



**2018/2020 SESSION
of the
BERMUDA SENATE
OFFICIAL HANSARD REPORT**

29 July 2020

VIRTUAL SITTING

*Sitting 40 of the 2018/2020 Session
(pages 1109–1174)*

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

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BERMUDA SENATE

**OFFICIAL HANSARD REPORT
VIRTUAL SITTING
29 JULY 2020
10:10 AM**

Sitting Number 40 of the 2018/2020 Session

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

The President: Senators and listening audience, the Senate is in session.
Shall we pray?

PRAYERS

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

CONFIRMATION OF MINUTES

[Minutes of 22 July 2020]

The President: The Minutes of the 22nd of July 2020.

Sen. James S. Jardine: Madam President.

The President: Senator Jardine, you have the floor.

Sen. James S. Jardine: Madam President, I move that the Minutes of the meeting of Wednesday, the 22nd of July 2020, be taken as read.

The President: Is there any objection to that motion?

Sen. Marcus Jones: I have a question, Madam President.

The President: I beg your pardon. Senator Jones.

Sen. Marcus Jones: Yes, I do propose a correction to the Minutes.

The President: Yes. You may give that correction.

Sen. Marcus Jones: At the very end of the Minutes, under Adjournment, at 4:03, the speaker should be Senator J. C. Richardson, not Senator H. A. Richardson.

The President: The correction is noted.
Senator Jardine.

Sen. James S. Jardine: Madam President.
Madam President, I move that, with that one amendment, the Minutes of Wednesday, the 22nd of

July 2020, be confirmed as the correct record of that meeting.

The President: Is there any objection to that motion?
No objection. Thank you, Senator Jardine.
The correction will be made.

[Minutes of 22 July 2020 confirmed as amended]

MESSAGES

The President: There are none.

REPORTS OF COMMITTEES

The President: There are none.

ANNOUNCEMENTS

The President: We have one announcement, Audited Financial Statements of the Bermuda College.

Sen. Anthony Richardson: Yes. Good morning, Madam President.

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

**AUDITED FINANCIAL STATEMENTS OF THE
BERMUDA COLLEGE FOR THE FISCAL YEAR
ENDED 31 MARCH 2018 AND 31 MARCH 2019**

Sen. Anthony Richardson: Good morning to my fellow Senators and the listening audience.

The Bermuda College Financial Statements for 2018/19, Madam President. I hereby present for the information of Senate the Audited Financial Statements of the Bermuda College for the fiscal year ended 31 March 2018 and 31 March 2019. And Senators can access a copy of the financial statements from their tablets and off of the parliamentary website.

The President: Thank you, Senator Richardson.

Notices of Motions: The first one is the Tourism Investment (St. George's Club) Order 2020. And that is in the name of Senator Caesar.
You have the floor.

NOTICES OF MOTION

TOURISM INVESTMENT (ST. GEORGE'S CLUB) ORDER 2020

TOURISM INVESTMENT (ROSEWOOD BERMUDA) ORDER 2020

Sen. Crystal Caesar: Thank you. Good morning, Madam President and the listening audience.

Madam President, I hereby present for the consideration of Senate the draft Order entitled the Tourism Investment (St. George's Club) Order 2020 and the Tourism Investment (Rosewood Bermuda) Order 2020, each proposed to be made by the Minister responsible for Tourism with the written agreement of the Minister of Finance under the provisions of section 5 of the Tourism Investment Act 2017. I give notice that at a later point in the meeting, I will move that the said draft Orders be approved.

The President: Thank you. And I believe you have a second . . . oh, you did them both. Thank you very much, Senator Caesar.

The third item is the Exchange Agreement between the Corporation of Hamilton and the McCalmon Trust PTC Limited.

And that is Senator Campbell, your notice.

Sen. Vance Campbell: Good morning, Madam President.

The President: Good morning.

EXCHANGE AGREEMENT BETWEEN THE CORPORATION OF HAMILTON AND THE McCALMON TRUST PTC LIMITED

Sen. Vance Campbell: Good morning, Senators and the listening audience.

Madam President, I hereby present for the consideration of Senate the following draft proposals:

- Exchange Agreement between the Corporation of Hamilton and the McCalmon Trust PTC Limited, as trustee of the McCalmon Trust, regarding areas that are now situate at 5 Brooklyn Lane in the City of Hamilton; and
- Exchange of Land Agreement between the Corporation of Hamilton and the Trustees of the Dianthus Trust regarding areas of land situate at Canal Road/Laffan Street in the City of Hamilton; and
- a Sale and Purchase Agreement between the Corporation of St. George's and the W. M. E. Meyer & Company Limited regarding the lot of land known as Lot A, situate at Penno's Drive in the Town of St. George's.

Each Agreement proposed to be approved by the Legislature in accordance with the provisions of sec-

tion 20(1A) and 20(1B) of the Municipalities Act 1923. And I give notice that at a later point in the meeting I will move that the said draft proposals be approved.

Thank you, Madam President.

The President: Thank you, Senator Campbell.

PETITIONS

The President: There are none.

STATEMENTS

The President: And we have several. The first one is the Public Procurement Policy Update, and that is in the name of Senator Simmons-Wade.

You have the floor.

Sen. Ianthia Simmons-Wade: Thank you. Good morning, Madam President.

The President: Good morning.

PUBLIC PROCUREMENT POLICY UPDATE

Sen. Ianthia Simmons-Wade: The Office of Project Management and Procurement (OPMP) was established in 2011 to regulate all procurement of goods, services and works in the public sector. However, the Code of Practice [the Code] for Project Management and Procurement was not introduced until July the 2nd, 2018.

Madam President, the Government recognises that [public procurement policy](#) must be both robust and flexible in order to systematically and practically address the changing economic needs of Bermuda. Madam President, the changes to the Code have elevated our procurement processes in line with international best practices and standards. Public bodies now have more flexibility in choosing procurement methods that will help achieve greater business value while also mitigating potential contractual risks.

Madam President, the latest version of the Code, which Cabinet recently approved and [which] came into effect on July 1, 2020, allows public officers to be creative and flexible in their approach to procurement. Understanding and adaptation of the Code is key to promoting consistency and a standard approach across the public sector, thereby reducing inefficiencies often associated with regulatory matters.

Madam President, in summary, the changes to the Code are as follows:

1. The Code was amended to include two additional categories to which the Code does not apply; however, they do require approval from the appropriate accounting officer or the Financial Secretary. They are (a) media, communication and public relations companies, with the approval of the accounting of-

ficer; and (b) accounting and auditing firms for specific services, with the approval of the Financial Secretary.

2. A new Procurement Review Committee has been established to review all unsolicited proposals (USPs). This committee is created to assist with the assessment and evaluation of unsolicited proposals that are submitted to various government ministries. The committee will consist of the Financial Secretary, the Permanent Secretary responsible for OPMP, and the Director of OPMP.

3. The Procurement Thresholds and Approval of Contracts values have been amended. Procurement thresholds have three levels, and new procurement methods apply:

- under \$10,000;
- \$10,000 to \$49,999; and
- \$50,000 to \$99,999.

These changes are covered under section 11 of the Code. The intermediate value procurement threshold has increased to values of \$100,000 to \$249,999. The high-value procurement threshold has increased to above \$250,000 and is covered under section 13 of the Code.

4. The Single Source Procurement (section 24 of this Code) has been amended as follows: Public officers no longer have to obtain prior approval from the Director of OPMP; however, public officers must inform the Director of OPMP of their single-source procurement. The Director of OPMP may conduct an inquiry to determine justification and process steps. The director shall report quarterly to Cabinet in matters of compliance.

Madam President, the steps that were taken improved efficiencies within the system, but do not go far enough to ensure economic growth and prosperity within small businesses, gender, race, and disability ownership. Madam President, to ensure that the Government's aim is being met, there has to be a way of measuring success based on Government's aim. Madam President, Senators may not be aware, but in Bermuda a "small business" is defined under the Bermuda Economic Development Corporation Act which states [at section 2]: "small business" means a Bermudian-owned and owner-operated business enterprise with—(a) gross annual sales of less than one million dollars; or (b) an annual payroll of less than five hundred thousand dollars."

