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OFFICIAL HANSARD REPORT

28 SEPTEMBER 2026

Sitting number 30 of the 2025/2026 Session
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Sen. The Hon. Joan E. Dillas-Wright, MBE, JP
President

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28 SEPTEMBER 2026
10:06 AM**

Sitting Number 30 of the 2025/2026 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]

The President: Please be seated.

ANNOUNCEMENT BY THE PRESIDENT

APOLOGIES

The President: I would like to say at the outset that we have had apologies from Vice President John Wight.

CONFIRMATION OF MINUTES

[Minutes of 14 September 2026]

The President: Senator Tannock, you have the floor.

Sen. Tawana Tannock: Thank you, Madam President.
I move that the Minutes of the meeting of Monday, the 14th of September 2026 be taken as read.

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

Sen. Tawana Tannock: Madam President, I move that the Minutes of Monday, the 14th of September 2026 be confirmed.

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

[Minutes of 14 September 2026 confirmed.]

The President: Thank you, Senator Tannock.

MESSAGES

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

The President: Thank you, [Mrs. Beale].

REPORTS OF COMMITTEES

The President: There are none.

ANNOUNCEMENTS

The President: We have a few announcements this morning and the first is in my name.

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

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

The President: Senators, I wish to announce that in accordance with the provisions of section 13 of the Audit Act 1990, a copy of the report of the Auditor General entitled: [Ministerial Travel, Meal and Hospitality Expenses](#) and the [Effectiveness of the Government of Bermuda Receivables and Debt Management Process](#) report have been forwarded to me as the President of the Senate and that said copies of the reports are hereby tabled in the Senate for the information of Senators.

Senators, you can access a copy of the report on your tablets and/or on the Parliamentary website.

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

COST OF LIVING (ESSENTIAL COMMODITIES) AMENDMENT (NO. 2) REGULATIONS 2026

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, I hereby present for the information of Senate the [Cost of Living Essential Commodities Amendment \(No. 2\) Regulations 2026](#), as made by the Minister responsible for Consumer Affairs, an exercise of the power conferred by section 10E of the Cost of Living Commission Act 1974. Senators may access copies on their tablets and/or the Parliament website.

I have another one, Madam President.

The President: Continue.

Sen. Lindsay Simmons: Thank you, Madam President.

CHARITIES AMENDMENT REGULATIONS 2026

Sen. Lindsay Simmons: Madam President, I have the honour to attach and submit for the consideration of Senate the [Charities Amendment Regulations 2026](#) proposed to be made by the Minister responsible for Charities after consultation with the Registrar and the Committee, in exercise of the power conferred by section 48 of the Charities Act 2014.

The President: Thank you—

Sen. Lindsay Simmons: Thank you, Madam President.

The President: —Lindsay Simmons, Junior Minister of Youth, Social Development, and Seniors. Thank you.

The next is in the name of Senator Lauren Bell, the Junior Minister of Housing and Municipalities.

Senator Bell, you have the floor.

BERMUDA AFFORDABLE HOUSING STRATEGY 2025–2035

Sen. Lauren Bell: Good morning, and thank you, Madam President, [good] morning colleagues, and listening audience.

I hereby present for the information of Senate the [Bermuda Affordable Housing Strategy 2025–2035](#). Senators may access copies on their tablets and/or on the Parliament website.

The President: Thank you, Senator Bell.

NOTICES OF MOTIONS

The President: We have a motion to be moved by Senator the Honourable Kim Wilkerson, the Attorney General and Minister of Justice.

Minister, you have the floor.

Sen. the Hon. Kim Wilkerson: Thank you, Madam President, and good morning to the listening public.

TAKE NOTE MOTION

COMMISSION OF INQUIRY INTO HISTORIC LAND LOSSES IN BERMUDA TAKE NOTE OF REPORT

Sen. the Hon. Kim Wilkerson: Madam President, I hereby present the following motion and give notice that I propose to move the motion at the next day of meeting, that this Honourable House take note of the report of the Commission of Inquiry into Historic Land Losses in Bermuda laid for the information of the House of Assembly on 10th of December 2021.

The President: Thank you, Minister Wilkerson.

PETITIONS

The President: There are none.

STATEMENTS

The President: Senators, we have one Statement this morning and that is in the name of Senator the Honourable Kim R. Wilkerson, Attorney General and Minister of Justice, entitled [Corrections Reform Progress Update](#) 1.

Minister, you have the floor.

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

CORRECTIONS REFORM PROGRESS UPDATE 1

Sen. the Hon. Kim Wilkerson: Madam President, in May I tabled in this Honourable Senate the Report of the independent Review Panel on the Department of Corrections. I said then that the report would not be filed away and I gave a commitment to return to this Chamber quarterly to report on our progress. I rise today to keep that commitment.

Senators will recall that the Panel made 75 recommendations across four thematic areas: Treatment of Detainees, Living Conditions, Activities and Rehabilitation, and Detainee Management. Every one of them was placed in the Post-Inspection Action Plan, with a responsible officer, a target date and an evidential standard. That Plan is reviewed and challenged regularly by the Ministry, the Executive Leadership of the department and our UK partners and it is the basis for the update I give today.

Madam President, as at the most recent review of the Action Plan, 27 of the 75 recommendations have been completed. A further 29 are actively in progress. In less than six months since the Plan became active in late March, more than one third of the Panel's recommendations have been delivered and three in every four have either been completed or are underway.

I want to be transparent about what those 27 represent. Fourteen of them are areas where the Panel asked us to keep doing what we already do well, such as, every new arrival seen by a nurse within 24 hours, the Right Living House Therapeutic Community, the work programmes at the Farm, free lawyer calls, respectful same-sex searches and meeting religious and dietary needs. Protecting that good practice matters. But the remaining 13 are new changes and they are making a real difference.

Madam President, the Panel found that the complaints process had lost the confidence of the inmate population. We have acted on that. Prisoners now have a confidential route to the Treatment of Offenders Board through sealed correspondence, with secure

drop boxes being built to strengthen it further. A centralised complaints log is in place so that patterns can be identified and reported to senior management and to the Board and complaint outcomes have begun to be provided in writing. A central log of all investigations into deaths, escapes, disappearances and serious injuries has also been established.

On dignity and living conditions, remand prisoners who are locked in their cells from 4:30 pm are now issued personal water bottles, so that they have drinking water throughout the evening and overnight. A centralised inventory system for mattresses, pillows and clothing, with minimum stock levels, is now operating. Prisoners may apply to wear their own clothing to trial and sentencing hearings. The Westgate kitchen now has clear, dedicated management oversight through a substantive Principal Officer. Inmates may also request call times that suit families overseas.

On leadership and staffing, the HMPPS [His Majesty's Prison and Probation Service] Staff Profiling exercise that I told this Senate was underway in May has been completed and its recommendations were received, with an implementation plan being finalised. They will shape how we deploy our officers and structure our shifts. A dedicated Chief Officer has been assigned to lead training from 5 October 2026. And, in the middle of hurricane season, formal links with government and emergency agencies are in place, along with a two-week inventory of essential supplies.

Madam President, I turn now to the work that is underway.

The most significant of this concerns the use of force and discipline. The Use of Force Policy has been finalised for signature. A Directive on Disciplinary Segregation, to ensure that segregation is lawful, authorised, reviewed and never used as routine punishment, has been drafted for issue. A new disciplinary process, supported by a centralised discipline log, is before management for approval and a manager is being assigned as Use of Force Coordinator. Together, these measures address some of the Panel's most serious findings.

Prisoners will also be better informed of their rights and the rules. A revised Inmate Handbook is going to print, interim reception information is being introduced at Westgate, and new notice boards are being built for every unit.

In health care, the Senior Nursing Officer is working with the UK Overseas Territories Health Service and other jurisdictions to close the gap in access to dental care and substance misuse support between remand and sentenced prisoners and options for access to a female doctor are being explored.

On rehabilitation, discussions continue with Bermuda College and Workforce Development to expand accredited learning case planning is being reviewed so that plans are completed promptly and include disability accommodations and a formal Incentives and Earned Privileges scheme is being prepared,

drawing on the experience of other Overseas Territories. Job descriptions for full-time chaplains are being finalised for Cabinet's consideration.

On infrastructure, the hiring of a dedicated maintenance team has been approved, professional advice is being sought on ventilation, monthly meetings continue with Works and Engineering on repairs that affect security and a request has been submitted for additional secure escort vehicles.

Madam President, Senators may have seen reports of disruption to the water supply at Westgate Correctional Facility, certainly, over the past week and into the weekend. I want to assure this Senate that the matter is under control. In recent days, urgent plumbing repairs required the supply to be shut off at intervals. Working with Works and Engineering, the repair was completed on Sunday, 27 September, and the water supply has been restored.

During the disruption, the department put interim measures in place to maintain sanitation and security, including additional staffing. I thank the officers of the Department of Corrections, the staff of Works and Engineering and the Bermuda Police Service, which stood ready to assist. This episode will inform the department's business continuity planning.

Madam President, I also said in May that I would be candid. So let me be candid now. Not every date has been met. Staffing pressures continue to limit how quickly some changes can be made, including the full implementation of the national locking recommendations and changes to the evening meal at Westgate. A planned UK visit had to be rescheduled from July, and regional training scheduled for August did not proceed. These are real constraints. They are not excuses and they have not stopped the work.

Madam President, I am pleased to inform this Senate that a team from the UK Ministry of Justice and HMPPS is on the ground in Bermuda as I speak. They are working with the department to develop a new Local Security Strategy to replace the outdated Security Manual. That work will also support a revised search policy so that strip searches are intelligence led, a formal Classification and Assessment Policy with risk and needs assessments completed within 72 hours and intelligence and counter corruption training for the Head of Security.

This current visit, Madam President, is part of a broader pattern of support. The UK Ministry of Justice has stood with us throughout this process, from helping to build the Action Plan itself, to the Staff Profiling exercise, to the specialist advice and training that continue to shape our policies. We are also drawing on our peers in other Overseas Territories, learning from prisons that have already introduced an Incentives and Earned Privileges scheme, a [simplified] ACCT system and modern use of force frameworks. Bermuda does not have to reinvent every solution, and we are not doing this alone.

Over the next quarter, work will also advance on risk-based use of restraints for remand prisoners, a policy on special accommodation, a comprehensive staff training and development plan, a business continuity plan with drills and training and the department's first annual staff engagement survey.

Further commitments, including phone credit support for remand and foreign national prisoners, new gym equipment and additional escort vehicles, are being pursued through the 2027/28 budget. The removal of the Treatment of Offenders Board from adjudications will require legislation, which the Ministry will bring forward once the Incentives and Earned Privileges scheme is in place.

Madam President, let me close with this. Turning around a correctional system is not done in a single announcement. It is done in the steady, unglamorous work of reform. That is the work this Ministry, the Department of Corrections, the Prison Officers Association and our UK partners are doing, every week.

Madam President, 27 recommendations completed, 29 underway, [and] a clear plan for the rest. There is much still to do, and I will return to this Senate next quarter to report on it. The hard work is being done, and it will continue until Bermuda has a correctional system that is safe, humane and purposeful.

Thank you, Madam President.

The President: And thank you, Minister Wilkerson, Madam Attorney General, and Government Leader in the Senate for your presentation.

Moving on with our agenda.

INTRODUCTION OF BILLS

The President: There are none.

FIRST READING OF PUBLIC BILLS

INSURANCE AMENDMENT ACT 2026

EMPLOYMENT AMENDMENT (NO. 2) ACT 202

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 Insurance Amendment Act 2026, the Employment Amendment (No. 2) Act 2026.

FIRST READING OF PRIVATE BILLS

The President: There are none.

