forget that money that they owe me. I don't want to ever go back to that place.*

So these are real stories. I am glad to see that a lot of the amendments in this Employment Act have been put in here. And I think it will benefit the community.

Thank you, Madam President.

[Pause]

**Sen. John Wight:** I think you are on mute, Madam President.

**The President:** Senator Owen Darrell, thank you for your comments. And you are the Junior Minister of Education, Public Works and the Cabinet Office.

And Senator Michelle Simmons has indicated that she would like to speak generally on the Bill.

You have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

I just want to make a few general comments. And I am going to wind the clock back to the year 2000 when the Act we are amending today first came into existence.

There were many, many comments made in the community about that Employment Act of 2000. And I believe that there are many people who were not looking forward to its implementation, because it did cause significant change in terms of employment of individuals in our community. But there have been some really good things that have happened as a result of the enactment of the Employment Act of 2000. And here we are 20 years later. I can hardly believe 20 years have passed already from the time the Employment Act came into being and to this day.

But truthfully, there is need to update this Act. And there are several clauses, and I know I am not

going to speak to clauses right now; but I have some comments on specific clauses later. But there are several clauses in the Bill which now require employers to provide employees with important information in writing. In several cases, it has to be included in the statement of employment. In some cases—i.e., with regard to the policy against bullying, policy against sexual harassment in the workplace—those things, while they may not be included in the statement of employment, will be included in the employee handbook, which obviously has to be made available to persons at the commencement of their employment.

So there is a lot of written information that employers will be required to provide to employees. And by writing things down there can be no uncertainty as to what is intended. So written confirmation of overtime pay, public holiday compensation, meal breaks . . . all of that will be in black and white. So those, in my opinion, are good things.

I also was really happy to see that there is clarification in the amendment Act regarding termination and redundancy. Because obviously we know of many situations where people have been terminated or made redundant, and there is not always clarity about what employees can expect. So that also is included in the amendment Act.

Another item which gained attention in this amendment Act was regarding employee performance and ensuring that employees are given feedback on their performance prior to the completion of the probationary period. In fact, it has to be on or before completion of one-half of the probationary period. My only question about that is . . . it does not require the employer to put anything in writing. And I think as someone who always likes to document things, it is important to give that feedback in writing.

And my final general comment about this is, Are the amendments that are proposed in this Bill fair? Are they looking toward fairness in employment and ensuring that both employer and employee have a clear understanding of their relationship?

So, Madam President, with those opening remarks, I will conclude and look forward to the Committee stage for debating this Bill.

Thank you.

**The President:** Thank you, Senator Michelle Simons.

Would any other Senator care to speak generally on the Bill?

**Sen. the Hon. Dr. Ernest Peets:** Yes, Madam President.

**The President:** Minister Peets, you have the floor.

**Sen. the Hon. Dr. Ernest Peets:** Thank you so much.

I certainly want to join in the sentiments communicated by Senator Darrell. Just in general as it

relates to the amendments in this particular Bill, everyone needs to sort of understand that 2020 was a very stressful year. And it continues to be very stressful. Having breaks for employees reduces stress. And when employees have less stress, it improves that employee's sentiments and relations. I have also suggested it also improves efficiency. So these are not just amendments for the sake of making amendments.

Also, I am very, very pleased to see amendments that really support families. It is really disheartening if individuals have to choose between vacation time and appointments that are necessary for their health. This particular Bill addresses that.

So I am looking forward to a very thoughtful and insightful conversation as we discuss some of these amendments in particular.

Thank you, Madam President.

**The President:** Thank you, Minister Peets.

Then it is over to you . . . oh, would any other Senator care to speak generally on the Bill before I hand over to Senator Arianna Hodgson?

No. Then, Senator Hodgson, you will move us into Committee.

**Sen. Arianna Hodgson:** Thank you, Madam President. Should I speak to the comments?

**The President:** Absolutely. Absolutely; I do beg your pardon. Yes, you can speak to the comments that have been said so far.

**Sen. Arianna Hodgson:** Okay. Thank you.

I just wanted to provide some clarity to Senator Wight on the definition provided for "wages." So, wages actually do not include bonuses under clause 3. So that should not be an issue. And then regarding any administrative burden, I would say that that is a small price to pay for protections for employees in the workplace.

Senator Tucker mentioned the introduction of the Labour Relations Manager and what her role would be and how we could make sure that she acts in the best interests of the greater good for the public, beyond just the Government's mandates. So there are numerous legislative precedents that provide for this in cases where there is a need for the conduct of administrative functions necessary for the operation of the statute.

Under [section] 4, the role of the manager is to issue guidance when determining for the purposes of section 4(1)(b) whether a relationship more closely resembles that of an employee or independent contractor. This provision does not authorise the manager to determine for an employer whether a person under their employ is an employee or an independent contractor. The legislation instructed broadly to take into consideration the operation of the current law and the

various types of jobs and variables that may arise in an employment context.

I would also like to speak to Senator Simmons's comment about having the reports in writing. We would like to say that it goes without saying that the documentation has to be present. And so that would mean that there is some kind of written trail of communication.

Madam President, I move that the Senate do now resolve itself into Committee of the whole for further consideration of the Bill.

**The President:** Thank you, Senator Hodgson.

Therefore, I will ask Senator Michelle Simmons to . . .

Sorry. You have got to read the motion first. I beg your pardon. Second—

*[Inaudible interjection]*

**The President:** Move the second reading first, Senator Hodgson.

**Sen. Arianna Hodgson:** Madam Chair—

**The President:** Madam President first.

**Sen. Arianna Hodgson:** Sorry, Madam President; I apologise.

**The Clerk:** Move that the Bill be read a second time.

**The President:** Move that the Bill be read a second time, please.

**Sen. Arianna Hodgson:** Madam President, I now present the Bill entitled the Employment Amendment (No. 2) Act 2020 be read a second time.

**The President:** Yes.

Is there any objection?

No objection, continue.

And now move into Committee.

**Sen. Arianna Hodgson:** Okay. Sorry, Madam President.

I move that the Senate do now resolve itself into Committee of the whole for further consideration of the Bill.

**The President:** Thank you.

Is there any objection to that motion?

No objection.

Therefore, I will now ask Senator Michelle Simmons, the Vice President, to chair the Committee.

**Sen. Michelle Simmons:** Thank you, Madam President.

**Senate in Committee at 11:52 am**

*[Sen. Michelle Simmons, Chairman]*

## COMMITTEE ON BILL

### EMPLOYMENT AMENDMENT (NO. 2) ACT 2020

**The Chairman:** Senator Hodgson, do you want to proceed now?

**Sen. Arianna Hodgson:** Madam Chairman, I move that clauses 1 through 5 [of the [Employment Amendment \(No. 2\) Act 2020](#)], be approved.

Clause 1 is the citation for the Bill.

Clause 2 amends section 3 of the principal Act by inserting new definitions.

Clause 3 amends section 4 of the principal Act to enable the Labour Relations Manager to issue guidance for the purposes of determining whether a relationship more closely resembles that of an employee than an independent contractor.

Clause 4 amends section 5 of the principal Act to provide expressly that an employee's period of continuous employment shall be deemed to include any period of layoff.

Clause 5 amends section 6 of the principal Act to include in the statement of employment the particulars [of] the entitlement to rest days and meal breaks; the entitlement to overtime pay or hours in lieu; any work permit-related conditions and restrictions; and the existence of the employer's written policy against bullying and sexual harassment in the workplace.

*[Inaudible interjection]*

**The Chairman:** Have you moved clauses 1 through 10, Senator Hodgson?

**Sen. Arianna Hodgson:** Sorry, Madam Chairman. I did clauses 1 through 5, but we can—

**The Chairman:** [Clauses] 1 through 5? I think you went over, actually.

**Sen. Arianna Hodgson:** It is clauses 1 through 5 that I just read.

**The Chairman:** Okay. Thank you.

Would any Senator like to speak to these clauses?

Senator Robin Tucker.

*[Inaudible interjections]*

**The Chairman:** Senator Tucker, we can hardly hear you.

**Sen. Robin Tucker:** Can you hear me now?

**The Chairman:** No. Not really.

I think that is better. Would you like to try again and unmute your microphone?

**The Clerk:** She is still muted.

**The Chairman:** You are still muted, Senator Tucker.

**Sen. Robin Tucker:** Is that any better?

**The Chairman:** That is much better. Thank you.

**Sen. Robin Tucker:** Apologies; I do apologise.

If I may, I would like to continue from where I spoke a little bit earlier.

Madam Chairman, my comments are specifically around section 4 and the proposed amendment that removes this part of section 6 of the Statutory Instruments Act 1997, as that particular clause will inhibit the legislative process as it relates to parliamentary scrutiny. So I do take issue with the moving of that only safeguard currently in place to ensure oversight and accountability through parliamentary scrutiny in any case short of exceptional circumstances.

Enabling the Labour Relations Manager to make guidance around whether one is an employee or an independent contractor [INAUDIBLE]. Madam Chairman, this amendment makes sense if the legislation to be created has the oversight and approval of Parliament according to section 6 of the Statutory Instruments Act. Anything to the contrary weakens our protections, as it leaves an opportunity to circumvent the very system that is designed to protect us all.

Now, I realise that some of the comments may be that there are limitations with regard to what the Labour Relations Manager is able to do. But it does cause me a little bit of concern. If there is no real issue, then why are we taking this particular clause out? So that is my comment.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Tucker.

Would any other Senator wish to speak to clauses 1 through 5?

Okay.

**The Clerk:** Senator Hodgson can reply and move the clauses 1 through 5 again.

**The Chairman:** Thank you.

Senator Hodgson, would you like to reply now?

**Sen. Arianna Hodgson:** Yes, Madam Chairman.

The guiding notes are not legislation. The provision is drafted to make clear that these do not

have legislative power. Again, there are numerous legislative precedents that provide for where there is a need for the conduct of administrative functions necessary for the operation of a statute.

And then just further to my comments, I want to make it clear that the Labour Relations Manager will actually begin anything by providing guidance and making recommendations to the Labour Advisory Council, and this council includes Government, union and other employer groups. And so we are not to be concerned about representation.

**The Chairman:** Thank you, Senator Hodgson. Would you now move clauses 1 through 5, please?

**Sen. Arianna Hodgson:** Madam Chairman, I move that clauses 1 through 5 be approved.

**The Chairman:** Are there any objections?

There do not seem to be any, Senator Hodgson. So clauses 1 through 5 are approved.

*[Motion carried: Clauses 1 through 5 passed.]*

**Sen. Arianna Hodgson:** Thank you, Madam Chairman.

Madam Chairman, next I would like to move clauses 6 and 7.

Clause 6 amends section 9 of the principal Act to provide that where an employer and employee agree that the provision of overtime pay or time in lieu for hours worked in excess of 40 hours per week is not to apply, that agreement must be in writing.

Clause 7 inserts new sections 10A and 10B into the principal Act. New section 10A provides for the entitlement to meal breaks, and a new section 10B requires an employer to provide his employees with a clear, written policy statement against bullying and sexual harassment in his place of employment.

**The Chairman:** Thank you, Senator Hodgson.

Would any Senator wish to speak to clauses 6 through 7?

Senator Wight.

**Sen. John Wight:** Just one question. Because bullying is also included in the Human Rights Act, I just ask, will this cause any complication between the legislative wording in the Human Rights Act versus the wording that will be in the Employment Act?

**Sen. Arianna Hodgson:** Senator Wight, no. There will be no issues.

**Sen. John Wight:** Thank you, Senator.

**The Chairman:** Would any other Senator wish to speak to clauses 6 through 7?

No. There do not seem to be any other speakers.

Senator Hodgson, I think you have already responded to Senator Wight's question. So would you like to move clauses 6 and 7?

*[No audible response]*

**The Chairman:** I think you are muted, Senator Hodgson.

**Sen. Arianna Hodgson:** I was. Thank you, Madam Chairman.

I move that clauses 6 and 7 be approved.

**The Chairman:** Are there any objections to approving clauses 6 and 7?

No. There do not seem to be any objections. So those clauses 6 and 7 are approved.

*[Motion carried: Clauses 6 and 7 passed.]*

**Sen. Arianna Hodgson:** Thank you.

**The Chairman:** Senator Hodgson, please continue.

**Sen. Arianna Hodgson:** Thank you, Madam Chairman.

I will now move that clauses 8 through 10 be approved.

Clause 8 amends section 11 of the principal Act to define the term "with pay" and to provide that where an employer and employee agree that entitlement to public holiday pay is not to apply, that agreement must be in writing.

Clause 9 amends section 15(3) of the principal Act to remove the requirement for an employee to have at least one year of continuous employment before becoming entitled to paid time off to receive antenatal care.

And, Madam Chairman, clause 10 amends section 17(1)(a) of the principal Act to include as a member of a person's immediate family, for the purposes of bereavement leave, a person's grandparent, great-grandparent, grandchild or great-grandchild.

**The Chairman:** Thank you, Senator Hodgson.

Would any Senator like to speak to clauses 8 through 10?

No. There are no comments so far.

Senator Hodgson, it looks as though no one wants to comment. So please go ahead and move clauses 8 through 10.

**Sen. Arianna Hodgson:** Thank you, Madam Chairman.

I move that clauses 8 through 10 be approved.

**The Chairman:** Are there any objections?

No. Clauses 8 through 10 have been approved.

*[Motion carried: Clauses 8 through 10 passed.]*

**The Chairman:** Thank you.

**Sen. Arianna Hodgson:** Thank you, Madam Chairman.

I move that clauses 11 through 19 be approved.

Clause 11 amends section 18 of the principal Act to clarify that where an employer seeks to terminate an employee's contract of employment for a reason connected with the operational requirements of the employer's business, he must comply with the notice requirement under section 20 only, and not the provisions under sections 26 or 27. This clause also provides the time period within which an employer who terminates an employee's contract of employment must pay wages or other remuneration and benefits accruing at the date of termination.

Clause 12 repeals and replaces section 19 of the principal Act to provide (i) for a probationary period for new or promoted employees of not more than six months (subject to that section); (ii) for the conduct of a performance review during the probationary period; (iii) for the probationary period to be extended after that performance review for a period of not more than three months; and (iv) for an employee's contract of employment to be terminated without notice during the probationary period. This clause also provides that termination without notice during the probationary period shall not apply to an employee who is promoted during a period of continuous employment. For such an employee, section 27 shall still have effect to enable termination without notice for unsatisfactory performance, provided the employee is given prior written warning, appropriate instructions as to how to improve performance, and a six-month period to demonstrate improvement. This clause provides that the six-month and the three-month periods of probation and extended probation shall not apply to uniform services and such other classes of employees as may be prescribed.

Clause 13 amends section 20(3)(b) of the principal Act to provide that notice of termination shall not be given during an employee's absence on sick leave unless the period of sick leave extends beyond six weeks instead of four weeks.

Clause 14 amends section 21 of the principal Act to require, for the avoidance of doubt, that payment in lieu of notice of termination is to be made in accordance with section 18(5), which is within seven days of termination or at the next interval at which the employee would have been paid had the contract not been terminated, or whichever is the longer of the two.

Clause 15 amends section 23(4) of the principal Act to clarify that where an employee's employment under a partnership ceases on dissolution of that partnership, no severance shall be payable in a case where the employee enters into employment with any of the partners immediately after the dissolution under no less favourable terms than immediately prior to the dissolution. This clause also clarifies that subsection (5) [of section 23] applies where an employee's contract of employment is terminated by reason of death of that employee from an occupational disease or accident resulting from that employment.

Clause 16 repeals and replaces section 26 of the principal Act to enable an employer to give to an employee who is guilty of misconduct a written warning setting out both the misconduct and appropriate instructions for improvement. This clause also enables the employer to terminate, without notice or severance, an employee who within a six-month period is guilty on two separate occasions of misconduct, or who within a 12-month period is guilty on four separate occasions of misconduct (provided the employee receives the requisite written warnings). This clause provides that an employer shall be deemed to have waived his right to terminate if he does not do so within the respective periods specified.

Clause 17 amends section 27 of the principal Act to require that where a written warning is given by an employer to an employee who is not performing his duties in a satisfactory manner, the written warning must also set out the unsatisfactory performance complained of. This clause also provides that, where an employer does not terminate an employee (who within six months from the date of a written warning does not demonstrate that he is able to perform his duties in a satisfactory manner) within the period specified, the employer shall be deemed to have waived his right to terminate under this section.

Clause 18 amends section 30(4) of the principal Act to require an employer, before terminating an employee's employment for redundancy, to inform and consult the necessary persons as set out in that section at least 14 days before giving notice, in accordance with the statutory notice period under section 20. This clause includes the employee in the list of necessary persons to be so informed and consulted.

Clause 19 amends section 32 of the principal Act by inserting new subsection (1A), which requires an employer before laying off an employee to inform the employee and the employee's trade union or other representative (if any), as soon as practicable, to notify them of the following information [at proposed section 32(1A)(a)]: "the existence of the relevant condition of redundancy; (b) the reason for the lay off . . . (c) the period over which such lay off is likely to be carried out."

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson.

Would any Senator wish to speak on these clauses, clauses 11 through 19?

Senator Robin Tucker, you have the floor.

**Sen. Robin Tucker:** Thank you, Madam Chairman. I would like to speak to clause 11.

**An Hon. Senator:** We cannot hear Senator Tucker.

**The Chairman:** Senator Tucker, your volume keeps going up and down. I think you may need to move closer to the microphone if that is possible.

*[Crosstalk]*

**Sen. Robin Tucker:** Sorry. My tablet is not cooperating.

**The Chairman:** Okay.

**Sen. Robin Tucker:** Is that better?

**The Chairman:** Sometimes it is good; sometimes it is not. It varies.

**The Clerk:** When you are looking directly at your screen, it seems to be better. When you are turning away from it, that is when it goes down.

**Sen. Robin Tucker:** Okay. I will look right at the screen.

**The Chairman:** That's it.

**Sen. Robin Tucker:** Thank you.

So I did want to speak to section 11 as it relates to the requirement for employers to have paid the remuneration to [employees] who are terminated within that time period. Seven days is a short period of time, and yet for some employees it would be a long period of time. Particularly I would like to speak more so for the small- to medium-sized businesses who sometimes have to make certain positions redundant because they are having financial struggles. And so a business having financial difficulties, having to pay staff who are terminated all of their remuneration within that seven-day period could possibly be quite problematic—

**The Chairman:** Senator Tucker, I am sorry to interrupt again. But the audio is failing again.

**Sen. Robin Tucker:** Okay. I am going to switch to . . . I am on my tablet, so I will switch.

**The Chairman:** Okay. Can you switch with another Senator?

**Sen. Robin Tucker:** Yes. I will.

**The Chairman:** Thank you.

*[Pause]*

**The Chairman:** And we want to hear what you are saying; it is important.

*[Crosstalk]*

**Sen. Robin Tucker:** Madam Chairman, can you hear me?

**The Chairman:** I sure can. Yes. We all can. Thank you.

**Sen. Robin Tucker:** Okay. Clearly my tablet does not like me.

**The Chairman:** Don't take it personally.

*[Laughter]*

**Sen. Robin Tucker:** So what I was saying was that I believe that the requirement to pay within seven days is acceptable for larger businesses. But for smaller businesses, people who . . . for smaller and medium-sized businesses, for some of those businesses, especially during this particular time of COVID-19 where they are having to do more with less, where a lot of employers are struggling to make payroll as it is, some employers are not even paying themselves because they have got to make sure to pay their employees. Some of them are having some real financial difficulty. So to put this added burden on those employers that will fall into this category I think is quite one-sided.

I believe that if we had something more of a balance, say within a 14-day period, then at least that would give employers a little bit more of a grace period, if you will, to be able to get funds together that they would not necessarily have on hand. Now that might not sound like a big deal to some people, but when you are running your own business . . . I do not know if anyone, certainly in the Senate, has run their own business. I have a very, very small business. I only had one other employee. But it is sometimes very difficult to be able to come up with that money.

And so I think that we need to humanise this a little bit. Certainly an additional seven days is not a whole lot, but if we could maybe extend it just by a little so that we could help to accommodate those small businesses and not just look at it from a perspective of large businesses, assuming that everybody, all employers, have a bankroll of money that they can pay out.

Now with that said, I do realise that there is an expectation that employees will be paid, you know, for

the work that they do. But there are instances where employers legitimately cannot come up with the monies that they need to pay staff. So I think that we need to take that into consideration when we are looking at this amendment.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Tucker. And thanks for making the switch. We could hear you very clearly.

Would any other Senator like to speak to clauses 11 through 19?

**Sen. Ben Smith:** I would like to speak to this.

**The Chairman:** Anyone else?

**The Clerk:** Senator Smith.

**The Chairman:** Oh, Senator Smith. Sorry, I did not see your hand.

**Sen. Ben Smith:** Yes, Madam Chairman.

I wonder if this would be an opportunity for us to put forward a proposed amendment from the Opposition on this specific clause.

**The Chairman:** Yes, I think it is most appropriate. Would you like to proceed?

#### PROPOSED AMENDMENT TO CLAUSE 11

**Sen. Ben Smith:** Yes. Thank you, Madam Chairman.

So as Senator Tucker was just speaking to the difference from seven days to fourteen days, that is the specific amendment which we would like to propose.

