


# 2025/26 SESSION
# of the

# BERMUDA SENATE

# OFFICIAL HANSARD REPORT

# 18 NOVEMBER 2026

*Sitting number 32 of the 2025/2026 Session*
*(pages 1303–1320)*

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

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# 18 NOVEMBER 2026
# 10:04 AM

*Sitting Number 32 of the 2025/2026 Session*

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

**The President:** Good morning, Senators, and good morning to the listening audience.

The Senate is in session.

Shall we pray?

## PRAYERS

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

**The President:** Please be seated.

## CONFIRMATION OF MINUTES

*[Minutes of 7 October 2026]*

**The President:** I call on Senator Cunningham.

**Sen. Victoria Cunningham:** Good morning, Madam President. I move that the Minutes of the meeting of Wednesday, 7 October 2026 be taken as read.

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

No objection.

**Sen. Victoria Cunningham:** Madam President, I move that the minutes of Wednesday, 7 October 2026 be confirmed.

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

No objection.

Thank you, Senator Cunningham.

*[Minutes of 7 October 2026 confirmed.]*

## MESSAGES

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

## ANNOUNCEMENT BY THE PRESIDENT

### APOLOGIES

**The President:** Well, I have been given the message and that is apologies from Vice President John Wight and Senator Tawana Tannock who are absent this morning.

## REPORTS OF COMMITTEES

**The President:** There are none.

## ANNOUNCEMENTS

**The President:** We have several announcements this morning, Senators. And the first is in the name of Senator, the Honourable Kim Wilkerson, the Attorney General and Minister of Justice.

Minister, you have the floor.

### INFORMATION COMMISSIONER ANNUAL REPORT 2025

**Sen. the Hon. Kim Wilkerson:** Thank you, Madam President.

Good morning to the listening public.

Madam President, I hereby present for the information of Senate, the Information Commissioner 2025 Annual Report, as required by section 58(1) of the Public Access to Information Act 2010 (PATI). Senators may access copies of the report on their tablets and/or the Parliament website.

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

And the next is in the name of Senator, the Honourable Ryan A. R. Perinchief, the Minister of National Security and spokesperson for Finance.

Minister Perinchief, you have the floor.

### BENEFICIAL OWNERSHIP REGULATIONS 2026

**Sen. the Hon. Ryan Robinson Perinchief:** Thank you and good morning, Madam President and to the public.

Madam President, I hereby present for the information of Senate, the Beneficial Ownership Regulations 2026, in exercise of the powers conferred by section 27 of the Beneficial Ownership Act 2025. Senators may access copies on their tablets and/or the Parliament website.

**The President:** Thank you, and I believe you have a—

**Sen. the Hon. Ryan Robinson Perinchief:** Yes, I have a few more announcements.

**The President:** Would you please proceed?

## BENEFICIAL OWNERSHIP EXEMPTION ORDER 2026

**Sen. the Hon. Ryan Robinson Perinchief:** Thank you, Madam President.

I also hereby present for the information of Senate, the Beneficial Ownership Exemption Order 2026, an exercise of the powers conferred by section 15(4) of the Beneficial Ownership Act 2025. Senators may access copies on their tablets and/or the Parliament website.

## BERMUDA PUBLIC ACCOUNTABILITY BOARD (BPAB) AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2026

**Sen. the Hon. Ryan Robinson Perinchief:** In addition, Madam President, I hereby present for the information of Senate, the Bermuda Public Accountability Board (BPAB) Audited Financial Statements for the year ending 31 March 2026. Again, Senators may access copies on their tablets and/or the Parliament website.

## BERMUDA PUBLIC ACCOUNTABILITY BOARD (BPAB) ANNUAL REPORT 2026

**Sen. the Hon. Ryan Robinson Perinchief:** And lastly, Madam President, I hereby present for the information of Senate, the 2026 Bermuda Public Accountability Board Annual Report. This report is submitted in accordance with sections 14 and 15 of the Bermuda Public Accountability Act 2011. Again, Senators may access copies on their tablets and/or the Parliament website.

Thank you, Madam President.

**The President:** And thank you, Minister Perinchief.

And the next announcement is in the name of Senator Mischa G. Fubler, the Junior Minister of Tourism and Transport, Culture and Sport.

Senator Fubler, you have the floor.

## AUXILIARY BICYCLES (PROJECT RIDE) REGULATIONS 2026

**Sen. Mischa Fubler:** Thank you, Madam President. Good morning to the listening audience.

My first announcement is that I hereby present for the information of Senate, the Auxiliary Bicycles (Project Ride) Regulations 2026, as made by the Minister responsible for Transport in exercise of the power conferred by section 9AB(4) [and sections] 30, and 31 of the Auxiliary Bicycles Act 1954. Senators may access copies on their tablets and/or the Parliament website.

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

And the next announcement is in the name of Senator Lindsay K. Simmons, the Junior Minister for Home Affairs.

[Junior Minister] Simmons, you have the floor.

## CONSUMER AFFAIRS ANNUAL REPORT 2025

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

Madam President, I have the honour to attach and submit for the consideration of Senate, the Consumer Affairs Annual Report 2025.

Madam President, I have one more under my head as a Junior Minister of [Youth, Social] Development and Seniors.

**The President:** Please continue.

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

## DEPARTMENT OF FINANCIAL ASSISTANCE ANNUAL REPORT 2025/26

**Sen. Lindsay Simmons:** Madam President, I have the honour to attach and submit for the consideration of Senate, the Department of Financial Assistance Annual Report 2025/26.

Thank you, Madam President.

**The President:** And thank you, Senator Lindsay Simmons.

Item number six, notices of motions. There are—

**Sen. Mischa Fubler:** Madam President.

**The President:** I beg your pardon.

**Sen. Mischa Fubler:** I have one more announcement.

Apologies, Madam President. As I said, it was my first. My second announcement is:

## MOTOR CAR (RIDESHARING) AMENDMENT REGULATIONS 2026

**Sen. Mischa Fubler:** I hereby present for the information of Senate the Motor Car (Ridesharing) Amendment Regulations 2026, as made by the Minister responsible for Transport in exercise of the power conferred by sections 37 and 102 of the Motor Car Act 1951. Senators may access copies on their tablets and/or the Parliament website.

Thank you, Madam President.

**The President:** Thank you, Senator Mischa Fubler.

I'm sorry I didn't pick up on that second one but thank you.

## NOTICES OF MOTIONS

**The President:** There are none.

## PETITIONS

**The President:** There are none.

## STATEMENTS

**The President:** Senators, we have a Statement this morning from the Honourable Kim Wilkerson, JP, Attorney General and Minister of Justice.

Minister, you have the floor.

**Sen. the Hon. Kim Wilkerson:** Thank you, Madam President.

### CRIMINAL CODE AMENDMENT BILL 2026

**Sen. the Hon. Kim Wilkerson:** Madam President, I rise today to inform this Honourable Senate of the introduction of the Criminal Code (Medical Termination of Pregnancy) Amendment Bill 2026. I do so conscious that this Bill touches upon one of the most private decisions that any person can face. It is a decision made in doctors' offices and at kitchen tables, often in fear, often in silence, and too often alone.

At its heart, this Bill asks a simple question: who decides? For far too long, the law of Bermuda has answered that question with the threat of criminal sanction and the permission of a committee. This Bill answers it differently. It says that the decision belongs to a woman, in consultation with her doctor.

Madam President, Honourable Senators will recall that in the 2025 Throne Speech, this Government committed to repealing the provisions of the Criminal Code Act 1907 that address the termination of pregnancy, together with the requirement for approval by the Therapeutic Abortion Committee. I was charged with progressing that reform. This Bill delivers the heart of that commitment, as it takes consensual medical care out of the criminal law and abolishes the Committee. However, it is but the first step in our plans to address the issue of medical terminations and pregnancy loss comprehensively.