QUESTION PERIOD

The President: Senators, we will now entertain questions on the Statement that has been just read by

Minister Wilkerson, Government Leader in the Senate, and Madam Attorney General.

Would any Senator care to ask questions on the Statement?

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

QUESTION 1: CORRECTIONS REFORM PROGRESS UPDATE 1

Sen. Victoria Cunningham: Thank you, Madam President, and thank you to Madam Attorney General for that Statement. And we appreciate her sticking to her word by providing updates. Because, obviously, this has clearly been in the news recently, but I have a few questions.

One, you talked about the UK visit being, I think you said rescheduled, and the August training being postponed. When is that training rescheduled for?

[Pause]

The President: Sorry, you have—

Sen. Victoria Cunningham: I have a second—

The President: You have a second question. I'm sorry. I was . . .

[Crosstalk]

QUESTION 2: CORRECTIONS REFORM PROGRESS UPDATE 1

Sen. Victoria Cunningham: Thank you.

The Minister mentioned that the water was restored on Sunday. I believe local media is saying that it's only partially restored. So, were inmates locked in cells without functioning toilets? I'm just wondering what the protocols were around that.

SUPPLEMENTARIES

Sen. Victoria Cunningham: And if I may ask a supplementary to that.

The President: Yes.

Sen. Victoria Cunningham: Looking at facility continuity, I don't know, we call it business continuity in the business sector. Was there a continuity plan prior to the outage? And especially now we're in hurricane season, although touch wood, it's looking pretty good right now. You know, what's the move forward on that?

And then finally, if I may, the Minister talked about staffing pressures, I believe (I was going to try and back and find it), which were blocking the locking national locking recommendations. And I just wondered

how many officer vacancies exist against what's needed.

Thank you.

The President: Thank you, Senator Cunningham. Senator Tannock, you have the floor.

QUESTION 1: CORRECTIONS REFORM PROGRESS UPDATE 1

Sen. Tawana Tannock: Yes, thank you, Madam President. And thank you, Madam Attorney General, for your update, especially given the current concerns.

So, my questions are related to, number one, the recommendation regarding accommodation, and that touches on the water situation. So, it was reported that prisoners were refusing to be locked in their cells without water. And I know that the recommendation panel gave specific instructions on ventilation, health, and safety standards for prisoners in their cells.

So how has this recommendation been impacted and what steps have been taken to ensure that if we are locking prisoners in their cells, that there are adequate health and safety measures such as water? And in the instance where there is not, what do we do? So, if our policy says that if you're locked in your cell, the cell has to meet adequate safety measures, but the cell doesn't meet adequate safety measures, . . . So, prisoners are not locked in. What's the fallback? What happens in that case?

QUESTION 2: CORRECTIONS REFORM PROGRESS UPDATE 1

Sen. Tawana Tannock: And then my second one touches on Senator Cunningham's [question] because presumably, and what I just said, presumably if we are having prisoners who are refusing to be locked in their cell, then that would require, I would suppose, more prison officers. And so, have we identified the cause of the lack of, I guess, interest or engagement in having people apply to be prison officers in this time when we know that it's necessary?

Thank you.

The President: Thank you, Senator Tannock. Do you want to address these questions?

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

Yes, I think it makes sense to address these two sets of related questions, which might inform or change other questions that may come.

The President: Right. That's what I was thinking. Thank you.

Sen. the Hon. Kim Wilkerson: Senator Cunningham's first question related to the visit that was rescheduled.

This was to be a visit from the Governor of Belmarsh Prison, Jenny Louis. And because there were additional movements, I believe maybe even, I'm not sure if it was a promotion, but in relation to her facility, she was unable to make the visit in July.

We do not have a firm date for a reschedule, but we do have a firm commitment from her. She was part of the Review Panel and had very strong recommendations. She was able to make, I think, valuable connections with the leadership team in Bermuda and do first-hand assessments. So, we're very much looking forward to that being rescheduled. I will keep the Senate informed of when that will be.

Both Senator Cunningham and Senator Tannock [had] questions in relation to the events in relation to the water. Let me start with, just to clarify, indeed there was a refusal of maximum security inmates to be locked in their cells. They always had drinking water, but the challenge was around flushing. So, what this would have meant was that they would have had to require an officer come to them to be let out to go to the facilities where the water was working.

And I want to be clear that there was only a short time when the whole facility was down. So, these were staged repairs and that at a point some of them didn't work, and there was further work to retrofit. So, recognising the challenge and being short staffed of requiring service to actually let people out of the cells, a decision was made to leave them open.

And I think the question was: How do we deal with the lack of staffing? We did get support from the Bermuda Police Service, and I want at this time to also acknowledge executive officers of the Prison Officers Association [who] also showed up. And there was a team of people giving up their time over the weekends to be there to make sure that the issues were resolved. And most importantly, that we were able to deal with our clients humanely.

So just to clarify, sanitation was maintained throughout. It just was a question of not being able to use the toilet in the cell for a period of time.

The question, I think it was from both Senator Cunningham and Senator Tannock, around business continuity and disaster preparedness plans. I certainly asked the same question. And this incident informs that our current plans certainly need to be reviewed. They need to be made more robust so that we have ready plans for rehousing as opposed to currently we could rehouse a population to a different location. But in the event that the entire facility was to go down, there would be challenges. So, it is something that has to be addressed. There is redundancy at the Prison Farm and at the Co-Ed Facility. But making sure that we are . . . and this ties into a risk-based analysis that's continuing of the prison population.

Just because someone is in maximum security, it does not mean necessarily that they could be at high risk for moving. If I might put it like that.

Senator Tannock's question related to, have we any insight yet into why there's a challenge in recruitment? It is a multi-pronged question. And to be sure, it is one that is frustrating, because we recognise that staffing is at the root of being able to carry out every one of the recommendations. We need to have staff available to do this. We need to have staff available for training.

Even for training, we need to have redundancy so that a certain group can be trained while a certain group are working. Because it's not a facility where you can really just close it down and say, *No, everyone's off for two days of training*. That isn't the world. So how do we do it?

We have been challenging to shorten the recruitment cycle. But, Madam President and Senate colleagues, it is still too long, in my opinion. So, I would say here in full frankness, people who have applied to become corrections officers in the recruitment in April have not yet been finalised. So, this is a challenge in how we move all of the steps on recruitment to be faster. We've made some changes. It's definitely been shortened from what it was before. But it needs to be shorter. It's something that, you know, that we have to address critically how to do better.

So, for example, we are looking at alternative health resources to assist with the vetting around medicals, the medical assessment, as an example. We are looking at whether or not a multi-interview process is necessary, whether this could be covered in one set of interviews as opposed to two. We have ensured that members of the Prison Officers Association are part of the first set of interviewees as opposed to being in the last round. Because these are the people who are on the ground and have insight into what is required. And they will know straight away the capacity and personality of the types of people who are likely to be most successful in the roles. That is one thing.

We have had challenges with our overseas recruitment just around the timing for the work permit process. So, these are some bureaucratic hurdles outside of the control of the Department of Corrections itself. But we do need to examine, you know, how do we make these go faster? We have a number of foreign officers who are going through the process. And we have a larger group of Bermudian officers who have made it through to the last, the penultimate stage of the recruitment process. So, those should be being finalised shortly.

The question is as to why more Bermudians don't want to apply for these roles. What we have found is that at the start there is a large number of applications. I do think that once people recognise that it's a really small community, you may be walking into a job where you have to be the one who is an officer in charge of people that you know, friends and relatives, colleagues, you know, schoolmates. And so, these are the kinds of real situations that create a reticence on some applicants once they start the process.

Then there is some falling off in the recruitment around the psychological assessments and sometimes around the physicals. But we are being more data driven in reviewing where the fall offs are to see what we can inform in going forward [with] recruitment rounds.

And I think the last question from Senator Tannock was . . . I wasn't sure if the question, Senator Tannock, was how many vacancies there are in total or how many vacancies there were in relation to the officers trained in locking.

The President: Senator Tannock, if you want to restate your question.

Sen. Tawana Tannock: Yes, so sorry. It was I believe Senator Cunningham mentioned locking, but mine was regarding in total. Yes.

The President: Mm-hmm.

Sen. the Hon. Kim Wilkerson: Okay. Yes. I don't have the number right now in relation to total. And the reason that I don't is because we have had some recent retirements and whether those retirements have impacted the number that we are recruiting for . . . We were trying to recruit for 37. If we were to fill every vacancy prior to the last round of recruitment, there is a view that we are down 100 officers.

I take the view that if the recommendations from the Review Panel are implemented, including things like proper locking, including getting the dining room and certain other facilities completed in repair, these potentially could reduce the numbers that we need. So, that is why we had the staff profiling experts from the UK come in to review that. And it's always a question of, you know, the way that we've staffed before, is that appropriate for the way that we staff in the future? And should staffing correlate to risk assessment of the population? And can that be flexible?

So, I think there are those kinds of things that need to be looked at before we could say definitively the vacancy level is "X." But that is something that I can return to the Senate with as well.

The President: Thank you, Minister Wilkerson.

Would any other . . . Senator Tannock? Yes.

Sen. Tawana Tannock: Yes. Thank you, Madam Attorney General, for your fulsome response. I appreciate it, and the challenges.

I noted with interest the . . . I guess, emergency measures or . . . I can't remember. What did you call it, Senator Cunningham? The backup plan. I can't remember. But so, I would be interested when that is finalised and completed. I guess [it's the] emergency measures plan. It would be interesting.

I know for public safety reasons that there is probably information that you can't share. But it would

be interesting to know that at least one is in place and that is confirmed.

QUESTION 3: CORRECTIONS REFORM PROGRESS UPDATE 1

Sen. Tawana Tannock: And then my second point is I know that we've had people come from the UK to advise. But I also recall at the end of last year that the UK prison systems itself had a shortage of prison officers. And they had a large number of prison officers from Ghana and Nigeria. And because of the impact of their visa application process, they actually expedited the visas of some of the prison officers who are currently there so that there would not be a shortfall. Has anybody from the UK suggested that approach that they have taken to Bermuda? Or is that something we have considered?

The President: Thank you, Senator Tannock.

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

I'll answer that as Senator Tannock's third question.

The President: Yes.

Sen. the Hon. Kim Wilkerson: And I took the earlier one as a comment that I will take on board.

We have considered any way to expedite the opportunity for overseas officers to come to Bermuda. Bermuda is a challenging situation for overseas officers. We know we have a housing crisis here. There is a cost of living that is an issue. We also do not have a situation where people can reach Bermuda without having to access the United States or Canada. So, where there are direct flights from certain places to the UK, that is a route for those potential employees. Those same routes don't necessarily exist for people from coming from the Caribbean to Bermuda. And so, it has to be that those people are also capable of obtaining a visa to travel through the States or Canada to more easily access the ability to come to Bermuda. But we are considering every option.

And I do note that the shortage of officers is a . . . it's a world . . . it's a world . . . it's amongst the territories as well.

The President: Yes. Thank you, Minister Wilkerson.

Before we leave it, would any other Senator care to ask questions on this Statement?

If not, it appears that you have answered all the questions, Minister Wilkerson, and we appreciate the responses.

Moving on then with our agenda.

ORDERS OF THE DAY

The President: And the first Order of the Day is the second reading of the [Motor Car and Auxiliary Bicycles \(Miscellaneous\) Amendment Act 2026](#).

And that's in the name of Senator Mischa Fubler, the Junior Minister of Tourism and Transport, Culture and Sport.

Senator Fubler, you have the floor.

Sen. Mischa Fubler: Thank you, Madam President.

And I move that the Bill entitled the Motor Car and Auxiliary Bicycles (Miscellaneous) Amendment Act 2026 be now read a second time.