As a result of this definition and due to technical work at the Accountant General's Office to identify and label vendors, I can report the Government's success in awarding contracts to small businesses. Madam President, since 2017 the Government has awarded more than \$38 million dollars in contracts to small businesses, as follows:

- financial year 2017/18—\$13 million;
- financial year 2018/19—\$13 million; and
- financial year 2019/20—\$12 million.

Three years prior \$33 million was paid out to small businesses, as follows:

- financial year 2014/15—\$12 million;
- financial year 2015/16—\$11 million; and
- financial year 2016/17—\$10 million.

Madam President, for the first time our Government is able to identify and measure the value of what it pays to small businesses. But this does not go far enough. Government's vision to use its purchasing power to promote equality of opportunity with regard to disability, gender and race is being fully met.

Madam President, for decades business owners who joined the right golf club, went to the right private school or knew the right people would always win Government contracts. Having been awarded a contract once, they would subsequently get more contracts partly by doing good work and partly by "playing the game" to get another contract. Some businesses being more successful than others is normal, as we choose to live in a capitalist society, but not if that success is earned by unfair practices.

Madam President, this Government is not going to rest on its laurels and pat itself on the back; we are pushing for further diversity. Our aim is to replicate the success of awarding contracts to small business, and we intend to use Government's purchasing power to promote equality of opportunity with regard to disability, gender and race. Madam President, we will still seek to utilise the public purse to create opportunities for business owners who were marginalised in the past, particularly Black-owned small businesses, as well as others deemed "unsuitable" by past Governments. If we genuinely want to diversify our economy and economically empower those Bermudians who up until now have not had a piece of the economic pie, we must take steps to make this happen.

Madam President, to make this happen we are working on identifying, as we did for small businesses, all those companies that are doing business with Government as far as disability, gender or race, in regard to at least 51 per cent ownership. Once this is determined, then based on Government's approved matrix these companies will score a higher grade, hence having the opportunity to receive more contracts from Government.

Madam President, we have learned that the impact of the Government purse is so strong that maintaining the status quo is not good enough. Talking is not good enough; action must be taken, and action will be taken.

Madam President, it is vital that business owners know that Government is open for your business, because it is and we are.

Thank you, Madam President.

The President: Thank you, Senator Simmons-Wade.

The Second Statement is the Ageing Well Committee—Ageing in All Policies. And that is yours as well, Senator Simmons-Wade. You have the floor.

AGEING WELL COMMITTEE—AGEING IN ALL POLICIES

Sen. Ianthia Simmons-Wade: Thank you, Madam President.

Madam President, my Senate colleagues and the listening audience, as the Chair of the Ageing Well Committee, I will be highlighting legislation and policies that impact on the lives of our Bermudian seniors. Our Government has demonstrated great commitment to our seniors over the years. However, I must commend the Premier for having the foresight to establish the [Ageing Well Committee](#) in 2017, whose mandate is to develop targeted policies, working along with Government, the community and the third sector to address the ageing population and its impact on Bermuda. This committee will continue to drive forward policies to insure seniors are always front and centre, *ageing in all policies*.

Madam President, I must first declare my interest. I am a “pre-senior.” I have many friends, family and colleagues who are also “pre-seniors” and seniors. My vested interest in the success of this committee is that, along with the many “pre-seniors” and seniors, I will also soon benefit from these legislation and policies. So will a few of my Senate colleagues.

[Laughter]

[Inaudible interjections]

An Hon. Senator: I am not a pre-Senior.

The President: I am a senior.

Sen. Ianthia Simmons-Wade: I did not call any names, Madam President.

Madam President, we are living longer and having fewer children. As I have stated previously in these Honourable Chambers, this will significantly impact our Island socially and economically. Life expectancy at birth is 78.3 years for males and 84.7 years for females. Government statisticians predict that the proportion of seniors will climb to 24.9 per cent in 2026 to approximately 15,825. During the same time the number of seniors for every 100 people is expected to be 39.9 per cent. That is 40 people to every 100 people on this Island.

Madam President, today I will highlight some of the legislation and policies that have been enacted with our seniors in mind:

- 2020—Instated a programme through the Bermuda Housing Corporation to facilitate interest-free home improvement loans of up to \$15,000 for families who need to modify their home or that of their senior loved ones;
- 2020—the Department of Social Insurance benefits increased by 1.2 per cent. Instituted annual cost-of-living increases for social in-

urance pensions that will be linked to inflation;

- 2020—actually very recently, last week, the Parliament Election Amendment [Act] 2020, which enables seniors who are sick and shut in, [or] homebound the opportunity to finally vote in an election;
- 2019—Public service retirement age rose to 68 years, which has preserved the right for persons to retire at 65, but permits a post-holder to work up to 68 years old without the permission to do so. This will allow persons who wish to work longer the opportunity to do so;
- 2019—an increase in war veterans’ and spouses’ pensions from \$800 to \$1,000;
- 2019—Bermudian Charter of Rights and Responsibilities of the Elderly and Adults in Need of Long-Term Care and Assistance. The overall themes that drive the charter are dignity, rights and responsibilities. As a society we are judged by how we treat our vulnerable;
- 2019—the National Pension Scheme (Occupational Pensions) Amendment Act 2019 amendments allows members or former members of a defined contribution plan and members of a local retirement product to make a one-time withdrawal of up to 25 per cent of their account balance;
- 2012—and this is very important to me. Seniors who are experiencing financial hardship who own their own home or have interest in a home can apply for financial assistance as a result of changes to the Financial Assistance Regulations 2004;
- 2009—FutureCare introduced as affordable government-sponsored health insurance for seniors. This plan provides more coverage than the basic Government Health Insurance Plan [HIP];
- Recently, in 2017—personal home care benefit were added to FutureCare;
- We expanded the home health and seniors care benefits under FutureCare in the health care system, and this was last year;
- It was also last year, the introduction of local radiation coverage for HIP and FutureCare;
- Human Rights Amendment Act [2013] recognises age as a basis for discrimination in the provision of goods and services;
- Amendments to the Residential Care and Nursing Home Act [1999];
- 2017—our first long-term care action plan;
- 2017—first proposed ageing plan; and
- [2008]—Seniors Abuse Registry was formed. Senior abuse includes physical, sexual and psychological abuse; financial exploitation;

physical and psychological neglect when the alleged person has a duty of care.

Madam President, collectively our seniors' wealth of knowledge and experience equate to hundreds of thousands of years. They have cared for, educated, nurtured, protected and guided many generations including current and future leaders. "As a country, we have a moral and social responsibility to care for our seniors and ensure that they have access to affordable healthcare, a decent place to live and services that support them as they age."

Seniors are an important segment of our community. We must always treat them with respect and dignity. The Ageing Well Committee is committed to encourage and support collaboration, coordination and action across all sectors of government and the community to address the opportunities and challenges of ageing and working toward *ageing in all policies*. Thank you, Madam President.

The President: Thank you, Senator Simmons-Wade. I believe you have a third Statement on the COVID-19 update. You have the floor. Continue.

COVID-19 UPDATE

Sen. Ianthia Simmons-Wade: Yes, I do. Thank you.

Madam President, Senate colleagues and the listening audience, I know everyone is aware that the Minister of Health provides daily updates on Bermuda's COVID-19 status. Nevertheless, it pleases me to be able to address this Honourable Chamber with some of the key issues that we need to take note of in our "new normal." [COVID-19](#) has changed the world, and with that change Bermuda has had to adapt. We are all well aware, of course, that Bermuda's testing regime has been extensive. We have conducted over 20,000 tests to date, ranking us 10th in the world on tests per capita. Over 14,000 individuals have been tested. Prior to the airport reopening, we had tested around 12 per cent of the population; however, with the traveller testing regime in place, about 23 per cent of these tests are repeat tests.

Madam President, I believe we are all aware that Bermuda has had a total of 156 COVID-19 cases, and that currently there are six active cases which are, thankfully, not hospitalised. All 10 new cases we have had this month were imported since the borders re-opened, with nine imported from Atlanta and one from Toronto. I will note that this information was as of Tuesday—Tuesday afternoon. Members of the public may have noticed that the number of tests carried out daily by the Ministry of Health continues to rise significantly. This is largely due to the opening of our borders to commercial flights. This has taken a tremendous amount of planning by teams in ministries across the government. Meetings take place daily with a core group of individuals who troubleshoot any issues, identify solutions and keep track of current and

future needs, pre-empting any possible issues, misinterpretations or policy tweaks. It is thanks to them that we have been able to successfully action this enormous undertaking.