Madam President, let me begin by explaining where the law stands today. Under sections 194 to 196 of the Criminal Code Act 1907, procuring a miscarriage remains a criminal offence. A termination is lawful only where a certificate has first been obtained from the Therapeutic Abortion Committee, and they may issue a certificate only on limited grounds. This has meant, in practice, that a psychiatric sign off has often been required in order to justify the termination under mental health grounds, in circumstances where consent alone should be enough.

In other words, the woman who has already reached what may be the most difficult decision of her life must then go through a lengthy process of seeing multiple doctors and then have her case presented to a panel and wait for its permission. Every moment of that wait matters as the later a termination, the greater the clinical risk and on Island care is in practice available only in the early weeks of pregnancy.

Madam President, that process applies even where a termination is needed for medical reasons. Consider a woman, and her family, who have just been given devastating news at a scan: that the child she is carrying will not survive, or that continuing the pregnancy places her own life or health at risk. Under our current law, she must still wait for the Committee to meet and to certify before her doctor may act. Every day of that wait is a day spent carrying a pregnancy that she knows she will not continue.

While the Committee meets and process applications swiftly, even a few days in that state can be profoundly harmful, mentally and psychologically, at what is already one of the most painful moments a family can face. The law should not add to that grief. It should get out of the way of her care.

Madam President, the practical reality is starker still. Only two OBGYNs perform the procedure on Island, and, in both cases, in practice only up to 14 weeks' gestation absent medical necessity. Those who have the means can, and do, travel overseas for care. Those who do not have the means, or who cannot leave children behind and other dependants to board a plane, are left with fewer options. The additional burdens imposed by this law have never fallen equally. They fall hardest on those of lower economic means and on those with caregiving responsibilities.

Madam President, an option that is available only to those who can afford a plane ticket is not a right. It is a privilege. And the law of this country should not be a respecter of bank balances.

Madam President, the problem, then, is threefold. First, the law treats a health care decision as a crime unless a committee gives permission. Second, that permission process causes delay and in pregnancy delay carries clinical risk. Third, the burden of the system falls unequally on those who cannot afford to seek care abroad or who, for other reasons, cannot travel. This Bill addresses the first two directly. After further consultation, later phases will address the third.

Madam President, consultation also revealed further barriers that compound the legal framework: insurance waiting periods, in at least one case of 10 months, before pregnancy and abortion coverage attaches; a proposal to reduce the standard allowance for abortion care; and the exclusion of abortion care from the Government's Maternity Benefit Programme. These matters are not addressed in this Bill, but I mention them now so that Honourable Senators understand that this Government sees the whole picture, and that we intend to address it.

Madam President, between 2025 and 2026, my Ministry held small group consultations with those most closely affected by these proposals. We met with women's charities, including the Women's Resource Centre and the Centre Against Abuse; with the physicians who provide this care; with bipartisan political representatives; with the Human Rights Commission and the Gender Affairs Council; with doulas and fertility business owners; with youth charities and social justice organisations; and with women with lived experiences of abortion who have obtained care both on Island and outside of Bermuda. I thank every consultee for their candour and their time.

Madam President, every consultee to date agreed that abortion should be decriminalised and that the Therapeutic Abortion Committee should be abolished. Not most. Every one. There was also broad consensus on removing the psychiatric sign-off frequently required by the Committee, on funding voluntary counselling, and on aligning our laws with modern medical practice. That consensus has shaped the approach that I now set out.

Madam President, I am also mindful that this is a subject upon which Bermudians of good conscience, including many of deep and sincere faith, hold differing views. I respect those views, and I respect those who hold them. This Bill does not ask any person to abandon their convictions. It does not compel any woman to choose one path or another. What it does ask is that the criminal law step back from a decision that properly belongs to a woman and her doctor and that it resides, as it should, as a health matter, not a criminal one.

Madam President, this Bill is deliberately focused. It does two things: it makes a consensual termination performed by a qualified medical practitioner lawful, and it abolishes the Therapeutic Abortion Committee. The wider matters raised during our consultation will be the subject of further consultation, and I will return to those shortly, but I want to speak plainly about what this Bill does.

Madam President, clause 2 of the Bill repeals and replaces section 196A of the Criminal Code Act 1907. The new section provides that no person shall be guilty of an offence under any law related to the termination of pregnancy, where the pregnancy is terminated in good faith, by medical or surgical means, in a hospital, by a registered medical practitioner or a person assisting that practitioner, with the written consent of the pregnant woman, voluntarily given. For an adult woman, that consent is all that is required.

Madam President, the new section also expressly recognises the circumstances in which the need for care is most acute and has retained many of those from the existing law, while adding others: where pregnancy is the result of incest or of a serious sexual offence, including sexual offences against children; where continuing the pregnancy would risk the pregnant person's life, or injury to her physical health or mental health; and where there is a substantial risk that, if the child were born, the child would suffer from a serious physical or mental impairment resulting in severe disability.

In settling the words of that last ground, we consulted with the Human Rights Commission to ensure that our language is inclusive and not harmful. No pregnant person in those circumstances should ever have to wonder whether she might be prosecuted for obtaining medical care.

Madam President, for the purposes of the new section, the meaning of "hospital" has been retained and means the King Edward VII Memorial Hospital, or any other facility that the Minister responsible for Health may designate by order, subject to the negative resolution procedure. That power is deliberate. It contains abortion care to the current hospital clinical practice yet allows care to be provided safely beyond a single site in the future, following further reform, while keeping Parliament informed of any such designation.

As we develop further abortion reform and explore medical abortion options, the hospital may not always be where medication is administered. That will be established in later legislation, but the power to designate another site is placed in this Bill now so that the law is ready when that time comes.

Madam President, clause 3 repeals sections 196B to 196D, which contain the machinery of the Therapeutic Abortion Committee.

Clause 4 contains the transitional provisions. It abolishes the Committee upon commencement of the Act. It provides that a certificate from the Committee is no longer required for a lawful termination, and that any application pending before the Committee at that time shall be void. The terms of all members expire, while they remain bound by their duties of confidentiality.

Madam President, let me be clear about what that transitional provision means for any woman whose application is pending on the day this Act comes into force. She does not lose anything. Her application falls away because she no longer needs anyone's permission. She may proceed directly with her doctor.

Madam President, I also wish to thank those who have served on the Therapeutic Abortion Committee over the years. They carried out a role that the law required of them, and in doing so, they provided women with access to crucial care within the limitations of the existing framework. The abolition of the Committee is no reflection on them. It is a reflection of the fact that a woman's health care decision should never have required a committee in the first place.

Madam President, let me speak to the legal perspective, as this Honourable Senate would expect from me.

Madam President, first, this Bill decriminalises lawful terminations; however, it does not remove every safeguard in the criminal law. Sections 194 to 196 remain in force. What is changed is that a consensual termination, performed in good faith in a hospital by a registered medical practitioner, is placed firmly outside

their reach. A termination performed by an unqualified person, or outside the conditions set out in the new section 196A, remains a criminal offence. That means that anyone procuring their own miscarriage, anyone supplying drugs or instruments to do so, or anyone taking action with the intent to cause a miscarriage outside of the listed parameters, still commits an offence.

Madam President, second, for an adult woman, her consent is all that the new section requires. Where she consents in writing, as far as practicable, and her doctor is satisfied that her consent has been given voluntarily, nothing more is needed. There is no Committee to convince, no certificate to obtain, no psychiatrist to consult and no further ground to prove. She need not explain herself to anyone. The decision is hers.

Madam President, why, then, does the Bill set out further grounds? They serve two purposes. The first is protection. Under the current practice in Bermuda, a person under the age of 18 cannot give that consent. Those grounds ensure that a girl who is pregnant as a result of incest or certain sexual offences, whose life or health is at risk, or who faces a diagnosis of severe foetal abnormality, is not denied lawful care simply because she is too young to consent for herself. Very often, that girl is the victim of a crime. The law should protect her, not abandon her.

