



**2020/2021 SESSION
of the
BERMUDA SENATE
OFFICIAL HANSARD REPORT**

31 MARCH 2021

Virtual Sitting

*Sitting 13 of the 2020/2021 Session
(pages 439–464)*

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

Disclaimer: The electronic version of the *Official Hansard Report* is for informational purposes only. The printed version remains the official record.

BERMUDA SENATE**OFFICIAL HANSARD REPORT
VIRTUAL SITTING
31 MARCH 2021
10:00 AM***Sitting Number 13 of the 2020/21 Session*

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

The President: Good morning, Senators. It is good to see you all.

The Senate is in session.
Shall we pray?

PRAYERS

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

CONFIRMATION OF MINUTES

The President: Item two, the confirmation of minutes, Senator Michelle Simmons, you have the floor.

Sen. Michelle Simmons: Good morning, Madam President—

The President: Good morning.

Sen. Michelle Simmons: —and fellow Senate colleagues. Madam President, I move that consideration of the Minutes of the meetings of Wednesday, the 24th of March; Thursday, the 25th of March; and Monday, the 29th of March 2021 be deferred.

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

[sic]

Thank you, Senator Michelle Simmons.

Sen. Michelle Simmons: Deferred; the Minutes are deferred.

The President: Deferred. Yes, they have been deferred. Thank you.

MESSAGES

The Clerk: There are no messages, Madam President.

The President: Thank you, Mr. Somner.

REPORTS OF COMMITTEES

The President: There are none.

ANNOUNCEMENTS

The President: We have two announcements. These are in the name of Senator the Honourable E. G. B. Peets, Minister of Youth, Culture and Sport, and Government Leader in the Senate.

Minister Peets, you have the floor.

Sen. the Hon. Dr. Ernest Peets: Good morning, Madam President.—

The President: Good morning.

Sen. the Hon. Dr. Ernest Peets: —Good morning, Senators.

**NATIONAL CULTURAL HERITAGE
POLICY FOR BERMUDA 2021–2026****NATIONAL CULTURAL HERITAGE
POLICY FOR BERMUDA—IN BRIEF**

Sen. the Hon. Dr. Ernest Peets: Madam President, I hereby present for the information of Senate the National Cultural Heritage Policy for Bermuda 2021–2026, as well as the National Cultural Heritage Policy for Bermuda—In Brief, each as produced by the Department of Culture.

Senators can access a copy of these reports on their tablets and/or on the Parliament website.

The President: Thank you, Minister Peets.

NOTICES OF MOTIONS

The President: There are none.

PETITIONS

The President: There are none.

STATEMENTS

The President: The Statement is in the name of Senator the Honourable E. G. B. Peets, Minister of Youth, Culture and Sport.

Minister Peets, you have the floor.

NATIONAL CULTURAL HERITAGE POLICY FOR BERMUDA 2021–2026

NATIONAL CULTURAL HERITAGE POLICY FOR BERMUDA—IN BRIEF

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

Madam President, the 2020 Throne Speech promised a [National Cultural Heritage Policy for Bermuda](#) that would combine the strands that jointly speak of Bermuda's uniqueness and shared identity with those peoples from whom we are descended. One history, many cultures, a shared cultural identity.

Today I am pleased to say that the National Cultural Heritage Policy for Bermuda has been completed and the Department of Culture is preparing to launch the policy during Heritage Month in May.

Today I lay the National Cultural Heritage Policy before this Honourable Chamber, with the hope that we may debate it when Parliament resumes in May.

Madam President, there are two documents before you: the full National Cultural Policy, a detailed 47-page document providing in-depth background, rationale and explanations; and an "In Brief" abridged version that outlines at a high level what the policy intends to achieve. We hope the two documents will cater to varied reading audiences with an interest in the policy.

Madam President, there are six primary goals of the policy, namely to:

- promote culture and develop our creatives;
- preserve and protect our cultural heritage;
- include culture in our national development plans;
- establish cultural connections;
- assist with cultural administration; and
- implement and review the policy.

Madam President, this Government is committed to promoting culture and developing our creatives. Accordingly, the policy speaks to the need to support, maintain and develop our cultural institutions. In addition, we will create programmes and initiatives to assist the growth and employment of our artists and tradition-bearers.

Some of the action points associated with this goal include developing annual programmes and events such as competitions to encourage the production of new artistic materials; and supporting the establishment of arts-related councils such as a film board.

Madam President, the goal of preserving and protecting our cultural heritage speaks to the value of our sense of identity and our tangible cultural assets such as our archaeological wealth and archival records.

Part of our goal here is also to highlight the importance of our oral traditions, histories, and traditional knowledge. Some of the action items outlined to bring this goal to fruition include providing training opportunities to young Bermudians in the fields of culture, heritage and the arts; work with education to have students develop projects on community heroes; and educate the public on the importance of identified days of national significance.

In order for our community to experience our culture as a robust and vibrant force, it is essential for it to be thoughtfully linked to all aspects of national development. Practically speaking, this involves considering how our culture, how our national identity, impacts the directions we choose as we shape our national development strategies. This also requires developing and strengthening synergies between Government, the third sector, creatives and our tradition-bearers.

This kind of holistic, integrated approach would affect our approach to our children's education, our environment, our approach to tourism marketing, and how we integrate technology into our systems. Some of the ways this will be accomplished is by creating a catalogue of cultural materials that can be disseminated to each teacher; publish an annual newsletter providing the community with cultural updates; and establish digital links with cultural industry partners.

Madam President, despite Bermuda's geographic isolation, we have always as a people recognised the importance of fostering cultural connections. Within the contemporary context of this National Cultural Heritage Policy, the connections we wish to emphasise speak to our past, our present, and our future.

This includes the importance of the "core" cultures from which Bermudian identity developed: West and Central African, British, Portuguese/Azorean, indigenous American, and American; as well as the historical, geographical, cultural and economic linkages and affinities that exist between Bermuda and the Caribbean and other small island nations.

Some of the ways that this will be accomplished will be by creating public awareness campaigns on the contributions Bermudians have made at the international level; researching and establishing relationships with cultural industry partners in the Caribbean; and by including cultural manifestations of the core cultures in our national celebrations.

Madam President, the remaining two goals of the National Cultural Heritage Policy involve assisting with cultural administration, implementing the goals of the policy, and conducting a regular review of the policy with our stakeholders to ensure that the goals and

action points of the policy remain relevant and beneficial.

This will include encouraging appropriate cultural legislation and regulation; inspiring the cultural heritage community to review, revise, and recommit to the goals of the policy on an annual basis at a meeting organised by the Department of Culture during Heritage Month. These initiatives are designed to ensure both the short-term and long-term [viability] of these principles.

Madam President, the overarching goal of the policy is to inspire national pride and to support the deepening of our shared identity. The policy also aims to ensure that Bermudian culture is embedded in every level of everyday life.

Although the Department of Culture is responsible for drafting the National Cultural Heritage Policy, the policy belongs to the whole of Bermuda: to our creative communities, to our heritage institutions, our artists, our tradition-bearers, to our students and to our citizenry as a whole.

So, Madam President, although the Department of Culture will obviously enact some of the programming suggested in the policy, the department's most important role is to be the steward of this policy.

The department's role as steward will begin with the launch in May during the department's virtual cultural conference, which will utilise the policy itself as a framework for discussing some of the challenges and opportunities emerging from the culture and heritage sectors.

Madam President, it is our intention to have the National Cultural Heritage Policy exist as an evolving blueprint for the integration of culture into all aspects of Bermudian life.

As we implement aspects of this policy, the Department of Culture will work with our stakeholders to better understand the needs of our tradition-bearers and creatives and develop a plan to accomplish the policy goals, and we will put these strategies into action. We will base all of our work on the principles of respect, collaboration, accountability, and an appreciation for what we share as one community.

Madam President, I have said it before and I think it is worth repeating: Our culture is our nation's soul. It is not just our dress or dance or song, nor our history or customs alone. Our culture is the summation of all we are as a people. It is the sum effect of all of these things, which gives us pride in who we are and helps us rise together to whatever challenges are put before us—be it an international sporting event, a hurricane, social justice, economic trials or fighting this pandemic. National pride in our shared culture unites and strengthens us.

For this reason, Madam President, this policy is such an important milestone for the Government. With it, we seek to promote our interwoven histories and common causes and promote Bermudians' shared cultural identity.

I table this National Heritage Cultural Policy today, and I look forward to debating it in this Honourable Chamber when Parliament resumes in May.

Thank you, very much, Madam President.

[Pause]

The Clerk: You are muted, Madam President.

The President: I beg your pardon.

Thank you, Minister Peets and Government Leader in the Senate for your Statement.

INTRODUCTION OF BILLS

The President: There are none.

FIRST READING OF PUBLIC BILLS

The President: There are none.

FIRST READING OF PRIVATE BILLS

The President: There are none.

QUESTION PERIOD

The President: Does any Senator wish to speak to the Statement that was read by Minister Peets?

Hearing none, we will move on.

ORDERS OF THE DAY

The President: The first Order of the Day is consideration of Draft Regulations entitled the [Electricity (Regulatory Authority Fees) Regulations 2021, and] Electronic Communications (Regulatory Authority Fees) Regulations 2021 (Governor's recommendations signified) in the name of Senator Simmons, Junior Minister for Home Affairs.

You have the floor, Senator Lindsay Simmons.

Sen. Lindsay Simmons: Thank you, Madam President. Madam President, is it possible that I could read items 1 and 2 together?

The President: Oh, yes, you can do [that].

DRAFT REGULATIONS

ELECTRONIC COMMUNICATIONS (REGULATORY AUTHORITY FEES) REGULATIONS 2021

ELECTRICITY (REGULATORY AUTHORITY FEES) REGULATIONS 2021

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, I move that Senate do now take under consideration the Draft Regulations entitled [Electronic Communications \(Regulatory Authority Fees\) Regulations 2021](#), and the [Electricity \(Regulatory Authority Fees\) Regulations 2021](#).

Madam President, I move that consideration be given to the draft Regulation entitled Electronic Communications (Regulatory Authority Fees) Regulations 2021, and the Electricity (Regulatory Authority Fees) Regulations 2021. I am also seeking the indulgence of the Senate to move these two Regulations en bloc.

Madam President, the fees proposed were published by the Regulatory Authority's Work Plan for 2021/22. And the changes reflect the magnitude of the Regulatory Authority's work involved in the oversight of the sectorial providers and their processing of applications related to the electronic communications and electricity sectors.

Madam President, I will first discuss the Electronic Communications (Regulatory Authority Fees) Regulations 2021. Madam President, the fees specified under the Electronic Communications (Regulatory Authority Fees) Regulations 2021 include fees included in the Regulations listed under clause 4 and have now been revoked, namely, (a) the Electronic Communications (Regulatory Authority Fees) Regulations 2020, (b) the Regulatory Authority (Service Fees) Regulations 2018, and (c) the Electronic Communications (Spectrum Service Fees) Regulations 2016. The changes in the fees include the following:

- A decrease in the fees charged to holders of an integrated communications operating licence known as ICOL, from 1.75 [per cent] to a licensee relevant turnover of 1.70 per cent.
- A new fee of \$85,000 for an application for an ICOL. This fee has been introduced to cover the legal and regulatory costs of assessing an application for new ICOLs, which have been submitted after the lifting of the moratorium on ICOLs.
- An application fee of \$15,000 for high-demand spectrum (HDS), a reduction from the previous fee of \$40,000. A [new] application fee of \$500 for non-HDS (high-demand spectrum).
- A change in the name of the application fee that was formerly described as "mergers and acquisitions" but is now described as "change and control." There is no change in the amount of the fee.