So after [clause 11(b)] we would like to insert [this amended language to proposed section 18(5)]: "Where an employee's [contract] of employment is terminated, his employer shall pay any wages and other remuneration and benefits which accrued at the date of termination and such payment shall be made within 14 days" (which would then remove "seven days") "of termination or at the next interval at which the employee would have been paid had the contract of employment not been terminated, whichever period is the longer, or . . ." (the alternative amendment would be within seven days of termination) "or alternatively, by such other date as the employee and employer may agree in writing."

**The Chairman:** Thank you, Senator Smith.

I believe all Senators have had that amendment in writing. And I do not know if anyone else still wishes to speak. Is there anyone?

Senator Wight.

**Sen. John Wight:** Thank you.

Thank you, Senator Simmons.

So I would agree with that, the wording that was just expressed to us, the “[or] alternatively by such other date as the employee and employer may agree in writing.” I like that wording because what it does is if for some reason this business does have a receivable that it will be receiving within, say, a month or so, this allows the business to receive the funds due and be able to pay the employee the required payment rather than just . . . You know, under the current wording, if the required payment is not paid within seven days there is a big issue. So I do not see any downside to having the employee and the employer agree in writing to different terms of settlement.

If the employee feels that this is not in his or her best interest, they do not have to agree to it, and that is the end of it. But if there is a good reason for that person to believe that it is in their best interest to wait until a later period to receive what they are due, then I think that is a good thing. So that wording seems to be sensible and in the best interests of both the employee and the employer, to me.

**The Chairman:** Thank you, Senator Wight.

Would anyone else like to speak to the amendments? And really, there are two amendments within that subsection. The 14 days, and then at the end, “alternatively by such other date as the employee and employer may agree in writing.” So there are two amendments.

**Sen. Ben Smith:** Thank you, Madam Chairman.

**The Chairman:** Would anyone else like to speak?

**Sen. the Hon. Dr. Ernest Peets:** Yes, Madam Chairman.

**The Chairman:** Yes. Please proceed, Minister.

**Sen. the Hon. Dr. Ernest Peets:** Thank you.

In relation to this particular [clause], what I would like to communicate to us as Senators . . . the importance here is really about bringing balance and fairness, particularly when we are living in a world where many employees are sometimes going weeks, months and sometimes years without getting the compensation which they are due. So this particular amendment, at least in my opinion, as well as I believe the opinion of the individuals who helped draft this legislation, is to protect from abuse, protect the employees. And this Bill, in my opinion, actually brings humanity back to our employees.

So, Madam Chairman, I am in full support of how the Bill is drafted in its current form. Seven days is reasonable, or the next interval of payment. So if I get paid every two weeks, my employer will then make compensation at the end of that . . . or at that expected interval.

If there are more questions, we are certainly interested in entertaining questions. But as it relates to this particular amendment [in the clause as drafted] this is really bringing some balance and some fairness back so that our employees actually have protection.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator, the Honourable Dr. Ernest Peets.

Would any other Senator like to speak to these amendments to clauses 11 through 19?

*[Crosstalk]*

**The Chairman:** If there are no other comments . . . did I see Senator Jones indicating that he wishes to speak?

**Sen. Marcus Jones:** No.

**The Chairman:** Okay. Thank you.

If there are no other comments, I believe we have to have a division. Is that correct?

**Sen. Arianna Hodgson:** Madam Chairman, I would like to just respond to the comments from Senators.

**The Chairman:** Yes, please. I am sorry, Senator Hodgson. Please go ahead.

**Sen. Arianna Hodgson:** No worries. I was just giving anybody else some space to make any further comments.

Madam Chairman, the Opposition Senators have looked at the clause that amends section 18 to provide timing for severance payments and have suggested two amendments that are actually satisfied in line with our proposed changes. Madam Chairman, they suggested fourteen days as opposed to seven, and would like additional language that would allow for agreement between employers and employees on the timing of payments, to reduce or avoid closures.

Madam Chairman, we believe that it is very reasonable to offer employers seven days to settle payment or to allow settlement by the end of the pay period. Regardless of whether persons are paid weekly or monthly, the proposed amendment provides ample time for employers to calculate wages or other remuneration and benefits and to make the final payment. Employers should have no issues settling payments by the end of the month for persons terminated during the first, second or even third week of the month. In the same breath, the proposed amendments will allow employers to terminate employees closer to the end of the month to benefit from a seven-day window to finalise any outstanding details.

Madam Chairman, we have also amended section 34 of the principal Act to require an employer to inform or consult the necessary persons as set out

in that section at least 14 days before giving notice. And so, Madam Chairman, in that same light, the employer actually has an additional 14 days to sort out any financial bits. As the employer, I believe that you should be in the position to sort out your affairs ahead of letting an employee going so as not to disadvantage the employee.

And of course, we are here to protect the rights of our workers; that will always be at the top of our agenda.

So, Madam Chairman, while we do understand the sentiments of the Opposition Senators, we cannot support this amendment at this time.

**The Chairman:** Thank you, Senator Hodgson.

And now I believe we will have to vote on the amendment that has been proposed.

**The Clerk:** We are looking at clauses 11 through 19. The first item will be the consideration of the proposed amendment to clause 11.

**The Chairman:** It is an amendment to clause 18 *[sic]*.

**The Clerk:** Yes. Clause 11, proposed clause 11.

**Sen. Adrianna Hodgson:** It is section 18, which is noted in clause 11.

**The Clerk:** Section 18 in clause 11.

**The Chairman:** Oh, okay. Okay.

**Sen. Adrianna Hodgson:** So I have to go back to the first?

**The Clerk:** No, no, no.

Madam Chairman, you could put the question to the Senators: Is there any objection to the proposed amendment to clause 11?

**The Chairman:** Senators, is there any objection to the amendment to clause 11?

*[Pause]*

**The Clerk:** Is there any objection to the [proposed] amendment to clause 11?

**Sen. Ben Smith:** Are we objecting to the amendment put forward, Madam Chairman?

**The Chairman:** Let me just get some clarity here.

Are we asking if there is support for the amendment as opposed to the other way around? I think I would rather put it that way.

Is there support for the amendment to clause 11?

**Sen. Adrianna Hodgson:** As in the amendment proposed by the Opposition?

**The Clerk:** Yes.

**The Chairman:** The amendment proposed by the Opposition, yes.

**Sen. Arianna Hodgson:** We do not support that, Madam Chairman, the amendment.

**The Chairman:** Okay.

**The Clerk:** There is objection, then?

**The Chairman:** I see three hands.

**The Clerk:** There is objection. So that requires a division then.

**The Chairman:** Yes. We have to have a division. And so we will vote.

**The Clerk:** On?

**The Chairman:** The amendment proposed by the Opposition to clause 11.

**The Clerk:** That is correct. Okay.

Senators, I will call your names individually. And you can answer Aye or Nay. So you would have to unmute to answer Aye or Nay for each individual Senator. Okay?

So again, this is concerning the proposed amendment of clause 11. Those in favour will say Aye and those opposed will say Nay.

I will call the names now.

## DIVISION

*[Proposed amendment to clause 11]*

### Ayes: 4

Sen. Ben Smith  
Sen. Robin Tucker  
Sen. Marcus Jones  
Sen. John Wight

### Nays: 7

Sen. Hon. Dr. Ernest Peets  
Sen. Owen Darrell  
Sen. Arianna Hodgson  
Sen. Curtis Richardson  
Sen. Lindsay K. Simmons  
Sen. Hon. J. E. Dillas-Wright  
Sen. Michelle Simmons

**The Clerk:** Okay. The vote totals. There are four ayes and seven nays. Madam Chairman.

**The Chairman:** Thank you, Mr. Somner.

In view of the vote, there are seven nays, four ayes, the proposed [amendment] by the OBA to clause 11 has been defeated.

*[Proposed amendment to clause 11 defeated by majority on division.]*

**The Chairman:** So, Senator Hodgson, would you proceed, and move clauses 11 through 19?

**Sen. Arianna Hodgson:** Madam Chairman, I move that clauses 11 through 19 be approved.

**The Chairman:** Are there any objections to clauses 11 through 19 being approved?

Senator Hodgson, I hear no objections, so please proceed.

*[Motion carried: Clauses 11 through 19 passed.]*

**Sen. Arianna Hodgson:** Thank you, Madam Chairman.

Madam Chairman, I would like to conclude by moving clauses 20 through 25.

Clause 20 amends section 36(1) of the principal Act to extend the period for which an employee's complaint (that his employer has failed to comply with a provision under the principal Act) may be made from three months to six months.

Clause 21 amends section 37(1) of the principal Act to require an inspector, within 14 days of either receiving a complaint under section 36 or having reasonable grounds to believe that an employer has failed to comply with any provision of the principal Act, to inquire into the matter.

Clause 22 amends section 40(5)(a) of the principal Act to increase the amount of compensation to be paid pursuant to this subsection, in respect of an unfair dismissal, from not less than two weeks' to not less than three weeks' wages.

Clause 23 inserts new Schedule 1 into the principal Act, which sets out the required content of the employer's policy statement against bullying and sexual harassment, and renumbers the existing Schedule as Schedule 2.

Clause 24 makes consequential amendments to the Human Rights Act 1981.

Clause 25 provides for a commencement date of 1 June 2021, and a savings provision.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson.

Would anyone like to speak to clauses 20 through 25?

There are no speakers, Senator Hodgson, so please proceed.

**Sen. Arianna Hodgson:** Thank you, Madam Chairman.

Madam Chairman, I move that clauses 20 through 25 be approved.

**The Chairman:** Are there any objections?

Hearing no objections, clauses 20 through 25 have been approved.

*[Motion carried: Clauses 20 through 25 passed.]*

**Sen. Arianna Hodgson:** Thank you, Madam Chairman.

**The Chairman:** Senator Hodgson, would you like to continue?

**The Clerk:** Move that the preamble be approved.

**The Chairman:** Yes. You need to move the preamble.

**Sen. Arianna Hodgson:** Yes. Sorry, Madam Chairman.

I move that the preamble be now approved.

**The Chairman:** Are there any objections?

There are no objections.

Please continue.

**Sen. Arianna Hodgson:** Thank you, Madam Chairman.

I move that the preamble be approved.

**The Clerk:** That has been done.

**The Chairman:** We have done that. Now you are moving on to the title.

**Sen. Arianna Hodgson:** Madam Chairman, I move that the title stands as part of the Bill.

**The Chairman:** Thank you.

Are there any objections to that?

There are no objections.

Senator Hodgson, please continue.

**Sen. Arianna Hodgson:** Madam Chairman, I move that the Bill be adopted by the Senate.

**The Chairman:** Are there any objections?

Hearing no objections, the Bill has been approved by the Senate.

Thank you, Senators.

*[Motion carried: The Employment Amendment (No. 2) Act 2020 was considered by a Committee of the whole and passed without amendment.]*

**Sen. Arianna Hodgson:** Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson.

**The Clerk:** Approved by the Committee.

**Sen. the Hon. Joan E. Dillas-Wright:** By the Committee.

**The Chairman:** And the Committee will now rise.  
Madam President, back to you. Thank you.

**Senate resumed at 12:28 pm**

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

## REPORT OF COMMITTEE

### EMPLOYMENT AMENDMENT (NO. 2) ACT 2020

**The President:** Thank you, Madam Chairman.

*[Crosstalk]*

**The President:** It has been reported by the Committee that the Bill has been passed by the Committee.

**The Clerk:** Approved by the Committee.

**The President:** Sorry, approved by the Committee with no amendments.

I call on the Senator to do the third reading.  
Senator Hodgson.

## BILL

### THIRD READING

#### EMPLOYMENT AMENDMENT (NO. 2) ACT 2020

**Sen. Arianna Hodgson:** Thank you.  
Madam President, I move that the Bill entitled the Employment Amendment (No. 2) Act 2020 be now read a third time.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Arianna Hodgson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill be now passed.

Is there any objection to that motion?  
No objection. The Bill is passed.

*[Motion carried: The Employment Amendment (No. 2) Act 2020 was read a third time and passed.]*

**The President:** Thank you, Senators.  
And, Senators, we will now break for lunch, and we will do the final Bill after lunch. And that is the second reading of the Trade Union and Labour Relations

(Consolidation) Act 2020 [that] we will take up after lunch.

Thank you.

**Sen. Michelle Simmons:** Resuming, Madam President?

**The President:** It is now 12:30, so we will [resume at] two o'clock.

**Sen. Michelle Simmons:** Thank you, Madam President.

**The President:** Thank you, Senators.

**Proceeding suspended at 12:30 pm**

**Proceedings resumed at 2:00 pm**

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

**The President:** Good afternoon, Senators. I trust you all enjoyed your lunch. We are now continuing with this afternoon's session of the Senate. We are now going to address the final Bill of our listing today and that is the second reading of the Trade Union and Labour Relations (Consolidation) Act 2020. This is in the name of Senator Arianna Hodgson, the Junior Minister of Labour.

Senator Hodgson, you have the floor.

*[Pause]*

**Sen. Adrianna Hodgson:** Sorry, I was muted. I won't do that again.  
Madam President—

**The President:** She was muted, yes.

**Sen. Adrianna Hodgson:** Madam President—

**The President:** Oh, the others have not come back yet.

*[Crosstalk]*

**The President:** I just want to confirm that everyone is here. I do not see the Opposition Senators yet.

*[Inaudible interjection]*

**The President:** There you are. Senator Marcus Jones, Senator [Smith], I think we are all here.  
So, Senator Hodgson.

**Sen. Adrianna Hodgson:** Thank you, Madam President.

**The President:** You can continue.

**Sen. Adrianna Hodgson:** Thank you. Madam President, I move that the Bill entitled Trade Union and Labour Relations (Consolidation) Act 2020 be now read the second time.

**The President:** Is there any objection to that motion?  
No objection.  
You can continue, Senator Hodgson.

## BILL

### SECOND READING

#### TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 2020

**Sen. Adrianna Hodgson:** Thank you, Madam President.

Madam President, I am pleased to introduce the Bill entitled the Trade Union and Labour Relations (Consolidation) Act 2020 which consolidates and modernises the Trade Union Act 1965, the Labour Relations Act 1975 and the Labour Disputes Act 1992. The Bill also adds a number of new provisions which will optimise and improve labour relations. This new statute, which fulfils Government's 2018 Throne Speech commitment, is designed to address in one place trade union- and labour-related matters. Madam President, as Honourable Members will be aware, this is the second of two Bills which together will become the Employment and Labour Code of Bermuda. The first was the Employment Amendment Bill which was just debated by the House.

Madam President, this Bill provides for the Employment and Labour Relations Tribunal, a single tribunal which will replace the Employment Tribunal, the Labour Disputes Tribunal, the Permanent Arbitration Tribunal, the Boards of Inquiry and the Essential Industries Disputes Settlement Board. This tribunal will handle all employment complaints and labour-related disputes.

Madam President, the tribunal will consist of 20 to 30 persons appointed by the Minister of Labour, and of these not more than 10 must be barristers and attorneys with at least eight years standing and possessing Bermudian status. The remaining persons must have experience and expertise to represent both employers and employees.

Madam President, the Bill introduces a civil penalty regime which will entail a faster, less laborious process for handling breaches of the Act with both the Labour Relations Manager and the Employment and Labour Relations Tribunal able to impose a penalty. Civil penalties up to \$10,000 may be imposed, and the system will replace most offences requiring court appearances.

Madam President, the Bill provides for changes in Trade Union certification and decertification. Automatic certifications will occur where there is agreement by the employer, and unions can show support of 60 per cent of the workers, an increase of 10 per cent under the current legislation.

With regard to decertification, the Bill provides for the Labour Relations Manager to cancel the certification without a ballot if he is satisfied that more than 60 per cent of the workers do not or no longer support the union as the exclusive bargaining agent for the bargaining unit. Both of these changes are expected to save time and effort.

Madam President, confidentiality of workers is imperative when the union is in the process of applying for certification, and the Bill provides that the identity of any worker wishing to have the union as his exclusive bargaining agent shall not be required to be exposed.

Madam President, currently employers must respond to an application for union certification within 14 days. The Bill lowers this to 10 days in an effort to reduce the potential for interference by management. Madam President, existing legislation requires a certified union to negotiate and agree an agency shop agreement to be voted on by the bargaining unit. This Bill provides that union certification would automatically prompt an agency shop agreement, making a ballot unnecessary.

Madam President, all employees benefit from collective agreements, not just persons who pay contributions for membership through the union. Currently, the Trade Union Act stipulates that workers with an agency shop agreement must either pay appropriate contributions to the union or to a charity. The Bill provides for a change in contributions to reflect a union's negotiation efforts in securing a collective agreement. Contributions will shift from the current option of 100 per cent to the union or 100 per cent to a charity, to either 100 per cent to the union, or 50 per cent partial contribution to charities and 50 per cent to the union.

Madam President, currently when a unionised employer discontinues, they are required to advise the union of the timeframe, the reasons why and the numbers and categories of workers affected. Once the organisation has been sold or transferred, there is no requirement for a union to continue to be the bargaining agent and there is no requirement for the new owner to be bound by any collective agreement.

Madam President, this Bill provides for a union to continue to represent a bargaining unit despite a sale or other transfer, and the new employer must abide by any collective agreement in place, resulting in the preservation of employees' terms and conditions of work.

Madam President, among the existing list of essential services are telephone, telegraph and overseas communication. I believe that we can all agree

that technology has exponentially increased since 1975, when the original legislation was launched, and that it is prudent that this statute be updated. Madam President, modern society cannot function effectively or efficiently without access to the Internet and, accordingly, the Bill adds Internet services to the Schedule listing essential services.

Prisons are important and integral part of the criminal justice system in every country. Prisons generally have the following roles: to punish the transgressors of the law; to protect society from future crimes; and to provide the necessary conditions to rehabilitate the individual's pursuits of life. Without prisons, society would be at a greater risk of danger, and it is prudent, therefore, that the Bill adds prisons to the list of essential services.

Madam President, this new statute provides a modern employment and labour code that increases efficiencies and functionalities and will be fit for purpose for many years.

Thank you, Madam President.

**The President:** Thank you, Senator Hodgson.  
Would any Senator care to speak on this Bill?  
Senator John Wight, you have the floor.

[Pause]

**The President:** Senator Wight, you are muted.  
There you are.

**Sen. John Wight:** Thank you, Madam President.  
I would like to start off by saying that I have a conflict of interest as I express my opinions on this. I am the Chairman of Bermuda Container Line, which is one of the three shipping companies that services Bermuda. So I start off with that conflict of interest.

I commend the Government on the addition of the services that they have included. The one omission to me, which I think is a very important one, is the omission of the docks, the stevedoring services. I raise that in the interest of the country in that you only have to look back to the four or five days before Christmas and the disruption that this caused for so many Bermudians.

And it may not be known to everybody in Bermuda, but 90 per cent of the goods brought into this Island are brought in on three container ships that service Bermuda from the US. So, certainly that disruptive period, as I say, caused great concern for businesses, and I think by not addressing the issue of the docks, you know, we are doing a disservice to Bermudians and Bermuda businesses. So my recommendation would be, at the very least, to include stevedoring services as an essential service. The goods could at least be removed from the ships and left on the docks.

I am not commenting on whether they should be delivered or not, but certainly they should be re-

moved and I think the world, since post-9/11, has changed considerably. These ships that service Bermuda every week, they cannot go back to the States with their goods because under the new laws in the US all of the goods returned to the US would have to be destroyed, essentially. So all the goods that come to Bermuda at some point have to be removed.

I think that any retailer before Christmas who was awaiting goods to sell to Bermudians and residents so that they could make money to be able to pay their Bermudian workers would share their concern that virtually every good that is brought into the Island is essential to somebody, in most cases, the businesses of Bermudians.

So that is the main concern I have with this legislation, this Bill, is that it does not . . . well, it does include some essential services as the Senator mentioned. I think it omits a very critical essential service to Bermuda, [that] being the stevedoring services. So Madam President, that is my main concern with the drafting of the Bill.

**The President:** Thank you, Senator Wight. I just want to remind everyone that we will be going into Committee so as you speak generally on this Bill remember that we will be going into Committee, so we will not be very specific on any of the clauses.

Would any other Senator care to speak on this Bill?

Senator Tucker, you have the floor.

[Pause]

**The President:** Oh, Senator Ben Smith? I am seeing both of you. Who is going to speak?

**Sen. Robin Tucker:** Madam President, it will be me.

Sorry, I had to move so that you would be able to hear me.

**The President:** Yes, indeed. We can hear you loud and clear, so please continue.

**Sen. Robin Tucker:** Okay. Thank you.

I actually would like to say that I do join Senator Wight in the way [he expresses his] concerns that he has as it relates to stevedoring services. I think that, again, it is a huge issue that certainly needs to be . . . and it is a little bit surprising that it was not addressed in this amendment. So I look forward to talking a bit more about that when we get to the Committee stage.

Another issue that I do have with the amendment as presented is the issue as it relates to non-unionised workers being required to pay half contributions to the union. While it is understandable that the union does provide representation, but also that taking monies away from charities is, in my opinion, just plain wrong in the way in which it is being done.

So what we want to remember is that the work that the charities do is vitally important to this community. To have the donations that are provided by the contributions from the non-unionised workers is vital. We certainly do know that the demand in this Island to rely on charities is huge, and it has grown, and it is growing.