In particular, I want to recognise our testing teams, who have been swabbing and processing over 500 tests a day, with those at the airport, at the various sites and at the government laboratory, testing hundreds of travellers daily. Their energy, enthusiasm and dedication to public health are beyond compare, and we must all be grateful for their efforts. The country owes them all a debt of gratitude as they keep us safe from COVID-19.

As the volume of travellers increases, our testing teams and their capability are becoming increasingly stretched. Incoming travellers are tested on arrival at their port of entry. They also have to comply with further tests on days four, eight and fourteen after arriving. In addition, visitors are required to have a negative COVID-19 test taken seven days before travelling to Bermuda. Then they have to quarantine in their rooms until a negative arrival test result is received around eight to twelve hours later.

Residents are not required to have a test before returning home; however, if they come in without it, they have to self-quarantine at home until their fourth test day. We encourage residents to test before returning to Bermuda for their own safety and convenience.

Madam President, with the long weekend coming up, it has come to our attention that some people, Bermudians, are trying to get tests locally as a pre-departure test for their return. This is not permitted. Once you leave Bermuda and you enter a jurisdiction with community transmission of COVID-19, you are at risk of being exposed. The pre-departure test needs to be taken in the place with community transmission. A test taken in Bermuda does not count as a pre-departure test for your return to Bermuda.

Our enforcement teams will be vigilant of this to ensure adherence to the law and its spirit. Returning residents with a pre-departure test taken before leaving Bermuda will be quarantined for four days on their return, per the Quarantine (COVID-19) (No. 3) Order 2020.

Madam President, the teams have been receiving many enquiries from employers across various sectors with regard to staff travelling overseas and then returning to work, the main question being, When can they safely return to work? The answer to this depends on whether the employee works in a high-risk setting such as one with medically vulnerable individuals or institutionalised populations such as a health care setting. If so, then those employees may want to consider avoiding nonessential travel. Of course, this is not always practical, and in those cases where workers have family overseas, an ability to travel and see loved ones could have a detrimental effect on that individual's mental health.

In those cases, we have to ask ourselves, *What is the safest way for these individuals to return to work after travel?* The gold standard is 14 days of quarantine with prescribed testing procedures to provide that extra layer of security. Employers should consider whether an employee can work from home during these 14 days. If they must return to work (with the requisite traveller testing), determine how they can minimise their contact with others as much as possible. Each employer must decide what this looks like for their employees. However, the Ministry of Health is currently in the process of developing further guidelines on this issue, which will be distributed shortly and posted to the government website.

Madam President, I want to urge everyone to continue to wash their hands frequently, use hand sanitisers before and after entering any store or public building, shield our medically vulnerable, avoid congregating in large groups, and continue to wear a mask and keep six feet apart if you are not wearing one. Physical distancing, mask wearing and hand hygiene are proven protective mechanisms, and we need to consistently be on our guard to ensure that we are maintaining these clinical standards for the foreseeable future.

Nobody knows for sure what our future holds, and we have to be cautious and safe in how we act today. It is more important than ever that we not take our collective eyes off the ball for even a moment. If we do, this could lead to increased numbers of patients requiring hospitalisation, critical care and, worse, more fatalities. We are a tiny island, and despite very good health care service delivery, it would not take much to overwhelm our health care system and the hospital.

Madam President, while COVID-19 did enter some of our care homes, unlike other countries our teams did a phenomenal job containing outbreaks and preventing the sort of outcomes we saw elsewhere. Yet despite this, 30 per cent of all cases and 30 per cent of all deaths were related to care homes, which is a stark reminder of the vulnerability of this population. We cannot slacken our standards to protect our seniors. We all have a huge responsibility to care for each other and to protect our vulnerable community. We are our brother's keeper and have an enormous responsibility to each other, to support and help each other and to protect one another.

In closing, Madam President, as a Government I can assure you we are doing all that we possibly can to protect you. However, it is essential that we all remember that ultimately it is our individual contributions that will go the furthest in determining how we, our families and our country fare.

Thank you, Madam President.

The President: Thank you, Senator Simmons-Wade.

The next Statement is the Ministry of Labour Update, and this is Senator Caesar.

You have the floor.

MINISTRY OF LABOUR UPDATE

Sen. Crystal Caesar: Yes. Thank you, Madam President.

Madam President, my remarks today will focus on updates in two areas within the [Ministry of Labour](#): (1) the unemployment benefit; and (2) the Department of Workforce Development.

Madam President, the public is aware that the Government's unemployment benefit, which was extended from 12 to 16 weeks, comes to an end on July 31st. At that time 3,802 applicants will receive their last payment. This number consists of 2,870 Bermudians, 172 spouses of Bermudians, 50 permanent resident certificate holders and 700 work permit holders. This will leave 1,555 individuals continuing to receive payments until their 16-week period ends.

With the end of the unemployment benefit, there remain many in our community who are not yet on their feet and still require financial aid to provide the necessities of life such as food, shelter and clothing. To address this, those individuals who have completed the unemployment benefit and are still in need of financial aid will need to first apply for financial assistance through the Department of Financial Assistance. From this past Monday, 27 of July 2020, Financial Assistance applications have become available from the lobby of Global House, 43 Church Street, Hamilton. Should anyone be unable to collect an application, they must contact the department to make alternative arrangements. For additional information, individuals can call the Department of Financial Assistance, and that hotline number, for the listening audience, is 297-7867.

When filling out the application form, please note that the form must be 100 per cent completed for the applicant to be considered for assistance. Once all the information is on the form, [it] must be submitted in the mailbox located in Global House. The financial assistance process is rigorous, and applications will be vetted and applicants will be notified accordingly. Should anyone's application for assistance be approved, they will begin receiving the approved monthly award payments.

For those persons who are not eligible for financial assistance, the Government wishes to advise that we will introduce supplemental unemployment assistance. And further details are forthcoming about the nature of that financial support in coming public announcements. However, eligibility for this support will likely be as follows: One must

- be a Bermudian or spouse of a Bermudian;
- be a [recent] recipient of the Unemployment Benefit Fund;
- have fully completed the Financial Assistance application process; and

- meet other criteria that will be shared in due course.

Persons who receive such a benefit must immediately notify Government when they commence any form of employment, as they will no longer be eligible. It must be stated that the aid given is only a temporary measure to help persons through this difficult time.

Madam President, the Department of Workforce Development provides assistance to individuals who are seeking employment by providing them with work-readiness training, career guidance, scholarships and bursaries for retraining, and apprenticeship opportunities. Due to the COVID-19 safety measures taken by the Government, the department had reduced its traditional activities to administer the unemployment benefit. As we continue in phase four, the department has recommenced with various services.

Services and programmes included the delivery of the Summer Internship Programme [SIP] for 50 high school students, who received a stipend of [up to] \$1,600 at the end of the four-week programme. Also ongoing is the 10-week Summer Employment Programme for college and university students, which also provides work experience and a weekly wage of \$600. The programme has 75 interns enrolled in it and lasts for a period of 10 weeks. In the area of Career Development, where officers engage with members in the public to provide job-readiness support, the department has begun meeting with clients virtually. Clients are also seen in-office where necessary to assist with updating résumés and work with employers to ensure unemployed persons are considered for job vacancies.

Madam President, the Training Section of the Department of Workforce Development discussions have resumed with external stakeholders such as employers, industry associations and other industry educational partners, regarding existing and new training programmes. The objective is to gauge the level of training, qualifications and employment opportunities available to Bermudians. Training officers are obtaining feedback on recommended short- and long-term programmes and services which need to be provided in the post-COVID-19 era in Bermuda.

Madam President, scholarship awards. Additionally, the department has collaborated with the National Training Board Scholarship Committee to offer 10 scholarships in 2020 for students studying in the areas of

1. hospitality;
2. information technology;
3. health care;
4. vocational; and
5. technical trades.

Those scholarship awards are to be announced in the next month.

The department continues to work with the Office of the Tax Commissioner to offer the payroll tax

exemption scheme, which provides relief for employers who are committed to training Bermudians. To date, a total of 11 companies and 23 Bermudians have been awarded approval for training.