Madam President, I now turn our attention to the Electricity (Regulatory Authority Fees) Regulations 2021. The fees specified under the Electricity (Regulatory Authority Fees) Regulations 2021 include fees included in the regulations listed under clause 4 and have now been revoked, namely, (a) the Electricity (Regulatory Authority Fees) Regulations 2018, and (b)

the Regulatory Authority (Service Fees) Regulations 2018. The change in the fees includes the following, Madam President:

- The fee of 0.00635 per kilowatt hour in the transmission, distribution and retail service provider increased from 0.00475 per kilowatt hour. This is intended to be a temporary increase to cover the cost of a new multi-year tariff and a review of wind studies necessary for the introduction of wind turbines recommended in the Integrated Resource Plan (known as the IRP).
- A new fee of \$6,500 per megawatt for applications for large scale self-supply licences. This fee is higher than the fees for the applications of other bulk electricity generators as it has the potential to increase the share of the grid costs to other customers.
- A new fee of \$10,000 to cover the cost of technical and legal evaluation of bulk generation proposal, both solicited and unsolicited. The fee was created in anticipation of proposals for renewable energy in accordance with the IRP.
- A change in the name of the application fee that was formerly described as "mergers and acquisitions" but is now described as "change and control." There is no change to the amount of the fee.

Madam President, I invite Senators to review the RA's [Regulatory Authority] work plan to view the accomplishments and their plans for the upcoming year.

Madam President, with those introductory remarks I now move that the draft Regulations be approved and the appropriate message be sent from the Senate to Her Excellency the Governor.

Thank you, Madam President.

The President: Senator Lindsay Simmons, you needed to have the Senators respond too. So I am going to now open the floor to any Senator who wishes to speak on either one of these Bills.

Senator Robin Tucker, you have the floor.

Sen. Robin Tucker: Good morning, Madam President—

The President: Good morning.

Sen. Robin Tucker: —and good morning to the listening audience, and of course to my Senate colleagues.

I just wanted, if I may, to speak to the [Draft Regulations] individually?

The President: Certainly you may.

Sen. Robin Tucker: Thank you, Madam President.

The OBA has no objections to the Electronic Communications (Regulatory Authority Fees) Regulations 2021. From our point of view it is administrative in nature and it obviously sets out the fees payable by

holders of integrated communications operating licences and holders of submarine communications operating licences over a 12-month period. It sets the conditions for payment and the payee receiving those payments. So we have no objections to that at all.

As it relates to the Electricity (Regulatory Authority Fees) Regulations 2021, again, this is viewed by us as strictly administrative in nature. It is just setting out the general regulatory fees and the service fees attached. So we have no objection at all.

Thank you, very much, Madam President.

The President: Thank you, Senator Robin Tucker.

Would any other Senator care to speak on either one of these [Draft Regulations]?

Hearing none, then it is over to you Senator Lindsay Simmons.

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, I move that the Senate do take under consideration the draft Regulations entitled Electronic Communications (Regulatory Authority Fees) Regulations 2021 and the Electricity (Regulatory Authority Fees) Regulations 2021.

The President: Senator Simmons, you have introduced them. It is now—

Sen. Lindsay Simmons: I'm sorry. I'm sorry.

Madam President, I now move—

The President: First, do your second reading.

Senator Simmons, do the second reading, please.

[Pause]

The Clerk: She has a motion to move that they be approved and the message [be sent] to the Governor.

The President: Senator Simmons. Yes. You need to read your motion now then, please.

Sen. Lindsay Simmons: Madam President, I move that the said Draft Regulations be approved and that the following message be sent to Her Excellency the Governor.

"May it please Your Excellency:

"The Senate, having had under consideration the Draft Regulations entitled the Electronic Communications (Regulatory Authority Fees) Regulations 2021, and the Electricity (Regulatory Authority Fees) Regulations 2021, proposed to be made by the Minister responsible for energy and telecommunications under the provisions of sections 6 and 11 of the Electronic Communications Act 2011, and the Electricity Act 2016, in exercise of the power conferred by section 44 of the Regulatory Authority Act 2011, has the

honour to inform Your Excellency that the Senate has approved said Draft Regulations."

The President: Thank you.

Is there any objection to that motion?

No objections.

Senator Lindsay Simmons, a suitable message will be sent. Thank you.

[Motion carried: Draft Regulations entitled Electronic Communications (Regulatory Authority Fees) Regulations 2021, and the Electricity (Regulatory Authority Fees) Regulations 2021, were approved.]

Sen. Lindsay Simmons: Thank you.

The President: Moving on to item number 3, on our Orders of the Day is consideration of the Draft Order entitled the Public Health (COVID-19) Emergency Extension (No. 2) Order 2021. And this is in the name of Senator C. P. Richardson, the Junior Minister for Health.

Senator Curtis Richardson, you have the floor.

Sen. Curtis Richardson: Thank you, Madam President.

Madam President, I move that the Senate do now take under consideration the Draft Order entitled Public Health (COVID-19) Emergency Extension (No. 2) Order 2021.

The President: Is there any objection to that motion?

No objection, Senator Richardson.

Carry on.

DRAFT ORDER

PUBLIC HEALTH (COVID-19) EMERGENCY EXTENSION (NO. 2) ORDER 2021

Sen. Curtis Richardson: Madam President, I am pleased to invite this Honourable Chamber to consider the Order entitled [Public Health \(COVID-19\) Emergency Extension \(No. 2\) Order 2021](#).

Madam President, I would like to take this opportunity to remind the public of their civic responsibilities to take steps to protect themselves, their loved ones and their neighbours during this global pandemic caused by the novel coronavirus. We live on a very small Island, and as we have experienced already, and as recently as late last year, COVID-19 can spread quickly and impact our whole community as scores of people test positive and hundreds end up in quarantine.

We can slow the spread of the virus by wearing a mask to cover our nose and mouth, as well as physically distancing, downloading the WeHealth Bermuda app and avoiding the three Cs of closed spaces, crowded places and close-contact settings.

The more barriers and space between you and others, the harder it is for the virus to spread. Also, Madam President, after enormous hard work by scientists around the world, there is another layer of protection we can add, [and that is] the COVID-19 vaccination.

As has been said many times, vaccines save lives. And it is no different with the Pfizer-BioNTech vaccine being used in Bermuda now. Getting the vaccine greatly reduces your chance of contracting COVID-19. In fact, the Pfizer vaccine has been shown to be 95 per cent effective after two doses. [If immunised and] you do get COVID-19, you are likely to experience milder symptoms and become less ill as your body is better able to fight off the virus. This means we can keep people out of the hospital and we will have fewer deaths due to COVID-19.

With the reduced viral load in your system, it is also hoped that you are less likely to transmit the coronavirus as well, although that aspect of the vaccine's power is not fully known at present.

Of the vaccinations administered in Bermuda 55 per cent have been given to women and 45 per cent have been given to men. Bermuda's goal of herd immunity will be achieved when 70 per cent of the population of 64,054 has been immunised. So far, 17 per cent of the population has been vaccinated with one dose and 6 per cent of the population has been immunised with two doses. These are great results so far. And I thank and applaud all of those who have taken the steps to get their vaccination to protect themselves, their families and our community.

As a government, we recognise it will take some time to reach the goal of herd immunity. And so a more immediate goal is the immunisation of 90 per cent of persons who are over [the age] of 65, which is our most vulnerable group. In addition, we continue to encourage our extremely clinically vulnerable persons, our health care workers and essential service workers to please get vaccinated.

To repeat: Preventing infection, the onset of a disease itself, and community spread via mass vaccination, will be a critical part of how we navigate our way out of this current crisis.

We have all felt the impact that COVID-19 has had on us personally, and we all know how it has impacted our Island's economy. Getting vaccinated is an integral part of our ongoing collective effort to reduce the spread of the virus here on the Island. This is essential not only for our health, but also to help us to return to a sense of normalcy with our daily lives.

Madam President and Honourable Senators, as we all now know, COVID-19 was caused by a new virus that spread quickly throughout the world. Unfortunately, it still exists in large part because it can be transmitted so easily between people who are in close contact or through coughs and sneezes. While most infected people suffer mild flu-like symptoms, some become seriously ill and even die.

The Minister of Health has consulted the Chief Medical Officer and determined that a communicable disease of the first or second category, namely, COVID-19, continues to pose a severe threat to public health in Bermuda. This Order will extend the Public Health (COVID-19) Emergency Order 2021, made under the Public Health Act 1949, to permit the Governor to continue the Public Health (COVID-19 Emergency Powers) Regulations 2021, which imposed extraordinary measures necessary in the interest of public health to prevent, control and suppress COVID-19.

Madam President, Honourable Senators will be aware that the Public Health (COVID-19) Emergency Order 2021 was made under the [affirmative] resolution procedure effective the 25th of January 2021 for 30 days, expiring on the 24th of February 2021. However, the COVID-19 pandemic continues to rage on globally and a public health emergency continues to exist on our shores.

Therefore, in accordance with section 107A(3) of the Public Health Act 1949, I bring this Extension (No. 2) Order to this Honourable Chamber to prolong the state of public health emergency for a further 60 days ending on the 25th of April 2021.

Madam President, Honourable Senators and the public will know that the stress of the impact that the coronavirus is putting on us continuously changes on a daily and weekly basis. So the numbers do go up and down as the virus is being monitored. Thank you, Madam President.

The President: Thank you, Senator Curtis Richardson, the Junior Minister for Health.

Would any Senator care to speak on this Public Health Extension Order?

Hearing none, then Senator Richardson you can—

Sen. Robin Tucker: Madam President.

The President: I beg your pardon.

Sen. Robin Tucker: I'm sorry. I was having a bit of delay getting my camera back on. May I just add a few words?

The President: Senator Robin Tucker.

Sen. Robin Tucker: Yes.

The President: You have the floor.

Sen. Robin Tucker: Thank you, Madam President.

I just wanted to add that the Opposition has no objection to this Bill. I just want to encourage the listening audience as we continue to battle through COVID-19. As of yesterday we have had 417 active cases, which is very, very concerning considering how well we had been doing up until recently. We are all

tired and we all want to get back to a sense of normalcy, but we have to do all that we can to ensure that we contain the spread.

Everyone has a part to play in that. So if we all do our part, then we can more quickly get back to that sense of normalcy. We would all like to have 24th of May, we would all like to have Cup Match, we would all like to have all of the social gatherings and everything that goes along with our day-to-day existence and what we are accustomed to.

So, I just wanted to add that piece as a general reminder for everyone to continue following the protocols of the Ministry of Health, to encourage people to get vaccinated, and to be able to keep each other and ourselves safe.

So, as I said, Madam President, we have no objection to this extension emergency Order which obviously goes a long way to, again, helping to support keeping us safe as well. Thank you, Madam President.

The President: Thank you, Senator Robin Tucker.

Would any other Senator care to speak on this emergency Order?

Senator Ben Smith, you have the floor.

Sen. Ben Smith: Yes, good morning, Madam President.

The President: Good morning.

Sen. Ben Smith: I would also like to echo our support on the Bill. I was wondering if we could a little information from the Junior Minister that would just help the public have an understanding of where we are from a vaccine standpoint and how we progress forward.