The charities provide assistance for everything from food to shelter to medical assistance, counselling, and so on. We all have seen . . . in fact, we saw in the newspaper not too long ago where one of the Government Ministers was volunteering at a food bank, and he stated that the population of people who are actually utilising those food banks is vastly different from what it used to be. These are people who are working. It is people who, you know, it is families and so on. And so to take away monies from the charities, which a lot of them rely on donations, I think is problematic.

I think that as a Bermuda community that this is one area within this amendment that we should leave alone. We should leave it as it is where non-unionised workers can continue to pay 100 per cent of their contributions to the charity of their choice, because that is a contribution that they are making. With that said, I do believe that there should be some form of fee (I guess) paid to the unions because they are giving a benefit to non-unionised workers. But I just do not believe that it should be as much as 50 per cent.

Thank you, Madam President.

**The President:** Thank you, Senator Robin Tucker.

Would any other Senator care to speak?

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

First of all, I would like to thank and congratulate the Government for consolidating all of these trade union and labour relations legislations into one, instead of us trying to manage five or six different Acts. It will be a very, very, very helpful thing for all people who are involved with trade unionism.

Let me just put a little background in here. During the course of my research into this Bill that is before us today, we met with union leaders and the Chamber of Commerce to get their views. It was clear that there had been collaboration through the various representatives on the labour relations . . . sorry, I have forgotten the name of the committee that Government had put together. But it does not seem as though the collaboration led to the Act being presented to those various groups in a timely fashion so that they could give input to the Government, into the actual Bill. But I have to acknowledge there was collaboration, but perhaps not as good toward the end of the process as it could have been.

I want to encourage us to keep an eye on international standards. Bermuda is here in the midst of the Atlantic Ocean. We are all by ourselves. And sometimes we tend to be looking just at Bermuda and what is best for us here. But we are part of an international community and, therefore, I think that we need to keep an eye on international standards.

For example, when it comes to whether 100 per cent of the fees that non-unionised workers pay to charity is concerned, what happens internationally? And from my research, I found that it is quite common for non-unionised workers to have to contribute a portion of that contribution that would have gone to the union if they had been a union member, or if they had been unionised, it is quite common for a portion of that to go toward the union which is bargaining for and on the behalf of everyone in the bargaining unit, whether they are a member of the union or whether they choose to contribute to charity partially or fully. So, it is quite common for there to be a contribution expected to go to the union.

I also found that there is something called a “bargaining fee” which some places have enacted whereby a fee is paid to the union for negotiating a collective bargaining agreement. So, keeping an eye on what happens internationally, the proposal in this Bill, that 50 per cent of what normally goes to charities should be given to the union, is not out of the ordinary, it is quite in keeping with international best practice.

I also want to touch on something that caught a lot of media attention. And I am not quite sure why because this issue of decertification is already in the Act and not much has been changed in this amendment except I believe the unions in Bermuda would still like to see decertification when at least 60 per cent of the bargaining unit agrees to decertification as opposed to what is in the Act now, which is 50 per cent. So that seems to have caught a lot of media attention, but I do not think it is a big issue for anyone here.

And finally, I will just say before we go into Committee that it is important for us to look at this Act and keep in mind exactly what we are trying to achieve. We are trying to make sure that there is fairness in employment and that there is fairness in the relationships between trade union, labour and employer. So, let’s keep that in mind as we proceed to further the debate.

Thank you, Madam President.

**The President:** Thank you, Senator Michelle Simmons.

Would any other Senator care to speak on this Bill?

Senator Ben Smith, you have the floor.

**Sen. Ben Smith:** Thank you, Madam President.

I would also like to echo that we appreciate combining all of the different Acts into this one. It was

a task that was probably very difficult to do, but an important one, and we would like to thank the Government for doing that. But I would also like to echo some of the sentiments that have come from some of the Senators prior to me, starting with, specifically, what is going to happen to the charities in Bermuda.

Madam President, firstly, I would like to declare my interest as someone who works for a charity and somebody who has seen what has been happening in Bermuda over the last so many months with the amount of need for funding for these charities. A lot of times we do not realise that we are relying on our international businesses to foot the bill for what is happening in our third sector. Outside of that, with the monies that were being provided coming from unionised workers that did not want to contribute to the union, was a number that was also helping out our third sector which allowed them to provide some of the services that were so important over these last several months during the pandemic.

I take the point of Senator Simmons when she talked about international best practices. But I think it is also important that we look at the timing. If we look at how much money was being provided to the charities, coming from this particular area, I guess the first thing I wanted to do is ask, as the Government was preparing these amendments and this specific change is, Did they look into the details of how much money was actually being provided to the charities in this way?

So, how many workers were making the decision to give their money to charity instead of to the unions? And then what would the total amount be that normally would be provided to the charities prior to this change that we are discussing today?

It is important to know that because that shortfall that is going to happen to the charities . . . we need to figure out where that shortfall is going to come from when we have an economy that is in trouble. We have more people who need money and need assistance and at this time we are potentially looking to reduce the funding that is available.

Madam President, moving on to another topic that has been discussed by a couple of the Senators at present would be what is happening with the docks. The part that is difficult in Bermuda is that I believe that most people in Bermuda already have an assumption that the docks are an essential service. And I believe part of our issue is that when you explain it in a way that part of the items come off the boat, which are the items that are determined to be essential, that does not take in the full picture.

Senator Wight discussed the changes that happened after 9/11 when boats were not allowed to return back to the US, which means that those ships are having to sit in the harbour until whatever the dispute is is resolved, which is exactly what happened prior to Christmas. So, Madam President, what happens is that that first boat that arrived and took what

was deemed as “essential” off the boat, then moved into the harbour . . . while they were doing that little dance, they were missing their opportunity to go back to the US at the time that is needed for them to collect the next number of items and bring that back to Bermuda. Well, Madam President, anybody who shops in Bermuda will know that it only takes one ship to miss and you start to see items missing from our shelves.

So prior to the Christmas season, there were certain retailers that would have purchased items specifically for Christmas who because of the disruption that happened potentially did not receive their items because we actually had some boats decide not to come so that they could get back on schedule. They did not receive those items until very close to Christmas, or after Christmas, and they lost that opportunity. The difficulty with that is that has an impact on some of our small- to medium-size businesses and how they were able to get the revenue that they then need to be able to pass on as salaries to their employees.

So we need to make sure that when we are making our decisions we are looking at all of the points for those decisions, because Madam President, as we are going through this, it looks like something that is quite simple to adjust which would bring it in line to what the population believes—that the dock work is essential—and I believe that is something that we will be discussing further when we reach Committee.

There is one other point that I would like to just touch on, which [relates to] people today who are part of an organisation or business [who] potentially do not pay into union fees. After this Bill is passed in its present form, they will end up having to pay. And that is because of the automatic move to the agency shop. That is an adjustment. There are people today that will not know that that is a cost that will now be added to their end-of-year bill. Maybe today they are not really sure that this is about to happen.

I think it is important that we make sure that we are giving the information to the population so they have a full understanding of what it is that the union does for them and what these costs that we are talking about today are going towards.

And with that I thank you, Madam President.

**The President:** Thank you, Senator Ben Smith.

Would any other Senator care to speak on this Bill?

No, then—

**Sen. Marcus Jones:** Yes, Madam President.

**The President:** Senator Marcus Jones, you have the floor.

**Sen. Marcus Jones:** Thank you. Thank you, Madam President.

I have listened with rapt interest to my fellow Senators as they have made their positions and their points clear as it relates to this 84-page cumbersome piece of legislation that, in my humble opinion, weighs I think [disproportionately] in the favour of the worker at the expense of business.

Now, we fully understand and we can appreciate that the Government in power is a Labour Party. In fact, it was interesting to hear the Junior Minister make the statement that her party, her Government, represents the rights of the workers and it is their priority. So we expect that from a Labour Government. Now, we know through the generations of the Progressive Labour Party one of its major allies has been the unions. So as much the statements are made that these are two organisations that have separate purposes and separate objectives and goals, we all know that these two organisations are actually joined at the hip, especially when it comes to ensuring that their constituents, those who are part of the labour movement, are inspired and motivated to vote and to support the Labour Party. This happens in the world all over. But once one becomes the Government, it is important that this Government not just represent one sector of the population but it is their job to represent all people, everyone.

As I read through this 84-page document, it dawned on me—in fact, it struck me—that what is being proposed is heavily weighted on the side of the worker. Now, I do not want this Senate Chamber to be seen as a place where the Government in power can have it, the Senate, be a rubber-stamping process so that whatever is sent down to us—or sent up to us being that we are the “Upper House”—is just looked over and we just sign off on it. I believe that the Senate team that we have, on both sides of the political aisle as well as the Independents, is duty-bound to ensure that there is a balance in the legislation that we agree upon, that we sign off on, to make sure that there is equity and fairness for all sectors, all demographics, of the constituency of this entire Island.

And I must say, in my humble opinion, Madam President, this piece of legislation does not reflect that at all. In fact, I would suggest to you, Madam President, that it is the Independent Senators who are really the power brokers in this Senate because they will be the ones who will be the arbiters, they will be the ones that will make a deciding vote when it comes to these pieces of legislation.

We on the Opposition definitely value what the union has done in this country. No one can deny the many benefits that this country has been able to enjoy because of the hard work that the unions in this country have done. We can hail back to a time when the workers were not considered or valued to the point where they had good working conditions, good health benefits. We know that it was the hard work of the unions that did that. Having said that, we are living in a time when this pandemic has really put a stress on

the economy. Many companies are going out of business. And so we need legislation that looks at both sides and treats a worker . . . sorry, treats the employer and the business owner just as importantly as it does the workers.

Now, Madam President, as we went through this legislation line by line (and you will see in Committee that we have a number of amendments that we would like to submit and propose), we were able to find more than just four. We found eight, ten and even a dozen recommendations that in our view would be a little bit more equitable to those who are the employers. Think of it this way, if this country did not have sufficient businesses outside of government in the private sector, that was hiring people, that was able to gain a profit (that is why businesses go into business) then you would not have the luxury of having the benefit of a meal every five hours. You would not have the benefit of actually getting termination pay when you are let go because there would not be a business. So the Government needs, in all of its efforts, to ensure that there is a level playing field.

So, Madam President, that is my concern. We do applaud the combing of this legislation under one umbrella. We see a need to ensure that there are certain rights of the worker that are adhered to and recognised, but I implore this Government and I implore the Senators in this Chamber to make sure that when we ratify and when we sign off on legislation that we have done everything in our power to ensure that there is fairness and equity between both the worker and the employer. Thank you, Madam President.

**The President:** Thank you, Senator Marcus Jones.

Would any other Senator care to speak on this Bill?

No, then—

**An Hon. Senator:** I can.

**The President:** Does any Senator wish to speak on this Bill?

**An Hon. Senator:** I do not believe so.

**The President:** No. Then Senator Hodgson it is for you to respond to some of the concerns and to eventually take us into Committee. You have the floor.

**Sen. Adrianna Hodgson:** Thank you, Madam President.

We will get into the specifics more as we go through clause by clause, but I do want to make a quick response to Opposition and the Independent Senators.

Some companies have built their reputations on doing the right thing and others not so much. Madam President, the fact is that people want to work for companies they can be proud of. In fact, socially re-

sponsible companies outperform others when we look at attracting top talent, investors, and even consumers. Madam President, we are on a mission to change the working culture throughout the Island and we are putting exploitive employers on notice.

Madam President, I am also concerned about comments from the Opposition who seem to value profits over worker's rights. Even amidst a global pandemic we can do better to strike a balance, and we will.

Madam President, I move that the Bill entitled the Trade Union and Labour Relations (Consolidation) Act 2020 be read a second time.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Adrianna Hodgson:** Madam President, I move that the Senate do now resolve itself into Committee of the whole [Senate] for final consideration of the Bill entitled the Trade Union and Labour Relations (Consolidation) Act 2020.

**The President:** Is there any objection to that motion?  
No objection.

I therefore call on Senator Michelle Simmons, Vice President, to Chair the Committee.  
Thank you.

**Sen. Michelle Simmons:** Thank you, Madam President.

### Senate in Committee at 2:38 pm

*[Sen. Michelle Simmons, Chairman]*

## COMMITTEE ON BILL

### TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 2020

**The Chairman:** Senator Hodgson, would you like to proceed now?

**Sen. Adrianna Hodgson:** Yes, Madam Chairman.

Madam Chairman, the [Trade Union and Labour Relations \(Consolidation\) Act 2020](#) seeks to consolidate the Trade Union Act 1965, the Labour Relations Act 1975, and the Labour Disputes Act 1992 into a single Act; to establish an Employment and Labour Relations Code in respect of trade unions, labour relations and employment-related matters, and to provide for general reforms in respect of such matters; to provide for civil penalties to be imposed under the Employment and Labour Code; to provide for a single tribunal called the Employment and Labour Relations Tribunal; and to provide for related matters.

Sorry, Madam Chairman, I move that clauses 1 through 4 be approved.

Clause 1 is the citation of the Bill.

Clause 2 provides the definitions of terms used in the Bill. The definitions are largely modelled after the definitions set out under the Trade Union Act 1965, the Labour Relations Act 1975 and the Labour Disputes Act 1992. New terms provided under clause 2 include "civil penalty," which is a penalty imposed by either the Labour Relations Manager or the Tribunal in respect to a contravention not constituting a criminal offence; an "employer's organisation," which is an organisation established by employers, the principal purposes of which are the representation and promotion of employers' interests and the regulation of relations between employers and employees; and "Tribunal," which means the Tribunal established under the Employment Act 2000, as amended by this Bill. This clause also clarifies the definition of "worker" to include, subject to that provision, an employee under section 4(1) of the Employment Act and a person listed under section 4(2) of that Act who is not an employee for the purpose of that Act.

Clause 3 provides for persons to whom the Bill shall not apply. This provision is largely adopted after the Trade Union Act 1965 and the Labour Relations Act 1975, but removes the reference to prison officers for the purpose of the Prisons Act 1979 with the fact that prison officers are not excluded from the application of this Bill.

Clause 4 provides for the application of the Bill to the Crown.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson.

Would anyone like to speak to these four clauses, 1 through 4?

I do not think there any speakers, Senator Hodgson, so please proceed.

**Sen. Adrianna Hodgson:** Madam Chairman, I move that clauses 1 through 4 be approved.

**The Chairman:** Are there any objections to the approval of clauses 1 through 4?

There are no objections, so clauses 1 through 4 are approved.

*[Motion carried: Clauses 1 through 4 passed.]*

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman.

**The Chairman:** Senator Hodgson, it is over to you.

**Sen. Adrianna Hodgson:** Madam Chairman, I move clauses 5 through 19.

Clause 5 is the first provision under Part 2, Trade Unions, Chapter 1 of the Bill. Part 2 adopts largely the provisions of the Trade Union Act with

some modifications, and Chapter 1 provides for the objects, purposes and registration of trade unions.

Clause 5 provides for the definition of “trade union,” which is the same as under the Trade Union Act, but includes reference to the representation and promotion of workers’ interests. This clause also provides that an employer’s organisation shall, unless the context otherwise requires, constitute a trade union.

Clause 6 provides for the objects and purposes of the trade union, and enables a trade union to be registered even if under its constitution it has purposes other than statutory purposes.

Clause 7 provides that a trade union shall not be treated as a body corporate, except to the extent authorised under the Bill but that the trustees may still sue or be sued. This clause also provides that the Friendly Societies Act 1868 shall not apply to any trade union.

Clause 8 provides that the purposes of any trade union shall not be deemed unlawful so as to render any trade union members liable to criminal prosecution or to make any agreement or trust void because such purposes are in restraint of trade.

Clause 9 prohibits a court from entertaining any action against a trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union.

Clause 10 provides for trade union related agreements in respect of which the courts have no power to entertain any legal proceedings instituted for the purposes of directly enforcing or recovering damages for the breach of such agreements.

Clause 11 establishes the Registrar General and the Registrar of Trade Unions and requires the Registrar to keep and maintain a register of every trade union registered under the Bill and to make such register available for public inspection at all reasonable hours.

Clause 12 requires the registration of a trade union upon its establishment and makes it a summary offence for anyone on whom the duty falls to make an application for registration who fails to comply with such duty.

Clause 13 makes it a summary offence to be a member of an unregistered trade union.

Clause 14 sets out the procedure for the registration of a trade union and its constitution.

Clause 15 provides for the registration of a trade union and for the issuance of a certificate of registration to that trade union by the Registrar.

Clause 16 provides for the cases in which the Registrar may withdraw or cancel a trade union’s certificate of registration, sets out the procedures for such withdrawal or cancellation and makes the continued operation of a trade union after the withdrawal or cancellation of its certificate of registration a summary offence.

Clause 17 prohibits a trade union registered in Bermuda from being connected to any trade union or

organisation if, as a result of such connection, the trade union or any of its members is placed under the control of a trade union or other organisation which is established outside of Bermuda.

Clause 18 requires that notice be given to the Registrar where there is a change in the trade union’s registered address and makes failing to give such notice as required a summary offence.

Clause 19 provides for an appeal to the Supreme Court from a decision of the Registrar in relation to a refusal to register a trade union, a withdrawal or cancellation of a certificate of registration of a trade union, or a refusal to register an amendment or alteration to a constitution.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson.

Would any Senator like to speak to these clauses 5 through 19?

No, I do not think there are any speakers, Senator Hodgson.

**Sen. Adrianna Hodgson:** Madam Chairman, I move that clauses 5 through 19 be approved.

**The Chairman:** Are there any objections to the passage of clauses 5 through 19?

There are no objections.

Those clauses have been passed.

*[Motion carried: Clauses 5 through 19 passed.]*

**The Chairman:** Back to you, Senator Hodgson.

**Sen. Adrianna Hodgson:** Madam Chairman, I move clauses 20 through 39.

Clause 20 is the first provision under Chapter 2 of Part 2 of the Bill which provides for the administration and membership of trade unions. This clause sets out the requirements in relation to the constitution of a registered trade union and provides for the registration of an amendment or alteration to a constitution, enables the Registrar to refuse to register an amendment or alteration, and requires a registered trade union to make its constitution available to the public upon request. This clause used to be called the “Rules of Trade Unions”, now it is called “Constitution of Trade Unions.”

Clause 21 provides for the information to be submitted annually by a registered trade union to the Registrar and provides for summary offences for any failure to comply.

Clause 22 makes it a summary offence for any person to circulate a false copy of a trade union’s constitution.

Clause 23 provides for offences in relation to the falsification of accounts in respect of a trade union by any officer or member of, or person employed by a trade union.

Clause 24 enables the Registrar, with the consent of the Director of Public Prosecutions, to institute proceedings for any offences under the preceding sections of Part 2, and to conduct such proceedings.

Clause 25 enables a registered trade union, not including an employer's organisation, to purchase or lease land not exceeding one acre and to sell, exchange, mortgage or let any such land.

Clause 26 provides for the vesting and control of any property belonging to a registered trade union, not including an employer's organisation, in the trustees of the trade union for the use and benefit of the trade union and its members.

Clause 27 provides for the trustees of the registered trade union, not including an employer's organisation, to bring and defend actions concerning the property rights for claim to property of the trade union and to sue and be sued in cases relating to the property of the trade union.

Clause 28 limits the liability of a trustee of a registered trade union for any deficiency in the funds of that trade union, but provides for the liability of a trustee for monies which are actually received by him on account of the trade union.

Clause 29 requires every treasurer or other officer of a registered trade union to render to its members audited accounts in keeping with this clause and with the trade union's constitution and to hand over, if so required, to the trustees any balance or other property of the trade union in his custody.

Clause 30 provides for a penalty to be given to any person by a court of summary jurisdiction in respect of any false representation to obtain any money or other effects of a trade union or the withholding or fraudulent misapplication of any monies or other effects of a trade union.

Clause 31 restricts the application of the funds of a trade union in furtherance of certain political objects.

Clause 32 prohibits certain persons from being an officer of a trade union or from being employed in the administration or collection of funds of a trade union.

Clause 33 provides for the process by which a trade union may change its name.

Clause 34 provides for the process by which two or more trade unions may be amalgamated and provides that such an amalgamation may be effected with or without any dissolution or division of the funds of a trade union.

Clause 35 requires written notice of every name change or amalgamation of a trade union be given to the Registrar to register such change or amalgamation and provides that no such change of name or amalgamation shall take effect until it is so registered.

Clause 36 requires notice to be given to the Registrar in respect of the dissolution of a trade union

and provides for the Registrar to register such notice of dissolution.

Clause 37 provides for the forfeiture of money where any officer or other person bound by the constitution of a trade union to give notice or send or produce any document, which under this Bill is required to be given, sent or produced, fails to do so.

Clause 38 makes provision, subject to a trade union's constitution, for a person under 18 but over 16 years of age to become a member of a trade union but restricts the holding of any office of a trade union to members who are 18 years of age or older.

Clause 39 sets out the rights of a worker in respect of his trade union membership and provides for the associated obligations of an employer arising in relation to such worker's rights.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson.

Would any Senator like to speak to clauses 20 through 39?

No, it is quiet.

Senator Hodgson, there are no speakers.

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman.

Madam Chairman, I move clauses 20 through 39 be approved.

**The Chairman:** Is there any objection to the approval of clauses 20 through 39?

There are no objections, so clauses 20 through 39 have been approved.

*[Motion carried: Clauses 20 through 39 passed.]*

**The Chairman:** Thank you, Senator Hodgson, back to you.

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman.