The department is now implementing its strategic two-phase plan. The first phase aims to target industry sectors where there may be a reduction in work permit renewals, to identify opportunities to get Bermudians employed. The second phase focuses on developing a talent pipeline for Bermuda by (1) anticipating the future needs of the various industry sectors; (2) working collaboratively with industry partners to design and develop training programmes and apprenticeships; and (3) providing the funding in the form of scholarships and assistance to those individuals seeking further education to enable Bermudians to have the skills to compete. Ultimately, the plans focus on what is needed in this new era of COVID-19 to get Bermudians employed.

Also under the Training Section, the department offers national certifications in four designated occupations: (1) welding; (2) electrical; (3) automotive service technician; and (4) landscape gardening. The objective is to have all registered tradesmen in the four designated occupations obtain national certification.

Thank you, Madam President.

The President: Thank you, Senator Caesar.

We will now move on to our fifth Statement, and that is the Cup Match and Emancipation Celebrations. And this will be given by Senator Richardson.

You have the floor.

CUP MATCH AND EMANCIPATION CELEBRATIONS 2020

Sen. Anthony Richardson: Thank you, Madam President, and good morning again.

Madam President, based on how the pandemic is raging, ravaging communities across the globe, it should come as no surprise that our beloved Cup Match was by necessity cancelled this year in the traditional sense. However, Madam President, despite our disappointment, we saw this as an opportunity for the Department of Community and Cultural Affairs to focus on the crux and true meaning of the holiday. The emancipation of enslaved Bermudians is, in fact, the origin of Cup Match. And despite the current limitations on social gathering, our ability and desire to celebrate that origin is a signal of the deep roots of our culture and heritage.

Madam President, particularly now during this time of shared sacrifice and shared responsibility, the department has placed its focus on partnering with individuals, organisations and community groups to support and highlight not only the work that is being done in our community, but also those who have historically supported our celebrations and commemora-

tions of [Cup Match and Emancipation](#). This year the most significant collaboration is visible in our partnership with the Somerset Club and *St. George's Cricket Club!* We have worked closely with—

[Inaudible interjection and laughter]

Sen. Anthony Richardson:—Mr. Vashun Blanchette and Mr. Neil Paynter, to develop a series of events that have been endorsed by the clubs as our signature programme for the holiday. Additionally, Madam President, the Department of Community and Cultural Affairs has worked with cricketers, historians, Bermemes, [Department of] Libraries and Archives, CITV, Method Media, tour operators, musicians and Friendly Societies to provide opportunities for the public to learn about the connections between Mary Prince's narrative, published in 1831, the Emancipation on 1st August 1834, our first Cup Match in 1902, the establishment of the Cup Match holiday in 1947 and, of special significance this year, the establishment of Mary Prince Day in 2020.

It is clear that this observation has evolved over the years, but one thing has remained constant: No matter how it is celebrated amongst our citizenry from year to year, this remains our most culturally significant holiday, and we were determined that this year should be no different.

Madam President, in terms of educating our public about our history, Mrs. Shirley Pearman provided on July 21 about how the public art that we see on a daily basis throughout the City of Hamilton tells a larger story of the African–Bermudian resistance. There was also opportunity to tune in to a webinar on July 23rd hosted by Titan Express and featuring Rashida Godwin as she told stories of Emancipation gifted to us by Mary Prince and the Friendly Societies.

There was a socially distanced walking tour exploring Bermuda's Black Mecca from Princess Street to Union Street, narrated by Mr. Charles Jeffers on July 25th. These provided an ideal opportunity to learn more about this area of African–Bermudian economic empowerment.

The historical jewel in the crown will be a lecture by Dr. Clarence Maxwell made available to the public on our very first Mary Prince Day, as we talk about our eminent National Hero's struggle to freedom. Dr. Maxwell will follow this talk with another the following week on the 8th of August. A webinar hosted by the Department of Libraries and Archives, in collaboration with the Department of Community and Cultural Affairs, which will also feature Dr. Theodore Francis II, speaking about Black resistance, and Dr. Quito Swan speaking about the Black Power movement.

Madam President, for those who want to know more about Cup Match and our sporting legacies, from cricketers both current and seasoned, there has been a series of conversations and interviews posted

on CITV. We are also excited to partner with Method Media, who will provide a series of interviews that will give us the flavour of Cup Match, tapping into the heart and soul of why the holiday is one of our very, very favourites.

Madam President, Cup Match would not be Cup Match without a nod to at least some of the celebratory parts of the holiday. Bermemes and the Department of Community and Cultural Affairs are teaming up for a virtual Cup Match celebration. We will not spoil the fun by giving out the details at this time, but rest assured—this is not to be missed. The Department of Community and Cultural Affairs will also be organising an Emancipation Tribute Concert in collaboration with Bermemes made available online, as well as via CITV, to the public on Mary Prince Day.

Madam President, details for all of the information I have provided today are available on the Department of Community and Cultural Affairs website at www.communityandculture.bm. I encourage the public to take full advantage of the many and varied offerings and to celebrate the holidays safely. And if people go there, Madam President, you will see there is quite an extensive list of contributors that can be enjoyed.

Madam President, in February of this year, this Honourable Senate approved an amendment to the Public Holidays Act 1947 to rename the second day of Cup Match from Somers Day to Mary Prince Day. Madam President, at that time I advised the Honourable Senate that our National Hero, Mary Prince, is recognised on the world stage for the crucial role she played in the abolition of slavery throughout the British Empire by telling the painful story of her life as an enslaved person. It was only fitting that the second day of Cup Match be renamed for her.

Madam President, it is also fitting that we provide a suitable location for education and reflection not only on the legacy of Mary Prince, but of those who have followed her in pursuing social justice and came to Bermuda with the intention of inspiring those yet to come. To that end, the Department of Community and Cultural Affairs assembled an advisory committee comprising technical officers from the Departments of Education and Natural Resources, the Department of Lands and Buildings and the Ministry of Education; as well as experts in Bermuda's visual arts community, and members of the Department of Community and Cultural Affairs Emancipation Committee to consider a suitable site committed to Mary Prince.

Madam President, the committee has considered a number of sites, and based on their detailed recommendations, Devonshire Bay Park was determined as the most appropriate site. Mary Prince was born in Brackish Pond. Brackish Pond was the colloquial name at that time of the Parish of Devonshire, and most of the houses where she was enslaved were also in Devonshire. This site not only reflects her connection to Devonshire, but the park's good access,

central location, tranquillity and proximity to the ocean, facing south, as an acknowledgement of the part of her life spent in the Caribbean provides an ideal location to commemorate Mary Prince. Devonshire Bay has now been renamed.

Madam President, Minister Foggo announced in the House of Assembly on the 17th of July that Devonshire Bay Park will be renamed as Mary Prince Emancipation Park on Monday, the 27th of July—last Monday. Minister Foggo unveiled the new signage at the park, and I would encourage everyone to visit the park and take in the views south across the ocean and reflect on how far we have come, and yet how far we have to go.

Madam President, there will shortly begin a process of public consultation on the design and siting of a suitable monument in the park to recognise Mary Prince and provide a focal point for the public to visit and reflect not only on her life, but on the quest for social justice that continues to this day.

Madam President, I would be remiss in making a Statement regarding the importance of the history and heritage of Black Bermudians if I did not once again publicly acknowledge the loss of activist Dr. Eva Hodgson and, most recently, film legend Mr. Earl Cameron. They each fought against racism and segregation in totally different ways. And our narrative of who we are as a people is much, much richer with these two giants as part of our cultural tapestry.

Finally, on this note I wish all of Bermuda a happy and safe blue-and-blue Cup Match.

[Laughter]

Sen. Anthony Richardson: Thank you, Madam President.

The President: Thank you, Senator Anthony Richardson. And I believe you have a second Statement on the Middle School and School Reform Update.

Sen. Anthony Richardson: Yes, I do.

The President: You can continue.

MIDDLE SCHOOL AND SCHOOL REFORM UPDATE

Sen. Anthony Richardson: Thank you, Madam President. Madam President, those in the listening audience might also want to be advised that I have tried to go completely paperless today. And so far I think I have succeeded. I have got one piece of paper, but most of my things are digital.

The President: Good for you. Congratulations.