So, the 6 per cent that we have fully vaccinated right now (I believe is the number that he gave) . . . can he give us an idea of what that actual number is? And then what will [the number be], the 70 per cent to get to herd immunity, so that we can have an understanding of what that looks like? And how long do we think that process will take for us to get to that point considering the amount of vaccinations that we are going through each week? Just so that we have an idea of when we would be able to get to herd immunity at the level that we are vaccinating at presently, just so that we can encourage people for us to get there so we can get our community back to a level of normalcy. Thank you.

The President: Thank you, Senator Ben Smith.

Would any other Senator care to speak on this [Order]?

Hearing none, then Senator Curtis Richardson, you can respond.

Sen. Curtis Richardson: Thank you, Madam President. And thank you fellow Senators for your questions.

Senator Tucker, we all appreciate your sentiments. For the questions from Senator Smith, I will not be able to give you exact figures right now. I will be able to get them back to you most likely before the end of the day. I do not want to just give the updated numbers before I liaise with my necessary personnel. If you can, just wait for that exact number.

The President: Thank you, Senator Richardson.

Are you expecting a response in the next few minutes? Or do you want to—

Sen. Curtis Richardson: I am, but I would rather if he could . . . for the expediency of time, for the sake of time, I have two second readings to do. I could close this matter and refer back to the questions once I have the answers, maybe in between the two second readings that I have to give that are also both Health related. So I could get back to him.

The President: Indeed, Senator Richardson, then you can proceed.

Sen. Curtis Richardson: Thank you, Madam President.

Madam President, I move that the said Draft Order be approved and that the following message be sent to Her Excellency the Governor.

“May it please Your Excellency:

“The Senate, having had under consideration the Draft Order entitled the Public Health (COVID-19) Emergency Extension (No. 2) Order 2021 proposed to be made by the Minister responsible for Health under the provisions of section 107A of the Public Health Act 1949, has the honour to inform Your Excellency that the Senate has approved said Draft Order.”

The President: Is there any objection to the message being sent?

Hearing none, then Senator Curtis Richardson, a suitable message will be sent to the Governor.

Thank you, and thank you Senators.

[Motion carried: The Draft Order entitled the Public Health (COVID-19) Emergency Extension (No. 2) Order 2021 was approved.]

The President: We will now move on to item number 4 on our Order Paper, and that is the second reading of the Public Health Amendment Act 2021. It is also in the name of the Junior Minister of Health, Senator Curtis Richardson.

You have the floor.

Sen. Curtis Richardson: Madam President, before I begin with that, I do have the answers to Senator

Smith's questions, if you will allow me to just provide that to him.

The President: Absolutely, Senator Richardson. Carry on.

Sen. Curtis Richardson: There have been 37,788 vaccines administered. Herd immunity of 70 per cent of the population of 64,054 people. Exact figures were given last night. That is all I have right now for those answers.

I can move to the second reading.

The President: Absolutely. You can carry on, Senator Curtis Richardson.

Sen. Curtis Richardson: Madam President, I move that the Bill entitled the Public Health Amendment Act 2021 be now read a second time.

The President: Is there any objection to that motion?
No objection, Senator Richardson, carry on.

BILL

SECOND READING

PUBLIC HEALTH AMENDMENT ACT 2021

Sen. Curtis Richardson: Madam President, the [Public Health Amendment Act 2021](#) and the Quarantine Amendment Act 2021 were tabled. Each will be debated in turn; however, they are minor Bills making the same provisions under two Acts. So I will give a full Statement for the Public Health Amendment, but we will be very brief for the Quarantine Amendment to avoid repetition.

Madam President, the Public Health Amendment Act 2021 and the Quarantine Amendment Act 2021 provide for a fixed penalty regime for the enforcement of COVID-19 prevention measures. This will enhance existing enforcement provisions to ensure the safety of our residents, in particular the most vulnerable. The purpose of this legislation is to provide for the creation of a ticketing regime for breaches of the Public Health and Quarantine legislation that relate to COVID-19 in order to regulate actions that present a material risk to the public. The regime is to be along the lines of that of the Traffic Offences (Penalties) Act 1974 where the hearing of any defence to an alleged breach will be in court. The aim is to relieve pressure on the courts in the enforcement of straightforward, existing offences.

Madam President, as we are all aware, the COVID-19 pandemic has been raging locally for over a year and is likely to persist throughout 2021. Compliance with public health and traveller rules is generally high. But when breaches occur, enforcement is difficult because of the prolonged process required to

prosecute offenders through the courts. The types of breaches that occur can be categorised into three types: (a) serious breaches that immediately endanger public health and safety; (b) material breaches that present high risks of COVID-19 transmission; and (c) minor breaches that introduce the risk of COVID-19 threat.

Madam President, serious breaches such as knowingly exposing others to a communicable disease will be prosecuted through the courts as required by the relevant legislation. Minor breaches such as not wearing a mask in a public place can be addressed with a simple reminder by any member of the public or an enforcement or health officer. Material breaches fall between the other two in nature and in risk. Such breaches include, for example, withholding contact tracing information from a health officer or participating in or hosting a gathering above the number legally allowed. The material breaches are the types of offences to which a fixed penalty is intended to be attached.

It is proposed that such breaches can be better enforced with a fixed penalty or ticketing regime by authorised officers. The Ministry of Health consulted with the Bermuda Police Service, with the Director of Public Prosecutions, with the Magistrate's Court, and with the Attorney General's Chambers in the development of the policy for a ticketing regime for the enforcement of COVID-19 enforcement measures. I wish to express my gratitude and the Ministry's gratitude to all of these departments, and in particular to the Director of Public Prosecution, the Attorney General's Chambers and Ministry officials for all of the work undertaken to complete the draft Bills before the Chambers today.

With those introductory remarks, I would welcome any questions, Madam President.

The President: Thank you, Senator Curtis Richardson. Would any Senator care to speak on either one of these Bills? And please identify which one you are referring to.

The floor is open.

Senator Robin Tucker, you have the floor.

Sen. Robin Tucker: Thank you, Madam President.

I just want to start by saying that I think we're in a bad, bad day when we have to get to the point of issuing tickets to people who—

The President: Senator Tucker, can you speak a little louder or closer to the microphone? We are hardly hearing you.

Sen. Robin Tucker: Madam President, is this a bit better?

The President: That is better. Thank you.

Sen. Robin Tucker: Okay. Thank you.

I just want to start by saying that I think it is a bit sad when we get to the point where we have matters of life and death and we have to get to the point of issuing tickets to people to follow the rules to keep everyone safe. However, we are where we are, and I do think that this Bill will relieve the pressures on the courts which are obviously overtaxed and finding it difficult to keep up with scheduling and bringing people into court in a timely manner.

So, I will say from the outset that we have no opposition to this particular Bill. However, I do have a point of concern that I would like to raise. It is really to do with empowering the public health officers to be able to issue tickets. It is a lot of authority given to the public health officers, and that is a little bit of concern, particularly as they are not trained to be able to do such a task.

And then the other side of it is also because the public health officers will be issuing tickets to people who are obviously intent on not following the law, and there are other issues that can arise from that, which the public health officers may not be in a position to be able to deal with. So, that is just a point of concern that I did want to raise, although, as I mentioned, there is no opposition to the Bill itself. But that is a point of concern for me.

Thank you, Madam President.

The President: Thank you, Senator Robin Tucker.

Would any other Senator care to speak on this Bill, the Public Health Amendment Act 2021?

Hearing none, then it is back over to your Senator Richardson.

Sen. Curtis Richardson: Thank you, Madam President.

This was a kindly reminder, as well, vaccine stats are reported by the Minister of Health every Tuesday for updated numbers.

SUSPENSION OF STANDING ORDER 26

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

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

[Motion carried: Standing Order 26 suspended.]

BILL

THIRD READING

PUBLIC HEALTH AMENDMENT ACT 2021

Sen. Curtis Richardson: Madam President, I move that the Bill entitled the Public Health Amendment Act 2021 be now read a third time.

The President: A second time.

Sen. Curtis Richardson: This is closing out the second reading for the Public Health Amendment Act 2021, Madam President.

The President: Is there any objection to that motion?
No objection.
Carry on, Senator Richardson.

Sen. Curtis Richardson: Madam President, I move that the Bill do now pass.

The President: You need to do the third reading, Senator Richardson.

The Clerk: He just did that.

Sen. Curtis Richardson: I just did that, Madam President. I did the second reading. I read it.

The President: I beg your pardon.

Sen. Curtis Richardson: No problem.

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

Sen. Curtis Richardson: Madam President, I move that the Bill do now pass.

The President: It has been moved that the Bill entitled the Public Health Amendment Act 2021 do now pass.

Is there any objection to that motion?
No objection.
The Bill has passed.
Thank you, Senator Curtis Richardson.

[Motion carried: The Public Health Amendment Act 2021 was read a third time and passed.]

Sen. Curtis Richardson: Thank you, Madam President.

The President: We will now move on to the fourth item which is the Public Health Amendment Act . . . I beg your pardon. We will now move on to the fifth item which is the Quarantine Amendment Act 2021. Senator Curtis Richardson, it is in your name. You have the floor.

Sen. Curtis Richardson: Thank you, Madam President.

I move that the Bill entitled Quarantine Amendment Act 2021 be now read a second time.

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

BILL

SECOND READING

QUARANTINE AMENDMENT ACT 2021

Sen. Curtis Richardson: Thank you, Madam President.

Madam President, the [Quarantine Amendment Act 2021](#), was tabled previously [with] the Public Health Amendment Act 2021 we have just discussed. The difference between the two is that the Quarantine Amendment applies to persons before they are landed, and the Public Health Amendment makes provision once persons are landed in Bermuda.

The purpose of this legislation is to provide for the creation of a ticketing regime for breaches of the quarantine legislation that relates to COVID-19 along the lines of that of the Traffic Offences (Penalties) Act 1974 where the hearing of any defence to an alleged breach will be in court. The aim is to relieve pressure on the courts in the enforcement of straightforward offences.

As the provisions are identical, to avoid repetition and save my honourable colleagues time, I will not make any further remarks at this time.

With those brief introductory remarks, I will welcome any questions, Madam President.

The President: Thank you, Senator Curtis Richardson.

Would any Senator care to speak on this Bill?
Senator Robin Tucker, you have the floor.

Sen. Robin Tucker: Madam President—

The President: Senator Tucker.

Sen. Robin Tucker: Yes, Madam President.

The President: You need to speak closer to microphone. We are hardly hearing you again.

Sen. Robin Tucker: Madam President, can you hear me now?

The President: That is better, that is better. Thank you.

Sen. Robin Tucker: Again, I just want to express the Opposition's support. Any initiatives for this particular Bill, any initiatives that obviously will help get us back to any sense of normalcy we obviously support.

So, thank you, Madam President, I just wanted to confirm that we have no issues with the Bill.

The President: Thank you, Senator Tucker.

Would any other Senator care to speak on this Bill?

[Inaudible interjections]

The President: It would appear that no other Senator wants to speak on this Bill, so Senator Richardson, you can carry on.

Sen. Curtis Richardson: Thank you, Madam President.

I do have some responses to questions after I move this Bill. Do you want me to give the answers after I move it?

The President: You can give them now if you have the answers to the questions, absolutely.

Sen. Curtis Richardson: Okay. Senator Tucker asked with regard to the enforcement. Only the police will issue tickets, and they will assist in training public health officers in the proper process and procedure. Public health officers will be trained before they issue tickets. That was in regard to our Public Health Amendment Act question.

Yes . . . that is it. I do apologise. That is it right there.