Madam Chairman, I move clauses 40 through 60.

Clause 40 is the first provision under Part 3 (exclusive bargaining rights for certain trade unions) Chapter 1 of the Bill. Chapter 1 provides for the certification of a union as the exclusive bargaining agent for a bargaining unit. This clause sets out the terms specific to Part 3 as adopted from the Trade Union Act [1965] except for the new term "partial contribution," which means 50 per cent of an appropriate contribution.

Clause 41 enables a registered union, claiming to have 35 per cent or more of the workers in a proposed bargaining unit as members in good standing of that union, to apply to the Labour Relations Manager to be certified as the exclusive bargaining agent in respect of that proposed bargaining unit.

Clause 42 provides for the form and procedure pursuant to which a registered trade union may make an application to be certified as the exclusive bargaining agent of a proposed bargaining unit. This clause also requires a union to serve notice of such application on the employer and protects the identity of any worker wishing to have the union as his exclusive bargaining agent from being disclosed.

Clause 43 enables the Labour Relations Manager, in the case of an application for certification having been made, to assist the union and the employer in determining the appropriate bargaining unit. This clause also requires the manager, where the union and the employer are not able to agree on the determination of the appropriate bargaining unit, to advise the Minister who will then refer the issue to the tribunal for determination.

Clause 44 requires an employer, after receiving notice of a union's application for certification, to respond within 10 days, reduced from 14 days, to the Labour Relations Manager, that he either agrees to or opposes the application. Where an employer agrees to the application, the manager shall certify the union in accordance with section 46, and where the employer opposes the application the manager shall conduct a ballot pursuant to section 47.

Clause 45 places a duty on an employer, who has received notice of an application for certification, to designate a person who may take on his behalf any action as may be required to be taken by the employer for the purposes of Part 3 Chapter 1 (Certification).

Clause 46 enables the Labour Relations Manager to automatically certify a union as the exclusive bargaining agent in respect of a proposed bargaining unit in any case where only one application for certification is made, the employer has agreed to such application, and the Labour Relations Manager is satisfied that more than 60 per cent of the workers in that unit wish to have the union as their exclusive bargaining agent. This is an increase of a percentage from 50 per cent to 60 per cent. This clause also adopts the deeming provision set out in section 30F of the Trade Union Act 1965 to enable the deemed certification in respect of certain union parties under that Act to be retained under this Bill.

Clause 47 provides for the certification of a union by way of a ballot conducted by the Labour Relations Manager.

Clause 48 places a duty on employers, in relation to the conduct of a ballot, to take all necessary steps to ensure workers who are eligible to vote in a ballot have the opportunity to do so and to permit workers to be absent from work to vote without a deduction in pay.

Clause 49 provides for the protection of persons voting in a ballot, for a civil penalty to be imposed for any contravention, and for the Tribunal in the case of a contravention to declare the outcome of a ballot null and void.

Clause 50 provides for the conduct of persons generally in relation to a ballot, for a civil penalty to be imposed by the Tribunal for any contravention, and for the Tribunal in the case of a contravention to declare the outcome of a ballot null and void.

Clause 51 provides for the grant or refusal of certification by order by the Labour Relations Manager and, in the case of a refusal, such refusal shall be on the grounds that the Labour Relations Manager is not satisfied that more than 50 per cent of the workers in the bargaining unit support the certification of the union.

Clause 52 requires an employer to deal with a union that has been certified as the exclusive bargaining agent in respect of a bargaining unit, and requires both the employer and the union to negotiate with each other in good faith for the purposes of collective bargaining.

Clause 53 provides that where an employer decides to close, sell or otherwise transfer his undertaking and where a union has either made an application for certification or is certified in respect of a bargaining unit in that employer's undertaking, the employer must give notice to the Labour Relations Manager and to the union of the time of, the reasons for, and the number and category of persons who will be affected by such closure, sale, or other such transfer of the undertaking. This clause also makes an employer who fails to comply with this provision liable to civil penalty.

Clause 54 provides for successor obligations where an employer sells or otherwise transfers his undertaking in any case where a union has either made an application for certification or is certified in respect of a bargaining unit in that undertaking. This clause also provides for successor obligations to enable, in the case of an amalgamation of unions, a successor union to be deemed to have acquired the rights, privileges and duties of its predecessor under a collective bargaining agreement or otherwise.

Clause 55 provides that the effect of certification of a union include; (a) a requirement that the union provide full and fair representation of the interests of all workers in the bargaining unit in respect of their rights under a collective bargaining agreement; (b) the replacement of any other union previously certified and the exclusive authority of the certified union to bargain collectively on behalf of the bargaining unit; (c) the establishment of an agency shop in respect of that bargaining unit; and (d) the cancellation and termination of the replaced union's certification and agency shop, respectively. This clause also makes void any provision in an existing collective bargaining agreement, made before the coming into operation of this Bill, which is contrary to the requirement to provide full and fair representation and an agency shop.

Clause 56 prohibits an employer from denying an authorised representative of a union which is certified in respect of a bargaining unit in that employer's

undertaking, reasonable access to the employer's premises for the purposes of the activities of the union. This clause also provides for permission to be given by the employer before such activities may be engaged in and makes an employer who fails to provide reasonable access or a union that engages in activities without the employer's permission, liable to receive a civil penalty as may be imposed by the Tribunal.

Clause 57 provides for the cancellation of a union certification by way of application to the Labour Relations Manager. Such application may be made by any worker in a bargaining union on the grounds that 35 per cent or more of the workers in the unit no longer support the union as their exclusive bargaining agent. If on such application the Manager is satisfied that more than 60 per cent of the workers in the unit no longer wish to have the union as their exclusive bargaining agent, he may cancel the certification in the absence of a ballot.

This clause also provides for the cancellation of a union certification on the conduct of the ballot where more than 50 per cent of the workers voting do not or no longer support the union as their exclusive bargaining agent. This clause also provides for the reconstitution of the bargaining unit by an agreement between the union and the employer, or if no agreement can be reached by determination by the Tribunal.

Clause 58 requires cancellation of the union certification be made by order by the Labour Relations Manager. This clause also provides that where a union's certification is cancelled, the agency shop in respect of that union shall terminate, and that the union shall not be permitted to apply for certification in respect of that bargaining unit until the expiration of a period of 12 months.

Clause 59 gives effect to Schedule 1 which sets out the procedure to be followed in the conduct of a ballot.

Clause 60 provides for the form and delivery of an order made by the Labour Relations Manager in respect of the grant or refusal of certification, the cancellation of certification, or the rejection of an application for the cancellation of certification. This clause also enables the union or the employer to appeal to the Tribunal (via the Minister) such an order.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson.

Would any Senator wish to speak on clauses 40 through 60?

Senator Robin Tucker, I see you.

**Sen. Robin Tucker:** Thank you, Madam Chairman.

I did want to speak to clause 40 as it relates to the interpretation of a management person.

**The Chairman:** Mm-hmm.

**Sen. Robin Tucker:** We in the Opposition feel that the current definition falls a little bit short of what it should be to really ensure that both employer and employee fully understand what it means to be a management person.

**An Hon. Senator:** Madam Chairman, sorry, could Senator Tucker just clarify which clause she is speaking to?

**Sen. Robin Tucker:** [Clause] 40.

[Pause]

**Sen. Robin Tucker:** All right. Can you hear me?

**The Chairman:** Yes, we can hear you.

**An Hon. Senator:** Thank you.

**Sen. Robin Tucker:** You're welcome.

So in the primary Act there was a reference to exercising disciplinary control in addition to the other descriptors that are currently in the Act. That particular reference in terms of "disciplinary control" was removed. So, removing it does leave the definition to be a little bit vague in that it looks really at simply people who can hire or fire.

In a situation where there is a grey area in terms of who is actually a management person, then effectively what could happen is in that situation where there is a dispute an employer could find that his manager, or the person who he has deemed as the management person, who could also be a shop steward, the individual would have to determine whether they should remain as part of the management team and support the organisation or if they should support the union and perhaps even walk out with the staff.

These are situations that have happened in Bermuda in our workplaces, and so we just think that it is important to be able to fully clarify what it means to be a management person. And by putting that wording back in, [it] actually helps to do that. Thank you.

**The Chairman:** Thank you, Senator Tucker.

Would any other Senator like to speak on these clauses, 40 through 60?

**Sen. Ben Smith:** Yes, Madam Chairman.

**The Chairman:** Senator Smith.

**Sen. Ben Smith:** Yes, I do not think anyone else was putting their hand up to speak, so I think this would be an opportunity to put forward the proposed amendment.

**The Chairman:** Yes, please. Go ahead.

#### PROPOSED AMENDMENT TO CLAUSE 40

**Sen. Ben Smith:** So the proposed amendment which is to restore the previous language defining “management person.” So this is again in [clause] 40, a management person means a person who, in the course of his employment in an undertaking, has authority in the interests of the employer (a) to employ, transfer, lay off, recall, promote, exercise disciplinary control, or dismiss other workers; or (b) in relation to the direction and management of the undertaking.

So the important piece here is “exercise disciplinary control” which is what was removed from the original language. Our proposed amendment is to put that back in.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Ben Smith.

Is there anyone else who would like to speak to these clauses or specifically to the amendment that has been proposed?

No? Okay. I think we will therefore need to have a division.

**Sen. Adrianna Hodgson:** Madam Chairman.

**The Chairman:** Oh, would you like to respond, Senator Hodgson?

**Sen. Adrianna Hodgson:** Yes, I would.

**The Chairman:** Okay. Thank you. I am sorry.

**Sen. Adrianna Hodgson:** No worries.

Madam Chairman, the Opposition Senators are asking us to restore the previous language used to define a management person. And while it is unfortunate that the Opposition Senators do not understand the importance of removing this particular bit, I am not surprised.

Madam Chairman, as you are aware, managers cannot join a union. These employees are considered to be part of a company’s management rather than its labour force and collective bargaining cannot take place on their behalf. Madam Chairman, the amended legislation helps to clearly define a management person and given the Opposition’s desire for transparency, I would think that they would appreciate the clear line that has been drawn.

Madam Chairman, the issue here is that for years employers have strategically acted in order to make it harder for staff to seek union representation. We have heard of many instances where employers have manipulated job descriptions and organisational charts in order to exclude more employees from union membership. As you can appreciate Madam Chairman, we simply cannot allow this to continue.

Madam Chairman, both governments and employers must do their part to protect the worker and unfortunately this is a case where the Government has to step in to promote decent working environments through legislative changes.

Madam Chairman, as we aim to increase accountability and responsibility, we simply cannot allow employees to continuously be manipulated by employers. And for these reasons the Government cannot support this amendment at this time.

**The Chairman:** Okay. Thank you, Senator Hodgson.

**Sen. Adrianna Hodgson:** Madam Chairman, I move—

**The Chairman:** I think we have to have a division. Mr. Somner?

**The Clerk:** We are, of course, considering clauses 40 through 60, but the first item to be considered is the proposed amendment by Senator Smith. So we will have a vote on the proposed amendment of clause 40 regarding the definition of management person.

Madam Chairman, you could put the question to Senators on their support for the proposed amendment.

**The Chairman:** Okay. We have a proposal from Senator Smith that clause 40 be amended to read as follows:

“Management person’ means a person who, in the course of his employment in an undertaking, has authority in the interests of the employer (a) to employ, transfer, lay off, recall, promote, exercise disciplinary control, or dismiss other workers; or (b) in relation to the direction and management of the undertaking.”

Of course, the significant amendment is including the words “exercise disciplinary control.” So we would like to know those in favour of the amendment that has been proposed by Senator Smith.

Mr. Somner, would you like to proceed?

**The Clerk:** Those in favour say Aye.

Those opposed, please indicate opposition.

Those opposed to the proposed motion please say that that you have objection.

**The Chairman:** I object.

**The Clerk:** Are the other Senators objecting?

**Sen. the Hon. Dr. Ernest Peets:** Thank you. Are you asking each Senator by name to say Aye or Nay?

**The Clerk:** Not yet. Just say whether you object to the motion.

**Sen. the Hon. Dr. Ernest Peets:** Object.

*[Crosstalk]*

**The Clerk:** Objection. Okay. We have at least two Senators objecting, so we now have to do a division. I will call the names individually.

Those in favour of the proposed amendment will vote Aye and those opposed will vote Nay.

Okay.

I will call the names.

## DIVISION

*[Proposed amendment to clause 40]*

### Ayes: 4

Sen. Ben Smith  
Sen. Robin Tucker  
Sen. Marcus Jones  
Sen. John Wight

### Nays: 7

Sen. the Hon. Dr. Ernest Peets  
Sen. Owen Darrell  
Sen. Arianna Hodgson  
Sen. Curtis Richardson  
Sen. Lindsay K. Simmons  
Sen. the Hon. J. E. Dillas-Wright  
Sen. Michelle Simmons

**The Clerk:** Okay, Madam Chairman, the votes are four ayes and seven nays.

**The Chairman:** In view of the vote on the proposed amendment to clause 40, I declare that that amendment has been defeated.

*[Proposed amendment to clause 40 defeated by majority on division]*

**The Chairman:** Senator Hodgson, would you like to propose the movement—

**Sen. Ben Smith:** Madam Chairman.

**The Chairman:** Yes. Senator Smith.

**Sen. Ben Smith:** Just before we go forward, one of the amendments that we are putting forward later has a consequence in [clause] 40. So I just want to note that we might have to come back to this one.

**The Chairman:** Yes, I did make a note of that.

**Sen. Ben Smith:** Thank you.

**The Chairman:** Senator Hodgson, would you like to move clauses 40 through 60?

**Sen. Adrianna Hodgson:** Yes, I would.

Madam Chairman, I move that clauses 40 through 60 be approved.

**The Chairman:** Are there any objections to clauses 40 through 60?

There are none; therefore, clauses 40 through 60 have been approved with a note that another amendment to clause 40 may be forthcoming.

*[Motion carried: Clauses 40 through 60 passed.]*

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman.

Madam Chairman, I move clauses 61 through 65.

Clause 61 is the first provision under Part 3, Chapter 2. Chapter 2 deals with the agency shop and this clause provides that, pursuant to certification, there shall be an agency shop where the terms and conditions of employment of any worker (for whom collective bargaining may take place) include a condition that such worker must either be a member of the union or agree to pay appropriate contributions to that union in lieu of membership. This clause also requires an employer of a worker, for whom collective bargaining may take place, to set up the agency shop in accordance with the collective bargaining agreement and in respect of the description of workers to whom such agreement applies. Finally, this clause provides that any employer who fails to comply shall be liable to a civil penalty as may be imposed by the Labour Relations Manager or by the Tribunal.

Clause 62 provides that a worker in respect of whom an agency shop applies may only refuse to be a member of the union for whose benefit the agency shop exists if he pays appropriate contributions to the union or partial contribution to charity in lieu of membership.

Clause 63 provides for what may, under a collective bargaining agreement, constitute an appropriate contribution in lieu of membership to a union. This provision is largely adopted from the Trade Union Act [1965] and requires the employer to pay to the union the appropriate contributions collected and to give to the union an account of the total amounts collected and a schedule of the names of the workers from whom contributions were made.

Clause 64 provides for partial contributions to be made to a charity in lieu of membership to a union in a case where a worker, in respect of whom an agency shop applies, objects to being a member of the union for whose benefit the agency shop exists and objects to paying appropriate contributions in lieu. In such a case, a partial contribution (50 per cent of the appropriate contribution) is paid to the charity selected by him whilst the remainder is remitted to the union. This clause requires the employer to pay to the charity and to the union such contributions collected and to give to such charity and union a written account of the total amounts paid and remitted and the names of the workers from whom contributions were made.

Clause 65 provides for the duration of an agency shop which shall be the period during which

there is a union certified. This clause also provides, for the avoidance of doubt, that nothing in this Chapter shall render void any existing agreement or scheme under which an agency shop was entered into before the coming into operation of this Bill, but that where such an agreement or a scheme includes a provision contrary to this clause, clause 63 (appropriate contributions to union in lieu of membership) or clause 64 (partial contributions to charity) then that provision of the agreement or scheme shall be void.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson. You are on a marathon here.

**Sen. Adrianna Hodgson:** Right!

[Laughter]

**The Chairman:** Would anyone like to speak to clauses 61 to 65?

Senator Robin Tucker, I see you hand.

**Sen. Robin Tucker:** Thank you, Madam Chairman.

I would just like to speak to clause 64. In the other part of our meeting I had already raised the issue with regard to charity and the charitable contributions being redirected to the union. I just want to really restate, I guess, here about the issues with this particular amendment.

One, we are forcing people who do not wish to contribute to the union to contribute to the union. And then that raises the question for me about whether there has been any investigation by the Government to ensure that constitutionally we are able to do that. And then, too, it is taking funds from the charities that are providing this community with a service and are supporting this community in ways that a lot of entities cannot or will not and [it] is doing a disservice to the community.

So I wanted to restate that because I cannot express how dismaying it is that this Government that purports to support and care about the community that they would do such a disservice in this way. And so I find this particular amendment to be hugely problematic, and I just want to express that because, again, we have residual impacts coming down the road especially when we are taking away funding from charities that some people who were at one point able to contribute to charities may find themselves out of work and unable to contribute and actually start being clients of the charities. And some people have already done that.

These are some very, very, very difficult times that we are living in, and I do not think that anybody would disagree with that. But I want to restate that I do believe that the unions should be receiving some form of a fee for the work that they do. I do not want anyone to think that we do not support the unions; we

absolutely do. But in this particular instance taking money away from the charities and giving 50 per cent of it to the unions I think is *grossly unfair* (to use Senator Simmons' words when we were talking about fairness). I think it is grossly unfair to do that when the impacts will be on the entire community and not just on a segment of the population.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Tucker.

Would any other Senator like to speak?  
Senator Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam Chairman.

I think of all the readings I had to do for today this was probably the one that caused me the most consternation, because I see both sides of the issue.

My initial thought before I read through the entire legislation was, *Why should a member who does not want to be part of a union pay into it?* But then upon learning that, in fact, these non-unionised workers do receive the same benefits as union workers, they are negotiating in their behalf, I do see justification for a certain amount to go to the union because the employee does benefit.

So, whether the right number is 25 [per cent] or 50 [per cent], I think that is sort of up for debate. But certainly in principle I believe the union should be receiving something. I think it is just a very unintended consequence, as other Senators have expressed, that at a time in Bermuda when the third sector, which does such great work for Bermudians desperately needs funding, that this will cause a further shortfall in their funding. So, I just think that it is one of those sort of can't win, can't . . . whichever way you look at it.

So I am in favour of a payment being made to the union by these non-union members, but I recognise that this is a really unintended consequence for many people in our community that need the services of the many charities in the third sector.

**The Chairman:** Thank you, Senator Wight.

Would any other Senator like to speak?  
Senator Smith.

**Sen. Ben Smith:** Yes, thank you, Madam Chairman.

I think we have all been kind of talking about this over and over again. I really believe that it is important that we note that we are not against the unions in this position. Really, what we are talking about is the impact that it is going to have on charities.

I asked the question before we moved into Committee if we had any idea what the number was. Right? Because we are talking about this, but we do not actually know what the impact is going to be. I think it is an important question to have answered. How many workers presently— I guess the best number for us to look at—in 2019 how many workers were deciding to give their contribution to charity? So then

from that you would also know what the total amount was that was given to charity.

And the reason that it is important to know that answer is so that we know what impact this is going to have, because prior to the pandemic hitting, Madam Chairman, we saw several charities start to close already because of the way the economy was going. And I know that everybody in this room has charities that are near and dear to their hearts, that they want to make sure they continue to work because they know the important work that is being done by those charities.

So the problem right now is that we are kind of aiming blind. So the 50 per cent number, for us, we know seems to be quite big. When you look at what Senator Wight said, maybe it is another number. We just do not know because we do not know what the overall total is that we are talking about.

We know that any impact on the charities at the moment is going to be a problem. But we want to know how big of an impact this is. You know, if this is going to mean that certain charities are not going to make it this year, and they are doing great work, this cannot be what we are signing up for. And it is . . . I know that this is not why they set out to write this in here, but at the same time, at this period when we are making this decision, we are moving the money from the charities and we are giving the money to the unions.

So, yes, there should be some fee for the workers. At the same time, now that you are paying 50 per cent are you able to attend 50 per cent of the meetings if you feel like going to those meetings?

You know, there are some pieces here that we need to have a better understanding of because there are workers who made a decision that said they did not want to do this. And they were given a choice and that choice was that you can now give that money to charity. Now we are saying that we are going to take some of that money and give it to the unions.

Madam Chairman, it is important that we know what impact that is going to have on charities before we move forward on this decision that is going to have a real impact on people's lives.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Smith.

Would anyone else care to speak on clauses 61 through 65?

**Sen. the Hon. Joan E. Dillas-Wright:** Madam Chairman, it is Joan Dillas-Wright.

**The Chairman:** Yes.

**Sen. the Hon. Joan E. Dillas-Wright:** Yes, I would like to speak on it as a member of a charitable group and also I have friends who are. And certainly at this time during COVID-19, this past year, the charities

have suffered greatly. And I am aware of that and I concur with several of my colleagues in that whether or not the 50 per cent is the appropriate level. I do not know if that is, but since it is in this amendment, I have to go by what it states.