[Laughter]

Sen. Anthony Richardson: So, Madam President, on that note I am pleased to provide my fellow Senators with an update on the Government's pledge to reform our current education system that includes the phasing-out of [middle schools](#). The Government's 2017 winning election platform states that a long-term objective for education is to "reform public education by phasing out middle schools and introducing signature schools at the secondary level, which focus on the learning styles and interests of our children, including academic, technical and the trades, business, sports, arts, and special needs education." Within the same election platform, the PLP Government also pledged to "review and implement the recommendations from the ongoing Department of Education's Strategic Review . . ." This strategic review was officially released to the public in 2018 and is referred to as Plan 2022.

Madam President, in March of this year the Minister of Education informed the public of a long-term adaptive strategy in Plan 2022 which will be the guide for the planning for the phasing out of middle schools and the realignment of the current system, namely, Strategy 5.3.5, which states, "To ensure college and career readiness, [we will] review the current structure of schools (primary, middle, senior) and revise for maximum student success, including the consideration of special school designs to meet unique student needs or interests (5.3.5)."

Madam President, the Ministry of Education is currently overseeing the most substantial change to Bermuda's public education system in 20 years. Such a massive change cannot be done in haste, nor can it be done without constant collaboration with the stakeholders. As Plan 2022 was developed with extensive community input, the plan to reform our public school system will undergo similar scrutiny before any changes are made. To quote our Honourable Premier when asked about education reform in the House of Assembly, *We will measure not once, not twice but three times before we cut.*

Madam President, I am happy to inform my fellow Senators and the public that despite COVID-19 the planning to phase out middle schools and return to a two-tier system of grade (or primary) schools and signature (or high) schools has continued. Since the Minister's last update in March 2020, a *blueprint* for the future of the Bermuda Public School System has been developed. This blueprint has been shared with key stakeholders over the last two months, and their valuable feedback has been recorded. It will be used for the next stages of the plan development. During these last two months, we have presented this blueprint to the Cabinet; the PLP caucus group; the Opposition; the Board of Education; the Department of Education staff; primary school principals and pre-school administrators; middle school and senior school teaching staff; preschool and primary school teaching staff; executive members of PTAs for Hope Academy, primary, middle and senior schools; the Executive

Boards of the BUT, BPSU and BIU; the executive members of boards for all aided schools; and the Bermuda Educators Council.

Madam President, presentations are also planned for school custodians and administrative assistants, a cross section of students and members of the broader community.

Madam President, the blueprint developed is the result of two years of data collection, many collaborative meetings and studying of best international practice. We have a vision that sees changes to the education structure with the removal of middle schools, changes to the alignment of schools to accommodate new ways of teaching and changes in how teachers teach.

Madam President, the blueprint will see us look at our current curriculum to evaluate it and determine the best way forward. It is desired to see all schools provide equal access to quality education with enhanced delivery to provide

- a quality academic foundation;
- visual and performing arts;
- school sporting teams;
- entrepreneurship embedded throughout, as we want to produce employers and employees who are financially literate;
- schools that practise restorative practices to improve relationships among students and teachers;
- a reduction in disciplinary problems; and
- a building of communities.

Madam President, the blueprint calls for our grade (or primary) schools to expand to eight years with preschools located within the same schools. The last two years of grade (or primary) school will see our students exposed to City & Guilds and NCCER certifications, expanded dual enrolment with the senior schools, and employability skills—all designed to expose our students to a broader variety of potential life interests at an earlier age.

Madam President, the blueprint calls for signature (or senior) schools to expand to five years and ensure our students are exposed to work releases, apprenticeships, internships, Bermuda College dual enrolment, NCCER and City & Guilds certifications, signature certifications, leadership and employability skills, and ABRMS and other international certifications.

Madam President, the blueprint also calls for enhanced educators' qualifications as we look to not only transform the structure of the system but also our teaching system and methods. Educators entering the system will be expected to possess and undergo the following:

- qualifications, experiences and competencies that meet international standards;
- certifications;
- BEC licence;

- pass a locally created version of the Praxis examination;
- international certification (which should be recertified every five years);
- ICT certification;
- leadership development;
- 21st century evaluation system (current evaluation tool is called McREL);
- professional courses (separate from PD) required every two years;
- SCARS, TCI, MTSS [multi-tier system of supports] and Restorative Circles trained; and
- fit to work with children.

Recognising that current educators may not possess all of these skill sets, it will be imperative for the Department of Education to provide pathways for teachers to have access to professional development during the transformation process.

Madam President, our blueprint details the removal of middle schools and the revising of our current system. However, this work cannot be done by the Department of Education and our consultant, Innovation Unit, alone. The blueprint calls for the development and recruitment of school redesign teams. The persons who will serve on these teams will be predominantly teachers and leaders within the public school system and will engage parents, students, businesses, cultural and community organisations, other learning institutions and relevant government departments.

Madam President, additionally, the Ministry and Department of Education staff will collaborate with and support school design teams to test the feasibility and viability of the new models of teaching and learning, along with the assessment practices for the signature and grade schools, and develop and implement the workforce and technology strategies that best support and enable the redesigned schools and redesigned system.

Madam President, Plan 2022 Adaptive Strategy [5.2] calls for us to “develop a governance structure that both holds the Department of Education directly accountable to citizens through a board of education and that provides the Department greater autonomy for fiscal, human, and operational decisions” Some will read this as a call for an Education Authority as called for by BermudaFirst. This idea is still being considered, and discussions with BermudaFirst are still ongoing. However, the current governance structure will be evaluated, and the best structure for our system will be determined and presented in due course.

Madam President, I have repeatedly referred to the “blueprint” when referring to the future of the Bermuda Public School System. I have also stated that we recognise the need for collaboration and consultation to ensure we have a system that the Bermuda public have asked for through Plan 2022. In the coming months, we will begin more extensive consul-

tation to gather the public's feedback. When we have a blueprint (as we do) which calls for the reduction or consolidation of schools, repurposing schools and realigning the system, consultation is required. However, rest assured, the phasing-out of middle schools is absolute and will happen.

Madam President, we will make sweeping positive changes in how we educate our students. We will phase out the middle schools to introduce signature schools, which will have curriculums to address all professions including the trades and entrepreneurs needed in Bermuda and beyond, now and in the future, and for those students with special needs. We will transform our current system from three-tier to two-tier, based on best practices and genuine input from the Bermuda community. Our goal is to provide our children with the structure, resources and support to enable them to participate in, profit from and lead the 21st century economy of Bermuda.

Madam President, I ask fellow Senators and Bermuda as a whole to join us as we transform the Bermuda Public School System.

Thank you, Madam President.

The President: Thank you, Senator Anthony Richardson. Now I believe you have a third Statement, the Bermuda College Audited Financial Statements. You can continue.

BERMUDA COLLEGE: AUDITED FINANCIAL STATEMENTS 2018 AND 2019

Sen. Anthony Richardson: Thank you, Madam President. Madam President, I am pleased to lay the 2018 and 2019 [Audited Financial Statements for the Bermuda College](#), as stipulated in section 8 of the Bermuda College Act 1974, in the Senate today.

Madam President, I highlight that the 2018 and 2019 audited statements were both "unqualified," and as such, in the opinion of the Auditor General, the statements present fairly the financial position of Bermuda College at the end of each of the fiscal years, and the results of its operations, changes in its net assets and its cash flows. The Financial Statements indicate that Bermuda College had assets worth \$24.7 million and \$23.9 million in 2018 and 2019, respectively, and total liabilities of \$19.5 million and \$19 million, respectively.

Additionally, Madam President, it should be noted that the Bermuda College currently has no long-term debt. Cash and cash equivalents for the two-year period decreased by 5.3 per cent to \$3.5 million. The accounts receivable increased by 39.3 per cent to \$869,000, and the account payable increased by 12.3 per cent and stood at \$2.7 million at the end of the 2019 fiscal year.

Madam President, since there has been no major capital investment in Bermuda College, the capital assets continue to depreciate, and as of March 31,

2019, totalled \$16.6 million. However, with the establishment of the Bermuda College Foundation, it is expected that capital funding will be raised to upgrade the campus.

Madam President, during the two-year period, the Government grant to the Bermuda College has remained consistent while other revenue increased by \$666,000, or 12 per cent. However, over the same period the physical plant and maintenance expense increased significantly, resulting in a deficit of \$419,000 at the end of the 2019 fiscal period.

Madam President, during the past several years, Bermuda College and the Office of the Auditor General have been working assiduously to get the audits for the college up to date so that Bermuda College can be in compliance with the financial standards of its accreditors. The Bermuda College audits were put in arrears when a former Auditor General decided to cease auditing Bermuda College in 2003, as a result of the 2003 lease with the Coco Reef Hotel.