Madam President, the second purpose is recognition. There are women in this country for whom ending a pregnancy would, in ordinary circumstances, be contrary to their deepest moral or religious convictions. Yet some of those women will find themselves in circumstances that no one should ever have to face: a pregnancy forced upon them through a sexual offence, a pregnancy that threatens their life or their health, or a devastating diagnosis at a scan. For such a woman, these grounds are not a hurdle to be cleared. They are an assurance that the law itself recognises the gravity of what she is facing, and that the decision she makes in those circumstances is one that the law expressly acknowledges and respects. She should not have to carry the weight of that decision and the weight of the law's silence at the same time.

Madam President, I wish to say a further word about minors. It is not written in law, but it has long been accepted clinical practice in Bermuda that parents must consent to medical treatment on behalf of their child, unless that treatment is life-threatening. In the United Kingdom, the principle of Gillick competence has been adopted through case law. No such case law has developed in Bermuda, and no case has been heard in the Bermuda courts in which Gillick has been applied. It would likely therefore take an Act of Parliament to determine that Gillick competence is applicable in Bermuda.

Nor do we yet have a Mental Capacity Act. These are matters for health legislation, and we do not intend to touch the question of medical consent for those under 18 in Criminal Code legislation at this juncture. The current, and continued, practice for minors under 18 will therefore be a referral to the Department of Child and Family Services, who will refer the minor to a psychiatrist at Child and Adolescent Services before her referral to an obstetrician-gynaecologist for a termination.

Madam President, third, this Bill does not alter the gestational limits within which care is currently provided. Until further reform is brought forward, lawful terminations will continue to be governed by clinical practice, within the hospital setting that the Bill retains. Nothing in this Bill makes care available at a later stage of pregnancy than it is today. The hospital has a clearly established clinical practice, and the existing legislation has never contained a gestational limit. We do not wish to write into law limits of our own choosing until we have completed further consultation. Nor do we wish to inadvertently create a crime where a woman travels overseas for a termination after 14 weeks. In the United Kingdom and in New York, termination is lawful up to 24 weeks. Clinical practice in Bermuda is set, and it is not changing, even if the law is updated to permit terminations later than 14 weeks. The question of a gestational framework will be the subject of further consultation and will come before this Honourable Senate in its own right.

Madam President, fourth, [Bermuda] will not be charting unknown waters. In 1988, the Supreme Court of Canada, in the *R. v. Morgentaler*, struck down a regime of therapeutic abortion committees strikingly similar to our own, finding that the delays and unequal access it produced were incompatible with a woman's security of the person. Chief Justice Dickson observed that forcing a woman, by threat of criminal sanction, to carry a foetus to term unless she meets criteria unrelated to her own priorities and aspirations is a profound interference with her body. And, in March of this year, the House of Lords voted to retain a clause in the United Kingdom's Crime and Policing Bill that removes women in England and Wales from the reach of the criminal law in relation to their own pregnancies. Bermuda's current framework has become an outlier among our Commonwealth comparators. This Bill begins to correct that.

Madam President, decriminalisation is necessary, but it is not sufficient. Our consultation raised a number of wider matters affecting access to reproductive health care. Those options include a national health policy on reproductive care, including a gestational framework; the authorisation of both misoprostol and mifepristone under the Pharmacy and Poisons Act 1979 to allow for medical termination options, not solely surgical; reforms to insurance coverage, including waiting periods; the inclusion of abortion care in the Maternity Benefit Programme; and clear protocols for access by minors, guided by the principle of Gillick competence, as applied in the United Kingdom.

Madam President, Honourable Senators may also ask about data. While we intend to work with the

Bermuda Hospitals Board to receive anonymised data for the purpose of annual statistics, we have not legislated to require that within the Criminal Code Bill. That may form part of later legislation.

Madam President, that further consultation will also examine how best to support women and families, and its outcome will be brought before this Honourable Senate in due course. The options include funding voluntary counselling services through our third-sector partners; examining aligning the legal threshold of viability with medical practice at 24 weeks, so that birth certificates may be issued from 24 weeks rather than 28 weeks in the event of stillbirth; and amending the Employment Act 2000 to provide miscarriage and stillbirth leave for both parents.

Madam President, I want to pause on that last point, because it says something important about this programme of reform. This is not simply about one procedure. It is about how our laws treat women and families throughout pregnancy, including in moments of profound loss. A family grieving a miscarriage or a stillbirth deserves time and compassion, not a return to the office the following morning. Our laws should meet people where they are.

Madam President, as this Bill comes before this Honourable Senate for debate, I look forward to hearing from all [Honourable] Senators, and I welcome a full and respectful discussion. I would ask only that we keep in mind the women whom this law affects: the young mother who cannot leave her children to travel abroad; the woman who has been the victim of a sexual offence; the couple who have received devastating news at a scan; and the woman who has simply, and carefully, made a decision about her own life and her own future.

Madam President, the law of this country has treated those women as potential criminals and their doctors as potential accomplices. This Bill brings that chapter to a close. It removes the Committee. It removes the certificate. It removes the threat of prosecution from lawful care. And it places the decision where it has always belonged: with a woman and her doctor. Not with a committee. Not with the criminal courts. With her.

Thank you, Madam President.

**The President:** Thank you . . . and thank you, Minister Wilkerson, for your Statement.

Moving on with our agenda.

## INTRODUCTION OF BILLS

### CRIMINAL CODE (MEDICAL TERMINATION OF PREGNANCY) AMENDMENT ACT 2026

**The President:** We do have the Criminal Code (Medical Termination of Pregnancy) Amendment Act 2026, and that is a Bill that will be taken up next week.

## FIRST READING OF PUBLIC BILLS

**The President:** There are none.

## FIRST READINGS OF PRIVATE BILLS

### ANTHEA INSURANCE LIMITED ACT 2026

### HODLIFE INSURANCE COMPANY LTD. ACT 2026

**The President:** We do have . . . I will turn it over to Senator Fubler, who will present a comment on the Private Bills.

**Sen. Mischa Fubler:** Thank you, Madam President.

I move that it is the opinion of Senate that adequate public notice of the general nature and objects of the named Private Bills has been given in accordance with the requirements of Standing Order 45, and those Bills are the Anthea Insurance Limited Act 2026 and the HODLife Insurance Company Limited Act 2026.

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

## QUESTION PERIOD

**The President:** Senators, we will now entertain questions on this Statement that was given by Minister Wilkerson a few minutes ago, and that is the Criminal Code Amendment Bill 2026.

Would any Senator care to ask questions on this Bill?

Yes, Senator Victoria Cunningham. Opposition Leader [in the Senate], you have the floor.

### QUESTION 1: CRIMINAL CODE AMENDMENT BILL 2026

**Sen. Victoria Cunningham:** Thank you, Madam President, and I just want to start by thanking the Attorney General for her Statement. She also offered engagement with Members of the Opposition, so I also thank her for that.

And I just want to start by saying that few matters come before this Chamber of this personal nature, I guess, that this one is, and it touches on health, faith, family, you know, the whole gamut of a woman's life, right?

And I know that there are sincere and strongly felt views on it, and I'm sure there will be community debate. I do actually look forward to what happens next week, but I think we need to take the time to understand the Bill before we . . . well, before we debate it, but before we, you know, make our decisions. So, in that vein, the Statement spoke about the new process.

Can the Attorney General assure us that no woman will pay more for this care under the new

process than they have in the past, including, I guess, what insurance coverage is being reviewed?

**SUPPLEMENTARIES**

**Sen. Victoria Cunningham:** And a supplementary to that is that: Can the Attorney General assure the Senate that every woman who needs this care will be able to get it on Island, regardless of their bank balance, as I think was said in the Statement?

And the second supplementary to that is: Will the cost of the procedure be addressed, and when?

I have a second question.

**The President:** Yes, certainly.

**QUESTION 2: CRIMINAL CODE AMENDMENT BILL 2026**

**Sen. Victoria Cunningham:** So, the Attorney General also talked about minors and our young people under the age of 18. And I know we did have a conversation outside of this place on education, but are things, are processes and things being put into place to get our minors to understand the full thing around consent, healthy relationships, and contraception before they reach this point?