I really do not support 50 per cent not going to the charities. And it comes because I have been trying to support charities for a very long time and I know that at this time it is very difficult for them. You just have to go to all the different churches and we see the number of people who are lining up for food, and I can only see and anticipate and in my talking with them is that the charities are really suffering greatly.

So those are my comments about the charities and I would have to say that I would support this amendment that is being placed before the Senate today.

**The Chairman:** Thank you, Madam President.

I would like to make a [brief] comment. And it is really because of something that Senator Ben Smith has said. And it is a really important point. Madam President touched on it as well.

We are flying blind to a large degree here because we just do not know. I will say that we did try to get the information on how much money is currently being contributed to charities by people who are in a bargaining unit but divert their funds to a charity. I believe we all know that charities are struggling and probably asking for something which they would have to pull together administratively, [but] they are not in a position to do that. So we are flying blind to a large degree here. And that is unfortunate.

But I also know that in this community there are many people who benefit from the collective bargaining work of the unions and do not contribute a penny. There are some persons outside of bargaining units who also benefit from the work of the unions and give absolutely nothing back. That, I think, is very unfair because negotiating a collective bargaining agreement is work.

For any of you who have been involved in negotiations, it is not a walk in the park. So, in fairness to the work of the unions, I will just add one other thing. We discovered in our discussion with the unions that it is not uncommon for union representatives to help workers in the bargaining unit who are giving their money to charity, i.e., by representing them on demand. So the unions give generously of their time, and I think this amendment that has been proposed to the Bill is a fair one, but I guess I would have a greater degree of comfort voting for it if we knew how much money the charities actually receive from these union contributions.

But as we are blind, I have to take a stab in the dark and I am just going to support the Bill as it has been tabled.

Thank you.

**Sen. the Hon. Dr. Ernest Peets:** Madam Chairman, I would like to speak just for a moment. I certainly do not want to steal the attention from the Junior Minister, but it would be remiss of me if I did not mention today that charities struggle, unions also struggle.

This particular Bill keeps choice still there. This particular Bill and amendment does not erase the ability for persons to give to charities. So charities are still kept in the purview. It would also be important to note that of course if we do nothing or if we revert back to a previous way of thinking and a previous way of working we will continue down this path where the unions are representing the entire workforce and are not getting the benefit of the work that they are doing because all of us who are working in the workforce at some point in time are going to benefit from the collective bargaining agreement.

So I do understand there are some issues and some questions, this is certainly still moving us in the right direction. Those are my comments at this time, Madam Chairman.

**Sen. John Wight:** You are muted.

**The Chairman:** Thank you, Senator Peets.

Would any other Senator like to speak on clauses 61 through 65?

**Sen. John Wight:** Am I able to add another one?

**The Chairman:** Yes, Senator Wight, I believe you can speak again.

**Sen. John Wight:** I would very much like to support this, but I would just like to have the facts. You know, I 100 per cent want to support the union with some sort of payment because I think it is fair and appropriate for them for the reasons we cited. But to share some of my other colleagues' feelings, I think we need the facts first before we can make a final decision is my view on this.

So, you know, when the facts are presented, absolutely, 100 per cent in support of it, but without the facts it is difficult in my view to fully support it at this time.

**The Chairman:** Thank you, Senator Wight.

Would any other Senator like to speak on clauses 61 to 65?

**Sen. Owen Darrell:** I would, Madam Chairman.

**The Chairman:** Senator Darrell, please proceed.

**Sen. Owen Darrell:** While I do hear the Opposition speak about the work that charities in Bermuda do I also have seen as an educator over the years that charities have done a lot of good work in the community. And I have seen individuals in this community

find very unique ways to raise funds for their charity. I do not think that the unions in this country who, as has been stated, work extremely hard for workers of this country—hours around the negotiating table . . . union executives that I know, every time I talk to them, they are working deep into the night, maybe weekends, working on the issues on their membership.

And while I have done a bit of research on this, I have been made to understand that [the number of] individuals who choose to opt out of the union is actually very small. And out of that small number I have also been made to understand that about 90 per cent of them actually still, although they are not seeking union representation, give their money to the union because they understand the model where if they are getting a service they should pay for it.

So, I do not quite buy the argument by the One Bermuda Alliance that this small amount, yes, I would agree that we do not have the numbers, but I do not buy that this small amount is going to be the amount that shuts down the charities. I do not think that this should lay at the feet of the unions of this country. I just do not buy it at all.

So, I would like to say that I am in support that it should be a 50/50 split, and I would just like to take this opportunity also to thank the workers of the unions for working and fighting for the rights of workers. I have yet to see union negotiations come to the other side where there is a 2.0 [per cent], 2.5 [per cent], 3.0 per cent increase and non-unionised workers say, *No thank you. I would like to give that 4.0 per cent directly to charity.* I have not seen that yet.

So, I am not in support of the amendment by the One Bermuda Alliance.

**The Chairman:** Thank you, Senator Darrell.

Would any other Senator like to speak on clauses 61 through 65?

And I believe there is an amendment which has not been put forward yet, but Senator Smith, would you like to do . . .

**Sen. Ben Smith:** Yes, Madam Chairman, I would like to propose the amendment.

**The Chairman:** Thank you.

#### PROPOSED AMENDMENT TO CLAUSE 64

**Sen. Ben Smith:** So, the proposed amendment is opposing the redirection of the 50 per cent contributions from charities to the union.

Contribution to charity. "(a) under an agency shop would[,] unless otherwise permitted under this section, be required to agree to pay appropriate contribution to a union in lieu of membership of it; but (b) objects both to being a member of a union and to paying appropriate contributions to a union in lieu of membership in it, may inform his employer in writing

that, instead of paying appropriate contributions he elects to pay equivalent contributions to a charity selected by him.

Which would then remove [the words] “partial” and “with the remainder amount” going to a union.”

**The Chairman:** Okay. Thank you, Senator Smith.

**Sen. Ben Smith:** Thank you, Madam Chairman.

**The Chairman:** You are welcome.

All Senators have had the amendment in written form and if anyone else would like to speak, this is the time now.

Is there anyone else?

**Sen. John Wight:** Well, I am going to go back to a point, Madam Chairman, raised before.

**The Chairman:** Okay, Senator Wight.

**Sen. John Wight:** Thank you.

To me, again, I am not sure what the right answer is in the absence of knowing how much is paid in. So that would influence the amount, I think, that I would deem appropriate. It may be 50 per cent that I would deem appropriate, but in the absence of getting the facts, I find it difficult to make a final decision. That is just my own personal opinion on this.

**The Chairman:** Okay. Thank you.

**Sen. the Hon. Joan E. Dillas-Wright:** And certainly, can I just add too, that while I spoke about the charities, in all my years of working in this Island I am fully aware and have been very supportive of all the unions. And I know the work that they do.

I am not decrying that at all. We happen to be in a very difficult time, and maybe I am being influenced by this whole situation with COVID-19; I do not know. But 50 per cent . . . I was trying to get more information about the impact of this on the charities, and I was not able to get that. But I am fully aware of many of the charities that I have worked with over the many years I have lived in this Island and I just feel that at this point I really am in support of the charities themselves.

And this is not to detract from the union itself. I have been a shop steward myself for many years, earlier, and . . . so that is my comment.

I just want to indicate that it would have been helpful if we had had the information about the current impact that is on the charities and, as I said, maybe I am being influenced by this past year. But at the moment I will say that I support what is being put forward in terms of the amendment.

Thank you.

**The Chairman:** Thank you, Madam President.

So we have a proposed amendment on the table and I believe, Mr. Somner, we need—

**Sen. Adrianna Hodgson:** Madam Chairman.

**The Chairman:** Yes, Senator Hodgson.

**Sen. Adrianna Hodgson:** I just wanted to make some comments to the remarks given by the other Senators.

**The Chairman:** Okay. Yes, please. Proceed.

**Sen. Adrianna Hodgson:** So, Madam Chairman, I am not surprised that the Opposition Senators are opposing the redirection of 50 per cent contributions from charities to the union, but I do believe they understand the fee for service model and so I am hopeful that they can follow our logic.

Madam Chairman, the Trade Union Act currently stipulates that workers with an agency shop agreement must either pay appropriate contributions to the union or to a charity. It also makes it clear that unions are required to represent all workers in a bargaining unit. I want to invite Members of both Houses, as well as the listening audience, to think logically about this amendment. For years unions have worked tirelessly to protect and advance the interests of its members. These unions have negotiated better pay and conditions, they have provided legal and financial advice, and they have accompanied members in disciplinary and grievance meetings. All of this regardless of whether or not the individual chose to become a member and pay dues.

Madam Chairman, this Bill provides for a change in contributions to reflect a union’s negotiation efforts and securing a collective agreement and generally in representing its members. Madam Chairman, I have never heard of an instance where an individual decided to reject increased wages or leave entitlement. In the same spirit, I have never seen an employer happy to pay an employee for doing nothing.

Madam Chairman, again, those who give to charity do not get individual bargaining rights. I hope you consider the fact that the union cannot decide that members will get one thing and that non-members will get another and understand why we have decided to make this change.

We are not saying that individuals should not or cannot continue to support our Island’s charities. As you can see, we have committed to allow a 50 per cent partial contribution to charities. What we are saying is that the unions ought to be compensated for the services they provide to both members and non-members.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson. Mr. Somner, back to you.

**The Clerk:** Okay, Madam Chairman.

It is the time to put it to the Senators as to whether they object to the proposed amendment.

**The Chairman:** Okay. Are there any objections to the amendment that is on the table? That is, the amendment proposed by Senator Ben Smith.

Does anyone want me to read it again?

*[No audible response.]*

**The Chairman:** I can do so.

“Any worker who— (a) under an agency shop would[,] unless otherwise permitted under the section, be required to agree to pay appropriate contribution to a union in lieu of membership of it; but (b) objects both to being a member of a union and to paying appropriate contributions to a union in lieu of membership in it, may inform his employer in writing that, instead of paying appropriate contributions he elects to pay equivalent contributions to a charity selected by him.”

That is the amendment that has been proposed.

Are there any objections to this amendment?

**Sen Michelle Simmons:** *[Hand raised in objection.]*

**Sen. the Hon. Dr. Ernest Peets:** Yes, Madam Chairman, we object.

**The Clerk:** Okay, Madam Chairman, there are two or more Senators objecting, so we will go to a division of this particular amendment.

I will start calling the names again. Those in favour will say Aye and those who are opposed to the amendment will say Nay.

## DIVISION

*[Proposed amendment to clause 64]*

### **Ayes: 5**

Sen. Ben Smith

Sen. Robin Tucker

Sen. Marcus Jones

\*Sen. John Wight

Sen. the Hon. J. E. Dillas-Wright

### **Nays: 6**

Sen. the Hon. Dr. E. Peets

Sen. Owen Darrell

Sen. Arianna Hodgson

Sen. Curtis Richardson

Sen. Lindsay K. Simmons

Sen. Michelle Simmons

**\*Sen. John Wight:** *In the absence of the figures requested, I am going to have to say Aye.*

**The Clerk:** Okay. Madam Chairman, we have five ayes and six nays.

**The Chairman:** Thank you, Mr. Somner.

With a vote of five ayes and six nays the nays are in the majority and this motion or this [proposed] amendment has been defeated.

*[Proposed amendment to clause 64 defeated by majority on division.]*

**The Chairman:** Senator Hodgson, would you proceed to move clauses 61 through 65?

**Sen. Adrianna Hodgson:** Madam Chairman, I move clauses 61 through 65 be approved.

**The Chairman:** Are there any objections to clauses 61 through 65?

*[Inaudible interjection]*

**The Chairman:** There are no objections so clauses 61 through 65 have been approved.

*[Motion carried: Clauses 61 through 65 passed.]*

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman.

**The Chairman:** Senator Hodgson, would you like to continue?

**Sen. Adrianna Hodgson:** Yes, thank you, Madam Chairman.

Madam Chairman, I move clauses 66 through 89. I will go through the entire Part 4.

Clause 66 is the first provision under Part 4 (labour disputes), Chapter 1 of the Bill, which provides for the reporting, conciliation and settlement of labour disputes. This clause defines a “labour dispute” as a dispute between an employer and worker(s) or between workers and workers (or trade unions on their behalf) in relation to the matters set out in that clause. This definition is largely modelled after that provided in the Labour Relations Act [1975] but includes, as a matter constituting a labour dispute, any contravention under Part 3 or [Part] 4 of the Bill for which a civil penalty may be imposed. This clause also provides that any matter which was the subject of a complaint under the Employment Act 2000 and which was settled or determined under that Act shall not constitute a labour dispute.

Clause 67 provides for the reporting of labour disputes to the Labour Relations Manager and for such a report to specify the issues relevant to the dispute including any that may be agreed by the parties to the dispute.

Clause 68 requires the Labour Relations Manager (or any public officer authorised by the Labour Relations Manager) to make inquiries after (a) receiving a report of a labour dispute or (b) where he has reasonable grounds to believe that there has been a contravention for which a civil penalty has been imposed (whether or not such contravention constitutes or is reported as a labour dispute). This clause also enables the Manager to require a person

to supply information or provide documentation and makes any failure to comply a summary offence.

Clause 69 requires the Labour Relations Manager, after making inquiries in relation to a report of a labour dispute, to endeavour to effect settlement and, if unable to do so, to refer the matter to the Minister. However, in the case of a report of a labour dispute in relation to a contravention (for which a civil penalty may be imposed) or, where he has reasonable grounds to believe that there has been a contravention, the Labour Relations Manager may, after making inquiries, impose a civil penalty or report the matter to the Minister. This clause also enables the Manager, where there is evidence of a contravention or breach of duty for which another authority is responsible, to notify and refer the matter to that authority.

Clause 70 provides for the referral of a labour dispute or other matter from the Minister to the Tribunal. This clause requires the Minister, after receiving a report from the Labour Relations Manager under section 69, to refer the matter to the Tribunal for determination of settlement by any means at its disposal under the Employment and Labour Code. This clause also provides in certain cases for the Minister, before referring a labour dispute to the Tribunal, to take any steps which seem to him to promote settlement of the dispute.

Clause 71 prohibits persons authorised to conciliate or mediate the parties to a labour dispute from disclosing any notes or minutes of proceedings pertaining to such conciliation or mediation.

Clause 72 enables the Minister by notice in the *Gazette* to declare that a labour dispute exists or is apprehended.

Clause 73 makes provision for where there is a difference arising between the parties in negotiations in respect of a new collective agreement. This clause provides, expressly, for such differences to be reported as a labour dispute and where the parties fail to conclude a new agreement, provides for the continuation of the previous collective agreement until replaced by the new agreement.

Clause 74 enables the Minister to refer to the Tribunal for advice, any matter relating to or arising out of a labour dispute which in his opinion ought to be referred.

Clause 75 is the first provision under Part 4, Chapter 2 of the Bill, which deals with the essential industries and services. This clause provides for defined terms specific to this chapter (largely adopted from the Labour Relations Act [1975]) and gives effect to Schedules 2 and 3 which list, respectively, the essential industries and essential services. This clause also enables the Minister to amend those Schedules by order subject to affirmative resolution procedure and provides for the application of this chapter to any labour dispute, difference or other conflict in any essential industry or service.

Clause 76 sets out what constitutes an unfair industrial practice for the purposes of Chapter 2.

Clause 77 provides that, in respect of an unfair industrial practice, an aggrieved person may make a complaint to the Labour Relations Manager and that such a complaint shall be considered a labour dispute.

Clause 78 provides for the remedies that may be granted by the Tribunal where a complaint of an unfair industrial practice under clause 77 is wholly or partly well founded.

Clause 79 provides for the enforcement or recovery of an award made in respect of a complaint of an unfair industrial practice under clause 78.

Clause 80 provides for restrictions on lock-outs, strikes, and industrial action short of a strike in the essential services. This clause provides for what constitutes a lawful lockout, strike and irregular industrial action short of a strike within an essential service and provides, in the case of a contravention, for a civil penalty to be imposed by the Tribunal.

Clause 81 places a duty on employers, in respect of workers employed in an essential service, to comply with any requirement to give notice pursuant to rules made under section 97 and provides for a civil penalty to be imposed by the Tribunal on an employer who fails to comply.

Clause 82 provides for the matters set out in the clause to be certified by the Labour Relations Manager and for such certificate to be admissible as evidence.

Clause 83 is the first provision under Part 4 Chapter 3 of the Bill, which provides for various rights and restrictions that may arise in relation to a labour dispute. This clause prohibits an employer from taking certain actions against a worker and makes any contravention a summary offence.

Clause 84 provides for the restriction on liability where the interference of another person's business is in contemplation or furtherance of a labour dispute.

Clause 85 provides, subject to rules set out in Schedule 4, for peaceful picketing and for a civil penalty to be imposed by the Tribunal for any failure to comply with such rules.

Clause 86 prohibits a person, with respect to the contemplation or furtherance of a labour dispute, from engaging in any acts of intimidation, and provides that engaging in any such act constitutes a summary offence.

Clause 87 sets out the actions that would constitute an unlawful lock-out, strike or irregular industrial action short of a strike, and provides that where a person contravenes this provision that person shall be liable to a civil penalty as may be imposed by the Tribunal.

Clause 88 provides for the protection of persons refusing to take part in an unlawful lock-out, strike or irregular industrial action short of a strike.

Clause 89 makes it a summary offence for a person, although acting in furtherance of a lawful labour dispute, to wilfully break or terminate a contract of service knowing or having reasonable cause to believe that doing so will endanger human life, cause bodily injury, or cause injury to property.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson.

Would any Senator wish to speak on clauses 66 through 89 (I believe)?

Is there anyone?

*[Inaudible interjection]*

**The Chairman:** There are no speakers, so Senator Hodgson would you like to move those clauses?

**Sen. Adrianna Hodgson:** Madam Chairman, I move that clauses 66 through 89 be approved.

**The Chairman:** Are there any objections to those clauses being approved?

There are none. Therefore, clauses 66 through 89 have been approved.

*[Motion carried: Clauses 66 through 89 passed.]*

**The Chairman:** Thank you, Senator Hodgson. Please continue.

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman.

I move clauses 90 through 103. We are getting closer to the end.

**The Chairman:** Yes.

**Sen. Adrianna Hodgson:** Clause 90 is the first provision under Part 5 (enforcement) of the Bill. This provision empowers the Labour Relations Manager to impose a civil penalty not exceeding \$5,000 on a person who without reasonable excuse contravenes a provision for which a civil penalty is liable to be imposed by the Labour Relations Manager and provides for an appeal to the Tribunal. This clause also gives effect to Schedule 5 which sets out the contraventions for which a civil penalty may be imposed and the amounts that such civil penalty shall not exceed.

Clause 91 provides that a trade union may be prosecuted for an offence under Part 4 of the Bill as though it were a body corporate and where an offence is committed with the consent, knowledge or connivance of an officer of the trade union that person and that trade union shall be liable to be proceeded against and punished accordingly. Provision is also made for this clause to apply, with the necessary modifications, where a trade union contravenes a provision for which a civil penalty may be imposed.

Clause 92 provides that where an offence is committed under this Bill by a body corporate with the consent, knowledge or connivance of an officer of the body corporate that person and the body corporate commits an offence and shall be liable to be proceeded against and punished accordingly. Provision is also made for this clause to apply, with the necessary modifications, where a trade union contravenes a provision for which a civil penalty may be imposed.

Clause 93 provides that a prosecution for an offence under this Bill may only be brought by or with the consent of the Director of Public Prosecutions.

Clause 94 provides for a relief by way of injunction to be granted to a person with sufficient interest in the relief, where there are reasonable grounds for apprehending a contravention of the Bill, for the purposes of restraining any person or trade union from contravening the Bill.

Clause 95 provides that for the purposes of Part 4, and notwithstanding any other provision of the Bill, a trade union may sue or be sued in its own name and that any judgment, order or award made in respect of such proceedings shall be enforceable against the trade union as if it were a body corporate.

Clause 96 is the first provision under Part 6, Final Provisions. This clause provides for the regulation-making power of the Minister in respect to matters set out therein. Additionally, this clause gives effect to Schedule 6, which provides for the maximum fees that may be charged under the Bill.

Clause 97 enables the Minister to make rules for the better carrying into effect of the Bill and such rules may provide for, in particular, the giving of notice in relation to essential services.

Clause 98 provides for the service of notices or other documents under the Bill.

Clause 99 gives effect to Schedule 7, which amends the Employment Act 2000.

Clause 100 provides for the consequential amendments and repeals as set out in Schedule 8 of the Bill and provides for the repeal of the Trade Union Act 1965, the Labour Relations Act 1975 and the Labour Disputes Act 1992.

Clause 101 makes savings provisions.

Clause 102 makes transitional provisions.

Clause 103 provides for the commencement of the Bill which shall be on 1 June 2021.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson.

Would any Senator wish to speak on these clauses 90 through 103?

Senator Jones, is that you? No?

Would anyone like to speak?

Okay. Senator Hodgson, there are no speakers so please move these clauses.

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman. I move that clauses 96 [sic] through 103 be approved.

**The Chairman:** I think it was [clauses] 90 through 103.

**Sen. Adrianna Hodgson:** Sorry. You are correct. I take that . . . Madam Chairman, I move that clauses 90 through 103 be approved.

**The Chairman:** Are there any objections to these clauses being approved?

There are none. So, Senator Hodgson, clauses 90 through 103 have been approved. Thank you.

*[Motion carried: Clauses 90 through 103 passed.]*

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman.