Madam President, the audits of the Bermuda College did not begin again until 2008, and then were put on hold once again from 2009 to 2011 when a writ was filed by the former Auditor General against the then Finance Minister and Bermuda College, relating to the extension of the term of the Coco Reef Hotel lease. Nonetheless, Madam President, the good news is that since 2011 Bermuda College has completed all outstanding audits, and with the tabling of these 2018 and 2019 audited statements the Bermuda College audits are currently up to date. Also, looking to the future, the audited file for the year ended March [31.] 2020, is in its final stages of preparation and was due to the Office of the Auditor General by the end of July.

Madam President, in closing, acknowledgement and thanks are given to the former Auditor General, Mrs. Heather Jacobs Matthews; the current Auditor General, Ms. Heather Thomas; and the team in the Office of the Auditor General for their efforts in helping to bring Bermuda College up to date with its audits. I also thank the faculty and staff at the Bermuda College under the leadership of President, Dr. Duranda Greene, for their support and continued commitment to deliver quality tertiary education to the broad community.

Thank you, Madam President.

The President: Thank you, Senator Anthony Richardson.

So the final Statement is the Drafting Office of the Attorney General's Chambers. And this is to be given by the Attorney General.

Senator Kathy Lynn Simmons, Government Leader in the Senate, you have the floor. Senator, Madam Attorney General.

Sen. the Hon. Kathy Lynn Simmons: Good morning, Madam President and Senators.

The President: Good morning.

DRAFTING OFFICE OF THE ATTORNEY GENERAL'S CHAMBERS

Sen. the Hon. Kathy Lynn Simmons: Madam President, I am pleased to inform Senators about the work of the Legislative [Drafting Office of the Attorney General's Chambers](#). The Drafting Office is a team of government lawyers (known as parliamentary counsel, or drafters) who specialise in drafting legislation for the Government. The Drafting Team works closely with government ministries and departments to translate policy into effective law. The Drafting Team's role will often begin when legislation is first being considered, and the team will remain involved throughout the parliamentary process in the House of Assembly and the Senate.

Madam President, in 2019 the Drafting Team drafted 195 items of legislation—56 Acts and 139 statutory instruments—that were passed or published. In 2020, the Drafting Team to date has drafted 115 items of legislation—31 Acts and 84 statutory instruments—that have been passed and/or published.

Madam President, these Bills/Acts and statutory instruments cover a wide variety of subjects. The Drafting Team's work over recent years has ranged from digital assets and FinTech to pensions, child safeguarding, modernisation of liquor licensing and criminal injuries compensation schemes, tourism investment, submarine communications cables, economic substance, beneficial ownership—to combating money laundering and financing of terrorism and proliferation, a regime for hemp products and the COVID-19 pandemic.

Madam President, in January of this year the Minister of Finance informed the Bermuda public about the excellent report received by Bermuda as evidenced in the Mutual Evaluation Report [MER] of Bermuda's system and framework to combat money laundering and financing of terrorism and proliferation. The Minister of Finance advised that the review was conducted by a team of independent experts from various countries who are members of the Caribbean Financial Action Task Force (CFATF) and that the first component included an evaluation of the compliance of Bermuda's legislative framework against the international standards.

Madam President, the legislation to combat money laundering and financing of terrorism and proliferation, which formed part of the first component in the CFATF assessment, was drafted by the Drafting Team, who translated the instructions of the National Anti-Money Laundering Committee (NAMLC) into law. The said legislation withstood evaluation by CFATF and notably contributed to Bermuda's excellent Mutual Evaluation Report with respect to Bermuda's legislative framework to combat money laundering and financing of terrorism and proliferation.

Madam President, in addition to the aforementioned, a senior drafter on the Drafting Team formed part of two of the Bermuda teams which appeared before the CFATF assessment team when they visited Bermuda with respect to the evaluation of Bermuda's legislative framework relating to terrorist financing and the discussion of Bermuda's digital assets legislative regime, then one of the first in the world, and its effectiveness from an anti-money laundering perspective.

Madam President, the Drafting Team continued to work tirelessly throughout the entire COVID-19 pandemic, both remotely and in-office, to take instructions and draft and refine drafts to deliver quality, effective legislation to implement the Government's strategy to keep Bermuda safe and healthy. Of the 84 statutory instruments drafted and published in 2020 to date, at least 30 of these were COVID-19 related. The subject matters ranged from declaration of the State of Emergency to shelter in place, social and physical distancing, quarantine and self-isolation, drawdown from pensions, "from scratch" unemployment benefit regime—to declaration of a curfew, refinement of the curfew and lifting of the curfew, and safe reopening of Bermuda for air travel and business.

Madam President, 15 Bills drafted by the Drafting Team have been passed by the House of Assembly during the month of July and are en route through the legislative process. The Drafting Team . . . and, Madam President, if I may name them, with your indulgence?

The President: Absolutely, Madam Attorney General, do so.

Sen. the Hon. Kathy Lynn Simmons: Thank you. The Drafting Team is headed by the Chief Parliamentary Counsel, Cathryn Balfour Swain, and the Deputy Chief Parliamentary Counsel, Lorraine Welch (with over 40 years of combined specialist legislative drafting experience). In addition, there are six drafters, Amani Lawrence, Miriam Rogers, Lauren Francis, Gwen Johnson, Brian Eaton and Lovette Tannock; one junior drafter, who is very good, Alsha Wilson; and four support staff, namely, Alicia Simmons, who is the legislative editor; Shanell Vaughn, who is the legislative database manager; Dorianne Hurdle, who is our legislative administrator; and Alicia Simmons, who is a legislative database administrator. Our support staff par excellence includes our database manager, who ensures that laws are consolidated and uploaded in real time to the Bermuda laws website, which is www.bermudalaws.bm, where they are available not only to the public, but also to persons around the world.

Madam President, I would like to extend my sincere thanks to the Drafting Team in the Attorney General's Chambers not only for their tireless work and service to draft and deliver effective legislation

during the COVID-19 pandemic, but generally as they work year-round as a team to deliver quality, effective legislation for Bermuda.

Thank you, Madam President.

The President: Thank you, Madam Attorney General. And I am sure the entire Senate body joins you in thanking your entire team.

Sen. the Hon. Kathy Lynn Simmons: Thank you.

INTRODUCTION OF BILLS

The President: There are none.

FIRST READING OF PUBLIC BILLS

TOURISM INVESTMENT AMENDMENT ACT 2020

TRUSTS (SPECIAL PROVISIONS) AMENDMENT ACT 2020

TRUSTS (SPECIAL PROVISIONS) AMENDMENT (NO. 2) ACT 2020

GOVERNMENT LOANS AMENDMENT (NO. 2) ACT 2020

INSURANCE AMENDMENT ACT 2020

CRIMINAL CODE AMENDMENT (NO. 2) ACT 2020

EXPUNGEMENT OF CONVICTIONS ACT 2020

The President: The following Public Bills have been received from the Honourable House of Assembly and are now read for the first time. Their titles are, respectively: Tourism Investment Amendment Act 2020; Trusts (Special Provisions) Amendment Act 2020; Trusts (Special Provisions) Amendment (No. 2) Act 2020; Government Loans Amendment (No. 2) Act 2020; Insurance Amendment Act 2020; Criminal Code Amendment (No. 2) Act 2020; and Expungement of Convictions Act 2020.

And these will be taken up on our Orders of the Day.

FIRST READING OF PRIVATE BILLS

The President: There are none.

QUESTION PERIOD

The President: Senators, we will now enter this phase. And the first Statement that we would entertain questions on is the Statement by Senator Simmons-Wade on the Public Procurement Policy Update.

Would any Senator care to ask questions on this Statement?

Sen. Jarion Richardson: I would, Madam President.

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

QUESTION 1: PUBLIC PROCUREMENT POLICY UPDATE

Sen. Jarion Richardson: Thank you. Good morning, Madam President and fellow Senators and the listening public.

With respect to the matter raised by the Junior Minister in her Statement wherein the exemption from the Code has been expanded to include additional categories, additional types of companies, please inform this Honourable House whether the risks [INAUDIBLE] have been assessed and documented prior to amending the Code. Thank you.

The President: Thank you.
Senator Simmons-Wade.