**SUPPLEMENTARY**

**Sen. Victoria Cunningham:** And secondly to that, is free or low-cost contraception being considered as part of this policy? Because I know that's also a differing part of our insurance coverages.

**QUESTION 3: CRIMINAL CODE AMENDMENT BILL 2026**

**Sen. Victoria Cunningham:** And then thirdly, and recognising that certain circumstances, especially as we see with incest and sexual offences, I note that the consent requirement for minors comes from a parent under the current practice. And in the new proposed practice, what happens if that parent is the abuser? Does the DCFS [Department of Child and Family Services] have the authority to consent for that minor? And I think that's it.

**The President:** And those are your three questions. Thank you, Senator Cunningham.

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

**Sen. the Hon. Kim Wilkerson:** Madam President—

**The President:** Sorry. I beg your pardon.

**Sen. the Hon. Kim Wilkerson:** That's all right.

If I might—

**The President:** Yes.

**Sen. the Hon. Kim Wilkerson:** —because I don't want the other questions to go down the same road. And so, I think it would be helpful to put—

*[Crosstalk]*

**The President:** To address these.

**Sen. the Hon. Kim Wilkerson:** Yes, and to put the questions back on track.

**The President:** Yes.

**Sen. the Hon. Kim Wilkerson:** So, recognising this is the opportunity to ask questions on the Statement. So, there is nowhere in my Statement where I've addressed cost of the procedure.

**The President:** Mm-hmm.

**Sen. the Hon. Kim Wilkerson:** This Statement deals with the amendments to the Criminal Code. So, there should not be an expectation that the Criminal Code is going to address the cost of abortions on-Island care.

So, I just wanted to make sure that or the cost of contraception, for that matter, are not things that are covered either by the Statement or by these amendments to the Criminal Code. But what I do understand is there isn't an expectation that anything else changes, as is already the case. And I think the conversation on the consultation around insurance coverage is in the phases of reform to come, which clearly wouldn't be under the Ministry of Justice, but those would be driven by Health.

**The President:** Yes.

**Sen. the Hon. Kim Wilkerson:** But the consultation that we have begun has raised those questions. And that is how they become part of a track for further reform. But that is not part of the amendments to the Criminal Code at this stage.

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

Would any other person care to ask questions on the Statement?

And I see Senator David Rogers. You have the floor.

**Sen. David Rogers:** Good morning, Senate colleagues.

**The President:** Good morning.

**Sen. David Rogers:** Good morning to Bermuda.

**QUESTION 1: CRIMINAL CODE AMENDMENT BILL 2026**

**Sen. David Rogers:** I would reiterate that the Attorney General has accurately outlined the current situation on Island. One thing we do know, this is a very sensitive topic and sometimes a very painful topic. Two things the OBA will always support is a patient's right to get the right care at the right time and a person's right to choose their own care pathway.

The OBA will also support any streamlining of processes that reduce red tape and increase a person's access to care. My first question would be, the Attorney General pointed out that this is the first in a three-part reform. So, I just would like to understand what's the timeline on the other two parts of the reform?

**QUESTION 2: CRIMINAL CODE AMENDMENT BILL 2026**

**Sen. David Rogers:** And then my second question is: If I understand the change to the legislation, this is removing the Committee that evaluates the three separate, I guess, certifications of need from a doctor, a psychologist. Is it then expected that a woman would still have to receive the first, and you may have outlined it, but is it still expected that a woman would still have to have the psychological and the physical certification of need before she can receive the procedure?

Thank you.

**The President:** Thank you.

**Sen. David Rogers:** And the only other thing I'd say is I definitely am looking forward to the full debate when the Bill is tabled, where we can get a little more in-depth question.

Thank you.

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

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

Seeing none . . .

**Sen. the Hon. Kim Wilkerson:** Thank you so much, colleagues. Sorry, I'm going to circle back, because I raised my comments about staying within the parameters of the Statement, after Senator Cunningham spoke, to make sure that the further questions didn't go down the same vein. But I realise I didn't answer, I think, one of her questions, which was within the scope.

She asked about on the limb of incest. And if it were a minor, there would be the referral to the Department of Child and Family Services and then to CAS, Child and Adolescent Services. And so that is how that would be routed out. And there is a recognition of the challenges around consent for young people, generally.

And I think that is some of the feedback that we've gotten from the Youth Advisory Board, even around dual parent consent, which is currently required for a young person to seek mental health support services, for example.

And I think your other question was about education, which clearly isn't part of the reform to the Criminal Code. But I can say in our consultation with the doctors and on statistics, in this year there have been three terminations performed locally on young people under the age of 18. And in each of those cases, they were almost 18, they were 17-and-a-half-year-olds.

So, I think, statistically, the demographic availing themselves of terminations will be women ranging in the ages from I think about 28 up to the late 30s, not young people, which is encouraging. And I think it correlates to the reduction in teen pregnancies to birth that we've seen as well, which members of the listening public and colleagues would recognise that that was in the conversation around the closure of Teen Haven.

The fact was there were no teen mothers there anymore.

**The President:** Mm-hmm.

**Sen. the Hon. Kim Wilkerson:** On to Senator Rogers questions. And thank you so much, Senator Rogers, as the spokesperson for Health, for I think you are Shadow for Health . . . Shadow for Health, yes.

**The President:** Mm-hmm.

**Sen. the Hon. Kim Wilkerson:** On the . . . the, you know, the . . . the broader support. I don't know the timeline for the other reforms. But it is it is topical. So, I don't want to tie the hand of the Minister of Health.

But I know that there is active consideration.

The other question was around the referral process. So, there is still a referral process. So, from a GP to the OBGYN before, yes, the psychological certification would not be required on that first limb, it would only be in on the other limbs so that that would include the minors. So, we would still require that.

Thank you.

**The President:** Thank you.

**Sen. the Hon. Kim Wilkerson:** Thank you, Madam President. Thank you, colleagues. It is some to digest and we look forward to a fulsome debate next Wednesday.

Thank you.

**The President:** Certainly. And certainly, I would like to take the opportunity also to thank you, Madam Attorney General for giving your Statement this morning, because I think that this is a sensitive and very topical issue. That we've had this prior information and

Statement from you I think has been useful, very useful for the Senators as well as the listening public.

And we look forward to the further debate on it.

**Sen. the Hon. Kim Wilkerson:** Thank you, Madam President.

**The President:** It's the issue next week.

## ORDERS OF THE DAY

**The President:** The first Order of the Day is the second reading of the Private Bill, the Anthea Insurance Limited Act 2026, and that is in the name of Senator Mischa Fubler.

Senator Fubler, you have the floor.

## PRIVATE BILL

## SECOND READING

### ANTHEA INSURANCE LIMITED ACT 2026

### STANDING ORDER 25

**Sen. Mischa Fubler:** Thank you, Madam President.

I move that the provisions of Standing Order 25 be granted so that the Senate may now proceed with the second reading of the Bill entitled the Anthea Insurance Limited Act 2026.

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

No objection.

*[Motion carried: Leave granted for the Anthea Insurance Limited Act 2026 to be read a second time on the same day as its first reading.]*

**Sen. Mischa Fubler:** Thank you, Madam President.

I move that the aforementioned Bill be read a third time.

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

No objection.

## BILL

## THIRD READING

### ANTHEA INSURANCE LIMITED ACT 2026

**Sen. Mischa Fubler:** Thank you, Madam President.

I move that the Bill entitled the Anthea Insurance Limited Act 2026 be read a third time and passed.

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

No objection.

*[Motion carried: The Anthea Insurance Limited Act 2026 was given a third reading and passed.]*

## PRIVATE BILL

## SECOND READING

### HODLIFE INSURANCE COMPANY LTD. ACT 2026

### STANDING ORDER 25

**Sen. Mischa Fubler:** Thank you, Madam President.

I now turn to move that Standing Order 25 again be provided for the second reading of the Bill entitled the HODLife Insurance Company Ltd. Act 2026.

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

No objection.