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

Sen. Mischa Fubler: Thank you, Madam President.

BILL

SECOND READING

MOTOR CAR AND AUXILIARY BICYCLES (MISCELLANEOUS) AMENDMENT ACT 2026

Sen. Mischa Fubler: As stated, the Bill before the Senate today provides for the following.

1. Removing the requirement for a certificate of physical fitness when renewing particular driver's licences up to the age of 70.
2. Reducing the number of inspections required for new private motor cars within the first five years after registration and licensing.
3. Allowing abbreviated licensing periods for private motor cars, motorcycles and auxiliary bicycles.

And moving on to the intention and purpose, Madam President: The 2024 Throne Speech included initiatives to remove red tape by eliminating the requirement to undergo a medical assessment every 10 years as part of the driver's licence renewal process until age 70. [Additionally,] reducing the number of vehicle inspections required for a new private motor car and introducing abbreviated licensing periods for private motor vehicles.

Madam President, current legislation specifies that a person applying for a licence to operate a motor vehicle must submit a medical form as part of the initial process. The medical form is divided into two parts. The first half being a self-reporting health assessment completed by the applicant. The second half is completed by a local physician after examining the applicant to determine their physical fitness by evaluating eyesight, hearing and overall physical health.

Madam President, the production of a certificate of physical fitness is also required when applying to renew one's licence up to the age of 70. In each case, the applicant must cover the cost of a medical

assessment, thereby increasing expenses. Further, scheduling appointments with a physician and presenting for the assessment proves cumbersome for those applying.

Madam President, it is therefore proposed that after the initial granting of a driver's licence, subsequent renewals in relation to private motor cars or motorcycles require the applicant to self-report only by completing a personal medical declaration stating that he or she has no medical conditions that may impair their ability to operate a motor vehicle or motorcycle, thereby eliminating the requirement for a further medical assessment until that person reaches the age of 70. However, in the case of impairment noted on the personal medical declaration, a medical assessment and certificate of physical fitness is required. Madam President, the proposed change is intended to reduce the administrative and cost burden on applicants while simplifying the licence renewal process without compromising safety or regulatory standards.

Madam President, in relation to the examination of new private motor cars, the current regime requires that after the purchase of a new private motor car, the vehicle must undergo an examination every other year, up to five years, and then annually thereafter. This pattern of examinations may feel excessive to many vehicle owners, particularly when the private motor car reaches three years old, as it is still considered relatively new and is unlikely to have any significant damage, wear, or mechanical issues unless involved in a collision.

Madam President, this Bill proposes the removal of the examination requirement when a new private motor car is three years old. This reduces the burden on vehicle owners, allowing them to have use of their vehicles without unnecessary interruptions. Streamlining the vehicle examination process is in the best interest of both the public and the Transport Control Department [TCD].

Madam President, Members of the Senate should note that the revenue implications of the proposed amendment were considered. The fee for examining a private motor car is \$54. By eliminating the third-year examination requirement for a new private motor car, it is estimated that \$90,000 in revenue will be lost. The TCD currently earns approximately \$31.5 million in revenue per annum. Therefore, this loss represents 0.3 per cent per annum. The Bill also proposes to change the examination requirement for public service vehicles from every six months to every 12 months.

In relation to the introduction of abbreviated licensing periods for privately owned vehicles, particularly private motor cars, motorcycles, and auxiliary cycles, Madam President, it is important to note that the department implemented this option several years ago to assist customers in special circumstances; for example, where awaiting parts required to complete repairs, awaiting an impending sale, leaving the Island prior to

the vehicle's expiry date, or other circumstances that may have created financial hardship.

Madam President, it is proposed that the formal introduction of abbreviated licensing periods will allow owners, in special circumstances, to renew private vehicle licences for periods of either one, three, or six months instead of a full year. An owner may also pay for a private vehicle licence in instalments. In each case, an application may be submitted and is subject to approval by the director.

Madam President, by committing to a more adaptable licensing framework, the public can be better served and individuals supported when navigating their respective unique challenges, including financial hardship or otherwise.

Thank you, Madam President.

The President: Thank you, Senator Mischa Fubler.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITORS

The President: And before I open the floor to Senators to ask questions, I would just like to acknowledge and welcome Carlita O'Brien, the Acting Permanent Secretary in the Ministry of Tourism and Transport, Culture and Sport, as well as Mr. Terry Spencer, the Director of Transportation Policy. Welcome to you both.

[Motor Car and Auxiliary Bicycles (Miscellaneous) Amendment Act 2026, second reading, continuing]

The President: Would any Senator care to ask questions?

Yes, Senator Dunbar Smith, you have the floor.

Sen. Tarik Smith: Thank you, Madam President, and good morning to my Senate colleagues and the listening audience.

I just want to ask a couple questions. Firstly, I just want to state that the One Bermuda Alliance acknowledges the several provisions in this Bill, particularly the fact that you are now allowing an instalment of payments, payments for portions of licensing. We'd like to recognise that that does help, especially in this time when people are facing very, very hard times financially and special circumstances that are outlined in the Bill.

Just questions on the Bill: [It] states that the new private car can now be moved from three years to five years. What safeguards does the Bill provide during that five-year period to ensure that the new vehicle, for example, that may have been in an accident, is still roadworthy? Can we ensure . . . I mean, what would be the circumstances under which a vehicle might still need to be inspected if it'd been in an accident during that five-year period?

My second question refers to the 70-year-old certificate of physical fitness. Why was 70 chosen and not 65 when someone becomes a senior, or a different age?

And thirdly, seeing that it's an offence to provide false information and with a penalty of \$1,000 for the self- medical declaration form, how is it going to be, . . . could the Junior Minister please explain how the accuracy of these declaration forms will be assessed? Because a person can simply just lie and say they don't have a condition within the Act.

Thank you, Madam President.

The President: Thank you, Senator.

Senator Tannock, you have the floor. Ask your questions.

Sen. Tawana Tannock: Yes, thank you.

I echo Senator Smith's remarks on the instalment plan. I always thought that it was ironic that on your birthday month or your birthday, that's when you get hit.

[Laughter]

Sen. Tawana Tannock: It's the worst present ever. So, I am very supportive of it. However, I do have some questions.

And the first one is with respect to the instalment plan. The Act doesn't state by what date prior to your licence expiry that you need to have made an application to the director. And it also doesn't state whether or not you need to send an insurance documentation. So, in terms of the actual instalment plan, when is it expected? What's the date that the public would have to submit the request and does that come with an insurance requirement? So that's my first one.

My second one is I note that it says that if the director refuses the request, that the fee must be paid in full at that time. What is the . . . what is the . . . sorry. What is the . . . where is the ability to challenge or where is the ability to challenge the director's decision and upon what criteria will the director make the decision and on what criteria can it be challenged? And how does that impact the person paying right there and then?

And then the third one is just something I don't understand. And that was [the] abbreviated licence period. I'm not sure. Because it says there is an abbreviated licence period and then it also says that if the abbreviated licence period is whatever, then the instalment plan payment is "X." I don't understand the abbreviated licence period, what the requirement . . . why was it determined that that would be required and then how that impacts the instalment plan.

Thank you.

The President: Thank you, Senator Tannock.

Senator David Rogers, you have the floor.

Sen. David Rogers: Good morning, [Madam] President. Good morning, Bermuda. Good morning, colleagues.

I just want to be clear [at] the outset that I support these changes. I believe they're reasonable. Any reduction in red tape, needless doctor's appointments or flexibility in payment for vehicle ownership, I believe this side of the House will support.

Nobody wants people to just get a rubber stamp for a certificate. But as someone who's worked in health care for many years, I know first-hand that many physicians are loath to take individuals off the road. Many individuals are sole providers for their household and may need the vehicle to get to work, or that vehicle may in itself be how they earn a living, taxi drivers, things like that.

However, I have seen patients, who appear to be unable to drive, leave vehicles when coming to their doctor's appointments. And I've seen those individuals receive renewals on their licence. One unintended consequence I think this Bill may have is that, especially for men, this 10-year certificate renewal caught a number of men who skipped their annual physicals. So, it was a way to capture these individuals and enter them into the health system. So, that will actually be something we'll be losing by removing these 10-year requirements.

Speaking specifically to the questions that I have related to the Bill, I'll start with the medical declaration form because I believe that's what touches the public most directly. So, if I'm under 70 and I'm honestly self-reporting on the form and I report a condition, what happens to me next? Do I automatically lose the licence? Am I referred to get a full certificate from a doctor? Or does the director simply make a quiet unpublished decision about my case?

I'm asking because I want to ensure that the process is not punitive towards honesty and that people will be willing to disclose conditions if they know that they won't just be losing their licence.

Also, the Minister in another place described this as covering individuals who knowingly provide false or misleading information, but the clause in the Bill itself doesn't say that. It says: "[(6)] A person shall not provide false or misleading information on a personal medical declaration form. [(7)] A person who contravenes subsection (6) commits an offence . . ." So, there's no knowingly—

Sen. Mischa Fubler: Point of order, Madam President.

The President: Yes.

POINT OF ORDER

Sen. Mischa Fubler: Apologies. It sounds like we are debating the specific clauses of the Bill while this segment is intended for general debate.

Sen. David Rogers: I'm speaking to the spirit of the Bill.

The President: Be advised.

Sen. David Rogers: Yes, I acknowledge his point. I just want to point out that the intention that the Minister may have described is not what is actually specifically stated in the Bill. But I do take—

The President: Back to your question.

Sen. David Rogers: Yes, I do take his point.

So, is that something that . . . so if someone makes an honest mistake and gets details wrong, they could be technically caught in a criminal offence, which carries a fine. And that leads to my next question related to mental health and substance abuse. I believe this point was raised already with regard to mental health and substance abuse, so I would like an answer on that.

And then on the payment flexibility provision, I am understanding that it is the director who decides what is a special circumstance. I am certain that the public would expect [a] published objective list of criteria that sort of outlines what a special circumstance is. And once again, there appears to be no right to appeal in a practical sense. And if someone pays for six months and cannot cover the remaining balance, what actually happens?

The President: Your specific question then is?

Sen. David Rogers: Is the vehicle deregistered, or does an outstanding bill simply accumulate? Is there interest? And are there penalties attached?

Thank you so much.

The President: Thank you, Senator Rogers.

Senator Cunningham, you have the floor.

Sen. Victoria Cunningham: Thank you, Madam President, and thank you to the Junior Minister. I am glad he is back on his feet today.

As mentioned, we were willing to support this. And obviously cutting red tape and the cost of living, removing the requirement to go and visit a doctor, it is not just having to pay the hundred dollars for the medical certificate; it is time off work. It is having to physically go to the doctor. So, I think residents, not just Bermudians, will be pleased about that.

The second most number of outreaches to me in the last couple of months outside of a different Bill that was on the docket last week was [about] this one. And I think everyone wants to know when this is going . . . I know this is a specific clause, but . . . when this is actually going to go into effect. Because I have said prior to the last sitting . . . and I was like, "*Pfft, I do not know.*" I said it is on the Order Paper. But so, I think that

is one main question that Bermudians and residents would like to know. When does that go into effect?

And my second question is around the public service vehicles, and I understand that we are obviously looking at the licensing change for new vehicles, but why [change] the public service vehicles from six months to 12 months?

And then finally, with the instalments. So, when you go into TCD [Transport Control Department] and you renew your vehicle licence, I assume you are going to have to show insurance for the entire duration of the licensing period, which would be a year. If you pay it, however, quarterly, semi-annually, whatever, are you going to get the sticker or the sheet for the entire period? Or is TCD going to be interacting with the police records so that if police stop someone, they will know that they are only two months paid and they have not paid the third, fourth or fifth month? How are those infractions going to be measured, I guess by the police when doing traffic stops and the like, if a driver has a licence for a year but has not actually paid it?