Sen. Ianthia Simmons-Wade: Yes, they have been.

The President: Senator Jarion Richardson.

SUPPLEMENTARY

Sen. Jarion Richardson: I have a supplemental.
And will that assessment and documentation be published or released to the public?

Sen. Ianthia Simmons-Wade: I would have to speak to the Minister as to whether or not they will be advertised. So I will take that question under advisement.

The President: Senator Jarion Richardson, you heard the response?

Sen. Jarion Richardson: Yes. Thank you. Yes, I did. And thank you, Madam President. Thank you, Honourable Junior Minister.

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

No. Then we will move on to the second Statement, which is the Ageing Well Committee. And this was also given by Senator Simmons-Wade.

Would any Senator care to ask questions on this Statement?

Hearing none, then we move on to the third Statement, which is the COVID-19 Update given by Senator Simmons-Wade.

Does any Senator care to ask questions on this Statement?

Sen. Marcus Jones: Yes, Madam President.

The President: Senator Jones, you have the floor.

Sen. Marcus Jones: Good morning, Madam President—

The President: Good morning again.

Sen. Marcus Jones: —fellow Senators, and good morning to—

Sen. the Hon. Kathy Lynn Simmons: Madam President.

The President: Yes, Senator.

Sen. the Hon. Kathy Lynn Simmons: I cannot quite hear Senator Jones. If he can increase the volume, I would be grateful.

The President: Senator Jones.

Sen. Marcus Jones: Okay. I will try again. How is that? Can you hear me now?

[Crosstalk]

Sen. Marcus Jones: Okay.

The President: Madam Attorney General, can you hear?

Sen. the Hon. Kathy Lynn Simmons: Okay. I have just increased our volume. So he can continue.

The President: Yes. Carry on, Senator Jones.

QUESTION 1: COVID-19 UPDATE

Sen. Marcus Jones: Thank you, Madam President.
Again, I would like to thank the Junior Minister of Health for giving us that update on the COVID-19.

My question would be, What are the protocols for workers and patrons in the seniors homes? When I say “protocols,” specifically what is the frequency of testing for those workers in the—

[Inaudible interjections]

Sen. the Hon. Kathy Lynn Simmons: That is not a part of [her] Statement.

Sen. Marcus Jones: —in the—

The President: Senator Jones, that is not a part of the Statement. Do you have another question?

Sen. Marcus Jones: I think that is an excellent question. I think the country needs to know. A lot of information was given to us, but that critical piece was not part of it.

But, no, Madam President, they do not have an answer. I do not have any other questions. Thank you, Madam President.

The President: Thank you, Senator Jones.

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

No. Then we will move on to the fourth Statement, which is the Ministry of Labour Update which was given by Senator Caesar. Would any Senator care to ask a question on this Statement?

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

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

QUESTION 1: MINISTRY OF LABOUR UPDATE

Sen. Michelle Simmons: Thank you, Madam President. Good morning, everyone.

The question is related to part of the Statement about the training scheme that enables companies to apply to the Office of the Tax Commissioner for payroll tax exemption. In the Statement, the Junior Minister mentioned that 11 companies have been awarded approval for training. This is good news, and I was wondering if it was possible to actually hear the names of those 11 companies (because it is good news). I know that there are 23 Bermudians associated with those training schemes. I am not asking for names there, but I wondered if we could hear the names of those companies. Thank you.

The President: Thank you, Senator Michelle Simmons.

Senator Caesar?

Sen. Crystal Caesar: I thank my colleague for the question. I too agree that this is very good news. Unfortunately, I specifically do not have those names offhand. I will take [this question] under advisement and ask the Minister if that is something that he can provide in due course.

The President: Thank you, Senator Caesar.

Senator Simmons, did you have a supplemental or a second question?

QUESTION 2: MINISTRY OF LABOUR UPDATE

Sen. Michelle Simmons: Thank you. I appreciate the effort that the Minister will take to get those names.

And I have one other question, and that is about the certifications at the end of the Statement. There are four occupations: welding, electrical, automotive service technician and landscape gardening. And my question is, How many certifications have actually been issued in each of those categories? I believe the certifications have been around for a few years now. And it would give members of the community, members of the public an idea of how extensive our certification in those areas [has now become].

Thank you.

The President: Thank you.
Senator Caesar?

Sen. Crystal Caesar: Thank you, Madam President. Again, I thank the Senator for her question.

Again unfortunately, I do not specifically have those numbers. I will liaise with the Minister to provide an update for the Members in the future, as again I believe that this is very relevant and good information to provide.

The President: Thank you, Senator Caesar.
Senator Michelle Simmons, do you have a supplementary?

Sen. Michelle Simmons: No. That is it for me. Thank you very much.

The President: Thank you, Senator Michelle Simmons.

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

Sen. Marcus Jones: Yes, Madam President.

The President: Senator Jones, you have the floor.

QUESTION 1: MINISTRY OF LABOUR UPDATE

Sen. Marcus Jones: Thank you, Madam President.
Has the Government considered extending the 10-week Summer Employment Programme, as many students are forced to stay on Island and do their studies online through the COVID-19 [pandemic]? We also realise that a number of the students were not able to get on to the programme. They may have been delayed a week or two. So I was wondering if the Government had plans to extend it, especially for those who were not able to benefit from the entire 10-week summer programme.

The President: Thank you.
Senator Caesar.

[Pause]

The President: Senator Caesar, did you hear the question?

Sen. Crystal Caesar: Yes. Sorry. We just had to unmute. My apologies. Again, I thank my fellow Senator for the question.

And in fact, I think that is actually a very good idea. Traditionally, this programme has run for only 10 weeks. And we actually can take something like that back to the Minister for consideration in these post-COVID-19 times. I am not aware of any specific discussions around extending the programme. However, like I said, that is a great idea and to be advised.

The President: Thank you, Senator Caesar.
Senator Jones, do you have a second question or a supplementary?

Sen. Marcus Jones: No. I just thank the Junior Minister for the answer and I look forward to a response in the future. Thank you.

The President: Thank you, Senator Jones.
Would any other Senator care to ask a question on this fourth Statement?

Hearing none, we will move on to the fifth Statement, which is the Cup Match and Emancipation Celebrations 2020 which was given by Senator Anthony Richardson.

Does any Senator want to ask a question on this Statement?

Sen. Dwayne Robinson: I would, Madam President.

The President: Is that Senator Robinson?

Sen. Dwayne Robinson: Yes. Good morning.

The President: You have the floor.

QUESTION 1: CUP MATCH AND EMANCIPATION CELEBRATIONS 2020

Sen. Dwayne Robinson: So I just wanted to ask if there had been any sort of consideration as to whether the Somerset Cricket Club will host Cup Match during a time when Cup Match is back on the table after COVID-19? Only because I know that the clubs tend to make their profits [by hosting], and I feel like if it goes to St. George's, maybe Somerset Cricket Club may lose out. And I am a Somerset fan, so, obviously, I have to check on my club real quick. So I just wanted to ask that question. Thank you.

The President: Thank you.
Senator Anthony Richardson, it is a question for you.

Sen. Anthony Richardson: Thank you, Madam President. I want to thank Senator Robinson for representing the correct colours today.

[Laughter]

Sen. Anthony Richardson: Given that his claim is to support the other team.

But anyway, consideration is being given to how to manage (politely) the financial aspects of the Classic. Because, of course, “losing out” (quote/unquote) for a full year might be a challenge. And I think . . . not, I think, *they did* state publicly that they will consider how best to manage that for next year. But they still intend to carry on the one year, about, so that our Cup Match can continue. So, thank you for that question.

The President: Senator Robinson, do you have a supplementary or second question?

Sen. Dwayne Robinson: No supplementary. Just that this is a uniform. It is not by choice.

[Laughter]

Sen. Dwayne Robinson: But I thank the Junior Minister for his answer. Thank you. No supplementary.

The President: Thank you.

Would any other Senator care to ask a question on the fifth Statement?

Hearing none, we will move on to the sixth Statement, which is the Middle School and School Reform Update that was given by Senator Anthony Richardson.

Would any Senator care to ask a question on this Statement?

Sen. Marcus Jones: Yes, Madam President.

The President: Senator Jones, you have the floor.

QUESTION 1: MIDDLE SCHOOL AND SCHOOL REFORM UPDATE

Sen. Marcus Jones: Thank you, Madam President.