SUSPENSION OF STANDING ORDER 26

Sen. Curtis Richardson: With that said, Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill—

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

[Motion carried: Standing Order 26 suspended.]

BILL

THIRD READING

QUARANTINE AMENDMENT ACT 2021

Sen. Curtis Richardson: Madam President, I move that the Bill entitled the Quarantine Amendment Act 2021 be now read a third time.

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

Sen. Curtis Richardson: Madam President, I move that the Bill do now pass.

The President: It has been moved that the Bill entitled the Quarantine Amendment Act 2021 do now pass.

Is there any objection to that motion?

No objection.

The Bill has passed.

Thank you, Senator Curtis Richardson.

[Motion carried: The Quarantine Amendment Act 2021 was read a third time and passed.]

Sen. Curtis Richardson: Thank you, Madam President and Senators.

The President: We will now move on to item number six, which is the second reading of the Criminal Code Amendment (Non-Consensual Sharing of Intimate Images) Act 2021.

This is in the name of the Honourable E. G. B. Peets, spokesman of Legal Affairs and Government Leader in the Senate. Minister Peets, you have the floor.

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

Madam President, I move that the Bill entitled the Criminal Code Amendment (Non-Consensual Sharing of Intimate Images) Act 2021 be now read a second time.

The President: Is there any objection to that motion?

No objection.

Carry on.

BILL

SECOND READING

CRIMINAL CODE AMENDMENT (NON-CONSENSUAL SHARING OF INTIMATE IMAGES) ACT 2021

Sen. the Hon. Dr. Ernest Peets: Madam President, I am pleased to introduce to this Honourable Senate the Bill entitled [Criminal Code Amendment \(Non-Consensual Sharing of Intimate Images\) Act 2021](#). I move that it now be read a second time.

This Bill seeks to amend the Criminal Code Act 1907 by creating new criminal offences and penalties relating to the non-consensual sharing of intimate images or prohibit digital recordings that would apply to sending or threatening to send intimate images or recordings without consent.

The Bill also creates the offence of observations or making visual recordings in breach of a persons' privacy.

Madam President, when the Attorney General and Minister of Legal Affairs and Constitutional Reform tabled the Bill in the Honourable House last week, she gave an overview of the aims of the Bill and the problem it intends to address. The Bill is principally modelled on similar amendments to the Queensland, Australia's Criminal Code as enacted in February 2019.

As legislators we know that the law is often in a state of playing catch-up to novel ideas, codifying new offences to capture the evolving ways that humans cause harm to each other and keeping pace with technological advancements in our digital age. The phenomenon of a new technology facilitated abuse, colloquially called "revenge porn," now requires that we consider adding new offences to the Criminal Code Act 1907 to address this abhorrent problem.

What is "revenge porn," some might ask? Revenge porn, sometimes called "non-consensual porn," typically involves a sharing of content that is related to sexual intimate activity without the consent of the person depicted. Often the threat to share or distribute intimate images or recordings is used to cause alarm or distress, to blackmail, or to exert undue control over someone.

Revenge porn is a crime that, regrettably, mostly affects women. It is often thought of in the context of a romantic or intimate relationship between the parties involved. But this need not be the case. By some records, one in eight social media users report being a target of some form of non-consensual porn incident. The rapid advances in technology means that more and more of our human activities are being captured online or in digital content. As a consequence, the speed and connectivity of technological advancements, like the Internet and social media platforms accessible by our smart devices, accelerates and exacerbates the risks and harms associated with sharing intimate images and recordings.

Madam President, it can be said that today's technology-driven society has created new tools for an old phenomenon. In that sense, it is true that limited legal consequences exist under our existing communications laws for conduct which is somewhat similar to what is being proposed in the Bill. For instance, offences in the Telecommunications Act 1986, section 53, and the Electronic Communications Act 2011, section 68, may apply in very limited circumstances. The offence in each of those Acts is for the "improper use" (quote/unquote) of a public communication or telecommunication service. These prevailing offences ban the sending of messages or other matter that are grossly offensive, indecent, obscene or menacing over a communication service or telecommunication service. However, those offences, even if stretched to the widest possible legal interpretation, can be seen as inadequate to address the contempo-

rary issue of revenge porn and the abusive behaviour that it is predicated upon.

Also, there are no expressed criminal provisions in the existing law that deal specifically with the threat to distribute offending images. The public expects an effective law enforcement apparatus for these types of offences. The provisions of this Bill will modernise the criminal law to keep pace with technological advancements.

Madam President, the relevant offences proposed within the Bill for inclusion in the Criminal Code Act 1907 are:

- observations or recordings in breach of privacy;
- distributing intimate images;
- distributing prohibited visual recordings; and
- threats to distribute intimate images or prohibited visual recordings.

Madam President, the offence of observations or recordings in breach of privacy (inserted by section 199A into the Criminal Code Act 1907) protects an individual's dignity as well as expectation to be afforded some privacy. The offence occurs where a person observes or visually records another person without their consent in breach of the other person's privacy. There are two types of breach of privacy offences under this provision. The first deals with situations concerning observing or visually recording private acts like showering, using the bathroom or other activities in a state of undress in a private place. The second relates specifically to observing or recording a person's genital or anal region. Real life situations such as unlawful surveillance or hidden cameras will be captured by this offence.

Madam President, the offence of distributing intimate images criminalises conduct where a person distributes intimate images of another person without consent in a way that would cause a person distress. Intimate images are defined in clause 2 as meaning moving or still video images depicting another person engaged in intimate sexual activity not ordinarily done in public, the person's genital or anal region, bare or covered only by underwear, or a person's breasts. In revenge porn-type cases, victims are often left without justice because of an unfair evidential burden to prove the intent of the perpetrator, or that the victim suffered actual harm as a result of the distribution of the intimate image. To address this, the proposed provisions expressly state that it is not required to prove that the accused person intended to cause distress or that distress was actually caused by the distribution of an intimate image. Distress need only be reasonably arising in all of the circumstances.

Madam President, under this provision a person can be guilty of the offence even if the image has been digitally altered. Digital alternations could be used to create a false intimate image appearing to be of the victim, or an image could be obscured yet still depicts the victim in a sexual way. By ensuring digital-

ly altered intimate images are captured by the new offences, the provisions are also future-looking as they can apply should our local law enforcement officers have to deal with Deep Fake images made using artificial intelligence technology.

A statutory defence of justification in the public good is provided for in this offence. It applies where the distribution of an intimate image is conducted in the interest of justice, science, medicine or education.

Madam President, the proposed offence of distributing prohibited visual recordings applies when a person distributes a prohibited visual recording of a person without that person's consent. A "prohibited visual recording" is defined as a recording taken where there is an expectation of privacy of a person engaged in a private act in a private place or of a person's genital or anal region, whether bare or covered only by underwear. The person distributing the prohibited visual recording must have believed it to be a prohibited visual recording in order to be found guilty of the offence.

Sadly, Madam President, recognising intimate images or prohibited visual recordings may also take the form of threats to distribute the content in ways that undermine trust that formerly existed between the parties, or the images or recordings would simply fall into the wrong hands of someone set to exploit the situation. Oftentimes the threats to distribute may even be made against another person not depicted in the image but who would suffer harm nonetheless.

For example, threats may be made to an employer about an employee, or to a parent or family member of the person depicted in the image or recording. To address this, the proposed amendments also create a new offence of threats to distribute intimate images or prohibited visual recordings. This offence applies to threats made that would cause distress and fear to the person depicted in the image or recording to another person. The intimate image or prohibited visual recording does not have to exist for the offence to occur.

The rights to distribute remain a criminal offence even if the subject matter is imaginary or fictitious. The perpetrator of threats to distribute often hopes to expose, humiliate, embarrass or cause reputational damage to their victim. Undoubtedly, the stress and trauma imposed on the victims of such acts and their families can be far-reaching. Suicide or attempted suicide has been known to happen in some of the gravest cases. For the purpose of the offence of threats to distribute it is immaterial that the person making the threats intends to cause or actually causes fear. This way justice remains accessible to victims.

Madam President, to operate as an appropriate deterrent and to ensure that the seriousness of the offence is understood by the public, the penalties for all of the proposed offences are up to three years of imprisonment on summary conviction and up to five years imprisonment on indictment.

Further, Madam President, victims of the crimes codified in this Bill are likely to want to have a remedy from the court that can seek to stop the distribution of any unlawful images and have them deleted altogether. In this regard, provisions are made in the Bill to allow the court to make a rectification order ordering the removal, retraction, recovery, deletion or destruction of any offending images after a successful prosecution.

Madam President, this Bill deals only with the criminal aspects of revenge porn issues. It achieves this by creating relevant offences and proportionate penalties to dissuade offending behaviour. Provisions in the Bill also ensure that cases can be successfully prosecuted without undue evidential burdens on the part of the victim. We are mindful that the criminal law can sometimes be a harsh instrument to address contemporary social and moral issues. Deterring the offending behaviour and effective punishment [cannot] be the only tool to address the revenge porn problems. Criminal justice approaches must be supported by other solutions encompassing civil law remedies, public awareness, education and other community-wide efforts.

Individually and collectively we all have a responsibility to be vigilant and discerning about the types of images and recordings we participate in, especially if they were captured on the most intimate activities. We ultimately know that in today's digital age, we have little control over most content captured in the digital form.

It is anticipated, Madam President, that the proposed amendments to the Criminal Code will directly protect victims of revenge porn and others whose privacy would be violated by misuse of intimate images and private recordings occasioned by the misuse of the Internet in the 21st century advancement of connectivity.

This achieves the Government's Throne Speech commitment to protect victims of such cyber offences. Creating a criminal justice framework will also indirectly protect societal values by upholding privacy and personal protections from the irreparable harm that such violations inevitably impose on others.

With these remarks, Madam President, I move that the Bill be committed. Thank you, Madam President.

The President: Thank you, Minister Peets and spokesperson on Legal Affairs and Government Leader in the Senate.

Would any Senator care to speak on this Bill?
Senator Markus Jones, you have the floor.

Sen. Marcus Jones: Good morning, Madam President, and good morning to my fellow Senators, and good morning to the listening audience.

I am a bit saddened that we as legislators have to come to this Chamber and consider and con-

template this particular piece of legislation. But it is timely, it is necessary, and it is critical to protect all of our citizens, not just the adults who have been outlined and can run afoul of the law and be subject to criminal convictions. But, Madam President, I think all of us around this Chamber would recognise and know that this practice of revenge porn through this medium is being practiced by our children—our children under the age of 18.

It has become a scourge in our community and we see the outcome in the damage that has been done. If I would have any hesitancy or concern about this Bill, it would be to question the length of time of imprisonment for such a heinous act that can be done to persons whose reputations, whose state of mind, whose psychological status would possibly be in permanent damage. We need to consider if these actual [penalties] will act as enough of a deterrent. As a community and the Government we need to do our best to educate and inform our children and their parents—or shall I say the parents and then the children—so that they will know that not only can this do much damage, but it can be something on their records as the perpetrators of this.

Now, technology can be good. And technology can be used for the bad. And it is situations like this where we as legislators must ensure that the legislation that we contemplate is modern, is up-to-date, and can deal with these issues head-on. So, my one question to the Senator would be: Does the Government have any remedy that can be followed up on to actually deal head-on with those children under the age of 18 who cannot be convicted by the law? There should be some form of discipline, some form of remedy to address that age group which goes beyond just education, but goes to actually bringing about some form of punishment for that age bracket that runs afoul of this particular piece of legislation.