**The Chairman:** Would you like to proceed with those Schedules?

**Sen. Adrianna Hodgson:** I would. I move Schedules 1 through 8.

Schedule 1 sets out the procedures for the conduct of a ballot under clauses 47 and 57 (certification and cancellation). New clauses 2(a) and (b), the Manager shall prior to conducting a ballot meet with eligible workers to explain the process and chair any meetings relating to certification or cancellation.

Schedule 2 lists the essential industries for the purposes of Part 4. Currently there is only one—the business of a hotel, as per the Fourth Schedule to the Labour Relations Act [1975].

Schedule 3 lists the essential services for the purposes of Part 4. The list has been imported from the first Schedule of the Labour Relations Act [1975], with the additions of Internet services and prisons and corrections.

Schedule 4 sets out the picketing rules for the purposes of clause 85 (peaceful picketing).

Schedule 5 lists the contraventions for which a civil penalty, up to a maximum of \$5,000, may be imposed by the Labour Relations Manager or up to \$10,000 by the Tribunal.

Schedule 6 sets out the maximum fees which may be imposed under regulations for registering a trade union, altering its constitution and inspecting documents.

Schedule 7 makes amendments to the Employment Act 2000 as follows:

(1) Section 3 (interpretation) is amended to insert and amend a number of definitions.

(2) New section 3A is inserted to provide that the Employment Act 2000 and the Trade Union and Labour Relations (Consolidation) Act 2020, together with subordinate legislation made thereun-

der constitute the “Employment and Labour Code.”

(3) Section 6 is amended to apply, with the necessary modifications, the entitlement to a statement of employment to certain persons falling within section 4(2) who are not employees for the purposes of the Act, but provides that no other entitlements under the Employment Act 2000 shall apply to such persons.

(4) Section 10B is amended to include a civil penalty for non-compliance.

(5) Section 28 is amended to delete the reference to the “Labour Relations Act 1975” and substitute “Trade Union and Labour Relations (Consolidation) Act 2020.”

(6) Section 36 is amended to provide that a complaint to an inspector under that section shall not include any matter which was the subject of a labour dispute as defined under this Bill, which was settled by the Labour Relations Manager or otherwise determined under this Bill.

(7) Section 37 is amended to enable an inspector to report a matter to the Manager for the purposes of imposing a civil penalty or referring the matter to the Tribunal. Provision is also made to enable the inspector, where there is evidence of a contravention or breach of duty for which another authority is responsible, to notify and refer the matter to that authority.

(8) New section 37A is inserted to empower the Labour Relations Manager to impose civil penalties not exceeding \$5,000 for contraventions under Part II (conditions of employment) for which a civil penalty is liable to be imposed by the Labour Relations Manager. This provision sets out the procedure to be followed and provides for an appeal to the Tribunal.

(9) New Part VA is inserted which provides for the Employment and Labour Relations Tribunal, a single tribunal which will replace the Employment Tribunal, the Labour Disputes Tribunal, the Permanent Arbitration Tribunal, the Boards of Inquiry and the Essential Industries Disputes Settlement Board which were established under the legislation being consolidated under this Bill. New Part [VA] consists of 44A to 44O which provides as follows:

- section 44A provides for the definition of terms used under Part VA and for the application of this Part;
- section 44B establishes the Employment and Labour Relations Tribunal with jurisdiction to hear and determine complaints, labour disputes, differences, conflicts and other matters referred to it under the Employment and Labour Code;
- section 44C sets out the general powers of the Tribunal, including power to order

- compensation when a worker cannot be reinstated in his former position;
- section 44D gives the Tribunal power to require a person to furnish information or give evidence under oath and provides for civil penalties to be imposed for noncompliance;
- section 44E provides that Tribunal proceedings shall be open to the public, but gives the Tribunal power to exclude the public in certain circumstances. Provision is also made for fair and accurate reporting of proceedings;
- section 44F deals with notification and publication of Tribunal decisions and awards;
- section 44G requires Tribunal decisions to be unanimous or by majority;
- section 44H prohibits Tribunal decisions from being in conflict with any statute;
- section 44H prohibits Tribunal decisions from being in conflict with any statute;
- sections 44I and 44J provide for awards to be binding on parties as from the date of the award (and may be binding prospectively), but awards may in certain cases also be retrospective to the date the matter was reported to the inspector or Labour Relations Manager;
- section 44K provides that questions of interpretation of awards can be referred back to the Tribunal;
- section 44L sets out the penalties for non-compliance with a Tribunal award;
- section 44M empowers the Tribunal to impose civil penalties not exceeding \$10,000;
- section 44N requires the Tribunal to send annual reports of its awards to the Minister;
- section 44O provides a right of appeal to the Supreme Court from the Tribunal's decision on a point of law.

(10) Sections 35, 38(1), 41, 42, 43 and 47 are repealed because they are superseded by these amendments.

(11) A new Schedule 2 is inserted which sets out administrative matters relating to the appointment of the panel from which Tribunal members are drawn, their qualifications, and period of appointment. Provision is also made for the constitution of the Tribunal, how conflicts of interest and vacancies are to be dealt with, etc., for the Tribunal to be autonomous and to regulate its own proceedings, subject to the Act, and for it to be able to summon assessors with the necessary skills and experience for assistance where necessary.

Schedule 8 sets out the consequential amendments.

Thank you, Madam Chairman.

**The Chairman:** No, we thank you, Senator Hodgson. That was indeed a marathon.

Would any Senator like to speak to Schedules 1 through 8?

Senator Smith?

**Sen. Ben Smith:** Yes, thank you, Madam Chairman.

I would like to speak specifically to Schedule 3. We brought it up prior to going into Committee when it comes to docks being essential. I think in light of some of the comments being made already today, that we are only kind of looking out for profits, I think it is important that we understand the connection between jobs and business. And when we are going through this kind of detail on how we are going to protect workers, Madam Chairman, I think it is important that we understand the connection.

So in here we are looking for essential services and we have added some new items, when you look at Internet and you look at kind of those services that are important to making business happen. And in a country like Bermuda which relies so heavily on those services, it is important that we understand that there is a connection between what is happening on our docks and how the economy works. So, before we look at trying to change what is being presented, what is the situation we are in right now? Only items that would be deemed *essential*, so specific items, that would be health items or food items, are taken off our ships. And then the ship will sit while the dispute is going on.

So, Madam Chairman, if you are a business who relies on those items that are coming in, understand that your collecting the money that allows you to pay your employees is reliant on what is on that ship. And that is the connection that I think sometimes gets missed. When we are making these positions about being balanced, and we are talking about what is happening from the business side as well as the employee side, it is because we understand that there is a connection. And if we do not make sure that our supply chain is protected, the impact will be on the employees.

And it will be on people in Bermuda, our citizens, when they go to a retail store or they go to a grocery store and they are looking for specific items that are missing because of a dispute that had nothing to do with them. So, in the same way that you do not want your Internet service to be down—and now it has become essential—that is the understanding of most people in Bermuda of the docks being essential. But we have to make sure that that is truly what we are doing when we put this forward so that it is all of what is happening on the docks that becomes essential so that we are not leaving people out.

I am going to tell you that in the situation that we are right now, Madam Chairman, a lot of businesses are on a thin line. And getting that product off the dock could have been the difference between them surviving this winter or not. And we cannot just . . . when I make that statement, it should not be that then I get an attack that I am defending the owner of that business. I am also defending those workers that work for that business, because when that business closes, those are the people who are impacted. Those are the ones who no longer can pay their rent. Those are the ones who no longer can pay their other bills. It does not make sense for us in Bermuda to continue to just point fingers and say, *Well, every employer is a bad one*. There are bad actors. But we have to make sure that we are not just pushing everybody out with that same brushstroke.

So when you are looking at this understand that us having our ships play musical chairs in the harbour, and then have it covered by saying, *Well, the essential items came off the boats*, is incorrect. And when you saw those shelves emptying out leading directly into the Christmas season, that was the impact of it. And we should not allow that to happen again.

So, Madam Chairman, it is important that we understand the connection of our community from the business owner to the retail person who is working every day. All of those people are connected. And all of our items, or a large percentage of our items, are coming in mostly from our boats and sometimes through our air. And it is important that we protect that line into Bermuda because that is how we survive. And if that gets shut down for any reason, the impact is significant to the citizens of our country.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Ben Smith.

Would any other Senator like to speak on Schedules 1 through 8?

Senator Wight.

**Sen. John Wight:** Well, I would just echo, and I said earlier in our Senate meeting my views echo Senator Smith's. So I think it is very appropriate to consider the consequences if we do not amend the wording to include the stevedoring services. I think this is a very important amendment for the Bill.

**The Chairman:** Thank you, Senator Wight. Since you have mentioned an amendment, Senator Ben Smith, Leader of the Opposition in the Senate, would you like to put your amendment now?

### PROPOSED AMENDMENT TO SCHEDULE 3

**Sen. Ben Smith:** Yes, thank you, Madam Chairman.

In Schedule [3], under [paragraph] 6, the reading to clearly identify what the essential service is would read:

"Port and dock services including stevedoring services, the loading and unloading of ships and aircraft and the transport of such goods to their proper destination, pilotage, tug and line boat operations (not connected with cruise ships)."

**The Chairman:** Okay. Thank you, very much, Senator Smith.

**Sen. Ben Smith:** Thank you, Madam Chairman.

**The Chairman:** All Senators have had this proposed amendment in writing since our last meeting. Would anyone else like to speak?

I think we may have lost the . . . oh, there they are, the Government Senators. Okay.

Would anyone else like to speak to Schedules 1 through 8, or, specifically, to the amendment that has just been put forward?

**Sen. the Hon. Dr. Ernest Peets:** Yes, thank you, Madam Chairman.

Just for a moment I want to reiterate for all of us that there are mechanisms already on the books to get our docks up and running. We do understand that labour disputes do occur from time to time. It is our job, of course, to balance the needs of our union workers as well as balancing the needs of the retailers as well.

So my encouragement to all who are considering this particular amendment is to understand, one, there is legislation and there are rules already in play to help us to keep our docks up and running. We also do not want to cripple our unions. If stevedoring services, the loading and unloading of ships and aircraft are agreed to as the Opposition has suggested, then the bargaining tools that our unions have are severely, if not critically, taken away. And that is something that I think is not in the best interests of labour, certainly not in the best interests of the unions, and would not bode well for the rest of the country and other industries that are unionised.

Those are my comments at this time, Madam Chairman.

**The Chairman:** Thank you.

**Sen. Marcus Jones:** Point of clarification, Madam Chairman.

**The Chairman:** Just a moment.

Thank you, very much, Senator, the Honourable Dr. Ernest Peets, Government Leader in the Senate.

Senator Jones, you have a comment?

**Sen. Marcus Jones:** Yes, my apologies for interjecting.

**The Chairman:** That's okay. No problem.

#### POINT OF CLARIFICATION

**Sen. Marcus Jones:** Madam Chairman, I heard with great intent the remarks made by the Government Senate Leader. He was referring to other legislation that allowed for essential services to be taken care of in situations. Can he cite the legislation that we can look to as a way to bridge the breach that may result from a situation where essential goods are left on the docks so that he can provide for us a remedy [by way of] legislation that already exists to give some comfort to the community?

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Jones.

I will only say now that perhaps that question needs to be submitted in writing and/or, alternatively, perhaps Senator Hodgson will respond when she makes her remarks.

Is there any other Senator who would like to speak?

**Sen. Ben Smith:** Madam Chairman, just following on after the statement from Minister Peets.

**The Chairman:** Senator Smith, thank you. Sorry.

**Sen. Ben Smith:** Yes, just following on after the statement from Minister Peets. I am just wondering if in all of the other essential services he can list what the bargaining chips are for those other essential services.

Thank you.

**The Chairman:** Thank you, Senator Smith.

Is there any other Senator who would like to speak on Schedules 1 through 8?

**Sen. Adrianna Hodgson:** If no one else—

**The Chairman:** Sorry. We have a specific amendment to Schedule 7 [sic] that is on the table.

Senator Hodgson.

**Sen. Adrianna Hodgson:** Madam Chairman, the Opposition Senators have asked that loading and unloading from the Hamilton docks and airport be clearly identified in the legislation as essential services. Madam Chairman, while it may seem logical, I will echo the sentiments of our Minister who explained that there are currently two active labour disputes referred to Tribunal and that this would not be the appropriate time to amend legislation that would be seen to disadvantage either party.

Madam Chairman, the fact of the matter is that these workers are covered in Schedule 3 of this legislation under paragraph 6 and also paragraph 11. Right now the loading and unloading from the docks and airport are already included as port and dock services and there is no need to add additional language at this time.

Madam Chairman, in light of this the Government cannot support this amendment at this time.

**The Chairman:** Thank you, Senator Arianna Hodgson, Junior Minister for Labour. Thank you.

Would anyone else care to speak to Schedules 1 through 8 or the amendment to Schedule 7 [sic] that has been proposed?

**The Clerk:** Schedule 3.

**The Chairman:** Oh! Is it Schedule 3?

**The Clerk:** Yes, Schedule 3.

**The Chairman:** Oh, yes! My apologies! It is Schedule 3 that has been proposed—

**Sen. Adrianna Hodgson:** Madam Chairman.

**The Chairman:** Yes. Senator Hodgson.

**Sen. Adrianna Hodgson:** Yes, sorry. I would just like to add one important component.

I want to make it clear to the Opposition Senators that these amendments do not prevent disputes and that the Minister can send workers back to work through legislation, as he has done with this last dispute. Legislation being discussed allows for the Minister to apprehend a dispute at any time.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Senator Hodgson, for the clarification.

Would anyone else like to speak?

If not . . . oh, Senator Wight.

**Sen. John Wight:** Thank you, Madam Chairman.

I guess my only comment to that remark would be that even three or four days or five days—which is what happened with the disruption on the docks before Christmas—is just too disruptive for the entire Island, too disruptive for busines. So, I understand that to be, you know, one option to come to a solution. But I think in 2021 we have to have some sort of certainty that these situations that do come up between management and union can be resolved on a more speedy basis.

So, I think that the process that is included in the current legislation does not serve Bermuda well in the future is evidenced by what happened before Christmas. I think even four days' of disruption was

four days too many for Bermudians and Bermuda businesses.

**The Chairman:** Okay. Thank you, Senator Wight.

Would anyone else like to speak to Schedules 1 through 8 or the proposed amendment to Schedule 3?

**Sen. Adrianna Hodgson:** Madam Chairman, may I make just one more comment?

**The Chairman:** Mm-hmm. Yes, Senator Hodgson.

**Sen. Adrianna Hodgson:** There is no need for a labour dispute to go on for days. The Minister can actually apprehend a labour dispute at any time. However, there are certain circumstances in which they would leave the parties the opportunity to come to some form of agreement before having the Minister step in.

**The Chairman:** Okay. Thank you.

Would anyone else care to speak?

If not, I will just reiterate the amendment that has been proposed to get a sense of whether this is supported or not. This is under Schedule 3, Essential Services, [paragraph] 6, the amendment reads:

“Port and dock services including stevedoring services, the loading and unloading of ships and aircraft and the transport of such goods to their proper destination, pilotage, tug and line boat operations (not connected with cruise ships).”

Are there any objections to this amendment?

**Sen. the Hon. Dr. Ernest Peets:** Madam Chairman, we object. But before we go to division for voting, we have a question for clarification, if we could.

**The Chairman:** You have a question for clarification about the amendment?

**Sen. the Hon. Dr. Ernest Peets:** No, about the procedure going forward. Forgive my ignorance, this is the first time in Committee, so I thank you for—

**The Chairman:** The same here.

**Sen. the Hon. Dr. Ernest Peets:** I certainly thank you for your patience.

I am just asking the question for information as well as education. If we have a Senator who has declared an interest, does the said interest preclude the opportunity to vote in division?

**The Chairman:** I will have to take that under advisement right now.

**The Clerk:** Not necessarily.

**Sen. the Hon. Dr. Ernest Peets:** Thank you.

**The Clerk:** Unless their interest is so major that, you know—

*[Crosstalk]*

**The Clerk:** They have to have such a large interest . . . unless they have a very significant interest, the Senator, having declared their interest, would still be allowed to vote, to participate in the vote. It is understood that their interest is not so major or so significant.

**The Chairman:** Thank you for that clarification, Mr. Somner.

Minister Peets, are you clear?

**Sen. the Hon. Dr. Ernest Peets:** I thank Mr. Clark Somner for the answer. However, I still do not really have a full answer. So I do not know if Senator Wight could perhaps . . . I guess as it relates to this particular interest and whether or not this is major or minor.

**The Chairman:** Senator Wight.

**Sen. John Wight:** Madam Chairman, I am happy to clarify the relationship.

I am, as I declared at the very start, the Chairman of Bermuda Container Line. I can state that I have no financial interests in the company. I own no shares. So I do not own a material interest. So that would be the view expressed.

**The Chairman:** Thank you, Senator Wight, for your candour.

Senator Peets, Minister Peets, anything further?

**Sen. the Hon. Dr. Ernest Peets:** Thank you so much, Senator Wight.

We certainly would be guided by the Chairperson as it relates to what happens next.

Thank you.

**The Chairman:** I will once again ask, are there any objections to the amendment that has been proposed?

**Sen. the Hon. Dr. Ernest Peets:** Sorry. Thank you, Madam Chairman.

Once again, the Senate team for the Government rejects—

**An Hon. Senator:** Objects.

*[Crosstalk]*

**The Chairman:** Thank you.

**Sen. the Hon. Dr. Ernest Peets:** Objects, sorry. Thank you.

**The Chairman:** Thank you, Minister Peets.

**The Clerk:** We have multiple objections.

**The Chairman:** We have multiple objections so we need to have a division.

**The Clerk:** Yes, that is correct.

Okay. We will go to the vote. Again, those in favour of the proposed amendment will say Aye, and those opposed will say Nay.

I will call the names now.

### DIVISION

*[Proposed amendment to Schedule 3]*

#### **Ayes: 4**

Sen. Ben Smith  
Sen. Robin Tucker  
Sen. Marcus Jones  
Sen. John Wight

#### **Nays: 7**

Sen. the Hon. Dr. Ernest Peets  
Sen. Owen Darrell  
Sen. Arianna Hodgson  
Sen. Curtis Richardson  
Sen. Lindsay K. Simmons  
Sen. the Hon. J. E. Dillas-Wright  
Sen. Michelle Simmons

**The Clerk:** Okay. Madam Chairman, the votes are four ayes and seven nays.

**The Chairman:** Thank you, Mr. Somner.

With a vote of four ayes and seven nays I declare that this proposed amendment has been defeated.

*[Proposed amendment to Schedule 3 defeated by majority on division.]*

**The Chairman:** Thank you, Senators. And thanks, Mr. Somner.

Senator Hodgson, would you please move Schedules 1 through 8?

**Sen. Adrianna Hodgson:** Madam Chairman, I move that Schedules 1 through 8 be approved.

**The Chairman:** Is there any objection?

There is no objection. Therefore, Schedules 1 through 8 have been approved.

*[Motion carried: Schedules 1 through 8 passed.]*

**The Chairman:** Senator Hodgson, I have to pause again and thank you for what you have done today. It was a super-duper marathon and I know it was your . . . well, it was your second today. But thank you very, very much for your stamina.

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman.

But before we do finish, I do need to move that the preamble be approved.

**The Chairman:** Oh, yes! Of course, sorry.

*[Laughter]*

**Sen. Adrianna Hodgson:** No worries.

**The Chairman:** Senator Hodgson, please proceed.

**Sen. Adrianna Hodgson:** Madam Chairman, I move that the preamble be approved.

**The Chairman:** Is there any objection to the preamble being approved?

No objection.

The preamble has been approved.

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman.

Madam Chairman, I move that the title stands as part of the Bill.

**The Chairman:** Is there any objection to the title standing as part of the Bill?

No objection.

The title has been approved.

**Sen. Adrianna Hodgson:** Thank you, Madam Chairman.

Madam Chairman, I move that the Bill be adopted by the Senate as printed.

**The Chairman:** Are there any objections to the Bill being approved as printed?

No objections.

*[Inaudible interjection]*

**The Chairman:** The Bill has been approved.

*[Motion carried: The Trade Union and Labour Relations (Consolidation) Act 2020 was considered by a Committee of the whole and passed without amendment.]*

**The Chairman:** The Committee will now rise. Thank you, Madam President.

**Senate resumed at 4:25 pm**

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

## REPORT OF COMMITTEE

### TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 2020

**The President:** Thank you, Senator Michelle Simons.

Is there any objection for the support of the report of the Committee?

No objection.

Therefore, Senator Hodgson, you would do you third reading.

## BILL

### THIRD READING

### TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 2020

**Sen. Adrianna Hodgson:** Madam President, I move that the Bill entitled the Trade Union and Labour Relations (Consolidation) Act 2020 be now read a third time.

**The President:** Is there any objection to that motion?  
No objection.

**Sen. Adrianna Hodgson:** Madam President, I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Trade Union and Labour Relations (Consolidation) Act 2020 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

*[Motion carried: The Trade Union and Labour Relations (Consolidation) Act 2020 was given a third reading and passed.]*

**The President:** Thank you all, very much, for your work in this regard.

We will move on now to our agenda and the next item on the agenda is the . . .