But I think overall, you know, [it is] well-received. I assume with the medical certificates, we can trust our fellow drivers that they will be truthful in their declarations, but no issues from our side.

Thank you.

The President: Thank you, Senator Cunningham.

We will await the response from Senator Fubler.

Sen. Mischa Fubler: Thank you, Madam President and Senate colleagues.

I do, of course, welcome the support. And while I wait to confer with the technical team on responses to the questions, I think there are a few that we can speak to already.

In the roadworthiness, if a vehicle is in an accident, significant damage will be reviewed by [a] police officer and or traffic officer and need to be reported to TCD, and it will be determined at the time of the accident whether it is need to or not. And then let's see what else we have back. The technical officers . . .

So, there was a question around the instalment plan and the date required to make the application. When can a person submit the request? As is already in place now, as I mentioned in the briefing, we are moving to formalise a process that was already in place. The process begins 90 days before the expiry date of the licence. And I think that was from Senator Tannock.

And also . . . And yes, the requiring insurance is a prerequisite for having your car licensed for any period of time. You need to show that it is insured. And I know from personal experience, you have the option to pay monthly, as it were, for the insurance policy. And it is still right. It is the inception of the policy, which would need to run at least the length of time of the period that the car is being licensed or the vehicle is being

licensed in those cases where it is shorter than a full year.

There were a couple of questions around what happens if the director refuses the application. Is there a formal process for appeal at that time? Does the full fee need to be paid at that time? Where is the ability to challenge the director's decision? What are the criteria for acceptance or denial of that application? And the applicant can request a meeting with the director in the case where the application is denied.

And I have some more questions from earlier. So, why the 70 years for the age instead of 65? That threshold is already in the Act. I think that is when you transition from needing it every 10 years to a more frequent time period. And so, we are sticking with that age of 70.

And there was a question from . . . Where is it? I think it was Senator Rogers or maybe Tannock. No, wait. No. From Senator Smith. Sorry. Apologies. How will the accuracy of the declaration form be assessed? And so, in the case of false information on the self-declaration form, as I think you covered in his preamble to the question, it is already an offence to provide false or misleading information on a medical declaration form. And a person is liable to a penalty of \$1,000 for committing that offence. And I think the vast majority of the residents of Bermuda are law-abiding citizens and will as such take the moral and ethical approach. You know, I said vast majority. I am sure there are some who spend their days looking for loopholes and how to avoid following the law. But we do not want to legislate for them. We want to legislate for the majority of us who are going about our days following the rules. All right.

[The] abbreviated licensing period—how does this impact the instalment plan? Right. And so, the licence fee is cut into two instalments instead of one. I guess that is in the case of [a] six-month period. I would wait for a little more detail [from the] technical team around . . . In the case that I licensed it for a month, I assume there is no instalment available then because it is the one-month payment. [For] three months, perhaps there is an instalment allowed to be confirmed.

Is there going to be a published list of accepted circumstances due to the variability of the nature of people's lives? You know, it is on an as per basis. So, each person should make their application. Think of it as genuine. There will be no problem with that application.

There was also a question around when this will go into effect. And that is still to be confirmed.

But the question also around public service licensing vehicles and reducing the frequency required from six months to 12 months—reported from [the] Transport Control Department, the standard for the public service vehicles has risen to a point that 12 months reflects the state of the current fleet on the road. So, kudos to the public service vehicles. And I mean, if we are being honest, they have a vested interest in maintaining the quality and road worthiness of

their vehicles. That is how they make their livelihood. It would affect things like tips and people being willing to take a ride with them. And so, I think in that case, reducing the red tape and the inconvenience that has been addressed by some of my colleagues already is the right approach.

And oh, yes, I know this is a little counter to the typical approach, but Senator Rogers asked that there was a question already raised around mental health and substance abuse. And if you could get an answer on that . . . And so, I would appreciate some clarification around the original question and what answer is being requested.

Sen. David Rogers: I believe one of my fellow Senators asked if mental health would be included in the medical declaration. I would . . . And the same for substance abuse.

Sen. Mischa Fubler: Thank you, Madam President. I await further clarification from the technical team.

The President: Mm-hmm.

[Pause]

Sen. Mischa Fubler: And thank you to the listening audience and my colleagues for your patience.

Going back to the question around the instalments, in addition to instalments, the applicant can be put on a schedule for making payments of the fee as per the discretion and request to the director.

And I think there was a question from Senator Rogers around what happens in the case where someone self-reports that there is an issue with their physical fitness. And in that case, yes, as per my briefing, I think you acknowledged already that they are then required to get the medical assessment. And as far as that being a disincentive, point taken. But as we have already discussed, we are expecting people to follow the law. And it is not only in their best interest but [in] the best interest of the general motoring public. And so, in that case, I implore people to report honestly.

Okay. Thank you, Madam President. I do have a response to the question around mental health and substance abuse. And while there is no specific question in the declaration currently, there will be a question that will be included that asks about there being any other condition that will affect their ability to drive safely and responsibly. And mental health information can be shared there.

And also, [I am] pleased to note that we will be . . . that TCD is actually working to implement a digital form for this application. Hopefully, mid-October is what they are reporting. Yes. Of course, the digital transformation is one of my prerogatives or imperatives, maybe. And so, I look forward to seeing that when it is available.

And apologies if I missed any of the other questions. Let me just go back through my notes here.

And then there were some questions around what would happen if the application was denied or the time lapses as with a traditional licence. If your licence expires, you then need to go and request a temporary permit to bring the vehicle down and get a licence, you know, the whole spiel there.

And on that note, Madam President, unless there are any further questions, I move that [Standing Order] 26 be suspended in respect to this Bill.

The President: It has been moved that—

Sen. Mischa Fubler: Apologies, I am not following the structure. I need to move first that the . . . I move that the Bill be read a second time.

The President: Yes. Is there any objection to that motion?

No objection.

SUSPENSION OF STANDING ORDER 26

Sen. Mischa Fubler: Thank you, Madam President.

And now 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. Mischa Fubler: Thank you, Madam President. I move that the Bill entitled the Motor Car and Auxiliary Bicycles (Miscellaneous) Amendment Act 2026 be now read a third time.

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

No objection.

BILL

THIRD READING

MOTOR CAR AND AUXILIARY BICYCLES (MISCELLANEOUS) AMENDMENT ACT 2026

Sen. Mischa Fubler: Thank you, Madam President. I move that the Bill do now pass.

The President: It has been moved that the Bill do now pass. Is there an objection to that motion?

No objection. The Bill is passed.

[Motion carried: The Motor Car and Auxiliary Bicycles (Miscellaneous) Amendment Act 2026 was read a third time and passed.]

The President: Thank you, Senator Misha Fubler, Junior Minister of Tourism and Transport, Culture and Sport, and to Senators who have asked questions on that Bill.

We will now move on to the second order of the day and that is the second reading of the Insurance Amendment Act 2026. And that is in the name of Senator the Honourable Ryan A. R. Perinchief, spokesperson for Finance in the Senate.

Senator Perinchief, you have the floor.

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

The President: Good morning to you.

STANDING ORDER 25

Sen. the Hon. Ryan Robinson Perinchief: 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 following Bills: the Insurance Amendment Act 2026 and the Employment Amendment (No. 2) Act 2026.

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

[Motion carried: Leave granted for the Insurance Amendment Act 2026 and the Employment Amendment (No. 2) Act 2026 to be read a second time on the same day as their first readings.]

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

I move that the Bill entitled Insurance Amendment Act 2026 be now read a second time.

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

BILL

SECOND READING

INSURANCE AMENDMENT ACT 2026

Sen. the Hon. Ryan Robinson Perinchief: Madam President, I am pleased to present to the Senate the Bill entitled the [Insurance Amendment Act 2026](#).

Madam President, this Bill amends the Insurance Act 1978 to strengthen the public disclosure regime for certain long-term insurers by requiring them to file asset and liability statements with the Bermuda Monetary Authority, enabling the authority to publish those statements and applying the existing enforcement provisions where an insurer fails to file.

Madam President, the Authority was established under the Bermuda Monetary Authority Act

1969, which mandates the Authority to act as advisor to the Minister of Finance on policy matters related to any financial institution. This includes matters related to the insurance industry.

Madam President, the Act provides the Authority with licensing, supervisory, and intervention powers to regulate Bermuda's insurance industry. The authority regularly monitors developments in the industry to ensure that the powers conferred on it remain relevant, appropriate, and aligned with international standards. Consequently, the Authority may propose regulatory amendments as necessary to maintain an effective insurance supervisory regime and protect policyholders.

Madam President, in 2025, the Authority identified an opportunity to strengthen the supervisory regime for long-term commercial insurers by enhancing the public disclosure requirements for assets and liabilities through the Insurance (Prudential Standards) (Class C, Class D, and Class E Solvency Requirement) Amendment Rules 2025. The relevant prudential standards rules came into operation on 1 January 2026.

Madam President, the new statutory requirement applies to every Class C, Class D, and Class E insurer other than an insurer carrying on domestic business and requires it to file an asset and liability statement with the Authority.

Madam President, the enhancements to public disclosure of assets and liabilities are largely motivated by emerging global trends in the life and annuity sector of increased investments in illiquid, complex, and non-traded assets. Given the nature of these investment exposures, greater transparency is needed to help policyholders and stakeholders to better understand the investment composition and risk profile of insurers. This enhanced disclosure will also encourage greater scrutiny of investment strategies by stakeholders.

Madam President, the enhancements proposed promote alignment with leading international regulatory standards such as those of the US National Association of Insurance Commissioners. They also reinforce the prudent person principle by encouraging insurers to prioritise capital adequacy, liquidity, and responsible assumption of market risks related to policyholder obligations.

Madam President, clause 2 inserts new section 17AA into the Act. New Section 17AA requires every Class C, Class D, and Class E insurer other than an insurer carrying on domestic business to file with the Authority an asset and liability statement in accordance with section 17(4). It also requires the Authority to publish the statements in such manner as it considers appropriate.

Madam President, clause 3 applies the existing late fee provisions where an insurer fails to comply with the new filing requirement. Clause 3(c) also extends the Authority's existing power to appoint an inspector to investigate the affairs of an insurer which fails to file an asset and liability statement within the required period.

Clause 4 provides for the Act to be deemed to have come into operation on 1st of January 2026. This aligns the amendments with the relevant prudential standards rules and supports the Authority's intention to publish statements filed as at 31st of December 2025.

In terms of engagement with stakeholders, Madam President, the Authority takes a collaborative approach to the development of its regulatory framework. In this vein, the Authority has engaged with the insurance industry, international standard-setters, and other stakeholders regarding the proposals presented in the Bill.

Madam President, the Authority pre-consulted with members of the Bermuda International Long Term Insurers and Reassurers [BILTIR] and the Association of Bermuda Insurers and Reinsurers [ABIR]. This process was followed by a broader consultation exercise in December 2024 where members of the public and other stakeholder groups were invited to provide feedback.

Madam President, some stakeholders expressed concern that the proposed disclosure requirements may exceed those of peer jurisdictions and potentially expose proprietary investment strategies. Others noted that CUSIP-level granularity could overwhelm users, expose sensitive information, and risk misinterpretation. Additionally, some stakeholders highlighted the potential operational burden, especially for runoff entities or insurers with immaterial business, and suggested materiality thresholds or simplified disclosure formats.

Madam President, the Authority carefully considered the feedback and, where appropriate, adjusted the proposals. The feedback on the Authority's responses was published on the Authority's website on 29 September 2025 in a document titled, stakeholder letter Re: Consultation Paper—Proposed Enhancements to the Public Disclosure Regime: Public Disclosure of Assets and Liabilities for Long-term Commercial Insurers.