But we support this, Madam President. It is timely. It is a critical piece of legislation and we have no objections.

Thank you, Madam President.

The President: Thank you, Senator Marcus Jones.

Senator Michelle Simmons, you have indicated you would like to speak. You have the floor.

Sen. Michelle Simmons: Thank you, Madam President.

I am very happy that the Government has brought this Bill forward today. I just want to say that this revenge porn is really sexual and psychological abuse. Senator Jones has focused on the fact that, yes, unfortunately some of our children are using it at the end of failed relationships, or even in the midst of relationships that are going south. But it has been around for a while, and even amongst adults.

It was as Minister Peets was speaking that I remembered a situation which I had to deal with many

years ago. Unfortunately, it was one which could have ruined the life of an individual. At that time, of course, there was no legislation like this to deal with the matter. This form of abuse has certainly been on the rise. But I just stress, it has been around for a while and adults are using it [and] children are using it to humiliate, intimidate and ridicule the subject of the abuse.

So it is really important that this Bill should pass because steps need to be taken to deal with individuals who are abusing others in our community through these very dastardly acts.

Thank you, Madam President.

The President: Thank you, Senator Michele Simmons.

Would any other Senator care to speak?

Senator Robin Tucker, you have the floor.

Sen. Robin Tucker: Thank you, Madam President.

I would like to add my sentiments to my fellow Senators who have already spoken. I just wanted to add just a few comments.

This Bill, speaking to the seriousness of the nature of sharing intimate images and the like, is a great thing. It has the potential to create reputational harm, psychological harm and embarrassment. And particularly in this very close community, I think that those impacts could potentially be even worse because we are such a small community. This Bill is definitely something that is needed and has been needed for quite some time, as Senator Simmons has already mentioned.

I just had a couple of observations. One is that the image—

The President: Senator Tucker, can you raise . . . we cannot hear you well enough. Can you speak closer to your microphone?

Sen. Robin Tucker: Yes, Madam President.

So my observations were just that the offending material will not be able to be removed until after the matter has gone to court and the courts have dealt with it and there is a conviction. So, just by observation I think that it would be great if once the report is made, and the complaint is made, that those images could be removed at that particular point. And as I mentioned, particularly because we are in such a small, close-knit community, by the time the issue actually gets to court, potentially thousands of people will have already seen it and the damage is already done. So that is one observation.

And my second observation is that it would also have been great to be able to see something that speaks to restitution, because, again, there is reputational damage that could be done. People could potentially lose jobs as a result. As I mentioned earlier, [there could be] psychological harm. You know people could potentially have to get counselling and they

would have to bear the cost of that if there is any cost associated with actually having those images removed. And the chances are that the victim may have to actually deal with that. So there should be the potential for restitution having to be awarded to victims of these . . . of the sharing of images.

Those are just two of the observations that I have as I have read through the Bill. As I mentioned, I think that the Bill is a great thing. As Senator Jones mentioned, obviously we are in support, and I think it is a good thing.

Thank you, Madam President.

The President: Thank you, Senator Robin Tucker.

Would any other Senator care to speak on this Bill?

Sen. Owen Darrell: Yes, Madam President.

The President: Senator Darrell.

[Inaudible interjection]

Sen. Owen Darrell: It was Senator Lindsay [Simmons].

The President: Oh, I beg your pardon. I am not seeing and I am not hearing.

Senator Lindsay Simmons, if you are prepared to speak certainly do so.

Sen. Lindsay Simmons: Yes, Madam President.

First of all, I would like to thank the Attorney General and her Chambers for bringing this Bill through. I personally know of situations where people have been affected by this. I know of one young lady who could not get a job because of pictures that circulated around about her. I know of another young lady who is depressed, and this happened years ago. She still holds her head down because of images and videos that went around about her. She has not been able to get over the effects of some pictures and images that have been around. So I think that this Bill is very important because it protects women, men as well, and it also gives us an avenue to get justice.

Madam President, I would like to speak of a personal experience that happened to me when I was 23. I did not know that at age 23 I would be raped, stabbed and beaten up [so] badly that my life drastically changed. I have no problem speaking of this because I think it empowers people to know that it can happen to anybody. But, Madam President, what I am actually talking about [is not only] what happened in that moment, but what happened afterward which affected me even more than I thought.

After my case went to trial and he was found guilty, I had some people come up to me and let me know that they had seen pictures of me. I did not know what they were talking about, Madam President.

Intimate pictures. Luckily, when I was 23 social media was not how it is today. It was pretty much dead. These images . . . a few people, and it is only a few people that I could speak of, that came back and told me that they saw these images. It was men and women. And that actually bothered me more than the act itself that happened to me when I was raped and stabbed. For someone to see me in such a vulnerable position was horrible.

So, I do think that this Bill is important because I could not image being in the year 2021 and those images being sent around of me through social media. You know, not only will people in Bermuda see it, but around the world. And I know I had to dig deep to get over my images being seen by a few. But for most to see, Madam President, I am not sure how deep I would have had to dig to get over it.

So I thank the Attorney General and her team for putting this Bill through because this is important and it is long overdue. So thank you. And I think that this is a step in the right direction, definitely.

Thank you, Madam President.

The President: Thank you, Senator Lindsay Simons.

Would any other Senator care to speak on this Bill?

Hearing none, I would just like to make a comment myself, as someone who has worked in mental health in my past life in counselling, particularly at St. Brendan's Hospital, as [it was previously] known, and today known as the Mid-Atlantic Wellness Institute.

I have had to counsel individuals who have not only been threatened, but who have been blackmailed with regard to this type of . . . and even though it was not at that time so easy to put it on the Internet, they were threatened physically and mentally and through phone calls. So I too support this Bill.

And I support Senator Tucker's view about that interim period when the person is waiting to go to court. What happens in that situation? I want to know if anything else can be done about such images.

So, Minister Peets I would hand over to you for you to address some of the comments, or the issues, or questions that have been raised.

Senator Peets, spokesperson for Legal Affairs has presented the Bill. It is over to you, sir.

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

I certainly thank all of the Senators on this call as well as all of the parliamentarians who have had input on this Bill. I would imagine that we are doing this for the protection of our community, particularly the most vulnerable among us. And for all of those individuals who have suffered because of this, we certainly thank them for their bravery. We certainly want

to admonish all who are listening about the importance of this particular Bill.

I do have some information that I can give to the Senators this morning who have raised questions. The first question, I believe came from Senator Jones. Yes, Senator Jones, your question I think is a question that will be quite popular when people are talking about this particular Bill. As this Bill is progressing through our deliberation today I can tell you that there is no distinction based on age in the proposed offences in this particular Bill. Offences already exist for child pornography offences which have a higher penalty. So hopefully that will also shed some light on your question.

Also, I can let Senators know that the government has a Cybertips section and they provide a wealth of information as well as putting on workshops and seminars, not just for senior citizens, or for us who are adults but they also spend significant time working with youth and youth organisations engaging them around the responsible use of the Internet and the dangers and the pitfalls of social media, particularly as it relates to these types of behaviours. So we certainly thank them for that and we certainly encourage all of the Senators, please, in every circle of influence that you have, please share more information about this particular Bill so that people are made aware of its provisions.

Regarding remedies and restitutions, which I think was a question from Senator Tucker, victims can independently pursue civil law claims outside of the criminal offences. Persons are always advised to consult with an attorney as to whether any civil remedies or restitutions may be available as such; each case sort of turns on its own particular facts. In other common-law jurisdictions some claims have been for the misuse of information, a breach of confidentiality, defamation of character, harassment, copyright or intellectual property infringement. So in addition to what is provided within this particular Bill there are also restitutions and remedies that can be sought civilly.

Regarding the question, or the suggestion around the removal of images, of course the Bill specifies that upon conviction the court can make an order for the removal of said images, and so on and so forth. I do take that note. I certainly will bring that information to the Attorney General's Chambers about that. But what I can say about that is that while the case is being prosecuted through the courts, it is illegal for any of those images to be disseminated anywhere. And the public need to be aware of that.

So, even though the court at the moment does not have the provision to remove those images from the potential perpetrator's computer or phone while the trial is going on, out there online and on the Internet any circulation of inappropriate material is an offence. And persons need to be guided by that. Perhaps we can do some education so that people know what to do in the event that inadvertently their phone

has received a message from somewhere with materials that will be considered to be inappropriate and in breach of this particular Bill.

Having said that, Madam President, if there are no other questions or comments, I move that the Bill now be read a third time.

The President: Minister Peets, you need to do the second reading again.

Sen. the Hon. Dr. Ernest Peets: Thank you, Madam President. I do apologise.

Madam President, I move that the Bill now be read a second time.

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

SUSPENSION OF STANDING ORDER 26

Sen. the Hon. Dr. Ernest Peets: Madam President, I move that [Standing Order] 26 be suspended in respect to this Bill.

The President: Are there any objections to that motion?

No objection.

[Motion carried: Standing Order 26 suspended]

BILL

THIRD READING

CRIMINAL CODE AMENDMENT (NON-CONSENSUAL SHARING OF INTIMATE IMAGES) ACT 2021

Sen. the Hon. Dr. Ernest Peets: Madam President, I move that the Bill entitled the Criminal Code Amendment (Non-Consensual Sharing of Intimate Images) Act 2021 now be read a third time.

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

Sen. the Hon. Dr. Ernest Peets: 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 that motion?

No objection.

The Bill is passed.

[Motion carried: The Criminal Code Amendment (Non-Consensual Sharing of Intimate Images) Act 2021 was read a third time and passed.]

The President: Thank you, Minister Peets, spokesperson on Legal Affairs and Government Leader in the Senate. And thank you to all Senators who have spoken on this Bill.

We will now move on.

MOTIONS

The President: There are none.

CONGRATULATORY AND/OR OBITUARY SPEECHES

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

Sen. the Hon. Dr. Ernest Peets: Yes, Madam President.

The President: Minister Peets.

Sen. the Hon. Dr. Ernest Peets: Today I am so excited, Madam President. I was on Facebook Live last night watching the National Men's Football Team at IMG Academy in Florida face against Aruba. It was an exciting match. We are happy to report to the listening audience who were not aware that we won that match 5 to nil. So congratulations to the team, the coach and the entire BFA. I know as a country we are certainly proud.

The President: Thank you, Minister Peets.

Senator Michelle Simmons, you have indicated you want to speak. You have the floor.

Sen. Michelle Simmons: Thank you, Madam President. And that is excellent news about the Bermuda football team. I would like to join with Minister Peets in sending congratulations.

Madam President, it has been a really busy week for us. And there is another person I would like to mention in order for condolences to be sent to the family. And that is Mr. Kenneth A. A. Richardson, CVO, CBE. He was a gentleman who I found always exuded warmth wherever he was. And it was obvious that he was a real people person. People gravitated toward him. Mr. Richardson was a true family man. And we are also thankful that he was able to serve the people of Bermuda in several different government positions, but most notably in the position in the top civil service position, of Cabinet Secretary. And that was between 1984 and 1993. And I believe I am correct in saying that as Cabinet Secretary then, he was also Head of the Civil Service because the two positions were one.

Mr. Richardson served as Cabinet Secretary during a very critical period in Bermuda's history. And I think that his example as an exemplary public serv-

ant is one we should be encouraging others to emulate. So, Madam President, I am asking that condolences be sent to his wife, Brenda, his children, Andrew and Tammy, his grandchildren and all of his family and friends. We have lost three very notable public servants very recently. And I just could not end this session without mentioning Mr. Kenneth A. Richardson. Thank you, Madam President.