*[Pause]*

## MOTIONS

**The President:** There are none.

So we have completed the Orders of the Day. There are no motions, so we will now do the Congratulatory and/or Obituary Speeches.

Would any Senator care to speak on Congratulatory and/or Obituary Speeches? Does any . . . Senator Marcus Jones, you have the floor.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

**Sen. Marcus Jones:** Thank you, Madam President.

Madam President, I would like for the Senate to extend condolences to the family of the late Anthony Manders who was the Financial Secretary for Ministry of Finance at the time of his passing. He was remembered by Government colleagues as a skilled public servant in difficult times. He was appointed to the post in 2012. He had been coming through the ranks of that Ministry as the Assistant Accountant General and the Assistant Financial Secretary. Having not known Mr. Manders personally, it was made known to me by colleagues within the OBA Government that he was a straight shooter, never leaned to one side or the other politically and was highly skilled and competent in his post.

Allow me, Madam President, to quote Mr. Bob E. T. Richards, former Minister of Finance in the OBA Government. I quote, "He didn't like the public lime-light, but he was heading up the most important ministry in the Government.

"His ability and command of the numbers in the public service was incredible.

"He used his considerable skills to get Bermuda through difficult times. You can imagine how much was on him just during this time."

Mr. Manders became a certified General Accountant in 1994, worked in finance in the private and public sector for almost 40 years. He was also a former top-flight sportsman in football and cricket and a goalkeeper for Dandy Town and a wicket keeper for his associated cricket team, Western Stars. Mr. Manders also played for the great Somerset Cup Match team between 1993 and 1995. I believe the entire Senate Chamber will join me in celebrating the life of Mr. Anthony Manders.

Thank you, Madam President.

**The President:** Thank you, Senator Marcus Jones.

I am sure the entire Senate body would agree with you.

Would any other Senator care to speak on the Congratulatory and/or Obituary Speeches?

**Sen. the Hon. Dr. Ernest Peets:** Yes, Madam President, we certainly thank Senator Jones for his sentiments regarding the Financial Secretary, Anthony Manders. The Government Senate team would like to be associated with those comments as well. So, on behalf of the Ministry of Youth, Sports and Culture as well as for the Ministry of Finance we are certainly going to miss him. Our prayers and thoughts right now are with his friends and family.

**The President:** Thank you, Minister Peets. Thank you for those comments and we certainly join you.

Would any other Senator care to speak on the Congratulatory and/or Obituary Speeches?

Senator Smith, were you indicating?

**Sen. Ben Smith:** Yes, please, Madam President.

**The President:** You have the floor.

**Sen. Ben Smith:** Madam President, I would like to give condolences to the family of Robert Allison Davis. Mr. Davis, was a long-time fireman. He was a constituent of mine in Southampton. I know that the family, specifically, his wife, Jane, are going through a really hard time now with his passing on Boxing Day. He was a strong family man, he was really good with his community, and I know that he will be missed by the Seymour Farms family and also by the St. Anne's Church family. I would like condolences to be sent to his family at this difficult time.

Thank you, Madam President.

**The President:** Thank you, Senator Smith.

Would any other Senator care to speak?

Senator Michelle Simmons, you have the floor.

**Sen. Michelle Simmons:** Thank you, Madam President.

I must join with Senator Jones and Minister Peets in expressing my condolences to the family of the late Mr. Anthony Manders who was one of my former students at the Berkeley Institute.

Anthony was impressive as a student and as an athlete. We knew that he would be a productive citizen because he always had such a kind spirit and a great work ethic. There has been an outpouring of love, respect and admiration for Anthony who was wore so many hats in this community. He has indeed left a treasured legacy behind through his work as Financial Secretary, through his children, through the example he set off and on the cricket field and the soccer field. This is a huge loss to Bermuda, but an even bigger loss to his family, his friends and his fellow sportsmen. Excuse me if I get a little emotional, but he was a very special person.

I also would like to offer condolences of the family of Mr. Earl Hart, "Gabby" Hart. In the short time afforded to me in the Senate today, it is impossible to touch on all the things that Earl Hart did in the Bermudian community, and outside of Bermuda as well. So I am going to pick on a small aspect of his life and that was what he contributed as a teacher and as an administrator who went beyond what was expected and did what was necessary to reach students, especially those who were apparently going in the wrong direction.

I had the pleasure of teaching with him for a very short time, when he was acting principal of Warwick Secondary School. And it was there that I saw

first-hand the importance of being visible as an administrator. The students used to call him "Hart" and that is because he was everywhere in that building. He knew about everything that went on in the building. And Earl Hart gave so much to education, to sports, to all the people he had any interaction with. I hope that the community will take time to read about his contributions because they were so significant. And to his daughter, his son, their mother and his granddaughter, I offer deepest condolences.

And finally, Madam President, I am asking for condolences to be sent to the family of the late Greg Maybury, another stalwart in our community. His wife, Donna; his son, Greg Jr.; his mother, Ada Maybury; he has siblings as well. So many tributes, again, have been paid to Mr. Maybury that even if you never had the privilege of meeting him or knowing him, you can tell that he was a fine gentleman who was a devoted family man, a great athlete, an outstanding employee, a role model and a mentor to many. So, again, condolences to his family and I hope that they can find comfort at this difficult time.

Thank you, Madam President.

**The President:** Thank you, Senator Michelle Simmons.

Would any other Senator care to speak?

No. Then I would just like to associate—

*[Inaudible interjection]*

**The President:** I beg your pardon. Who is . . .

**Sen. Lindsay Simmons:** Sorry, Madam President.

**The President:** Sorry. Senator Simmons, you have the floor.

*[Inaudible interjections]*

**Sen. Lindsay Simmons:** Yes, good day, Madam President.

**The President:** Good day to you.

**Sen. Lindsay Simmons:** I would like to send condolences to the Quarterly family on the passing of their loved one, Glyn Quarterly, beloved husband of Pamela. He passed away on December 21<sup>st</sup>. He was also the father of two sons and he had two step-children.

He was a passionate architect whose work can be seen throughout Bermuda. Examples are the Hamilton Princess, the Willow Stream Spa at the Southampton Princess, Royal Palms, King Edward VII Memorial Hospital, the Compass Pointe building, Power House and the list goes on. He will probably be easily remembered for his love of mentoring young colleagues. He was the vice president of the Institute of Bermuda Architects for many years and dedicated

to raising funds and encouraging young Bermudians to join his passion. He was also a passionate musician and played with the Bermuda Philharmonic Orchestra for many years and that is where he met the love of his life, Pam. I would like to, again, send my condolences to his family.

**The President:** Thank you, Senator Lindsay Simmons.

Would any other Senator care to speak on Condolences and Congratulations?

Senator Owen Darrell, are you indicating you want to speak?

**Sen. Owen Darrell:** Yes, I was yielding to Senator Tucker, actually.

**The President:** Tucker. I beg your pardon. I am not . . . Senator Tucker, you have the floor.

**Sen. Robin Tucker:** Thank you, very much, Senator Darrell, I appreciate that.

I just wanted to associate myself with everyone's comments and extend condolences to all the families who have lost loved ones.

I did particularly want to highlight the passing of Earl "Gabby" Hart. Senator Simmons, I was one of the people who had the benefit of being at Warwick Secondary when "Hart" was deputy principal. Everything that you said about him, everything that Darren "Butch" Burchall said about him, there was an article put in the paper, was absolutely all of what he was.

From the student's perspective, Mr. Hart, in addition to Randy Horton as well, but Mr. Hart always was the one who stood out. And as you said, he was everywhere. Mr. Horton was everywhere too. But Mr. Hart was absolutely everywhere! And when everybody heard that booming voice coming down the hallways, everybody scattered. Why? They did it knowing that he cared. And whenever, you know, you were in trouble, you knew that whatever discipline was being meted out, or whenever you were getting a telling-off, you knew it was coming from a place of love. And Mr. Hart (and Mr. Horton) was very, very popular with the students. Even, you know, all these years later, whenever I would see Mr. Hart . . . we are talking about several decades since I was at Warwick Sec—

*[Laughter]*

**Sen. Robin Tucker:** But, you know, whenever I would see him he always had a wonderful greeting, an encouraging word, he never forgot your name or your history at Warwick Sec—an amazing, amazing, amazing person.

So, I did want to just express that. And I am thankful that I have had the opportunity to actually know Mr. Hart.

Thank you.

**The President:** Thank you, Senator Tucker.

Senator Owen Darrell, you have the floor.

**Sen. Owen Darrell:** Thank you, Madam President.

I also would like to be associated and say my own few words regarding the passing of Mr. Earl "Gabby" Hart.

First of all, I would like to send my condolences to his family. As most do know, I am an educator. And when I entered the profession, I believe that Mr. Hart was already retired. However, I will say this, he was never out of the limelight. Through family associations, Mr. Hart was a constant encouragement and he often supported me as a male educator. And as everyone has kind of alluded to and spoken, if you knew Mr. Hart he was everywhere.

I am not sure if Mr. Hart ever owned a car, but I would always see him walking or standing on the side of the road. And if you did catch him standing on the side of the road, he would not be there for long. Because, rest assured, someone would give him a ride into town.

I often would see Mr. Hart at union functions, that would be the Bermuda Union of Teachers, professional fraternity functions, Ministry of Education functions, Berkeley Institute functions, and of course, sports functions. You name it, Mr. Hart was there. I must say, I cannot speak to all of his credentials, past or present, but what I do know is that in everything that Mr. Hart did he was respected and treated like a VIP.

I do actually want to recognise the Bermuda Union of Teachers and give them credit for naming their executive boardroom the "Earl 'Gabby' Hart Boardroom." And they did that some time ago after Mr. Hart. You know, so many times people recognise and honour individuals after they are gone. And I want to, again, to the current president and the current executive, or the executive then who made that decision, recognise them for recognising and honouring Mr. Hart while he was still active in union activities. So, again, thank you to the BUT for bestowing this honour on him. And, again, his contributions were worthy of such an honour.

Also, on a matter of congratulations today, Madam President. I would like to congratulate everyone, and there were a number of individuals who were associated and came together to ensure that our Bermuda public school students returned to school safely today. I have, in my role as Junior Minister of Education, sat in multiple meetings, the EEMC [Education Emergency Measures Committee] since before school ended last year. And I would just like to congratulate everyone for coming together, whether it be union partners, teachers—everyone—officials. I can tell you that I drove by a school this morning and the joy that I saw on the faces of students, they were happy to get back to in-person learning.

So I think it is important that we congratulate and thank everyone for doing their jobs and going the extra mile to ensure that, unlike other jurisdictions, Bermuda is lucky at this time to be able to have our students return to in-person learning safely.

Thank you, Madam President.

[Pause]

**Sen. Owen Darrell:** Madam President, I think you are muted.

**The President:** Yes, I was saying that I am sure that the entire Senate body joins you in your comments regarding Bermuda getting its children back to school. So we thank you for that.

Would any other Senator care to speak on Congratulatory and/or Obituaries?

**Sen. the Hon. Dr. Ernest Peets:** Yes, Madam President, I certainly invite the entire Senate in acknowledging our gratitude and gratefulness for all of the hard work from Government House all the way through government as it relates to what was needed and necessary to get the COVID-19 vaccine on Island. So hopefully this is just the beginning of more positive things for 2021.

So those are my comments. I am just inviting the Senate team to join me in thanking all of those who made that possible.

**The President:** I am sure we all do join you.

And I would just like to make a couple of comments myself. And that is in reference to Dr. Keith Cunningham, OBE, who was 87 years old and he died just a couple of days ago. He was the former Director of Pathology at King Edward. His wife, Beverly Cunningham, I am sure many of us have known, she passed a few years ago. So, I would like to have condolences sent to their children, Jacqui (Brian) Myrie, Ingrid (Shawn) Smilie, David (LaKeitha) Cunningham, and their children, and all his friends and family in Bermuda as well as in Jamaica and the United States. I am sure his former colleagues at King Edward would also like to extend condolences. And we will hear more about him.

And, finally, I would just like to have condolences extended to the family of Dr. Doris Marilyn Tucker Nicholas. Now, I do not know if any of you had the opportunity to read the *Bernews* report on her that was written by her cousin, Cheryl-Ann Griffin, but Doris, who died suddenly on Friday, January the 8<sup>th</sup> in Morgantown, West Virginia, where she lived with her husband, Bobby, and family of five children (and they had seven grandchildren), was a doctoral prepared social worker. And she spent 12 years as the director of social services at the Ruby Memorial Hospital in West Virginia and she taught at West Virginia University for 20 years. She developed and taught graduate

classes, focusing on multi-cultural practice and she was a strong advocate for people of colour.

I think it is important to recognise that she was instrumental in the development and the implementation of the “2 plus 2” programme between the Bermuda College and the West Virginia University, where Bermudians student could go there to study.

Dr. Nicolas had very strong family connections here in Bermuda among the Tucker, Dillas, Adams, Pearman, and Simmons families, as well as her Nicolas family in West Virginia. Her husband was an entertainer and her son, Trevor Dion Nicholas, has played the genie in “Aladdin” in the theatre both in New York and London. And a most comprehensive obituary was written by her cousin, Mrs. Cheryl-Ann Griffin, and that appeared in the *Bernews* obituary column on January the 11<sup>th</sup>, and she happened to be a first cousin.

But I would just like to let Bermudians know that she was a Bermudian who returned to Bermuda every year, was very interested in students and in their education, particularly in social work, and she was instrumental in having a number of them who were interested in doing social work to come to Morgantown where she worked.

So, with that, we will now move on to the final . . . adjournment. Over to you, Minister Peets, and Government Leader in the Senate, for the adjournment.

## ADJOURNMENT

**Sen. the Hon. Dr. Ernest Peets:** Thank you, Madam President.

I move that the Senate adjourn until February 24, 2021.

**The President:** Thank you. February 24<sup>th</sup>.

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

Hearing none. I am making sure . . . I am hearing no one wanting to speak on the motion to adjourn. If that is so, then Senators, we thank you for your work today. It has been a long day for all of us. I want to thank you for that and to say that the Senate stands adjourned until February the [24<sup>th</sup>].

[At 4:49 pm, the Senate stood adjourned until 10:00 am, Wednesday, 24 February 2021.]

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# **BERMUDA SENATE 2020/2021 SESSION**

## **OFFICIAL HANSARD REPORT INDEX**

**November 2020–January 2021**

*This Index is arranged alphabetically with “Order of Business” headings and Senators’ names in **bold**. “Bills” are arranged both alphabetically and procedurally (i.e., First Reading, Second Reading, Third Reading).*

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### **A**

#### **Adjournment, motions thereon**

- Christmas Greetings
  - Dillas-Wright, Sen. the Hon. Joan E., 95
  - Peets, Sen. the Hon. Dr. Ernest, 95
- COVID-19, reminder to remain vigilant
  - Smith, Sen. Ben, 64–65
- December 2, 2016 protest, anniversary of
  - Darrell, Sen. Owen, 40–41
- L. F. Wade International Airport, Bermudians should be proud
  - Jones, Sen. Marcus, 84–86
- Maiden Speech
  - Simmons, Sen. Lindsay, 92–94
- Maiden Speech, Thanksgiving an Expression of Gratitude
  - Darrell, Sen. Owen, 31–33

#### **Announcements**

- Bermuda Airport Authority Annual Report 2019/2020
  - Navigating the Challengers, Focused on the Future, 36
- Bermuda Civil Aviation Authority Annual Report 2017/18
  - Building on our Foundation, 36
- Bermuda College Annual Report 2019/2020, 3
- Bermuda Educators Council (Exemptions) (2020 to 2021 School Year) Order 2020, 3
- Bermuda Land Development Company Limited, Audited Financial Statements 2012-2017, 2018, 68
- Customs Duty (BELCO North Power Station) Remission Amendment Order 2020, 36
- Customs Tariff
  - (Approved Businesses) Amendment (No. 4), (No. 5) and (No. 6) Notice 2020, 36
  - (Approved Organisations) Amendment (No. 2) Notice 2020, 36
- Financial Assistance Department Annual Reports 2019 and 2020, 68
- Information Commissioner Office of, Audited Financial Statements 2019, 36
- Legal Aid Office, Annual Reports 2013-2019, 68
- Mental Health (Transitional) Regulations 2020, 1
- Occupational Safety and Health (COVID-19) Revocation Regulations 2020, 1
- Parole Board Combined Report 2017-2019, 36
- Premier, Ministers and Opposition Leader Personal Staffs Act 2019, Annual Report 2020, 43
- Public Health (Clinical Laboratories) Amendment Regulations 2020, 2
- Public Health (COVID-19 Emergency Powers)
  - Amendment (No. 2) Regulations 2020, 2
  - Amendment (No. 3) Regulations 2020, 2
  - Amendment (No. 4) Regulations 2020, 2
  - Amendment (No. 5) Regulations 2020, 2
  - Amendment Regulations 2020, 2
- Public Health (COVID-19 Emergency Powers) (No. 2) Regulations 2020, 2
- Public Health (COVID-19 Emergency Powers) (No. 3)
  - Amendment (No. 2) Regulations 2020, 68
  - Amendment (No. 3) Regulations 2020, 68
  - Amendment Regulations 2020, 68
  - Regulations 2020, 2
- Public Health (COVID-19) Emergency (No. 2) Order 2020, 1
- Public Health (COVID) Emergency (No. 3) Extension Order 2020, 69

## **Announcements (continued)**

- Public Treasury (Administration and Payments) (Supplemental Unemployment Benefit) Regulations 2020, 36
- Public Treasury (Administration and Payments) (Temporary Unemployment Benefit) Amendment (No. 3) Regulations 2020, 36
- Quarantine (COVID-19) (No. 3)
  - Amendment (No. 2) Order 2020, 2
  - Amendment (No. 3) Order 2020, 2
  - Amendment (No. 4) Order 2020, 2
  - Amendment (No. 5) Order 2020, 69
  - Amendment (No. 6) Order 2020, 69
  - Amendment Order 2020, 2
  - Order 2020, 2
- Registry General Annual Report 2019, 1
- Treatment of Offenders Board, Annual Reports, 2018 and 2019, 68

## **Announcements by the President**

- Governor, Senate welcomes new, 67
- Sessional Standing Committees, 87
- Standing Order 49-Rules of Debate, 36
- Virtual Senate Meetings, 35

## **B**

- Bermuda Airport Authority Annual Report 2019/2020
  - Navigating Challenges, Focused on the Future (See Announcements; Statements)
- Bermuda Civil Aviation Authority Annual Report 2017/18
  - Building on our Foundation (See Announcements; Statements)
- Bermuda College Annual Report 2019/2020 (See Announcements; Statements)
- Bermuda Educators Council (Exemptions) (2020 to 2021 School Year) Order 2020 (See Announcements)
- Bermuda Immigration and Protection Amendment (No. 2) Act 2020 (See Bills)
- Bermuda Land Development Company Limited, Audited Financial Statements 2012-2017, 2018 (See Announcements)
- Bermuda Monetary Authority Amendment (No. 2) Act 2020 (See Bills)
- Bermuda National Parks Amendment Act 2020 (See Bills)

## **Bills**

- Bermuda Immigration and Protection Amendment (No. 2) Act 2020
  - First Reading, 47
  - Second Reading
    - Darrell, Sen. Owen, 80–81
    - Smith, Sen. Ben, 81
    - Wight, Sen. John, 81
  - Third Reading, 81
- Bermuda Monetary Authority Amendment (No. 2) Act 2020
  - First Reading, 72
  - Second Reading
    - Hodgson, Sen. Arianna, 104–105
    - Jones, Sen. Marcus, 105
  - Third Reading, 106
- Bermuda National Parks Amendment Act 2020
  - First Reading, 37
  - Second Reading
    - Darrell, Sen. Owen, 62–63
    - Simmons, Sen. Michelle, 63
    - Smith, Sen. Ben, 63
  - Third Reading, 63
- Companies and Partnerships (Electronic Registry) Amendment Act 2020
  - First Reading, 47
  - Second Reading
    - Hodgson, Sen. Arianna, 74–75
    - Jones, Sen. Marcus, 75
    - Simmons, Sen. Michelle, 75
  - Third Reading, 76