Madam President, to address competitiveness concerns, the Authority will consider case-by-case requests for modified disclosures to preserve competitiveness while retaining the essential requirements. To reduce the risk of misinterpretation, the Authority will require registrants to answer qualitative questions on investment strategy, and the disclosure template will include a summary sheet designed to provide a high-level overview for general audiences.

Madam President, to reduce operational burdens associated with additional disclosure requirements, the Authority designed the asset and liability statement to leverage existing regulatory returns, such as the Lapse and Liquidity SBA Return and the Bermuda Solvency and Capital Return. Data for liabilities should be readily accessible through GAAP-based financial statements. The Authority also remains committed to engaging directly with run-off entities that

believe the preparation of public disclosure documents may adversely affect policyholder value.

Madam President, the Authority will remain engaged with the stakeholders post-implementation to ensure that the intended policyholder protection outcomes are achieved and to mitigate any unforeseen circumstances.

Madam President, in closing, I would like to thank those within the authority, the Attorney General's Chambers, the Ministry of Finance, the private sector, and other stakeholders who have assisted with the development of this Bill.

Thank you, Madam President.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITORS

The President: And thank you, Senator Ryan Perinchief, spokesperson for Finance in the Senate.

And before I open the floor for Senators to respond to this Bill, I would just like to acknowledge and welcome Mr. Ifor Hughes, the senior advisor for the Bermuda Monetary Authority, Webster Mutepfa, the Assistant Director of the BMA, and Sierra Bell, the policy advisor for the Ministry of Finance. Welcome to all three of you.

Senator Tannock, you have the floor.

[Insurance Amendment Act 2026, second reading debate continuing]

Sen. Tawana Tannock: Yes, thank you, Madam President.

And for our listening public, I would just like to acknowledge that Mrs. Bell from the BMA is Senator Bell's daughter, of whom she is very proud.

The President: Absolutely. We are all delighted to meet you.

[Desk thumping]

Sen. Tawana Tannock: Yes. So, I guess my confusion stems from [the fact that] I thought we did this in January with the Prudential Amendment Act and the Prudential Rules. So, how does this distinguish what was accomplished in January? What is the rationale for this particular amendment? And I may be missing something, but I literally thought we did this in January.

And then my second point was this. [Regarding] the asset and liability statement, will companies have to apply to have it not published? Or will it be on the BMA website published? And if so, if it is published, why would we publish a private company's assets and liabilities? I can understand with what's going on in life, and investments, and life insurance companies buying football teams and such that we want to know where policyholders' money is going, but they are private

entities. So, I would expect that they should not have to opt out of that information being public. Yes, those are my two questions.

The President: Thank you, Senator Tannock.

Would any other Senator care to speak?

Senator Cunningham, Opposition Leader in the Senate, you have a floor.

Sen. Victoria Cunningham: Thank you, Madam President. And thank you to the Junior Minister for his presentation.

The Opposition is in support. This is ultimately fairly targeted, sensible legislation that supports and protects our reputation. It is . . . I have to say, when I first looked at it, I did not actually look at the C, D, and E. So, I was kind of, what, all P&C [property and casualty] companies are going to have to give this? So, [it is] welcome that it is just the life and annuity classes.

And obviously, as my colleague just mentioned, they have fairly complex and non-traditional, should we say, assets and liabilities on their balance sheets: football teams, baseball players. You know, they are in these long-term agreements. But I guess this aligns us more with NAIC standards. So, we have got nowhere that people can hide.

I think my question . . . And I will give credit to the BMA for the consultation with ABIR and BILTIR. My main concern is around the grace period for filing. So, this retroactively dates back to January 1, 2026. So, is there a grace period for filing these new forms? And will any late fees be waived or, you know, companies be given extra time to produce them?

But I think, overall, we are supportive. And I think, you know, we need to keep doing, hopefully, what is required. Hopefully sometimes we are not going above and beyond, and I think that is the case sometimes. But I think, yes, in this case, we are supportive of this Bill.

Thank you very much.

The President: Thank you, Senator Cunningham.

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

Hearing none, then it is over to you.

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

In relation to Senator Tannock's questions regarding rationale, her question was: How does this distinguish from what was accomplished in January? In January, the rules required the relevant companies to provide the statements and gave the Authority of the powers to request them. And now, this Bill permits the Authority to publish the statements.

In relation to the second question regarding whether companies can apply to not have the asset and liability statement published and why we would publish a company's assets and liabilities, the answer is that

the BMA will publish the asset and liability statements for all registrants in scope on its web site. It will not restrict anyone from accessing this data. The approach is similar to what is already done for GAAP financial statements and declarations of compliance, and it is also similar to what other jurisdictions such as the NAIC already do.

Companies that believe that publication is not in their best interest can apply for an exemption. However, I am advised that so far, the industry is in full support in the interest of transparency, given the complexity of their investment strategies. I believe that answers Senator Tannock's questions.

In relation to Senator Cunningham, companies have already submitted the statements in quarter two of this year. The companies are compliant, and it is not envisaged that any companies are failing to meet the requirements for the first year.

I believe that answers all questions. Thank you, Madam President.

The President: In that case, it is left to you to pass your Bill.

Sen. the Hon. Ryan Robinson Perinchief: Madam President, I move that the Bill entitled Insurance Amendment Act 2026 be now read a second time.

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

SUSPENSION OF STANDING ORDER 26

Sen. the Hon. Ryan Robinson Perinchief: Thank you, 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. the Hon. Ryan Robinson Perinchief: Madam President, I move that the Bill entitled Insurance Amendment Act 2026 be now read a third time.

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

BILL

THIRD READING

INSURANCE AMENDMENT ACT 2026

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

I move that the Bill do now pass.

The President: It has been moved that the Bill do now pass. Is there any objection to the passage of the Bill?
No objection.

The Bill is passed.

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

The President: Thank you, Minister Perinchief. And thank you to all Members who have come to assist.

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

The President: Thank you.

We are moving on then to the next item on the order of the day, and that is the second reading of the Employment Amendment (No. 2) Act 2026, and that is in the name of Senator Lauren Bell, the Junior Minister for Economy and Labour.

Senator Bell, you have the floor.

Sen. Lauren Bell: Thank you, Madam President. And again, good morning to you, my colleagues, and the listening audience.

Madam President, I move that the Bill entitled . . . apologies . . . the [Employment Amendment \(No. 2\) Act 2026](#) be now read a second time.

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

BILL

SECOND READING

EMPLOYMENT AMENDMENT (NO. 2) ACT 2026

Sen. Lauren Bell: Thank you, Madam President.

Madam President, the principal purpose of this Bill is to strengthen the procedural and enforcement framework governing the Employment and Labour Relations Tribunal, otherwise known as the Tribunal. I would like to take this opportunity to provide the Honourable Senate with greater detail on the proposed amendments, the issues they intended to address, and the practical effect of these changes.

Madam President, the Tribunal is an important part of Bermuda's employment relations framework. It provides employees and employers with an accessible forum for the resolution of employment complaints and labour disputes without requiring every matter to proceed through the courts. However, Madam President, the effectiveness of any tribunal is dependent not only on its ability to hear and determine matters but also on having the appropriate procedural powers to manage

those matters efficiently and, more importantly, on its decisions having practical effect.

The policy paper, which was laid in the Honourable House of Assembly by the Minister of Economy and Labour, the Honourable Jason Hayward JP MP, in June of this year, identified a number of areas where the existing legislative framework could be strengthened. These proposals have informed the Bill now before the Honourable Senate.

Madam President, the first area addressed by the Bill concerns the timing of disciplinary action and the termination and employee protection from disciplinary action during rest days, approved leave, and off-duty periods. The existing legislation protects employees from disciplinary action during particular periods of leave. However, the Government identified a need to clarify and extend those protections so that employees are not subjected to disciplinary action or termination during any period when they are not ordinarily required to be at work. The Bill therefore extends the relevant protection to include rest days, approved leave, and off-duty periods. This is intended to provide greater clarity for both employers and employees and to establish an appropriate boundary between the employee's working time and periods of rest or approved absences.

Madam President, this amendment is not intended to prevent an employer from responding to circumstances where immediate action is reasonably required. The Bill maintains appropriate exceptions for circumstances where the nature or urgency of that matter warrants action. The objective is to ensure that disciplinary processes are undertaken in an appropriate and orderly manner while at the same time recognising there may be circumstances in which an employer cannot reasonably wait until an employee's next scheduled workday to address an urgent matter. This is a measured approach, Madam President, that seeks to protect employees from undue pressure while preserving the legitimate interests of employers.

Madam President, the second area of reform concerns the Tribunal's ability to manage its cases effectively. The Tribunal can only provide timely access to justice if cases can be brought to a hearing within a reasonable period. The policy work undertaken by the Ministry identified concerns regarding delays associated with scheduling, repeat requests to change hearing dates, and circumstances in which parties did not adequately engage with the scheduling process.

Madam President, the Bill therefore provides the Tribunal with additional authority to establish a clearer framework for the scheduling of hearings and the management of adjournments and circumstances where a party does not adequately engage with the Tribunal's scheduling process. The purpose of these provisions is not to restrict a party's right to be heard, but rather to ensure that the Tribunal has the tools necessary to distinguish between the legitimate need for additional time, and conduct that unnecessarily delays the

resolution of employment complaints and labour disputes.

Madam President, both employees and employers benefit when disputes are resolved efficiently. For an employee, prolonged proceedings can mean prolonged uncertainty about employment, wages, and other rights, while for an employer, prolonged proceedings may result in additional and otherwise avoidable costs. The proposed amendments therefore support the interests of both sides.

Madam President, the third area the Bill addresses is the statutory framework within which the Tribunal is required to issue its decisions. The existing provision requires decisions to be issued within 30 calendar days. While the intention behind that requirement is understandable, experience has demonstrated that a strict calendar day time framework does not always provide Tribunal members with sufficient time to properly consider the evidence and submissions and prepare a comprehensive and well-reasoned decision. The Bill therefore changes the time frame from 30 calendar days to 30 business days.

Madam President, I want to emphasise here that this amendment should not be viewed as an attempt to delay justice. The objective here is to establish a time frame that is both meaningful and realistic.

Madam President, a tribunal's decision may involve the consideration of witness evidence, documentary evidence, legal submissions, and in some cases significant questions concerning employment rights or financial awards. The quality and the reasoning of a tribunal's decisions are important. The decision that is rushed simply to meet an unrealistic statutory deadline does not serve the interests of either party. The proposed 30 business day period seeks to strike an appropriate balance between the timeliness and the need for properly considered decisions.

Madam President, the most significant aspect of the Bill concerns the enforcement of tribunal orders. This is an area where Government considers that legislative action is particularly important. When an employee brings a claim before the Tribunal and the Tribunal determines that an award is due, that determination should provide meaningful remedy. A tribunal order should not simply establish an entitlement on paper. It should provide a realistic pathway for an employee to receive what the Tribunal has determined it is owed.

Madam President, the Bill establishes a statutory framework for addressing continued non-compliance with tribunal orders. The intention is to be proportionate and graduated, and the objective is not to impose an immediate penalty in every case where there is failure to comply but instead to create a framework which provides an opportunity for compliance and recognises that there may be legitimate circumstances requiring consideration before further enforcement measures can be taken. However, where non-compliance exists, there must be consequences.