*[Motion carried: Leave granted for the HODLife Insurance Company Ltd. Act 2026 to be read a second time on the same day as its first reading.]*

## BILL

## THIRD READING

### HODLIFE INSURANCE COMPANY LTD. ACT 2026

**Sen. Mischa Fubler:** Thank you, Madam President.

I move that the aforementioned Bill be read a third time.

**The President:** Is there any objection to the third reading?

There is no objection.

**Sen. Mischa Fubler:** Thank you, Madam President.

I move that the Bill entitled HODLife Insurance Company Ltd. Act 2026 be now read a third time and passed.

**The President:** Is there any objection to the third reading and passage of the Bill?

No objection.

**Sen. Mischa Fubler:** Excellent. Thank you, Madam President.

**The President:** Bill is passed.

*[Motion carried: The HODLife Insurance Company Ltd. Act 2026 was given a third reading and passed.]*

**The President:** Thank you, Senator Mischa Fubler and Senators.

## MOTIONS

**The President:** There are none.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

**The President:** Would any Senator care to speak on . . . Senator Fubler. I see your hand. You have the floor.

**Sen. Mischa Fubler:** Thank you, Madam President. I'd like to yield to my colleague across the floor.

**The President:** Oh!

**Sen. Mischa Fubler:** I've given quite a number of submissions already. I think his hand did go up before mine.

**The President:** I beg your pardon.

*[Laughter]*

**The President:** Senator Tarik Dunbar Smith. You have the floor.

**Sen. Tarik Smith:** Thank you, Madam President, and good morning to the listening audience and my Senate colleagues, and I thank the Junior Minister for [yielding] and allowing me to speak before him.

I have a few condolences today, four to be exact. First, I would like to give condolences to the family of "KC" Daniels, Kenneth Daniels. I've known Mr. Daniels as I was a fisherman and I used to hang with much of my family at the Blue Waters Anglers Club. So, I've always known Mr. Daniels to be the man we would go to to get our fish and ice and whatever else we needed that was anything to do with seafood. Mr. Daniels was the man down there in Devonshire. So, condolences to his family.

Also, another stalwart in Bermuda we've lost, David Wingate, who . . . as growing up as a child, you know, his efforts to bring the cahow bird back from its limited existence was something I found to be one of the most miraculous things a human has done. And the Nonsuch Island tours back in the day at Gilbert Institute was one of my favourite things to do, as well as the summer day camps throughout the summer. So, condolences to Mr. Wingate's family.

The football and community Bermuda has lost a stalwart and that would be Fredrick Lewis, known as "Pinks" Lewis. His dedication to the Young Men's Social Club, you couldn't speak of the Young Men's Social Club without speaking of "Pinks" Lewis. So, he is also . . . his son and his grandson, I knew them very well from my time playing as well as now coaching. So, con-dolences to his entire family.

And finally, condolences to Sonny *[sic]* Phillips, Sully, sorry, Phillips as he was called. He was lost and he had a wonderful send-off on Friday and then Sunday. Condolences to his mother, Muff, and his aunt and his cousins who adored him and loved him and everyone who loved him because he was a wonderful human being.

Thank you, Madam President.

**The President:** Thank you, Senator Dunbar Smith.

Would any other Senator care to?

Yes, certainly . . . Senator Mischa Fubler, you have the floor.

**Sen. Mischa Fubler:** Thank you, Madam President.

I'd like to start by being associated with the condolences to the family of David Wingate, to quote *The Royal Gazette*, the "Saviour of a species." I think the Island will know his contributions to restoring the cahow population. It also kind of speaks to what one person's persistence can deliver to the Island when they're passionate about something. And I encourage those out there in the public to take similar mantles to things they are passionate about.

Also, I'd like to be associated with the condolences to the family of Mr. Fred "Pinks" Lewis. I just wanted to also call out his contributions for the Island on the international stage, including playing for the Philadelphia Atoms in the North American Soccer League in the mid-1970s, as well as being on the national squad when we took bronze in 1974 and '78 at the CAC [Central American and Caribbean Games] Games.

Moving on to some of our cricketers, I'd like to extend condolences to the family of Winston Reid, who is quoted as being one of Bermuda's . . . cricket's finest adopted sons, born in Barbados. He played for Somerset Bridge [Recreation Club] and then Somerset, as well as having several Cup Match appearances. Indeed, he's had 345 runs in 19 innings with a high score of 82. And he was a member of Randy Horton's 1979 Somerset side that ended St. George's near two-decade hold on the Cup.

*[Inaudible interjection]*

**Sen. Mischa Fubler:** A notable piece of trivia there, yes, thank you.

And then also I would like to extend condolences to the Fray family for the passing of Gary Curtis Fray. I had the pleasure of attending the FrayStar Cricket Institute's appreciation banquet recently and I will get on to that in congratulations, but it was highlighted his contributions both to that institution as well as cricket in Bermuda, another Somerset player and also playing for Warwick Workmen's Club. He was also involved in football as well and gave significant time to the Bermuda Cricket Board. And so, for that as well, please extend condolences to their family.

And then moving on to some congratulations, I would like to highlight some of our athletes performing well both here and around the globe.

First off to Kaelin Cox for gold at the Pan American Kung Fu Championships in Argentina in early

October. Also, to Madelyn Moore who secured six medals at the 2026 USIP World Police Games in Santo Domingo. And also, to David Selley and his throttleman, Steve Bridges, at the Key West Offshore World Championships for which they came first.

And moving on to culture and the community, I would like to extend congratulations to everyone involved with the production of Troika [Bermuda], *The Wiz*. I had the pleasure of attending recently. We took the whole family. I was a little concerned . . . my son is five and even, you know, short movies can be a challenge for him, but he was enraptured. He said his favourite actor was actually the stone man and so I had to correct him that he was not quite a stone man, he was a tin man. But kudos to Rajai Denbrook who gave a masterful performance. It was great. Everyone involved was great. We had an amazing time. I had many people reach out to say, *Oh, you definitely need to go and see it.* And they are correct. I think they even extended the show running for a couple extra nights because of the demand.

Also, congratulations to the Gilbert & Sullivan Society for their production of *Sister Act*. My wife and the kids also attended that one and they very much enjoyed it.

Also moving on to kind of community activity, I would like to send congratulations to Bermuda Is Love for their first general members meeting. I like to see it, right, they are moving on from just the individual contributors of the organisation, expanding it to the wider public, and it was well attended largely with young people, which is always great to see. I think if you or someone out there in the general public [are] thinking that you like the work that Bermuda Is Love is doing, I encourage you to reach out to them and become a member.

And then moving on, I would like to congratulate all of those involved in Sankofa Bermuda's Ubuntu Healing Circle, “Honouring our Ancestors, Embracing our Legacy.” This Sunday at the RubberTree, they commemorated the 78 named individuals who were buried at what was once a graveyard and is now the paved over area next to the Warwick Post Office and apparently also into the roadway as well, which is a bit of a travesty, or very much a travesty, I should say. And I think there's been recent media coverage on the St. Mary's Church activity in a similar space, but I would like to see our community engage with the activities of groups like Sankofa in a similar fashion.

There was some great history and musical performance provided at that event, and it was quite moving, the naming of the people, both their names and ages, spanning from only a few days to into their 80s, which really kind of brings it into stark relief, the reality of being separate but equal as it were.

And finally, my congratulations to all of those involved in the honouring our pioneers, celebrating the road to democracy, which was held at the Devonshire Recreation Club. They had a mural . . . I think they called it a mural unveiling. I think it was more of a mural preview as it is still a work in progress. It is outdoors, so unfortunately the weather hasn't been exactly cooperative, but there were a number of presentations, and one of the artists involved, Mr. Jahbarri Wilson, talked through the characters or the stalwarts of championing democracy in Bermuda, and those people include Wilfred “Mose” Allen, Dr. Barbara Ball, Ottiwell Simmons, Dame Lois Browne-Evans, and Hugh “Rio” Richardson. And for those who are not in the know, I encourage you to do your research around their contributions to Bermuda.