**Bills (continued)**

## Digital Asset Business Amendment Act 2020

First Reading, 37

Second Reading

Hodgson, Sen. Arianna, 50

Smith, Sen. Ben, 51

Third Reading, 51

## Employment Amendment (No. 2) Act 2020

First Reading, 72

Second Reading

Darrell, Sen. Owen, 115–116

Hodgson, Sen. Arianna, 113–114, 117–118

Peets, Sen. the Hon. Dr. Ernest, 117

Simmons, Sen. Michelle, 116–117

Smith, Sen. Ben, 115

Tucker, Sen. Robin, 115

Wight, Sen. John, 114

Committee, 118–126

Proposed amendment to clause 11, 122, Division, 124

Report, 126

Third Reading, 126

## Health Insurance (Miscellaneous) Amendment Act 2020

First Reading, 47

Second Reading

Richardson, Sen. Curtis, 98, 99

Tucker, Sen. Robin, 98–99

Wight, Sen. John, 98

Third Reading, 99

## Health Professionals (Miscellaneous Amendments) Act 2020

First Reading, 37

Second Reading

Richardson, Sen. Curtis, 55–57, 59

Tucker, Sen. Robin, 57, 58

Wight, Sen. John, 57

Third Reading, 59

## Insurance Amendment (No. 2) Act 2020

First Reading, 37

Second Reading

Hodgson, Sen. Arianna, 48–49

Third Reading, 49

## Investment Funds Amendment Act 2020

First Reading, 72

Second Reading

Hodgson, Sen. Arianna, 102–103

Jones, Sen. Marcus, 103

Third Reading, 104

## Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020

First Reading, 37

Second Reading

Simmons, Sen. Lindsay, 51–52, 54

Simmons, Sen. Michelle, 54

Tucker, Sen. Robin, 52, 53

Third Reading, 55

## Marine and Ports Services Act 2020

First Reading, 72

Second Reading

Jones, Sen. Marcus, 110–111

Richardson, Sen. Curtis, 109–110, 111

Third Reading, 111

**Bills (continued)**

Merchant Shipping Amendment (No. 2) Act 2020

First Reading, 72

Second Reading

Jones, Sen. Marcus, 112

Richardson, Sen. Curtis, 111–112

Third Reading, 113

Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020

First Reading, 47

Second Reading

Peets, Sen. the Hon. Dr. Ernest, 78

Richardson, Sen. Curtis, 76–77, 78

Simmons, Sen. Michelle, 78

Tucker, Sen. Robin, 77

Wight, Sen. John, 78–79

Third Reading, 79

St. George's Club Act 2020

First Reading, 37

Second Reading

Darrell, Sen. Owen, 59–60, 61, 62

Simmons, Sen. Michelle, 61

Smith, Sen. Ben, 60–61

Wight, Sen. John, 60

Third Reading, 62

Tax Reform Commission Amendment Act 2020

First Reading, 72

Second Reading

Hodgson, Sen. Arianna, 106–107, 108

Jones, Sen. Marcus, 107–108

Simmons, Sen. Michelle, 108

Third Reading, 108

Trade Union and Labour Relations (Consolidation) Act 2020

First Reading, 72

Second Reading

Hodgson, Sen. Arianna, 127–128, 131–132

Jones, Sen. Marcus, 131

Simmons, Sen. Michelle, 129

Smith, Sen. Ben, 129–130

Tucker, Sen. Robin, 128–129

Wight, Sen. John, 128

Committee, 132–151

Proposed amendment to clause 40, 137, Division, 138

Proposed amendment to clause 64, 141–142, Division, 143

Proposed amendment to Schedule 3, 148, Division, 151

Report, 152

Third Reading, 152

**C**

Companies and Partnerships (Electronic Registry) Amendment Act 2020 (See Bills)

**Confirmation of Minutes**

16 December 2020, 87

2 December 2020, 43

21 December 2020, 97

25 November 2020, 35

6 November 2020, 1

9 December 2020, 67

**Congratulatory and/or Obituary Speeches**

Darrell, Sen. Owen, 29, 39–40, 154–155

Dillas-Wright, Sen. the Hon. Joan E., 84, 155

Hodgson, Sen. Arianna, 64

Jones, Sen. Marcus, 30, 82, 152

Peets, Sen. the Hon. Dr. Ernest, 64, 83, 152–153, 155

## **Congratulatory and/or Obituary Speeches (continued)**

Richardson, Sen. Curtis, 29  
Simmons, Sen. Lindsay, 153–154  
Simmons, Sen. Michelle, 29–30, 39, 82–83, 92, 153  
Smith, Sen. Ben, 83, 153  
Tucker, Sen. Robin, 38–39, 84, 154

## **COVID-19**

Occupational Safety and Health (COVID-19) Revocation Regulations 2020 (See Announcements)  
Public Health (COVID-19 Emergency Powers) Amendment Regulations 2020 (See Announcements)  
Public Health (COVID-19) Emergency (No. 3) Extension Order 2020 (See Motions)  
Quarantine (COVID-19) (No. 3) Orders 2020 (See Announcements)  
Reminder to remain vigilant (See Adjournment, motions thereon)

Customs Duty (BELCO North Power Station) Remission Amendment Order 2020 (See Announcements)  
Customs Tariff

(Approved Businesses) Amendment (No. 4), (No. 5) and (No. 6) Notice 2020 (See Announcements)  
(Approved Organisations) Amendment (No. 2) Notice 2020 (See Announcements)

## **D**

### **Darrell, Sen. Owen**

Adjournment, motions thereon  
December 2, 2016 protest, anniversary of, 40–41  
Maiden Speech, Thanksgiving an Expression of Gratitude, 31–33  
Bermuda College Annual Report 2019/2020, 3–5  
Bermuda Educators Council (Exemptions) (2020 to 2021 School Year) Order 2020, 3  
Bermuda Immigration and Protection Amendment (No. 2) Act 2020, 80–81  
Bermuda Land Development Company Limited, Audited Financial Statements 2012-2017, 2018, 68  
Bermuda National Parks Amendment Act 2020, 62–63  
Employment Amendment (No. 2) Act 2020, 115–116  
Information Commissioner Office of, Audited Financial Statements 2019, 36  
Premier, Ministers and Opposition Leader Personal Staffs Act 2019, Annual Report 2020, 43  
St. George's Club Act 2020, 59–60, 61, 62

December 2, 2016 protest, anniversary of (See Adjournment, motions thereon)

Digital Asset Business Amendment Act 2020 (See Bills)

### **Dillas-Wright, Sen. the Hon. Joan E.**

Adjournment, motions thereon  
Christmas Greetings, 95  
Throne Speech 2020 Debate thereon, 26–27

## **Divisions**

Employment Amendment (No. 2) Act 2020  
Proposed amendment to clause 11, 124  
Trade Union and Labour Relations (Consolidation) Act 2020  
Proposed amendment to clause 40, 138  
Proposed amendment to clause 64, 143  
Proposed amendment to Schedule 3, 151

## **E**

Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020 (See Regulations)

Employment Amendment (No. 2) Act 2020 (See Bills)

Employments and Labour Legislative Amendments (See Statements)

## **F**

Financial Assistance Department Annual Reports 2019 and 2020 (See Announcements)

## **G**

Government Fees Amendment (No. 2) Regulations 2020 (See Regulations)

Governor, Senate welcomes new (See Announcements by the President)

## **H**

Health

Insurance (Miscellaneous) Amendment Act 2020 (See Bills)  
Mental Health (Transitional) Regulations 2020 (See Announcements)  
Professionals (Miscellaneous Amendments) Act 2020 (See Bills)

## **Hodgson, Sen. Arianna**

Bermuda Monetary Authority Amendment (No. 2) Act 2020, 104–105  
Companies and Partnerships (Electronic Registry) Amendment Act 2020, 74–75  
Customs Duty (BELCO North Power Station) Remission Amendment Order 2020, 36  
Customs Tariff  
    (Approved Businesses) Amendment (No. 4), (No. 5) and (No. 6) Notice 2020, 36  
    (Approved Organisations) Amendment (No. 2) Notice 2020, 36  
Digital Asset Business Amendment Act 2020, 50  
Employment Amendment (No. 2) Act 2020, 113–114, 117–118  
Employments and Labour Legislative Amendments, 70–72  
Financial Assistance Department Annual Reports 2019 and 2020, 68  
Government Fees Amendment (No. 2) Regulations 2020, 69, 100–101  
Insurance Amendment (No. 2) Act 2020, 48–49  
Investment Funds Amendment Act 2020, 102–103  
Public Treasury (Administration and Payments) (Supplemental Unemployment Benefit) Regulations 2020, 36  
Public Treasury (Administration and Payments) (Temporary Unemployment Benefit) Amendment (No. 3) Regulations 2020, 36  
Tax Reform Commission Amendment Act 2020, 106–107, 108  
Throne Speech 2020 Debate thereon, 21–22  
Trade Union and Labour Relations (Consolidation) Act 2020, 127–128, 131–132

## **I** Immigration

Bermuda Immigration and Protection Amendment (No. 2) Act 2020 (See Bills)  
Information Commissioner Office of, Audited Financial Statements 2019 (See Announcements)  
Insurance Amendment (No. 2) Act 2020 (See Bills)  
Investment Funds Amendment Act 2020 (See Bills)

## **J** **Jones, Sen. Marcus**

Adjournment, motions thereon  
    L. F. Wade International Airport, Bermudians should be proud, 84–86  
Bermuda Monetary Authority Amendment (No. 2) Act 2020, 105  
Companies and Partnerships (Electronic Registry) Amendment Act 2020, 75  
Government Fees Amendment (No. 2) Regulations 2020, 101  
Investment Funds Amendment Act 2020, 103  
Marine and Ports Services Act 2020, 110–111  
Merchant Shipping Amendment (No. 2) Act 2020, 112  
Question Period  
    Bermuda College Annual Report 2019/2020, 5, 37–38  
    Employments and Labour Legislative Amendments, 73, 74  
Tax Reform Commission Amendment Act 2020, 107–108  
Throne Speech 2020 Debate thereon, 23–26  
Trade Union and Labour Relations (Consolidation) Act 2020, 131

## **L** L. F. Wade International Airport, Bermudians should be proud (See Adjournment, motions thereon) Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020 (See Bills) Legal Aid Office, Annual Reports 2013–2019 (See Announcements)

## **M** Maiden Speech

Simmons, Sen. Lindsay, 92–94  
Thanksgiving an Expression of Gratitude  
    Darrell, Sen. Owen, 31–33

Marine and Ports Services Act 2020 (See Bills)  
Marine enforcement, efforts to improve (See Statements)  
Mental Health (Transitional) Regulations 2020 (See Announcements)  
Merchant Shipping Amendment (No. 2) Act 2020 (See Bills)

## **Messages to the Governor**

Christmas and New Year's Greetings, 91

## **Messages to the House of Assembly**

Christmas and New Year's Greetings, 91

## **Motions**

- Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020, 69
- Government Fees Amendment (No. 2) Regulations 2020, 69
- Public Health (COVID-19) Emergency (No. 3) Extension Order 2020  
Richardson, Sen. Curtis, 3 (*See also* Orders)
- Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020, 69
- Throne Speech 2020 be taken as read and taken under consideration  
Peets, Sen. the Hon. Dr. Ernest, 6; Message to His Excellency the Governor on presentation of,  
Peets, Sen. the Hon. Dr. Ernest, 27

## **O**

Occupational Safety and Health (COVID-19) Revocation Regulations 2020 (*See* Announcements)

## **Orders**

- Public Health (COVID-19) Emergency (No. 3) Extension Order 2020  
Richardson, Sen. Curtis, 28

## **P**

Parliamentary Questions, *See* Question Period

Parole Board

- Combined Report 2017-2019 (*See* Announcements)
- Report 2017-2020 (*See* Statements)

## **Peets, Sen. the Hon. Dr. Ernest**

- Adjournment, motions thereon  
Christmas Greetings, 95
- Employment Amendment (No. 2) Act 2020, 117
- Legal Aid Office, Annual Reports 2013-2019, 68
- Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020, 78
- Throne Speech 2020 Debate thereon, 6–8

Premier, Ministers and Opposition Leader Personal Staffs Act 2019, Annual Report 2020 (*See* Announcements)

Public Health (Clinical Laboratories) Amendment Regulations 2020 (*See* Announcements)

Public Health (COVID-19 Emergency Powers)

- Amendment (No. 2) Regulations 2020 (*See* Announcements)
- Amendment (No. 3) Regulations 2020 (*See* Announcements)
- Amendment (No. 4) Regulations 2020 (*See* Announcements)
- Amendment (No. 5) Regulations 2020 (*See* Announcements)
- Amendment Regulations 2020 (*See* Announcements)

Public Health (COVID-19 Emergency Powers) (No. 2) Regulations 2020 (*See* Announcements)

Public Health (COVID-19 Emergency Powers) (No. 3)

- Amendment (No. 2) Regulations 2020 (*See* Announcements)
- Amendment (No. 3) Regulations 2020 (*See* Announcements)
- Amendment Regulations 2020 (*See* Announcements)
- Regulations 2020 (*See* Announcements)

Public Health (COVID-19) Emergency (No. 2) Order 2020 (*See* Announcements)

Public Health (COVID-19) Emergency (No. 3) Extension Order 2020 (*See* Motions)

Public Health (COVID) Emergency (No. 3) Extension Order 2020 (*See* Announcements)

Public Treasury (Administration and Payments) (Supplemental Unemployment Benefit) Regulations 2020 (*See* Announcements)

Public Treasury (Administration and Payments) (Temporary Unemployment Benefit) Amendment (No. 3)  
Regulations 2020 (*See* Announcements)

## **Q**

Quarantine (COVID-19) (No. 3)

- Amendment (No. 2) Order 2020 (*See* Announcements)
- Amendment (No. 3) Order 2020 (*See* Announcements)
- Amendment (No. 4) Order 2020 (*See* Announcements)
- Amendment (No. 5) Order 2020 (*See* Announcements)
- Amendment (No. 6) Order 2020 (*See* Announcements)
- Amendment Order 2020 (*See* Announcements)
- Order 2020 (*See* Announcements)

## **Question Period**

- Bermuda Airport Authority Annual Report 2019/2020
  - Navigating Challenges, Focused on the Future
  - Simmons, Sen. Michelle, 47
- Bermuda College Annual Report 2019/2020
  - Jones, Sen. Marcus, 5, 37–38
  - Smith, Sen. Ben, 6, 38
- Employments and Labour Legislative Amendments
  - Jones, Sen. Marcus, 73, 74
  - Smith, Sen. Ben, 73
- Marine enforcement, efforts to improve
  - Simmons, Sen. Michelle, 47
  - Smith, Sen. Ben, 48
- Parole Board Report 2017-2020
  - Smith, Sen. Ben, 90
- Treatment of Offenders Board Report 2018/19
  - Simmons, Sen. Michelle, 90
  - Smith, Sen. Ben, 90

## **R**

Registry General Annual Report 2019 (See Announcements)

## **Regulations**

- Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020
  - Simmons, Sen. Lindsay, 100
  - Tucker, Sen. Robin, 100
- Government Fees Amendment (No. 2) Regulations 2020
  - Hodgson, Sen. Arianna, 100–101
  - Jones, Sen. Marcus, 101
- Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020
  - Simmons, Sen. Lindsay, 100
  - Tucker, Sen. Robin, 100

Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020 (See Bills)

## **Richardson, Sen. Curtis**

- Bermuda Airport Authority Annual Report 2019/2020
  - Navigating Challenges, Focused on the Future, 36, 44
- Bermuda Civil Aviation Authority Annual Report 2017/18
  - Building on our Foundation, 36, 44–45
- Health Insurance (Miscellaneous) Amendment Act 2020, 98, 99
- Health Professionals (Miscellaneous Amendments) Act 2020, 55–57, 59
- Marine and Ports Services Act 2020, 109–110, 111
- Mental Health (Transitional) Regulations 2020, 1
- Merchant Shipping Amendment (No. 2) Act 2020, 111–112
- Occupational Safety and Health (COVID-19) Revocation Regulations 2020, 1
- Parole Board Combined Report 2017-2019, 36
- Parole Board Report 2017-2020, 87–88
- Public Health (Clinical Laboratories) Amendment Regulations 2020, 2
- Public Health (COVID-19 Emergency Powers)
  - Amendment (No. 2) Regulations 2020, 2
  - Amendment (No. 3) Regulations 2020, 2
  - Amendment (No. 4) Regulations 2020, 2
  - Amendment (No. 5) Regulations 2020, 2
  - Amendment Regulations 2020, 2
- Public Health (COVID-19 Emergency Powers) (No. 2) Regulations 2020, 2
- Public Health (COVID-19 Emergency Powers) (No. 3)
  - Amendment (No. 2) Regulations 2020, 68
  - Amendment (No. 3) Regulations 2020, 68
  - Amendment Regulations 2020, 68
  - Regulations 2020, 2
- Public Health (COVID-19) Emergency (No. 2) Order 2020, 14–16
- Public Health (COVID-19) Emergency (No. 3) Extension Order 2020, 3, 28, 69

**Richardson, Sen. Curtis (continued)**

- Quarantine (COVID-19) (No. 3)
  - Amendment (No. 2) Order 2020, 2
  - Amendment (No. 3) Order 2020, 2
  - Amendment (No. 4) Order 2020, 2
  - Amendment (No. 5) Order 2020, 69
  - Amendment (No. 6) Order 2020, 69
  - Amendment Order 2020, 2
  - Order 2020, 2
- Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020, 76–77, 78
- Throne Speech 2020 Debate thereon, 16–17
- Treatment of Offenders Board Annual Reports 2018/19, 68, 88–89

**S**

Sessional Standing Committees (See Announcements by the President)

**Simmons, Sen. Lindsay**

- Adjournment, motions thereon
  - Maiden Speech, 92–94
- Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020, 69, 100
- Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020, 51–52, 54
- Marine enforcement, efforts to improve, 45–46
- Registry General Annual Report 2019, 1
- Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020, 69, 100
- Throne Speech 2020 Debate thereon, 17–18

**Simmons, Sen. Michelle**

- Bermuda National Parks Amendment Act 2020, 63
- Companies and Partnerships (Electronic Registry) Amendment Act 2020, 75
- Employment Amendment (No. 2) Act 2020, 116–117
- Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020, 54
- Question Period
  - Bermuda Airport Authority Annual Report 2019/2020 Navigating Challenges, Focused on the Future, 47
  - Marine enforcement, efforts to improve, 47
  - Treatment of Offenders Board Report 2018/19, 90
- Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020, 78
- St. George's Club Act 2020, 61
- Tax Reform Commission Amendment Act 2020, 108
- Throne Speech 2020 Debate thereon, 11–14
- Trade Union and Labour Relations (Consolidation) Act 2020, 129

**Smith, Sen. Ben**

- Adjournment, motions thereon
  - COVID-19, reminder to remain vigilant, 64–65
- Bermuda Immigration and Protection Amendment (No. 2) Act 2020, 81
- Bermuda National Parks Amendment Act 2020, 63
- Digital Asset Business Amendment Act 2020, 51
- Employment Amendment (No. 2) Act 2020, 115
- Question Period
  - Bermuda College Annual Report 2019/2020, 6, 38
  - Employments and Labour Legislative Amendments, 73
  - Marine enforcement, efforts to improve, 48
  - Parole Board Report 2017-2020, 90
  - Treatment of Offenders Board Report 2018/19, 90
- St. George's Club Act 2020, 60–61
- Throne Speech 2020 Debate thereon, 8–11
- Trade Union and Labour Relations (Consolidation) Act 2020, 129–130
- St. George's Club Act 2020 (See Bills)
- Standing Order 49-Rules of Debate (See Announcements by the President)

## Statements

Bermuda Airport Authority Annual Report 2019/2020

Navigating Challenges, Focused on the Future, 44 (See also Question Period)

Bermuda Civil Aviation Authority Annual Report 2017/18

Building on our Foundation, 44–45

Bermuda College Annual Report 2019/2020, 3–5 (See also Question Period)

Employments and Labour Legislative Amendments, 70–72 (See also Question Period)

Marine enforcement, efforts to improve, 45–46 (See also Question Period)

Parole Board Report 2017-2020, 87–88 (See also Question Period)

Treatment of Offenders Board Annual Reports 2018/19, 88–89 (See also Question Period)

Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020 (See Regulations)

## T

Tax Reform Commission Amendment Act 2020 (See Bills)

Throne Speech 2020

be taken as read and taken under consideration (See Motions)

Debate thereon

Dillas-Wright, Sen. the Hon. Joan E., 26–27

Hodgson, Sen. Arianna, 21–22

Jones, Sen. Marcus, 23–26

Peets, Sen. the Hon. Dr. Ernest, 6–8

Richardson, Sen. Curtis, 16–17

Simmons, Sen. Lindsay, 17–18

Simmons, Sen. Michelle, 11–14

Smith, Sen. Ben, 8–11

Tucker, Sen. Robin, 18–21

Wight, Sen. John, 14–16

Trade Union and Labour Relations (Consolidation) Act 2020 (See Bills)

Treatment of Offenders Board Annual Reports 2018/19 (See Announcements; Statements)

## Tucker, Sen. Robin

Electronic Communications (Regulatory Authority Fees) Amendment Regulations 2020, 100

Employment Amendment (No. 2) Act 2020, 115

Health Insurance (Miscellaneous) Amendment Act 2020, 98–99

Health Professionals (Miscellaneous Amendments) Act 2020, 57, 58

Land Valuation and Tax (Special Provisions and Postponement of Preparation of Draft Valuation List) Act 2020, 52, 53

Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020, 77

Submarine Communications Cables (Regulatory Authority Fees) Regulations 2020, 100

Throne Speech 2020 Debate thereon, 18–21

Trade Union and Labour Relations (Consolidation) Act 2020, 128–129

## V

Virtual Senate Meetings (See Announcements by the President)

## W

### Wight, Sen. John

Bermuda Immigration and Protection Amendment (No. 2) Act 2020, 81

Employment Amendment (No. 2) Act 2020, 114

Health Insurance (Miscellaneous) Amendment Act 2020, 98

Health Professionals (Miscellaneous Amendments) Act 2020, 57

Residential Care Homes and Nursing Homes (Transfer of Functions) Act 2020, 78–79

St. George's Club Act 2020, 60

Throne Speech 2020 Debate thereon, 14–16

Trade Union and Labour Relations (Consolidation) Act 2020, 128

---

### Dates of Senate Sittings 2–7:

### Pages in Hansard:

25 November 2020	1–34
02 December 2020	35–42
09 December 2020	43–66
16 December 2020	67–86
21 December 2020	87–96
13 January 2021	97–156