Madam President, the Bill also provides for the Naming Register for unpaid tribunal awards, otherwise known as the Register. This is an important development as the Register is intended both to provide transparency and to encourage compliance. The Government recognised that the publication of information concerning non-compliance is a significant measure. It is therefore important that the statutory framework governing the register provides appropriate safeguards and due process not to punish a person but to adequately address continued non-compliance and to create a practical incentive for compliance. To this end, Madam President, the Department of Labour will issue guidance for employers and employees as it pertains to the Register and its operation including appeals, corrections, annotations, and the removal from the register.

Madam President, I wish to emphasise that the Government has sought to ensure that these enforcement provisions are balanced. Employment legislation must protect employees, but it also must provide employers with clear rules and a fair process. The Government does not consider that every failure to comply with an order should automatically result in the same consequence. There must be an opportunity to address the failure and to distinguish between genuine circumstances from persistent disregard of a tribunal order. The objective is to create a system in which parties understand that a tribunal order has legal significance and that continued failure to comply will also have consequences.

Madam President, in developing the Bill, two additional consequential provisions have been included to support the effective operation of the new framework. The first provides immunity from suit for members of the Employment and Labour Relations Tribunal in the exercise of their functions. It is an appropriate protection for members carrying out their statutory functions and is intended to support the proper and independent exercise of the Tribunal's jurisdiction.

The second requires the Director of Labour to submit an annual report to the Minister in relation to parties included in the proposed Naming Register for unpaid tribunal awards. This provides an appropriate mechanism for ministerial oversight of the operation of the Register and will support accountability and transparency in its administration. These provisions complement the principal reforms contained in the Bill and provide an appropriate legislative framework for their operations.

Madam President, I would now like to address the broader implications of the Bill. For employees, the Bill provides greater protection during periods of rest, approved leave, and off-duty periods. It also strengthens the likelihood that a successful tribunal award will result in a meaningful remedy. For employers, the Bill provides greater clarity concerning tribunal case management, disciplinary processes, and the consequences of failing to comply with tribunal orders. The

amendments also provide a more predictable framework for all parties appearing before the Tribunal. This is important, as confidence in the employment justice system depends upon both sides understanding the rules and having confidence that those rules will be applied fairly.

Madam President, these reforms have not been developed in isolation. This is key, Madam President. The Ministry has engaged with the Employment and Labour Relations Tribunal, the Labour Advisory Council, and considered the practical issues in the current legislative framework against international best practises. Legislative reform is most effective when it is informed by the experience of those who administer the law and those who are required to operate within it.

Madam President, in conclusion, the Bill before the Senate is a targeted modernisation of Bermuda's employment relations framework. It gives the Tribunal greater ability to manage its cases and avoid unnecessary delays. It also strengthens protections for employees during periods of rest, approved leave, or while off duty. It provides a more workable time frame for the delivery of decisions. And most importantly, it establishes a clear statutory framework for addressing continued noncompliance with tribunal awards, including the proposed Naming Register for unpaid tribunal awards. At its very core, Madam President, this Bill is about ensuring that the employment justice system works not only in principle, but in practise. When an employee has a statutory right, that right should have meaningful remedy. And when an employer is required to comply with a tribunal order, there should be [a] clear and fair framework for insurance compliance.

The Government believes that these amendments will strengthen confidence in the Employment and Labour Relations Tribunal and contribute to a more effective, balanced, and credible employment relations framework for Bermuda.

Thank you, Madam President.

The President: And thank you, Senator Lauren Bell, Junior Minister of Economy and Labour.

And before I open the floor for Senators to speak on this Bill, I would just like to acknowledge and welcome Gabrielle Cann, the Director of Labour, and the Acting Permanent Secretary for [the Ministry of] Economy and Labour. Welcome to you.

So, would any Senator . . . Senator Tannock, I saw your hand first. You have the floor.

Sen. Tawana Tannock: Yes, thank you, Madam President.

And thank you, Senator Bell.

Okay. So, my first question is with regard to the offences under which persons can be, if they are not . . . if they are off from employment, that persons can be held responsible for and essentially . . . Sorry. I am just looking for it, just looking for it. Oh, the section . . . it is the section that speaks about fraud, theft. It is going

to take me a minute to find it. Thank you. Okay. Okay. So, I actually cannot find it that quickly. My apologies. Thank you. Thank you. Yes.

So, my question with regard to that is that amended section 24(1B), and it says “Notwithstanding subsection (1A),” and then it goes to list “in case of a documented risk that is urgent in nature, including (a) fraud, (b) theft, (c) violence or threats of violence, (d) harassment, (e) intimidation, (f) destruction of company property, (g) misuse of confidential information, (h) cybersecurity risk, (i) risk related to workplace safety, (j) risk related to vulnerable persons within the workplace.” So, it is clear that (f) through (j) relate to these actions taking place in the place of the employer or being discovered that it has taken place in the place of the employer while the employee is off.

However, there is nothing that says that (a) through (e) has to happen in the place of employment. So, when we talk about this (a) through (e)—fraud, harassment, et cetera—are we saying if the person is accused of that in general? So, if somebody has been accused of fraud in general, can they be placed? Is that enough? Or is it specifically that fraud, theft, violence, threats of violence, harassment, and intimidation have to happen in the workplace in order for this to be triggered? Because like I said, it is clear that (f) through (j) are workplace-related infractions, but it is not clear whether or not the other ones have to occur in the workplace in order to trigger this action or just in general. That is my first one.

And then my second one is just to pick up on something that was discussed in the House, and that is with regard to off duty and the meaning of “off duty.”

Now, I saw the response of Minister Hayward in which he said it had its ordinary, general meaning. However, I wondered if the police conduct rules and the police conditions of service had been reviewed prior to making this amendment. And if they had been reviewed, how does any conflict between those two documents resolve? And the reason why I raise that is that off duty for police officers is generally not accepted to be the same as off duty for other civilians because an off-duty police officer may be on call, (right?) and also an off-duty police officer is still subject under the conditions and under the conduct to certain requirements, which means that in actual fact . . . And the off-duty police officer, while they are off duty, based on conditions of service and based on police conduct, can actually be put on leave while they are off duty if certain activities take place.

Was that considered? How was any discrepancy between those acts and this proposed Act managed? Were the police contacted? If the police were contacted, what was their response?

Thank you.

The President: Thank you, Senator Tannock.

Senator Dunbar Smith also has questions. You have the floor, Senator Smith.

Sen. Tarik Smith: Thank you, Madam President. And again, good morning to the Senate colleagues and our listening audience.

[I have] just a few questions. In this Bill, it states that the disciplinary action cannot happen until an employee, for example, is off sick for six weeks. Can the Junior Minister please explain why six weeks was chosen for the limit? And if the person is still out sick or unfit to return to work, can the disciplinary action begin immediately?

I also side with Senator Tannock for the clarification of what “off duty” means, especially, like she said, for the police officers [it] is very important because they are held to a different standard.

Going on to the civil penalties for the businesses, I see that it is a maximum penalty of \$15,000 for an unpaid reward for the Tribunal. What factors must the Tribunal consider when deciding the amount of a penalty that is dished out to someone who has not paid the reward? And also, does this \$15,000 penalty apply to each missed payment, or each missed award, or does it apply solely to the business who has not paid or person who has not paid for the reward to the individual?

Thank you, Madam President.

The President: Thank you, Senator Smith.

Senator David Rogers, you have the floor.

Sen. David Rogers: Thank you so much, Madam President.

First, I would like to say we in the Opposition . . . Based on the three principles that the Bill outlines, we are supportive of the Bill. We do, however, have some questions, as we have seen, related to scrutiny. Now, I have read the Strengthening Enforcement Powers of Bermuda’s Employment and Labour Relations Tribunal policy paper, and I have listened to the minister’s statement and the statement that was just read related to the reading of this Bill. However, what I cannot ignore and what was curious to me is that while the policy aim is clear—and we cannot argue against the intent—there were no figures given to how many awards were unpaid, the total value outstanding, the size of the Tribunal’s backlog, neither in the Ministerial Statement nor in the policy paper were the numbers—

The President: Senator Smith, you can be specific with your questions.

Sen. David Rogers: Yes. This is just [an] outline. I am debating the—

The President: Rogers. I beg your pardon.

Sen. David Rogers: No, I am just—

The President: No, I am apologising.

Sen. David Rogers: Yes. No worries. No worries.

The President: I called you the wrong name. Senator Rogers, be specific.

Sen. David Rogers: Yes, I do have questions—

The President: You had three questions.

Sen. David Rogers: —but these are statements—

Sen. the Hon. Kim Wilkerson: Madam President, just—

Sen. David Rogers: —related to the debate of the Bill.

The President: Can you wait just a second?

Sen. David Rogers: She has made a . . . You have to make an objection or something?

The President: A point of order is being raised.

Sen. David Rogers: Yes, so make your point of order.

Sen. the Hon. Kim Wilkerson: Sorry, I realise you could not see me, Senator Rodgers.

The President: Yes, your point of order.

POINT OF ORDER

Sen. the Hon. Kim Wilkerson: Madam President, I believe you were going down the line to caution Senator Rogers that his questions needed to be on this Bill. His questions are relating to—

Sen. David Rogers: Yes, they will be.

An Hon. Member: —policies that are not this Bill.
Thank you.

Sen. David Rogers: But your point of order is?

The President: You need to be specific to the Bill before you.

Sen. David Rogers: I hear you, Madam President, but that is not the place of the Senator to make a point of order on Madam President's instructions. But I will obey Madam President's instructions. Thank you.

So, like I was saying—

The President: So, can you repeat your first question?

Sen. David Rogers: So, it is a general messiness in the Bill that I am commenting on. It is things like it is not defined.

The President: Your question?

Sen. David Rogers: Right. [I am] getting to my question. So, in section 24(5), that relates to electronic communications as it relates to contacting an individual outside of work. It is unclear as to if an email is sent at 4:50 and read at 5:10, does that contravene the Act? Or if an email requesting a meeting is sent at 6:00 or announcing an investigation, does that contravene the Act? It is very unclear.

Additionally, for my second question, regarding the urgent risk exception, basically, what this is outlining is you can . . . it covers suspension. But it does not cover summary dismissal. Right? Basically, it is saying that the person has to return to work if there is a case of violence that can place an individual at risk of harm or the public at risk of harm. So, have thoughts been made around issues of violence in having the employee return to work before disciplinary matters or summary dismissal can take place?

And then, finally, there are just a number of sentences in this legislation that are unclear. Section 44LD(8) . . . I just cannot make heads or tails of it. It is a very unclear statement.

Section 24(1B) says "immediate disciplinary action" for urgent risk.

And Section 24(5) defines that inclusive of dismissal notice. Yet, in Section 25(2), it bars summary dismissal during leave without any exception. So, the two provisions fight each other. There is just a general messiness in the Bill that I am surprised that it has reached us in this state.

Sen. Lauren Bell: Madam President, while we wait to see if there are any other questions coming, if I could just respond to Senator Rogers' queries. I believe many of his questions and concerns will be addressed if he considers the substantive Bill. So, he needs to go back to the main Bill and have a look at—

Sen. David Rogers: I did.

The President: Senator Rogers, the clarity is being sought regarding your questions, and I do not think that the Senator understands the clarity of the questions that you are placing. You need to be specific about your question.

Thank you.
Senator Bell?

Sen. Lauren Bell: Madam President, okay. I am happy to take all questions before I start going through the list.

The President: Just let me hear from Senator Cunningham.

Sen. Victoria Cunningham: Thank you, Madam President. And thank you to Junior Minister Bell for her presentation.

As was mentioned, we do support the purpose of this Bill. I think the word used was *targeted*. I think this is very targeted. I am just going to reiterate. And I love the fact that everyone says *doody*; I say *deuty*. But the definition of “off duty.” And to give another example, in international business, if you are on a business trip, I would assume that you are on duty from the moment you step onto . . . well, maybe even into the airport until you step out of it, as you are on company business representing that company. So, every single type of employment is potentially different as it would define “off duty.”