And it was also accentuated . . . punctuated by some contributions by Florenz [Webbe] Maxwell and Izola Harvey, one of the few . . . maybe only the two remaining members of the Progressive Group. Those of you who listen regularly will recall that I have talked about their contributions to Bermuda's social justice on more than one occasion. And it was great to have them up there sharing their stories and experiences and encouraging the next generation to carry the mantle forward. And, in general, the demographics of the event kind of skewed older, but there was also a contingent of young people who were in attendance and engaged, and again, that is a great thing to see as we do need people to kind of carry on the mantle of continuing our road to democracy.

There was also, as part of that whole initiative, and kind of championed by Imagine Bermuda's Glenn Fubler, and I declare my interest, that’s Uncle Glenn. They said several people wrote a letter for road safety and peace, including Madam President, was one of those who signed on to that. So, congratulations to you, Madam President.

**The President:** Thank you.

**Sen. Mischa Fubler:** And the . . . just kind of a call back to one of my previous obits and congratulations submissions for the Progressive Group and the CUAS, which is the [Committee] on Universal Adult Suffrage. So, the folks that fought for *One Man, One Vote*, which we eventually did receive . . . and not really that long ago.

And then on a more personal note, I am sure he will probably send me a WhatsApp message after this to complain about highlighting it. On the 15th was also Uncle Glenn's birthday, and he took the day celebrating others in typical fashion and sharing our rich history with those who were interested.

So, on that, Madam President, I yield my time. Thank you.

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

Would any other Senator care to speak?

Senator Victoria Cunningham, you have the floor.

**Sen. Victoria Cunningham:** Thank you, Madam President.

And I would like to start by associating myself with the condolences to the family of Mr. David Wingate. I know his daughter, PB, who actually continues his passion for the environment at Warwick Academy.

And in that same vein, I would like to also offer condolences to one of his best friends, Walwyn Hughes, who lost his wife. I know the Swift family, and in the last sitting, I did a condolence for the father of Mr. David Swift, and now his wife, Mair's mother, Betsey Hughes, passed away. So, condolences to that family. In particular, their son, Rhys, who is studying at North Carolina University. Very proud of him, but he has now flown back to the Island twice in the matter of one semester. So deepest condolences to you.

And if I may take some leave, because I know it was mentioned in the last session, but I could not bring myself to speak. I would like to offer a tribute to Sergio Lottimore, who was by his mother's side when she needed him most. But on behalf of myself and my organisation, he was a fantastic young man. He was the head of speciality at Hamilton Re, and I know his colleagues are missing him greatly. But he also worked at Validus, and prior to that, MS Amlin. He was a BFIS Scholar back in 2006 and was an enormous provider of support for students in our high schools.

And he was an active mentor when the tragic accident happened. He was a friend of mine. He was a greatly respected underwriter, and I think the industry is better for the contributions that he gave it. So, I just want to pass on my condolences to his family on behalf of myself, on behalf of my organisation, BFIS, and any other individual who was touched by his life.

On a better note, and to bring in Bermuda College, because that is one of my faves, massive congratulations on their accreditation of 10 years until they have to file next. I think it's a great testament to Dr. David Sam and his colleagues and faculty. I think they're making great strides in how they're making education available, and obviously we see that in the increased numbers of enrolments.

And finally, and I would like to thank my colleague on the other side, the Attorney General, for providing opening remarks in the DOCOsoft Future Claims Bermuda event that was hosted in partnership with, again, my organisation, BFIS. It was an afternoon session introducing various different topics, topical things in the claims environment in Bermuda, from social media addiction to the next things that we're going to be looking at, PFAS.

It was a great turnout from industry professionals, and we invited students, and there were about 10 Bermuda College students in attendance, and it gave them a real insight into what the profession looks like. So, we had panels on what does a claims professional actually do? And so, these kinds of initiatives provide that support for our students to actually see themselves in a future profession.

So, I'd like to thank the Attorney General for making some great remarks on the day. Obviously, that was her former life. And thank you to everyone who participated and showed up. Thank you.

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

Would any other Senator care to speak?

Minister [Ryan Robinson] Perinchief, you have the floor.

**Sen. the Hon. Ryan Robinson Perinchief:** Thank you, Madam President, and I would like to start by associating myself as well with all of the condolences and the congrats that were delivered by my colleagues earlier.

I would like to extend condolences to the family of Valerie Irene Johnston. Ms. Johnston was a member of my church, Midland Heights Seventh-day Adventist Church, and she was one of my prayer warriors. And for those who know me will know that I have an elite squad of lovely ladies and gentlemen who pray for me regularly, and she was a member of that team. So, I wish to extend my condolences and my thanks to her and to her family as well.

Thank you, Madam President.

**The President:** Thank you, Minister Robinson Perinchief.

Would any other Senator care to speak?

Senator David Rogers, you have the floor.

**Sen. David Rogers:** I would like to send my congratulations and encouragement to the organisers of the 27th season of the Beat the Couch.

Now, I am not a sportsman, nor have I ever been mistaken for an athlete, but this programme has been instrumental in moving me towards reasonable shape, as well as a number of other individuals, as it is very well attended. I'd like to thank them for their service and hopefully one day moving me towards my goal of running 24th of May at some point in time.

*[Laughter]*

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

Would any other Senator care to speak?

Madam Attorney General, Minister Wilkerson, you have the floor.

**Sen. the Hon. Kim Wilkerson:** Thank you, Madam President.

Goodness, I'd like to certainly join the observations, the obituary remarks in relation to, I think there are a number around the room that I want to join, but certainly KC Daniels, his daughter Roxann is a friend and I think when I was growing up, we always thought her dad was famous, the person that he was.

Certainly, Pinks Lewis and Sally, Winston Reid as well. I was very fortunate to sit with Mr. Reid before

he passed. The proprietors of Caesar's Pharmacy in Somerset commissioned a film which was created by Marq Rodriguez featuring legends in Somerset from the sporting arena where things were already being created in relation to Clyde Best.

This documentary film went a little further and it featured a number of athletes from our neighbourhood. Many of us didn't know their history. So, it was very encouraging to sit and hear the history of Mr. Reid while he was there. And he was such a humble man being honoured in that way. And now that he's passed, I'm just so grateful that Sheryl and Rotimi Martins funded that film.

It was shown at the Somerset Cricket Club and just people in the community came up, we sat under a tent and we watched the film and Mr. Reid was there along with Clyde Best and various sporting luminaries from sailing to cricket to football, including Sonia Smith, Olympians, all Somersetonians present that day. So, I was also saddened to hear of his passing, and I was really pleased that my colleague Mischa Fubler mentioned Mr. Reid.

And finally in that list, I join in the condolences in relation to the passing of David Wingate. Everything has been said about him. There isn't a lot more, but you know, certainly a treasure of Bermuda and like [Sen.] Victoria [Cunningham], his daughter PB I count as a friend. And particularly it's encouraging that her kids and grandchildren all have paths that involve nature or the environment in some way. So, my thoughts definitely are now with PB and with Rowdy, Roxy and Rip and the wider family.

So, Madam President, on to congratulatory things. I thank Senator Cunningham for raising the Future of Claims Conference and I congratulate her because this is something that BFIS has taken on and I think it's really important that organisations that are in mentoring and scholarships are connected to the industry that they're hoping to funnel students into and I think to be able to make that connection.

I certainly sat beside a young lady who said, you know, *Well, I didn't know about this*. *I could do this connection with law and claims and so on.* So, it was really, for me, a worthwhile way to step out of my day to connect with people who are currently in the claims industry and people who are aspiring to get there because as a Government, we recognise that it is important for our jurisdiction to grow Bermudian talent in the best ways possible.

So, thank you, Madam President, for that. And I think tying to that, the week prior, I want to congratulate Sam Stevens and his team on the opening of the Bermuda International Mediation and Arbitration Centre, commonly now referred to as BMAC, and we're hoping that these join. We have professionals in the area of claims, and all of the claims community were out at the opening of the Bermuda Arbitration Centre, but the hope, Madam President, is that large value disputes will be coming to Bermuda as their home.