The President: Thank you, Senator Michelle Simmons.

Would any other Senator care to speak?
Senator Ben Smith, you have the floor.

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

The President: Good morning.

Sen. Ben Smith: I would just like to be associated with the comments brought by the Honourable Minister regarding our football team and the amazing result from last night. That result, specifically when you understand the amount of interruptions and things that they have had to change under the COVID-19 regulations with the amount of testing and having their coach separated from them and some of the players separated, just the amount of things that they have to go through in order for them to get to this point, that makes that result even more impressive. I know the entire country is proud of them, and we will continue to root for them on their journey. Thank you.

The President: Thank you, Senator Ben Smith.

Senator Robin Tucker, you have indicated you want to speak. You have the floor.

Sen. Robin Tucker: Thank you, Madam President. Can you hear me okay?

The President: Yes, we can hear you—

Sen. Robin Tucker: Okay, great.

The President: —very good.

Sen. Robin Tucker: Okay. Thank you.

First, I would like to associate my comments with Senator Simmons's remarks concerning condolences for the family of Mr. Kenneth Richardson.

I would also like to send condolences to the family of the former Chief Justice of Bermuda, Sir Austin Ward, who came to Bermuda from Barbados in 1969 and remained here until his retirement in 2004. Chief Justice Ward served Bermuda in a variety of ways, including magistrate, Registrar of the Supreme Court and, of course, as Chief Justice. I believe that we are all thankful for Chief Justice Ward's service to Bermuda. And so I just wanted to extend condolences

to his family overseas and obviously local, his family and his friends.

Next, congratulations. I wanted to say congratulations to Mr. and Mrs. Erwin and Winifred Jones on celebrating their 70 years of marriage. I realise it has been a while since that announcement has been made. But since we have been so focused on budget, I am a little bit behind. But I did not want to miss congratulating them. So 70 years, if anyone has been married, they know that 70 years is a very long time. And they absolutely need to be congratulated for making it that far.

Again, congratulations to Beverly Joan Smith, who has fairly recently celebrated her 100th birthday. And that is a very big deal, so congratulations to her.

Also to Shiona Turini, who is a Bermudian consultant, fashion stylist and costume designer who has recently had a feature in the *New York Times T Magazine*, which has a readership of over 4 million people. So that is a big deal for one of our Bermudian celebrities.

Congratulations to Bermudian Dr. Meliseanna Gibbons, who is completing her residency in Bushwick, Brooklyn. Dr. Gibbons was the first medical professional to make a formal declaration of a COVID-19 death in New York. So thank you to her and her commitment to the medical field and doing what she does being on the front lines of COVID-19.

I would also like to say congratulations to Amelia Oatley, who was recently called to the bar. I read Ms. Oatley's story in the newspaper, and something in particular stood out to me as she thanked her pupil master and all of those who helped with her training. She expressed thanks to three strong women who have taught her the skills she needed to succeed. They shared the wisdom and standard that she aspires to succeed. So again, congratulations to Ms. Oatley. And of course, thank you to the three women who have mentored her. And so thank you for women supporting women.

And lastly, I would like to offer congratulations to all of the Ministry of Education Scholarship recipients. If I may, Madam President, I would like to read their names and their programmes of study.

The President: Certainly you may, Senator.

Sen. Robin Tucker: Thank you.

- Jaiden Furbert-Jacobs, who is studying Actuarial Science;
- DesRon deShield-Burchall, Software Engineering;
- Jah-nai Smith, Psychology;
- Kairo Morton, Computer Science;
- Anna Francoeu, Liberal Arts;
- Jacari Renfroe, Motor Vehicle Technology;
- Alexis Stovell, Mass Communications and Media Studies, with a minor in Business;
- Corynne Edwards, Midwifery;

- Trikeita Outerbridge, Digital News and Media;
- Chiante Roberts, Teacher Certification in Special Education; and
- Sierra Reid, a Master's Degree and Teacher Certification in Moderate Disability Initial License.

So I just wanted to say again thank you to all of those people, and congratulations to the Ministry of Education Scholarship recipients. I just want to send a special note to them letting them know that Bermuda absolutely needs them and looks forward to their contributions in the community during and most definitely after they complete their course of study.

Thank you, Madam President.

The President: Thank you, Senator Robin Tucker.

Would any other Senator care to speak?

No? Hearing none, then I would like to associate—

I beg your pardon.

Sen. the Hon. Dr. Ernest Peets: Sorry, Madam President. I just wanted to inform Senators that we did lose David Burch, also known as “Papa D.” He is one of our local entertainers, and he of course was very, very special to us as relates to his contribution. Some of you may know that he was the founder and popular singer for the group The Rainbows, which performed all over the Island and participated in many of the battle groups way back in the day. We certainly want to send out our thoughts and prayers to his family and extended friends and family.

Thank you, Madam President.

The President: Thank you, Minister Peets.

Would any other Senator care to speak?

[Pause]

The President: Hearing none and seeing no indication, I would just like to associate myself with the condolences that Senator Michelle Simmons has extended to the family of Mr. Kenneth Richardson and particularly to his wife Brenda, to the children Andrew and Tammy.

I would also like to join Minister Peets, and I am sure all Senators would like to join Minister Peets with regard to Bermuda's win last night. We need some positive information, positive. And so I think the Bermuda team has done exceedingly well, and we congratulate everyone who was involved in helping them achieve that.

So with that, then I turn it over to the Honourable E. G. B. Peets, spokesperson on Legal Affairs and Government Leader in the Senate, with respect to our adjournment.

Minister Peets.

ADJOURNMENT

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

I do apologise for actually speaking twice during congratulatory and obituary remarks. I will make a correction for that in future sessions.

Madam President, thank you for your hard work. Thank you to those who guided us through our committees for the Budget Debate. Thank you to the Opposition and our Independent Senators.

I would like to make a motion that we adjourn the Senate until May the 12th.

The President: Thank you, Minister Peets.

Would Senator care to speak on the motion to adjourn?

Some Hon. Senators: Yes, Madam President. I would.

The President: Senator Arianna Hodgson, is that you?

[Inaudible interjections]

The President: I beg your pardon. I am trying to see who it is. Can you identify who it is, please?

[Inaudible interjections]

The President: I see “Bermuda Cabinet.”

Sen. Lindsay Simmons: I defer to Senator Tucker.

The President: Senator Robin Tucker, you have the floor.

Sen. Robin Tucker: Madam President, I do apologise. My video was on, but I did not realise that I was talking with my hands.

[Feedback]

The President: Do you want to speak on the motion to adjourn?

Sen. Robin Tucker: No, Madam President. I do not.

The President: Senator Lindsay Simmons, then you have the floor.

SENATOR L. SIMMONS' POLITICAL JOURNEY

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, with my quest to become a better politician, Senator, Junior Minister, I would like to thank a few people who have helped me so far in my journey. I would like to give a big shout-out to the

Deputy Premier Walter Roban, the Minister of Health Kim Wilson, the Attorney General Kathy Lynn-Simmons, the Minister of Social Development and Seniors Tinee Furbert, and also our Premier David Burt.

Madam President, there are so many other people whom I could thank today. But as I said, I wanted to thank them for helping me along my journey. But I would be remiss not to thank Ms. Michelle Simmons, Michelle Gabisi Simmons, because years ago (I will never forget) we had an assembly. I was a third-year at Berkeley. And we had women coming in who spoke to us about empowerment and having a voice. I have never been one who liked the camera or liked to speak to the camera. And after speaking to these ladies and listening to them speak on this empowerment, I decided to join a debate team. And I cannot say I was any good, Madam President. But it was something that taught me that I have a voice and to speak with my voice.

So today, Madam President, I have something that I would like to talk about in my journey to become better and my quest to become a politician.

Madam President, Bermuda has had a Constitutional Order and a constitutional government since 1968. The framework is derived from the Westminster system, which originated in the UK. The constitution outlines the relationship between the different branches of the government—executive, judicial, legislative, civil service and the governor. It seems to have worked pretty well for many years, with a few amendments, such as the electoral boundaries, the Office of the Ombudsman and even the change to Junior Ministers, which I am thoroughly enjoying.

Even though our Constitution and other legislation govern how the Houses of the Legislature work, there are also conventions that dictate how the legislation works. These are adopted from the UK, the motherland of Parliament. And they are followed in the Houses in how the Houses operate. Some of these are actually in the Constitution. The Royal prerogative is exercised by the Governor. The Premier is the person who commands the largest majority in the House. It is the Governor who dissolves Parliament at the request and the advice of the Premier. The Governor grants Royal assent to all legislation. The Senate of the House should not reject a Budget passed by the House.

Another convention that exists, but is not enshrined in our Constitution, is the Salisbury Convention. It states, Madam President, that the upper House in the UK, the House of Lords, shall not oppose legislation from the House that is part of the manifesto of the Government.

Madam President, if you do not mind, can I read something from the UK Parliament?

The President: Yes, you may.

Sen. Lindsay Simmons: It states, “The Salisbury Doctrine, or ‘Convention’ as it is sometimes called, emerged from the working arrangements reached during the Labour Government of 1945–51, when the fifth Marquess of Salisbury was the Leader of the Conservative Opposition in the Lords. The Convention ensures that major Government Bills can get through the Lords when the Government of the day has no majority in the Lords. In practice, it means that the Lords does not try to vote down at second or third reading, a Government Bill mentioned in an election manifesto.”

Thank you, Madam President, for allowing me to read that.

The PLP Government was elected with a 30-to-6 majority. Our platform, *Rebuilding Bermuda with Bermudians at Heart*, outlines all of our promises and the intent to deliver on all of them. We are a Government that keeps our promises. We have kept Bermuda safe through COVID-19 and created a new economic plan for the way forward. We will continue to keep our promises to our people.

Madam President, I believe that it is important that we, as the PLP Government, remember that we were voted in because of our platform. And we must push forward and continue to do the people’s work here in Bermuda.

Thank you, Madam President.

The President: Thank you, Senator Simmons.

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

Sen. Arianna Hodgson: It is Senator Hodgson, Madam President.

The President: Senator Arianna Hodgson, you have the floor.

SENATOR A. HODGSON’S POLITICAL JOURNEY

Sen. Arianna Hodgson: Thank you, Madam President.

Growing up as a mixed-race child I would always say that I had the best of both worlds. My parents met back in January 1990 in the middle of Strasbourg, France. They crossed paths again sometime during spring break. My mother eventually visited Bermuda, and somewhere along life’s journey I came along. It is actually quite the story. My mother—

Sen. Marcus Jones: Point of order, Madam President.

The President: I beg your pardon, Senator Jones. What is your point of order?

POINT OF ORDER

Sen. Marcus Jones: I thought I would allow the former speaker to finish. And now we are seeing . . . here is someone else speaking without having a camera on. Can we follow protocol and have the speaker please put their camera on?

The President: Arianna Hodgson, Senator Hodgson, can you—

Sen. Arianna Hodgson: Of course, Senator Jones. I was just trying to make sure that the WiFi was able to give the best to the sound as opposed to the video. And I will oblige.

The President: You need to be seen when you are speaking.

Sen. Arianna Hodgson: Thank you, Madam President.

The President: There you are. Thank you.