And so, I recognise the points that were made in another place last week where they talked about maybe moving that definition to an employee handbook or whatever such place it should go. But I think we are now inadvertently overloading the Tribunal with something that could be legislated. So, I do not want to see that the interpretation gets moved and then there is more of a backlog in the employment tribunal.

I was not entirely sure where my colleague was going with his questions, but I will ask a definitive question. Can there be a confirmation of how many tribunal decisions currently remain outstanding for the payment of a tribunal award, just so we can understand the importance of why this is being brought forward? But I think we acknowledge the consultation, and I assume that the specific points that were raised have been tested. But overall, we support the Bill.

But we just want to make sure that if these are ultimately going to become disputes before the Tribunal, we just want to make sure that the Bill is actually strengthening what the Tribunal is supposed to be doing in the first place.

So, thank you very much.

The President: Thank you, Senator Cunningham.
We will await a response.

Sen. Lauren Bell: Thank you, Madam President, and I thank my Senate colleagues for the engagement on discussions around this Bill. As a trade unionist, I love to discuss anything related to employment matters. So, let me start going through the list of questions.

The first came from Senator Tannock, and her question was specifically related to section 24(1B)(a) through (e). And I recognise that Senator Tannock is no longer in this place, but I will provide her answers in her absence. And her question was: Do those offences speak specifically to things that had happened within the workplace? Or can this be also triggered by offences that happened outside the workplace? So, for her edification, the list refers specifically to workplace offences only.

Also, keeping on to the questions that were posed by Senator Tannock, she asked: Whether the police conduct rules and conditions of service were reviewed specifically around the concept of off duty?

So, Senator Tannock, police are subject to special provisions, and as such, these provisions would specify the determination to be off duty as opposed to being on call. The Tribunal is examining a dispute that will also look at all of the text of this case.

There was a question that I believe came from Senator Smith. And he questioned 24(1A)(b): Why do you need to wait six weeks . . . the need to wait six weeks while a person is on sick leave before issuing a notice of disciplinary action. And just for his clarity, the six weeks was a provision already provided for in the Bill, and this was also carried over to the current amendments.

Senator Smith also asked for more details regarding the \$15,000 penalty, and does it apply to each award or just in general? And what would the Tribunal take into consideration when you are determining how much to award?

So, just for clarity, not only my colleague, Senator Smith, but also the listening audience, to be clear, that penalty applies to each breach. And the \$15,000 is a maximum penalty. The Tribunal can implement a lower penalty if they so wish.

There was also a question regarding an urgent risk. Does this cover suspension but not summary dismissal? Does a person need to return to work before being terminated? And the answer to that question is summary dismissal applies where a person is guilty of a serious misconduct. But the person must not be on leave, or off duty when the dismissal is given. Let's just give clarity around that.

And I believe it was Senator Cunningham and Senator Rogers who asked us questions about statistics and how many outstanding orders or penalties, or awards have not been adhered to yet. And I believe the question must be around the significance, what is the need for this? And let me be clear. Any employee, and even if it's just one, who has been given an order from a tribunal, and the employer fails to adhere to that order is enough. One is enough.

I also have a background in statistics. So, I appreciate the questions around the statistics. But to the point that they were asking, they want to know whether we could validate the need for this. And surely my colleagues across the floor can recognise that it only takes one. One person who has gone through the entire process, has first tried to find resolution with their employer, which has failed, has taken the matter either to their union or the labour relations officer and efforts to address that issue has failed. That employee or that trade union has taken the matter through the proper channels to a tribunal. The tribunal takes its time to work through hearing both sides of the case. Then we have to wait, that employee or the union has to wait for a ruling. That ruling is issued. The failure of an employer to adhere to that order within the requisite timeframe is enough for these changes.

Now for clarity, I did not totally understand the questions posed by Senator Rogers. However, I do

believe that a lot of his questions can be answered with the cross-references of the main act.

I believe, Madam President, I have answered all the questions posed, and as a result I would like to finish the question and answer section, and move the Bill entitled the Employment Amendment (No. 2) Act 2026 be now read a second time.

The President: Is there any objection to the second reading?

No objection.

SUSPENSION OF STANDING ORDER 26

Sen. Lauren Bell: Thank you, Madam President.

Madam President, I move that [Standing Order] 26 be suspended in respect to this Bill.

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

[Motion carried: Standing Order 26 suspended.]

Sen. Lauren Bell: Thank you, Madam President.

I move that the Bill entitled the Employment Amendment (No. 2) Act 2026 be now read for a third time.

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

No objection.

BILL

THIRD READING

EMPLOYMENT AMENDMENT (NO. 2) ACT 2026

Sen. Lauren Bell: Thank you, Madam President.

I now move that the Bill do now pass.

The President: It has been moved that the Bill entitled Employment Amendment (No. 2) Act 2026 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

[Motion carried: The Employment Amendment (No. 2) Act 2026 was given a third reading and passed.]

The President: Thank you, Senator Lauren Bell, and thank you all Senators who participated in our questions.

We move now to the . . . sorry. No, she said she was just going to move the motion. Okay.

We now call on the Honourable Kim Wilkerson, Attorney General and Minister of Justice for the . . . no, no, she has to do this, the motion.

[Pause]

The President: My apologies.

We move now then to item number 14, Motions.

MOTIONS

The President: There are none.

CONGRATULATORY AND OR OBITUARY SPEECHES

The President: Senator Simmons, you have the floor

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, I would like to give condolences to the family of Diallo Sharrieff. His death was a shock to me. And I say condolences to his family not only because his is a huge loss for Bermuda, but also he was a gentle giant.

I personally knew Diallo from years ago, and whenever I saw him, I used to call him my saviour. And I say that to say that I went through one of the hardest moments of my life, he was actually the person that escorted the gentleman overseas. And because of him, I live and am here today. So, he is one of the people that helped to allow me to continue my life in Bermuda because of what he did for me and many others. He was an amazing person, and is a cousin of my Senate colleague, Minister Ryan Perinchief.

And I just want to say condolences to his parents. What a great loss Bermuda's had with the death of Mr. Sharrieff

Thank you, Madam President.

The President: Thank you, Senator Lindsay Simmons. Yes, Senator Dunbar Smith, you have the floor.

Sen. Tarik Smith: Thank you, Madam President.

I, too, want to associate myself with the condolences for Brother Diallo Sharrieff. We will be laying him to rest today at The Muslim Graveyard in Ferry Reach.

I've known the Sharrieff family my entire life. My condolences to Aunt Edna. You know, like Lindsay said, a gentle giant, would give the shirt off his back to cover you. At Friday prayer, when they announced his passing, it was quite the shock. So, we will be laying him to rest this afternoon. And to my Senate colleague, Minister Perinchief, you and your family have my deepest condolences.

Also, condolences to my Aunt Helen Thompson of the Bronx, New York. But she was a Bermudian

who ended up marrying a Bermudian, Mr. Earl Thompson from Friswells Hill. They lived in the Bronx for many years, and then moved to Winston-Salem, North Carolina. She was my grandfather's last surviving sibling. She died at 96 years old. A really good Indian.

And condolences to all my aunts, Helene, Ade-line, Earlene, and Darlene Thompson from myself and my mother. Aunt Helen was a wonderful lady, and she will be missed.

Thank you, Madam President.

The President: Thank you.

Would any other Senator care to speak?

Senator Cunningham, you have the floor.

Sen. Victoria Cunningham: Thank you, Madam President.

And I will start with an obituary to Mr. [Arthur Edward] Ted Gauntlett, who was the father of Chris [Gauntlett], One Bermuda Alliance Caucus Chair. So, I want to send condolences to Chris and his brother and the rest of their family.

I also want to congratulate Knowledge Quest, who are a charity near and dear to me. A charity that was set up to give scholarships to students going away to pursue further education. It is their 25th year. I believe they have just hit the \$7 million mark. And they are one of those rare charities that has zero operating expenses apart from bank charges. So, they have no overheads. They purely . . . all money that is given to them . . . and I think they started as they were giving their own money. But one scholarship recipient this year that I'm particularly proud of is a Miss Kaitelyn Smith, who is just headed into her sophomore year at Morgan State. She is the first Bermudian to go to Morgan State and study actuarial science. I spoke to her on Friday. And anyway, so she is enjoying her university experience.

But on that, I was also delighted to go to the U.S. Consul's Education Exchange reception a week and a half ago, celebrating the ties of education that Bermuda has with the United States. They were sharing all of the different scholarship opportunities for Bermudians, many of which I will add are not taken up. Arizona State has five tuition-free scholarships available to Bermudian students. So, I urge people, I think they are trying to get that more widely recognised. And in a few groups that I'm affiliated with, we will help push that.

But it was also great to see my colleagues from Bermuda College there, who are obviously pushing the articulation agreements. And I wish the Bermuda College well. They are currently, or they were last week, at their accreditation meetings in New England. So, I hope those went well.

And finally, I want to congratulate PeerForward, another organisation that I've been involved with. And I met Tim and Gary from the U.S. last week. And actually, Mr. Craig Bridgewater at the U.S. Consul event. They have just set up their own Bermuda

organisation. And I think it's an awesome initiative geared at getting students more college and kind of scholarship and everything ready. They take the peer leaders from the two public schools, CedarBridge and Berkeley, and prepare them for college applications and scholarship applications.

So, I look forward to seeing where Craig and the team take the initiative. And I believe they have received charitable status. And so, I just wanted to send a congratulations to them.

Thank you very much.

The President: Thank you, Senator Cunningham.

Would any other Senator care to speak? Senator Mischa Fubler, you have the floor

Sen. Mischa Fubler: Thank you, Madam President.

I'm continuing on from the obituaries. I would like to associate myself with the condolences to the family of Mr. Sharrieff, including our Senate colleague here.

I'd also like to associate myself with the condolences to Ted Gauntlett. I have a personal connection. One of my first volunteer experiences, as a preteen, was at the Tall Ships Bermuda 2000 race. And they required many liaison officers, they called them, and as an avid sailor in my youth, I signed up for that. I worked closely with Mr. Gauntlett, who was, I think, the Assistant Chief Liaison Officer for the Tall Ships Bermuda race. And I remember this because he wrote me quite a glowing letter of reference, which I, of course, requested at the end of this volunteer experience. And so, I wanted to take a moment there to recognise him.

Also, I would like to extend my condolences to the family of Reverend Charles Alexander Smith, whom I was surprised to learn went by Alex, which is, I guess, typical Bermudian culture. I knew him as Padre. He was one of the leaders of the Bermuda Army Cadets, an organisation I was involved with for the better part of a decade, starting in 1999 or so. I worked, travelled and socialised closely with his son, Brandon. And so, it was my privilege to attend what was quite the full house. I extend my thanks to those organising the funeral for giving me a seat when I arrived, as it was standing room only. And so, again, on behalf of the Army Cadets and myself, I extend my condolences to the Smith family.

And also, I would like to extend condolences to the family of Edouard Williams. I read it in the paper recently. I wanted to highlight him as one of the members of the Progressive Group. Usually in my contributions to the motion to adjourn, I speak on history like that. And so, I wanted to make sure we called him out because he is an excellent example of being a good comrade in the fight for social justice. Edouard had direct vested interest in progressing equality in Bermuda. I mean, as did his wife. But he took on a risk that he did not have to. He and his wife hid the copier the Progressive Group used to print their flyers to organise the

protest that ultimately led to the end of segregation in Bermuda. And so, I'd like to make sure that the record extends condolences to his family.