This is indeed a way to certainly add to the economy because these disputes are never one-day or two-day disputes. They sometimes are weeks and bring in whole teams of lawyers from other jurisdictions where Bermuda will be the site. So, the opportunity is tremendous and I look forward to it.

And just again, I was able to give some opening remarks there. But I congratulate the team for that work. If anyone has the opportunity to visit the Arbitration Centre, the thing that I took out of it is that they have named the rooms, each room, which will be breakout rooms, which could be court rooms or mediation rooms or arbitration rooms after prominent Bermudians ranging from Sir John Swan to Pauulu Kamarakafego.

*[Inaudible interjection]*

**Sen. the Hon. Kim Wilkerson:** Yes, absolutely. And our very own Ottiwell Simmons included. So that was really encouraging to see in that space.

Madam President, on to perhaps more fun congrats, I join Senator Mischa Fubler in congratulating Troika. They do an amazing job and that production brought back Bermudians Tsilala Brock from Broadway to perform here. And I took my niece Aaliyah and all she wanted to do, she said*: I just want to see the picture of the person who's on Broadway . . . to show her*. And we sat down and watched the show. And it was absolutely amazing. Just, you know, and I kept thinking: *Well, some of these actors must be from America.* And you go through the list and realise that that entire cast were Bermudian cast, including the amazing dancers, including my consultant, former Senator Arianna Hodgson. Her young daughter, Zari was one of the dancers in that performance. And the quality of the whole show was just international standard. So well done. Hats off to the entire Troika executive team and all of the actors and dancers and musicians who participated in that.

And finally, Madam President, taking a page out of my colleague across the aisle, Tarik Smith's page, I want to congratulate my very own granddaughter, Diamond Morris. Pacers, Bermuda Pacers had their award ceremony this past weekend on Saturday night.

First, I want to congratulate the whole of Pacers, the administration, all of the coaches and the parents who are so integrally involved in these activities where we see our young people, you know, now competing at an international level in overseas events at some even at CARIFTA events already. But certainly, I want to congratulate . . . she's not listening, but her mommy will tell her, Diamond, who was nominated and won the Outstanding Athlete of the Year for her age group of some of the nine to 10 athletes. And she shared that honour with her good friend, Skye Furbert, who is a 100-metre sprinter.

So those, Madam President, are my congratulatory and obituary comments. Thank you.

**The President:** Thank you. Thank you, Madam Attorney General.

And I would like to associate myself with the condolences that have been expressed for, obviously, David Wingate, for Gary Curtis Fray, for KC Daniels, for Walwyn Hughes's wife. And also, I would associate myself with the accreditation of the Bermuda College.

And with that, I would just like to express condolences to family members. So, I am extending condolences to the family of Wanda Dillas (nee Berkley), the wife of Dexter Dillas, and mother to Christino Smith and Tanaia Simmons. So, my condolences are expressed to the entire Dillas family and the Berkley family.

Wanda was employed at the MarketPlace in Bailey's Bay for many years, and they made an exceptional tribute to her in the company because they're naming an aisle or something at the company for her because she worked for so many years there.

And secondly, I'd like to express condolences to Cleaveland Edwin Charles Dillas. So, we've had two deaths just recently in the family. Condolences are expressed to his wife, Maxine Dixon-Dillas, his children, Dwayne and Satina Dillas, and stepson, Earl Wilson, and to his brothers, Melvin and Gary Dillas, and sister Patricia Mejias and Carolann Burrows, as well as my entire Dillas family.

So, with that, I think we'll move on now to item number 16 on our agenda. That's adjournment. Madam Attorney General?

Minister Wilkerson.

## ADJOURNMENT

**Sen. the Hon. Kim Wilkerson:** Thank you, Madam President.

I move that the Senate now adjourn until Wednesday, 25 November [2026].

**The President:** Thank you.

Would any Senator care to speak on . . . yes, Mischa Fubler, I see your hand.

You have the floor.

### COLLECTIVE ECONOMICS, THE COOPERATIVE OPPORTUNITY

**Sen. Mischa Fubler:** Thank you, Madam President.

Often, I am unable to be first off the mark, and then after reading the room, some of the presentations are often quite passionate, and the subject matter I've selected, it feels not the right time for delivery. And so given our relatively short day today, I would like to present on collective economics, the cooperative opportunity.

And before I get into the meat of my presentation, we are here on November 18, 2026. And on November 28, in 2024, I made my affirmation to join this Chamber and contribute to the legislation and policymaking of the Island. And so, I thought it would be a good idea to kind of do a brief recap of what we have been doing this year, for the benefit of the listening public.

I'm sure not many are able to tune into every session. Also, just to highlight the fact that all of us here, both my colleagues of the Government and those of the Opposition, are appointed by the Governor and serve at the pleasure of our respective party leaders. And given the impending change in our party leadership, who knows what will happen in the new year as per the composition of the Senate.

And so, I take this opportunity, as I mentioned, to capture some of our successes. And in this time, we've passed more than 50 bills. And there have been two budgets. So, 50 bills, two budgets, and one Throne Speech, yes. Much of that legislation has reached directly into the lives of everyday Bermudians, including the Employment Amendment Act[s], which increased worker protections, the Benefit Entities Act, and Trustee Amendment Act, which allowed for companies to choose from configurations and strategic goals that don't necessarily align with strictly non-profit or for-profit, allowing companies that do endeavour to earn profit to consider more than just the bottom line things like environmental sustainability goals or social justice initiatives, something that I definitely welcome and I think will have beneficial impact on that third sector landscape.

Also, we passed the Single-Use Plastics Act, something that I carried in the Senate. And while the current schedule is still empty, it is something we are moving towards implementing in a time that both moves to remove that harmful ingredient from our environment while also considering the impact it has on our local economy.

We also had increases to pensions. We made amendments to the Human Rights Act to make it inappropriate or illegal to discriminate housing for people who receive financial assistance.

We also had the Cost of Living Commission Amendment Act, one of two, so we weren't 100 per cent successful there, although we did pass the first amendment that set the legal groundwork for grocery price comparison platforms. And then, as I mentioned, we were unsuccessful with the second, where we were to track and require notice for changes of 5 per cent or more.

We also made changes to the Health Insurance Amendment Act, where we significantly increased the support for kidney transplants from $150,000 to $400,000.

We also had the Justice and Community Safety Reform Act, which strengthened protections for witnesses and investigation anonymity. And also, more within my own portfolio, we passed the Motor Car (Ridesharing) Amendment Act, one of the more contentious Bills we had to debate. And without revisiting the debate, it was successful. And I think we've seen that

the ongoing success has resulted in an extension of the timeline that the rideshare operators can operate due to the demand that is there.

And all of these Bills have the same aim, you know, putting relief, protection, and power into ordinary Bermudians' hands. And the cooperative movement is in a similar vein. And it's pursued by other means, of course, right? Like, it's a kind of less of that kind capitalist environment that we currently operate in. But they have similarities.

And that brings me on to Senator Bell's report. I'd like to draw my colleagues' attention way back to the 17th of June, when Senator Bell introduced the proposed introduction of cooperative legislation in Bermuda. And within it, I'm sure my colleagues all read it, it covered things like our storied history of having cooperative economics in Bermuda's DNA.

You know, there was the Friendly Societies of Bermuda, which are mutual aid organisations that provide mutual insurance, skills, and social support. And to declare my interest, I am a member of a Friendly Societies Lodge because I recognise the importance and its impact on the community. And I want to see its continued existence and even growth.

There's also the Ireland Island Cooperative, which was a workers' cooperative. And I'll get into a little more detail on that because I've done some research. There are ones that people are more familiar with in current history, including the Bermuda Credit Union, who I'm sure my colleague, Minister Perinchief, has some experience with, and also the BIU cooperatives, including their gas station.