Sen. Arianna Hodgson: Madam President, my mother was born and brought up in Brazil, but had Swedish parents. My father on the other hand is the product of a Bermudian father and a Guyanese mother who came to the Island to teach at Sandys Secondary School back in 1966 and never left. My mother is six-one, has bright blonde hair and eyes that change colour to suit her mood. She never left, either. And my father is a tad shorter than my mother, a good bit darker than my sister and me, with my grandmother's face. He is a Black Bermudian man.

Madam President, I was always fully aware that I was half-white and half-Black. I was half-Swedish, 25 per cent Bermudian and 25 per cent Guyanese. And according to genetic researchers, there is a bunch of other stuff added in that mix.

Although I was taught that the colour of one's skin should not matter, I could look in the mirror and see how others saw me. Although I identify as a Black woman, I did not identify with the Black struggle. And I was often unaware of how my life's experiences would later affect me. The experience of being multi-racial and feeling like others are categorising me one way or another is a story for another day, Madam President.

As most of you will know, I recently lost two of my aunts. My aunt Dr. Eva Hodgson, she passed back in May. And my aunt LaVerne passed at the end of January this year. While we can argue their impact, I know that there were mixed opinions about their contributions to our Island over the years.

To be completely transparent, Madam President, there were many times when I could not understand why these two women were so difficult. I knew that they were strong women, that they were sources of endless knowledge, but I generally hated that each

encounter with these women made me a little uncomfortable. Whether it was during Christmas, at Aunt Ruth's, at church or at any other family gathering, I always felt like they had ulterior motives, like there was always something they had brewing in the back of their minds and like they could see something that I could not.

I vaguely remember conversations about race, inequality and injustices. And as one of two mixed-race children in the family, I was often unsure of how to process the emotions that I experienced. Today I can look back and see that they were not trying to cause friction or division, but that they were actually providing space to have these uncomfortable, yet necessary, conversations.

Madam President, when I heard of their passing, I was deeply saddened. I understand the cycle of life, and I know that death is inevitable. But I was not prepared to lose the two women who could have been my greatest help today. I have regretted all of the times that I did not show up, the times that my anger kept me from a family event, and I recognise that I held a responsibility, a call even, to continue the work that was started so many years ago.

Madam President, over the weekend I read a book called *Assemble the Tribe*. This is a book by Bermudian author Leah J. M. Dean. In this book she highlights the importance of female relationships. She explores the complex nature of the female experience and shares the idea that our purpose is something that exists inside of us, not something that needs to be searched for.

So, Madam President, I am on a mission to live my purpose and to create a legacy that inspires others to do more, dream bigger and be the change we so desperately seek.

Today I am humbled by the fact that so many women fought for the progress we see today. I recognise that while things have been relatively easier for me, it is only because I never had to experience the great injustices that these women stood up and spoke out against. Although we have far to go and some days feel like we have made very little progress, I am so glad that we are no longer where we once were. While I walk in the footsteps of women like my aunts, I cannot choose fear. I choose courage to speak for those who cannot, and I choose to challenge and change the things I cannot take.

Madam President, when I pause to think about whether or not I wanted to take this next step and enter the political arena, I thought about a few things. I thought about what my mother would think, of course, and I also thought about what everybody else would think. Immediately after thinking about my mother and my peers, I thought about being the youngest in the room, which I so often am. I thought about the likelihood of someone thinking that I was less intelligent, that I was less capable of getting the job done and that I was less deserving of earning a

competitive salary. Quite frankly, Madam President, I thought about becoming the next target.

Before I even had a chance to sit in this Honourable Chamber, I was personally attacked by an Opposition Senator who claimed that I . . . that we, the Government Senators, were loyal subjects who had been provided with additional streams of income to satisfy some supposed hunger. Madam President, while I have learned that this particular Senator particularly enjoys debate, I am afraid that his values and ideals have been made clear, and at some point we have to demand better.

PARLIAMENTARY QUESTION (MINISTERIAL ADVISORS OR CONSULTANTS AND THEIR REMUNERATION) PATI REQUEST

Sen. Adrianna Hodgson: Madam President, allow me to tell a story. Nearly two weeks ago, I had gotten calls from six or seven persons who are concerned that their salaries and remuneration have been shared online by media outlets. These young people, who were in their first substantial period of employment, working late nights, weekends and even during public holidays, were confused as to why their names, rate of pay and total remuneration would be sent all over Bermuda. They asked, *What did I do wrong? Why did this happen?* And of course, they were looking to blame the Government.

Madam President, while I explained that members of the public are able to submit PATI requests to obtain government salaries and other relevant information, it was actually an individual who sits in another place who was simply on a wild goose chase to publicly question and publicise the remuneration of one individual, a young, Black, female doctor and research scientist who has helped this Island to navigate this pandemic.

Sadly, Madam President, this was a blatant attempt to divide and conquer. This was a senior elected Member of Parliament blasting innocent hard-working and young health care workers who have risked their lives during a pandemic to keep us all safe.

Madam President, I do not want any of us to take this lightly because these are personal attacks. For the life of me, I cannot understand how—

Sen. Marcus Jones: Madam President, point of order.

The President: Senator Jones, what is your point of order?

POINT OF ORDER

[Impugning integrity]

Sen. Marcus Jones: The Senator is impugning the character of a person in another place. She was on a

great line. We were listening intently to what she says. But I think she needs to reel back the attack on another Member in another place and keep it above board. Thank you, Madam President.

The President: Senator Arianna Hodgson, you can continue.

Sen. Arianna Hodgson: Thank you, Madam President.

For the life of me, Madam President, I cannot understand how or why someone would feel the need to attack a woman who packed her things to return to Bermuda and work without pay for five months straight in the middle of a global health crisis, to be blasted for a \$40-an-hour consultant contract a year later.

Madam President, it is truly a shame. And what is even more shameful is this Member's poor attempt to show appreciation—

Sen. Marcus Jones: Point of order, Madam President. Point of order.

The President: Senator Jones.

[Crosstalk]

The President: Senator Jones, what is your point of order?

POINT OF ORDER

Sen. Marcus Jones: She keeps attacking the Member to say that he was attacking this doctor when that was never the case.

The President: Senator Jones, you don't know who she is speaking of. And as far as a point of order is concerned, I do not agree with it, and I will ask Senator Arianna Hodgson to continue.

Sen. Arianna Hodgson: Thank you, Madam President. Madam President, that whole ordeal was no thank-you letter, but I will continue.

Madam President, when the tumultuous history of the past year is written, no one will argue that our Premier led with safe and steady hands, that our Minister of Health worked tirelessly to lead a team of able health professionals, that our Minister of Education had to make really tough decisions in the best interests of our children or that our Finance Minister managed to navigate the seismic impact of a health crisis and would lead us back to a point where our Island can achieve steady economic growth.

Madam President, they will note that Dr. Carika Weldon made a significant contribution to the COVID-19 response and that she launched the Island's first diagnostic and research lab and that she

managed to foster a cultural science by Bermudians for Bermudians with the help of some of Bermuda's finest young people.

WOMEN'S HISTORY MONTH

Sen. Adrianna Hodgson: Madam President, I know that we typically pause to celebrate the women who came before us. But on this final day of Women's History Month, I give flowers and celebrate some of the women who walk among us today. For starters, I thank Minister Wilson, Dr. Cheryl Peek-Ball, Dr. Carika Weldon and Dr. Amne [Osseyran]. These four ladies in particular have served us exceptionally well during the pandemic. And together they represent the best of Bermuda.

I celebrate the likes of my aunt, Dr. Emma Robinson, Dr. Carla Reese, Dr. Wendy Woods and Dr. Terrylynne Emory, who have each brought thousands of babies into this world. I celebrate women like Charles-Etta Simmons, Charlene A. Scott and Maxanne Caines, who have all made a lasting impact on our justice system.

I acknowledge the work and contributions of women like Trina Roberts, Kim Wilkerson and Catherine Duffy, women who are shattering ceilings and thriving in male-dominated fields.

I think about the fearlessness of Ms. Gina Swanson, who was the first and the only Bermudian to ever win a major international beauty pageant, and reflect on how good it must have felt to walk into her first day of work as Wanda Joell, the first African American flight attendant for Air Force One.

I am proud when I think about the Katura Horton-Perinchief being the first Black woman in the world to dive in the 2004 Olympics, and I celebrate Flora Duffy, a repeat world champion and three-time Olympian. Both of these ladies have inspired so many of us.

The Speaker: Senator Hodgson, you have two minutes, two minutes left.

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

Bermuda's very own Shiona Turini has made her mark as a globetrotting style guru and costume designer. And I am so proud that we get to see beautiful Bermudian women like Lillian Lightbourn and Aliana King featured as international fashion models in some of today's biggest ad campaigns. Madam President, I would also like to pause and recognise Gherdai Hassell, who was featured in a 2020 article that highlighted five emerging Black artists to collect now. She exhibited around the US, as well in China and in Bermuda. If you have seen her work, Madam President, it is exceptionally captivating.

Finally, I salute Tylasha DeSilva, a young Bermudian woman who just recently launched We

BLead, a project that aims to provide feminine care products for women and girls in need and bring awareness to Period Poverty in Bermuda. Madam President, Period Poverty is a global issue that reaches our shores. I am proud to say that one of us has taken up this fight.

Madam President, there are so many others whom I could mention. But today I want to publicly thank each of these women for constantly raising the bar and always choosing to do more.

More women are showing up and standing up like never before. When I look at the calibre of strong, talented Bermudian women, I am glad to know that my daughter and other young Bermudian girls will be encouraged to dream big and know that they too can be doctors and scientists and leaders and entrepreneurs, and even music artists or supermodels.

Madam President, we have to start celebrating the success of our women and committing to lifting one another up. We have to build strong bridges between ourselves, between our young people, between our families and between our communities. And when we do, Madam President, we will have dismantled the systems that were designed to keep us down. Thank you.

The President: Thank you, Senator Arianna Hodgson.

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

Senator Marcus Jones, you have the floor.

PARLIAMENTARY QUESTION (MINISTERIAL ADVISORS OR CONSULTANTS AND THEIR REMUNERATION) PATI REQUEST

Sen. Marcus Jones: Thank you, Madam President.

I think it is incumbent upon me to respond to the Honourable Senator's remarks about what happened in another place.

I believe first of all before I . . . let me preface what I am about to say, to say this. We as legislators, as parliamentary leaders in this country, must hold that responsibility at a high, high moral ground. There are times when we disagree with one another. And the Westminster system allows for that. It is the tension that helps us come to decisions to make counter-arguments about the policies of the Government, its values and its priorities.

But when we reduce our statements, and in this case motions to adjourn, to mislead the [Senate] by impugning the character of what others are saying, then, Madam President, I have to stand up and get on my soapbox and say, *Let's cease and desist*.

Now, the Member who was referred to, this entire country knows who it was. The Member at the time was questioning a statement made by the Premier in regard to the remuneration of Dr. Weldon.

Now first and foremost let me say that I applaud Dr. Carika Weldon. She is a hero in this country! She has worked tirelessly to herd her team to be able to assist and help in this particular area in this pandemic. So, Madam President, let us not be confused about Members in each Chamber and how they feel about Dr. Weldon. But to make aspersions about the character of a Member, to suggest that they were attacking when they explicitly went out of their way to praise what Dr. Weldon was doing, for the Senator to besmirch the words and to mislead this Chamber is abysmal.

And I am disappointed in the Senator because I have high regard for her. So I am disappointed that at this point we would listen to this.

So, Madam President, let me just say in defence of my colleague in another place that that was not the intention. The words that he used in no way show that he was attacking Dr. Weldon. In fact, it was the complete opposite. And to even suggest otherwise would be disingenuous and below the standards and character that we would expect in this Chamber.