Also, I wanted to point out that he and his wife, Rosalind, were hosts to the formation of the Committee for Universal Adult Suffrage as well. So, continued contribution to social justice efforts in Bermuda. And for that, we commend him.

And finally, turning slightly further afield, I noticed we had condolences to Slinger Francisco and his family, better known as *The Mighty Sparrow*. I'm a millennial, and so I am familiar with his music only vaguely, as that was not something I listened to. But I knew it was a thing as a child. And so, he penned over 500 calypso songs and produced upwards of 70 albums. So, quite prolific in his work. And he secured numerous titles, including ten Calypso Monarch crowns and eight Road March victories. And so, to him, condolences on his passing.

And then, moving on to congratulations, some things to highlight in the transport culture and sports fields. Firstly, to our Bermuda men's cricket team, who bested the Cayman Islands in the North American Cup. They almost doubled their score. It was 109 to 59 all out for Cayman. And so, kudos to the Bermuda men's cricket team.

Also, congratulations to Gavin Manders on securing several goals, four, I believe, at the Jamaican International Pickleball Open. And men's 40-plus singles, men's 40-plus doubles, mixed 40-plus doubles, and men's open doubles.

Also, congratulations to the Bermuda Arts Council's second-quarter grant recipients. To claim my own interest, my wife, Giovanna Dupree, is one of those recipients whom I think we mentioned a year and a bit ago. She was also a recipient [of funding] for ongoing work on a book she is creating with a local artist that captures the theatre boycott.

Now, tying into the condolences for Mr. Williams there.

And then, to the Bermuda Arts Council student grant awardees as well. There were several of them as well. It was made in the same announcement.

And also, to Gherdai Hassell, a local artist who was named the art and culture finalist in the Black Futures Awards 2026. She was selected as the 2026 Venice Biennale Fellow by the British Council for her painting, *Geography 3*.

And on that note, I concede any time I have remaining.

Thank you, Madam President.

The President: Thank you, Senator Fubler.

Would any other Senator? Yes.

Senator Lauren Bell, you have the floor.

Sen. Lauren Bell: Thank you, Madam President.

I would just like to take a moment to congratulate the Bermuda Economic Development Corporation.

They had a couple of highlights recently during this month.

So, first, they recently announced the finalists for the fourth annual Wave of the Opportunity Pitch Competition, in collaboration with Global Atlantic. There will be a live event on Monday, November 16 [2026] at the Hamilton Princess, where entrepreneurs will compete for a share of the \$125,000 in total funding. So, that's something to look forward to and put on your calendar. The BEDC also won a 2026 Excellence in Economic Development Silver Award from the International Economic Development Council in September for its work on the Wave of Opportunity Pitch Competition. So, again, congratulations to BEDC for that great recognition.

In addition, I just want to highlight that BEDC has committed nearly \$10,000 to back the recent Lumina Festival Financial Literacy Summit, which provided subsidised tickets and funding for both local entrepreneurs and students.

Madam President, I know that I spoke earlier about how much I enjoy speaking to anyone about employment-related matters, and trade union matters. As a trade unionist, it is a topic that I love to discuss and debate. But in addition to that, I also am a proud advocate for my sisters. And on that note, in combination with those three things, I just want to celebrate and recognise the Bermuda Public Services Union Women's Committee, which hosted the Heart of Solidarity Brunch on Saturday. This is the fourth annual women's conversation and brunch. And, again, it was titled The Heart of Solidarity. The brunch was held at CedarBridge from 1:00 [pm] to 6:00 [pm], and it focused on understanding emotions and building collective strength. The emphasis on each of us, and mental health was highlighted. So, again, congratulations to the Women's Committee of the Bermuda Public Services Union for this initiative.

Thank you, Madam President.

The President: Thank you, Senator Lauren Bell.

Would any other Senator care to speak?

Minister Perinchief, you have the floor.

Sen. the Hon. Ryan Robinson Perinchief:

Thank you, Madam President.

I just wish to thank my Senate colleagues for their condolences in respect of Diallo Nantanbu Enahara Karo Sharrieff, and, of course, as an extension of the Perinchief family. He was certainly a humble giant, and he was a caring and respected public servant as well. And he will be missed.

I also wish to associate myself with the condolences that were sent to the family of Mr. Ted Gauntlett, particularly to his son, Mr. Adam Gauntlett, as he works within my ministry headquarters.

Thank you, Madam President.

The President: Thank you.

Would any other Senator care to speak? No?

Then Minister Wilkerson, over to you.

Sen. the Hon. Kim Wilkerson: Madam President, if you will indulge me, I did want to speak on the congratulations and obituaries.

And certainly, on a sadder note, I would like to take this opportunity, Madam President, to send condolences and prayers to the family of Judith-Ann [Maria Joell-Chambers] Raynor. She was a classmate of mine, our entire class, Berkeley class, is in mourning on her passing.

Madam President, she was affectionately known as *Juju*, and her contribution to assisting families who needed research done in relation to the Historic Land Losses Commission events was mentioned in the other place on Friday evening. But in addition to her work there, where she was a paralegal, she was a bright spark, willing to contribute her ideas to making the country better. We worked on groups within the Progressive Labour Party.

I know her family, she was in my class, her brother was ahead of me, and her sister ahead again. So, condolences to Carol and Alan and their respective families and all of Judith-Ann's friends and family. But particularly to our classmates who are mourning at this time, Madam President.

I would like to join in some congratulations that have already been expressed. Senator Cunningham mentioned the 25th anniversary of Knowledge Quest, and it is very hard to believe that it's been 25 years. That organisation has been a passion project of my former colleague and friend Gigi Barit[-Dunch]. And more than it being a scholarship, it was set up as a place for applicants who had failed in every other scholarship application and as a funding of last resort.

And it's been beautiful to see people receive funding from Knowledge Quest and come back and make a strong contribution to the jurisdiction, Madam President. So, I certainly commend them on the fine work. And I know what it takes to keep a charity going through the decades, and it is indeed commendable.

I will join in the congratulations already expressed by my colleague, Senator Fubler, in the recognition of Gherdai Hassell by the art world in Manchester. She is my cousin, and I clearly am very close to her career. I saw her first solo show in Manchester, UK. She currently has a piece on exhibit in the new Masterworks show that opened on Thursday evening. I would commend that show to everyone. Get down to Masterworks and see this current work, which links the past to the present in so many ways and phenomenal work. So, I would say get there.

Madam President, with those comments, I kind of feel that I'm leaving something out. And I know what it is, Madam President. It is commending St. Mary's Church on their 400th anniversary, where you and I attended together yesterday evening for The Jazz Vespers ceremony, which was commendable.

And Madam President, I grew up on Cedar Hill. That was my church when I was a child. I was married at that church and members of my family were buried in that cemetery. So just wishing them well for the remainder of the celebrations in honour of 400 years of St. Mary's Church.

Thank you, Madam President.

The President: Thank you, Minister Wilkerson.

I would just like to associate myself also with the condolences that have been expressed for Ted Gauntlett, Charles Smith, and for Diallo Sharrieff certainly. And also, with congratulations for the cricket team and the Arts Council.

So, with that said then, back to you.

ADJOURNMENT

Sen. the Hon. Kim Wilkerson: Madam President, thank you.

I move that the Senate do now adjourn until October 7th.

The President: Thank you, Minister and Madam Attorney General.

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

Senator Lindsay Simmons, you have the floor.

CELEBRATING PEOPLE OF BERMUDA

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, again, hearing of the passing of Diallo Sharrieff has made me pause. It made me think about life, about people, and the impact we have on one another. And mostly, Madam President, about how often we wait until someone is gone before we tell them how much they meant to us. In moments like this, it reminds us that life is so precious and that none of us are promised tomorrow. So today, Madam President, I want to speak about something simple but important.

Madam President, we need to give people flowers while they are still here so they can receive them. We are often too busy. We're busy working, raising our families, serving our communities, trying to get through the next day. And sometimes, through all the busyness, we forget to stop and say, *thank you. I appreciate you. I love you. And I'm proud of you.*

Again, hearing about Diallo's passing reminded me that we cannot assume we will always have another opportunity to say, *Hey Di, thank you. I love you.* Have another conversation, phone call, hug, and chance to say, *You made that difference in my life.*

Madam President, I know this feeling personally. Last year, I lost my father. And losing a parent changes you. It makes you reflect on the conversations you had and the conversations you wish you could still have. It makes you realise that people we love are not

promised to us forever. And it taught me something I do not want to forget. Don't wait! Don't wait for a funeral to tell someone how much they mean to you. Don't wait until someone is gone to acknowledge the difference they made. Tell them why they can still hear you, celebrate them while you can smile, hug them while they can still hug you back. Give them flowers while they are here.

Madam President, Bermuda is way too small. We know each other's families. We see each other at the grocery store, at church football games, at school events, at community functions. Our lives are connected in ways sometimes you don't even realise. And when something happens to one person, it reminds us just how connected we really are.

This is one of the beautiful things about Bermuda. We are a community because of our people. The teacher who stays late. The coach who gives us their time. The foster parent who opens their home. The grandmother that raises another generation. The volunteers who serve for decades. The neighbour who checks on someone who lives alone. The friend who answers the phone when you need them to call. The person who quietly helps someone pay a bill, get a meal, find a job, or simply makes it through another difficult day. Madam President, these people may never receive a plaque, may never make it to the newspaper, but their fingerprints are all over Bermuda. They are the fabric of our community. And they deserve their flowers too.

Madam President, throughout my entire life, I have been blessed by people who have supported me, people who have encouraged me, who have challenged me, and who have opened doors. People who have stood by me during difficult seasons, who have believed in me when others didn't. People who helped shape the woman I am today. And I hope they know how grateful I am. But I also know now that I should never assume they knew. Sometimes we have to say it, make that phone call, and send the message. Sometimes we simply need to look someone in the eye and say, *Hey, I see you. I appreciate you. I thank you. And you matter to me.*

Madam President, I think we need more of that in Bermuda. We are sometimes very quick to talk about what is wrong. We can be very quick to criticise and point out someone's mistakes. But let's also be quick to celebrate, to encourage, to recognise, and say *thank you*. Because there are people in this community doing extraordinary things quietly. There are people caring for elderly parents and raising children who are not their own. There are people mentoring young people, and volunteering year after year. There are people who have dedicated their lives to make Bermuda better. And sometimes all you need is to hear, *you matter*.

Madam President, when someone passes away, we gather, we bring flowers, we tell stories, and we give beautiful tributes. We talk about their lives and the differences they made.

But hearing about Diallo passing made me ask myself: Why do we wait until someone is gone? Why can't we say these things while people are still sitting beside us? Why can't we celebrate them while they can hear the applause? Why can't we tell people we are proud of them?

Madam President, we cannot bring people back and have yesterday's conversation again. We cannot give someone a hug after they are gone. But we can learn from the reminder that their passing gives us. We can be more intentional, love people openly, and appreciate people more freely.

So, Madam President, I say that Bermuda is a people of love. I think we need to stop showing so much hatred and show love. And when we value our people, recognise our people, and appreciate our people, we strengthen the very community we all come from.

So, Madam President, I want to say *thank you*. to everybody that is a part of our community. We do not get it right every day, but we are here as a community. And again, I know that many people that I loved have passed. But again, I want to say thank you to Diallo for what you've done for me. And I'm sorry I didn't say it enough.

Thank you, Madam President.

The President: Thank you, Senator Lindsey Simmons.

Would any other Senator care to speak?

Well, hearing none, there is there a motion to adjourn.

Senators, thank you for your time and effort and work this morning. And I'd just like to say that the Senate stands adjourned until October 7th.

So, thank you all for your participation this morning.

[At 12:35 pm, the Senate stood adjourned until 10:00 am, Wednesday, 7 October 2026.]

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