And so, while I was going through the archives, looking up some more for my own edification around the Ireland Island Cooperative, it wasn't just an idea, it wasn't a loose organisation, it was a working business. On May 22 of 1899, I saw a notice in *The Royal Gazette* inviting a full year's tender. And if I may, Madam President, I'll quote from the advertisement.

**The President:** You may.

**Sen. Mischa Fubler:** Thank you, Madam President.

*Ireland Island Cooperative Society tenders are invited for one year from the 1st of July next by the above-mentioned society. The supply list, potatoes, sugar, mineral water, bread and cake, a horse, waggon and a driver, vegetables, fresh beef and mutton, and the conveyance of freight from Hamilton to Ireland Island. Signed by the Secretary, Mr. Mont H. James.*

And that just gives some insight into the types of cooperative businesses we should be looking to form within our own communities. We've had front of mind, cost of living for many people is affecting all of us, and there are ways that co-ops can help to ameliorate that pressure. And I'll kind of go into detail about how that can happen.

But first, I think we should start with the kind of baseline definition, what is a co-op? And so, in short, a cooperative business is a mutual assistance in working towards a common goal. It's generally voluntary and member-owned and democratically run.

And in my goings about the internet, as well, I've had people push back on the idea and say: *Well, what is the difference between a co-op and just a corporation that has shareholders?* And I think the key place is in that democratically run point that I made. With shareholders, someone who has deeper pockets has more influence over the way that business operates. Whereas in a cooperative, it's one member, one vote, and it provides more of an impetus for people to come before capital.

And just for some clarification, right, some nuance there, a co-op isn't necessarily defined as avoiding profit, not all co-ops are non-profit. I'll give some examples as we go on of some that are for-profit organisations that are just collectively owned. But when the people, the customers, the owners, the employees are the ones benefiting from the surplus value generated, it's more likely that they vote to have it distributed amongst the membership or used to reinvest into the company as opposed to paying dividends to shareholders. It can make it easier for the business's operations to be person-centred, providing greater leeway to weigh more than just the bottom line.

And in my research as well, when you say: *Well, how far back does this go? What kind of written history do we have of the history of cooperatives kind of in Eurocentric view?* They often point to the Rochdale Group Co-operative from 1844. But that's only the milestone of the modern movement. It's definitely not the origin. Mutual member-based economics is far older and global, and much of it runs straight through our own Atlantic heritage.

Looking at West Africa, the [Yoruba] Esusu, which is a rotating savings and credit association . . . and because if it's not written down, people don't believe it. There's an anthropologist, William Bascom, who did field work in 1937 titled “The Esusu: A Credit Institution of the Yoruba”, published in 1952. And it carried that concept, that practice, was carried across the Middle Passage.

It survived across the Caribbean, Esusu partner in Jamaica, syndicator club hand in Bermuda, and in the same mutual aid impulses of the Friendly Societies I've already mentioned that were captured in the report that my colleague tabled back in July.

Looking further afield, pre-Columbian Inca principles of reciprocity and communal labour occurred in the Andes. They're the Ayni and Mink’a people, and it's organised through Ayllu a kin-based community, and it's still practiced today in those regions.

And if you're interested, not specifically to the listening public, but also my colleagues, there's some scholarship that de-centres Europe. W.E.B. Du Bois wrote “Economic Co-operation Among Negro Americans”, published by Atlanta University in 1907. And it was the first major study of Black cooperation, tracing

its lines through the Africa and West Indies, African nations and the West Indies.

And there's also some work by Jessica Gordon Nembhard called “Collective Courage”, which was published in 2014. And it's the definitive history of African American cooperative economics. And so, the cooperative idea did not reach Bermuda from a Manchester textbook, it crossed the Atlantic with our ancestors.

And bringing it more contemporarily, the cooperative movement in the *[Wiley] Blackwell Encyclopaedia of Social & Political Movements*, they claim it emerged in Europe in the 19th century, with roots in Britain and France in the 18th century. But as I've just detailed, it goes back much further than that. Although in these cases captured by the *Blackwell Encyclopaedia*, it's a response to negative effects of industrialisation, and it provides economic organisation for workers.

And while the nature of doing business has moved beyond industrialisation in Bermuda, definitely, and most of the Western or Northern world, there is still the need for economic organisation of workers to provide protection and advocate for better rights. And why now in Bermuda, a callback to that Throne Speech that my colleague mentioned, that is why we had one Throne Speech in the two years that I've been here, we committed to cooperative legislation and a registrar of cooperative societies. And the Economic and Cooperative Development Unit within the BDC is already laying the groundwork for that.

And we already have evolved the legal framework towards people-centred economics with those Acts that I highlighted already during this presentation. And just to ensure that I provide some balance, you know, kind of my approach is to make sure I'm examining both sides of the argument as it were. Some people will say: *Well, you know, cooperative businesses, they're not going to solve market pricing, let's just let the free market decide.* And, you know, that less regulation or just competition is the only way to lower prices.

And I push back on that idea. I don't think that sits with the live reality we experience, because especially the late-stage capitalism we're in now, it trends towards oligopoly, monopoly and monopsony. And I think I'll take a pause there to answer that most of us are familiar with oligopoly, you know, when there are only a handful of businesses that operate within an industry. And we see that every day, not just in Bermuda, but worldwide in essential services like telecoms and utilities and health care.

But also, monopoly power. In some places we have regulated monopoly, which is probably better than one that's just formed through the free market. But also monopsony, which was a new idea to me when I first started doing this research. But the concept is, instead of there being one or a few entities doing the selling of a good or service, monopsony is when there's only one or a few entities doing the buying. And so, if you apply this to the labour market, if you are someone who works in the service industry, food services, as an example, there are only a handful of companies that are even interested in hiring that type of labour, which erodes the workers’ ability to advocate on their own behalf for better wages and benefits.

And so now that we've set the baseline on those definitions, I will continue. Going back to my notes. Right. And so, to that kind of argument, a member-owned model is a check on those negative market effects, the oligopoly, monopoly, and monopsony. Not effects, but outcomes. And that they can work towards lowering costs by design. And just for those who are unfamiliar or who would like some more examples of this type of consolidation that we see in the (air quotes) “free market,” can look at US group purchasing organisations [GPOs].

I'm sure my colleague, of course, Mr. Rogers will be familiar with this concept. GPOs serve effectively as middlemen in the health care system between insurance payers and the health care providers. They do purchasing at scale, and you would think that that would help to lower costs. But unfortunately, we end up with oligopoly in companies like Vizient, Premier, and HealthTrust, who control an estimated 60 per cent to 70 per cent of the roughly $285 billion that households spend on medical supplies each year.

And I look to them primarily because that's our primary market for receiving health care once you have to leave what is available on Island.

**The President:** Senator Fubler, if I can interrupt.

**Sen. Mischa Fubler:** Yes.

**The President:** We are allowed 15 minutes.

**Sen. Mischa Fubler:** Apologies.

**The President:** So, I will beseech you to wind up your—

**Sen. Mischa Fubler:** Happy to do so, Madam President, of course. And so, in closing—

**The President:** Interesting.

**Sen. Mischa Fubler:** —where does this fit in Bermuda, right? The report, I encourage everyone to read it. It lists sectors and it's localised for agricultural and fisheries, housing, energy, technology, sports clubs, which are already membership based.

And there's legislation to help formalise that structure. And so, my aim today is simply to welcome Senator Bell's report, widen the conversation and put collective economics on the record. Co-ops don't replace our economic model, but they do widen it.

And as in a previous presentation, where I've talked around concepts of the Overton window, it helps to shift that further to the left, as it were. And so, cooperatives will not solve everything, but they hand

ordinary Bermudians something powerful, a share of the solution and a vote on it.

And with that, I appreciate the additional time, Madam President.

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

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

Hearing none then, Senators, we have had a very good morning, and we now will adjourn until November 25. And I thank everyone for their contribution this morning. And we look forward to seeing you on the 25th.

Thank you. The Senate stands adjourned.

*[At 11:41 am, the Senate stood adjourned until 10:00 am, 25 November 2026]*

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