Thank you, Madam President.

The President: Thank you, Senator Marcus Jones.

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

Sen. Owen Darrell: Yes, Madam.

The President: Is that Senator Darrell?

Sen. Owen Darrell: Yes, it is, Madam President.

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

WOMEN'S HISTORY MONTH

Sen. Owen Darrell: Madam President, first of all, I would say that those two speeches by the two female Senators of the Progressive Labour Party who on this final day, March 31st, of Women's History Month . . . I want to say *Job well done!* and it was exceptional.

And I would like to speak to some of the comments that the Opposition Senator who just spoke, decided to get on his (quote) "soapbox" to defend a Member from another place.

Madam President, I wish that that Member got on his soapbox to defend all other women, hard-working women, of this country who have done a great job in the past year to keep this country safe. And I find it laughable, Madam President, that the Senator who just took his seat would forget that there was a line in Senator Hodgson's speech where she reminded us that it was a Senator who went by the pen name "MJ" who decided to go to the daily and start swinging on her and other colleagues being part

of the friends and family package. Oh my, how his memory is short, Madam President!

PARLIAMENTARY QUESTION (MINISTERIAL ADVISORS OR CONSULTANTS AND THEIR REMUNERATION) PATI REQUEST

Sen. Owen Darrell: And, Madam President, you can try to dress it up and seem like all a Member in another place wanted to do was to flaunt the praises of Dr. Carika Weldon. But we all know what a speech in another place along with a witch-hunt in another place was set out to do. It was set out to divide and conquer this country.

In the midst of doing that, Madam President, Members of the Senator's party decided to ask numerous questions in another place multiple times to try to get to what they wanted, and in the meantime drag down numerous other young people from the jobs that they were doing. And these stories are real, just like what Senator Hodgson said. I have a godson who happens to be working in health, loves his job, goes every day helping the people of Bermuda. A week ago at a family celebration he says to me, *Godfather, what was that all about? You guys didn't have to do that.* And I had to sit down and explain to him where the basis of this witch-hunt was coming from.

So I do not take that, you know, certain Members in another place are simply trying to call Dr. Carika Weldon a hero when all they really wanted to do was try to put out in the public domain how much she was getting.

And quite frankly, Madam President, I think it is sickening that the same Members of this party that Senator Jones is a part of said nothing when a certain CEO of the BTA [Bermuda Tourism Authority] was brought to Bermuda making \$295,000 a year, not including bonuses, yet we have a major issue with \$240,000 for a doctor who is down at the lab day in and day out? A doctor who has trained numerous Bermudians to work in a lab? A doctor who is doing genetic sequencing so we could know exactly where we are? A doctor who at any time of the day I can send her a WhatsApp to explain vaccinations or any other scientific features, she would come back and say, *Well, this is how you explain it?* I think it is laughable and sickening actually, Madam President that they would try to defend what happened on Friday night in another place as holding out Dr. Carika Weldon as a hero. I do not buy it for one minute.

CANNABIS REFORM

Sen. Owen Darrell: I want to go back to comments in this motion to adjourn from Senator Simmons at the beginning. And her speech was timely. I want to go back to . . . I would call it a failed debate, a debate that was actually turned down on March 3rd in this House, Madam President. And, you know, there are

not many young people who tune into the Senate. There are not many young people who tune into the House of Assembly. But when it is a topic that the Progressive Labour Party has put in their election manifesto, when it is a topic that the Progressive Labour Party has put in the Throne Speech, when it is a topic that affects so many young people, and quite frankly, as I said, Black people in this country, they notice.

And they do not understand. *Well, Senator, explain to me how I went to the polls on October 1st and voted for the Progressive Labour Party and you guys told me that you were going to put forward a regulated cannabis industry. And on March 3rd you are telling me that it's not going to happen and I have got to wait at least another year?* I wish that the Senator who just took his seat would get on his soapbox and defend his former Leader—yes, the Leader of the Progressive Labour Party—like he defends a Member who also was a former Leader in another place. I wish he would do that.

Madam President, I just want to end by saying I am blessed. And I have said this before. I am blessed to be a Member of the Progressive Labour Party. And what you heard today here, regardless of what another Senator would like to say about their speeches, was two women who work hard for the country of Bermuda.

Madam President, thank you.

The President: Thank you, Senator Darrell.

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

Senator Ben Smith, you have the floor.

Sen. Ben Smith: Yes. Good afternoon, Madam President.

The President: Good afternoon.

CANNABIS REFORM

Sen. Ben Smith: Madam President, after the remarks that have been given so far, I just want to kind of change the direction that we are going a little bit. I will have to speak to some of the things that have just been said, but it is important that I start with a thank-you to *everyone* in Bermuda who has been helping to keep our country safe. Thank you to all people in Bermuda in the health care industry. Everybody in our frontline services, the people who are in our grocery stores and retail stores and hospitality who have been going through all of the restrictions that have caused a lot of damage to business, to jobs, to our children in schools. Thank you to our teachers. Thank you to everyone who has been abiding by the rules and regulations to keep our country safe, men and women, Black and white, all citizens of Bermuda.

Madam President, we have recently heard that there are issues in the Government because a Bill was put forward in the House that was passed because it is 30-to-6. But when it reached the Senate, it was turned back. Well, Madam President, it is important that checks and balances exist. Just because a portion of the population wants to have changes done in a certain way does not mean that everyone in the country feels that way. So when you look into the details of the Bill that was turned back, there were more questions than answers. And all of those were brought up during the debate.

Well, Madam President, as we fast-forward since that has happened, many will have noticed that there are advertisements on the radio, and I believe on television, that have come out from National Drug Control talking about all of the bad things that can happen to people by the use of cannabis. It is a very unusual thing that all of the direction that we have heard coming from the Government is on the positive side. And now we are seeing this campaign that is telling us the opposite, what can happen to our young people, how we should be keeping them away from participating in this particular drug, cannabis. That is the reason that the Senate had to go through debate the way we did.

I did not hear anybody just quickly dismiss the Bill. All of the Senators who debated spoke from knowledge, spoke from research. They took their time and energy to go through all of the steps and figure out whether this was what was best for our country. And when we did not have the answers to the questions that we needed so that we could feel comfortable that we were protecting our citizens, that we were putting in the support that is needed if people find themselves on the addiction side, Madam President, you have to have those checks and balances in place. So for it to be just dismissed and now to call into question the character of the people who made that decision . . . it is unfortunate that we have reached that point.

EASTER GREETINGS

Sen. Ben Smith: Madam President, I want to move to the positive side. Our country is about to go into another Good Friday and another Easter weekend under the restrictions and regulations to keep our country safe because of what has happened with COVID-19. I would like to wish everybody a happy Easter, a safe weekend. Spend time in your small bubbles with your family. Understand that for all of the things that we are restricted from, we should be thankful for the lives that we have. For all of the people who are hurting because of the impact that it has had on their jobs, the impact that it is having on how they go about their day-to-day life, I want to say to them, we hope that we can work together to get to a point where everybody

can get back to normalcy and we can start to see Bermuda grow again.

But it is going to take everybody. And not where we are starting to move today to a direction of name-calling and pointing-fingers and dividing each other, when this is not the time for that. I understand that there has been a setup today. There is a real effort to move in that direction. But after the way the debate for a budget has gone, with the long hours and everybody working towards trying to get as much information as possible so that we can help our people to move forward with the little resources that we have, I do not think it is a time for us to be doing what I am seeing so far happening in this motion to adjourn debate.

Bermuda, stay safe. Bermuda, take care of each other. And let us have a safe and, specifically, no more of the spikes in the criminal activity and the bad behaviour on our roads and in our neighbourhoods, because that is what is important. Madam President, I wish everyone in the Senate and everyone in Bermuda a wonderful weekend. And I hope that everybody is healthy and safe when we return in May.

Thank you so much.

The President: Thank you, Senator Ben Smith.

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

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

The President: Senator Curtis Richardson, you have the floor.

CANNABIS REFORM

Sen. Curtis Richardson: I had a little trouble getting access to the microphone when I heard the [previous] Senator speaking. I just wanted to point out that he mentioned a word that still disturbs me. Cannabis is not a *drug*. And I know we are not here to discuss particular Bills and Acts in this motion to adjourn. However, it bothers me when I hear the declassification of a natural God-given herb that, although has been grown globally under controlled circumstances, can and is also a plant that can grow in the wild. I just wanted to—

Sen. Ben Smith: Point of order, Madam President.

The President: Yes, Senator Ben Smith. Point of order.

POINT OF ORDER

Sen. Ben Smith: Thank you.

Madam President, when the Junior Minister is referring to the point of cannabis, can he also give us

the information on all of the other plants that have turned into drugs, including cocaine and heroine?

Thank you.

The President: Senator Richardson, you can carry on.

Sen. Curtis Richardson: Madam President, all I wanted was just to close with saying that the cannabis reform has been something that has been put into the platform, has been a demand of the people of Bermuda for this reform to take place. I just wanted to let the people know that it is about the medicinal use and production of cannabis. Thank you, Madam President.

The President: Thank you, Senator Curtis Richardson.

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

Senator Michelle Simmons, you have the floor.

Sen. Michelle Simmons: Good afternoon, Madam President.

The President: Good afternoon.

EASTER GREETINGS

Sen. Michelle Simmons: I would like, before we conclude, to wish you, Madam President and all Members of the Senate, a happy Easter. This is probably going to be another unusual Easter period for a whole country. And my prayer is that all of us will do our part to ensure that we do not make what is happening in our community with regard to COVID-19 any worse. Each of us has to bear individual responsibility for our own behaviour. And I once again want to commend and thank the Premier, the Minister of Health, all of the public health officials, the CMO and everyone who has been working, everyone who has been working tirelessly to ensure that we can eventually return to a more normal way of life. I do not think life will ever be the same as it was a year ago. But we can certainly retain our hope that the future will look better than it does right now, than the current situation appears right now.

Madam President, for Christians it is probably the most important season of the year. And even though the churches are closed and we will not be able to celebrate Easter in the normal way, we can still give thanks for all that we have benefited. Madam President, I hope that when we return to the Senate in May, that we will continue to advance the agenda that is put before us. So with those words, I once again would like to wish you, all of my Senate colleagues and the entire community a happy and safe and blessed Easter.

Thank you, Madam President.

The President: Thank you, Senator Michelle Simmons.

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

Hearing none, then I would just add my comments. And that is to support the Senate and associate myself with the sentiments that have been expressed by Senator Michelle Simmons. As Senators, this has been a very busy period. And we have done very, very well in terms of what we have had to do with regard to the budget and the Bills that have been passed. I too on this Easter weekend period and the month that we will have ahead of us, wish each and every Senator and everyone in Bermuda a safe Easter weekend and to encourage each one of us to adhere to the restrictions that have been set by the Government. Because these are the ones that have really kept Bermuda in such a position as it is now.

And also, for those of you who want to take your vaccinations, do so. And encourage members of your family to do so. I wish each and every one of you a very, very happy Easter, a blessed Easter. And we look forward to returning on May the 12th and ready to continue our business.

So happy Easter to each one of you! Be safe and be well. Good day.

Some Hon. Senators: Good day! Thank you, Madam President! Thank you. Happy Easter.

The President: Good afternoon, everybody. Happy Easter.

[At 12:27 pm, the Senate stood adjourned until 10:00 am Wednesday, 12 May 2021.]