I was wondering if the Junior Minister can clarify for us and the listening public. What was the empirical evidence that demonstrated the need to phase out the middle schools?

The President: Senator Richardson.

Sen. Anthony Richardson: Madam President, I do not have that detail at hand, that is for sure. But if he is looking at Plan 2022, it provides a significant reference point for what the current Minister of Education

is doing and how he explained the future movement in terms of phasing out middle schools.

The President: Senator Jones, do you have a supplementary or second question?

QUESTION 2: MIDDLE SCHOOL AND SCHOOL REFORM UPDATE

Sen. Marcus Jones: Yes, I do.

As per the Junior Minister’s Statement, the middle school phasing out will happen without a doubt. And I believe that the country realises that. My question would be, Will the number of staff within the Ministry throughout this reformation, will the numbers decrease? Will they increase? And with the added or [reduced] numbers, what will the plans be of the Ministry to deal with these staff levels?

The President: Senator Richardson.

Sen. Anthony Richardson: Madam President, I will oblige the Senator because that was not directly a part of the Statement. But the Senate will be aware that every year there are a number of persons who naturally retire from the system. Therefore, we can make adjustments through attrition, effectively, and not have a negative impact on the actual employment levels within Education.

But as I did say in my Statement, there is a significant level of collaboration in terms of what we decided to enforce. And that would be part of the process. The Statement also referred to the fact that the presentations have already been made to the executives of each of the unions, school principals and the educators in general. And so that would be part of their composition, going forward.

Thank you, Madam President.

The President: Thank you, Senator Richardson.

Sen. James S. Jardine: Madam President.

The President: Yes. Senator Jardine, you have the floor.

QUESTION 1: MIDDLE SCHOOL AND SCHOOL REFORM UPDATE

Sen. James S. Jardine: Thank you, Madam President. I just have a few questions here.

It was mentioned in the Junior Minister’s remarks that it was an intention to have the general community involved, presumably by way of town hall meetings. Could he confirm when he thinks those meetings might take place?

The President: Senator Richardson.

Sen. Anthony Richardson: Yes. Can I have all three questions and I will answer them, please?

The President: Senator Jardine, he would like you to present all of your questions.

QUESTION 2: MIDDLE SCHOOL AND SCHOOL REFORM UPDATE

Sen. James S. Jardine: Okay. I just had one more question, Madam President.

On page 4 of his presentation, it was quite an extensive laundry list of qualifications and experience and training that the various educators would require. And I am just wondering, has a plan been put together to start that process? And if so, when would that process start? Thank you very much, Madam President.

The President: Thank you, Senator Jardine.
Over to you, Senator Richardson.

Sen. Anthony Richardson: Thank you, Madam President, and Senator Jardine, for that question.

I will answer the second question first. Also on page 4 . . . and I recognise the list of qualifications that Senator Jardine referred to. But at the bottom of the Statement [it] says, "Recognising that the current educators may not possess all of these skill sets, it will be imperative for the Department of Education to provide pathways for teachers to have access to professional development during the transformation process." And so that encompasses again the underlying theme whereby there will be significant collaboration with all stakeholders to ensure the Government or the department does provide what is necessary for the educators.

And in terms of the first question, about the actual timing for town halls, I do not have that information because clearly it is going to be up the Minister and the Ministry to make those decisions. But there are many ways to engage the public. And what has been brought to the forefront, I guess, during the whole COVID-19 experience, is that beyond the in-person direction there are many ways to interact, via social media primarily, using CITV and otherwise. And based upon what the Ministry has done to date, I would anticipate that all of those options will be used to fully engage the general public, not excluding town halls, but also not exclusively town halls.

Thank you, Madam President.

The President: Thank you, Senator Richardson.

Would any other Senator care to speak on this Statement?

Sen. Dwayne Robinson: I would, Madam President.

The President: Senator Robinson, you have the floor.

QUESTION 1: MIDDLE SCHOOL AND SCHOOL REFORM UPDATE

Sen. Dwayne Robinson: Thank you.

I just wanted to ask a question about the new requirements for teachers to teach in this proposed system. And I just wanted to know if there have been any hurdles identified which may cause issues for teachers who do not have these, as stated in the Statement, to achieve this. And if there are hurdles, what happens if a teacher is unable to gain these new requirements?

Sen. Anthony Richardson: Madam President?

The President: Yes, yes. Carry on, Senator Richardson.

Sen. Anthony Richardson: Reflecting the constructive approach that is taken by the Minister of Education, I would not say that there are hurdles; rather, there are opportunities. And so to the extent that there is a need to recognise and address some of these things, they represent educational opportunities for all of the educators. And if we consider the regular process through the Bermuda Educators Council, this is all part of that. And so to the extent there is a need to adjust, you know, to meet the educational requirements of the students, I expect that that would occur.

I will say, though, to underscore all professionals, is that when you are training or getting something qualified, you actually develop core competencies, and you always can update those as you go forward. And I expect the same would occur with the educators. I made a comment in one of the previous sessions in terms of how the educators had to adjust to the remote tools for learning and did that successfully. And I would expect the same to occur as we go through this process.

Also, to recognise that there is going to be some natural reluctance, I suppose. But again, being constructive and going forward, then we will work together to make sure that those things are seen as opportunities as opposed to hurdles.

The President: Thank you, Senator Richardson.

Senator Robinson, do you have a second question or a supplementary?

Sen. Dwayne Robinson: No. I thank the Junior Minister for that. I have no supplemental.

The President: Thank you.

Would any other Senator want to ask a question on this sixth Statement before we move on?

Hearing none, we will move on to the seventh Statement, which is the Bermuda College Audited Financial Statements for the financial year. Would any

Senator care to ask questions on this seventh Statement?

Hearing none, I will move on to Statement number eight, which is the Drafting Office of the Attorney General's Chambers that was given by the Attorney General.

Would any Senator care to ask questions on this Statement?

Sen. James S. Jardine: Madam President.

The President: Senator Jardine, yes. You have the floor.

Sen. James S. Jardine: Madam President, if you would permit me, I do not wish to ask any questions. But I do want to again echo the comments of the Attorney General on the extremely hard work and capable staff that she has working for her. Certainly my experience when I was involved in Bermuda's CFATF assessment, prior to that was the drafting of many, many pieces of legislation. I was impressed, extremely impressed with the ability of all of the people working on that. And I would certainly support and echo the comments that she has made about their diligence and very hard work. Thank you, Madam President.

The President: Thank you, Senator Jardine.

ORDERS OF THE DAY

The President: That takes us now, Senators, to the Orders of the Day. And the first Order of the Day is the second reading of the Tourism Investment Amendment Act 2020. And that is in the name of Senator Caesar. Senator Caesar, you have the floor.

Sen. Crystal Caesar: Thank you, Madam President.

The President: Yes. You will have Standing Order 25?

Sen. Crystal Caesar: Yes, I do. I am just arranging my papers. Hold on, please.

The President: Okay. You can continue when you are ready.

STANDING ORDER 25

Sen. Crystal Caesar: Thank you.

Madam President, I move that the provisions of Standing Order 25 be granted so that the Senate can now proceed with the second reading of the Public Bill entitled the Tourism Investment Amendment Act 2020.

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

[Motion carried: Leave granted for the Tourism Investment Amendment Act 2020 to be read a second time on the same day as its first reading.]

Sen. Crystal Caesar: Thank you, Madam President.

Madam President, I move that the Bill entitled the Tourism Investment Amendment Act 2020 be now read for a second time.

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

BILL

SECOND READING

TOURISM INVESTMENT AMENDMENT ACT 2020

Sen. Crystal Caesar: Thank you, Madam President.

Madam President, the purpose of the [Tourism Investment Amendment Act 2020](#) before the Senate is to make amendments to the Tourism Investment Act 2017, which will clarify certain provisions and allow for a more efficient and effective use of the Act and the orders made under the Act.

Madam President, Senators may recall the Tourism Investment Act 2017 (the Act) became operative in November 2017. The primary objective of the Act is to make Bermuda more attractive to foreign investors and to incentivise and assist local tourism-related business owners to reinvest in their product.

The Tourism Investment Act provides a scale of tax relief for five new types of tourism products, including (1) a new hotel; (2) a refurbished hotel; (3) a new restaurant; (4) an existing restaurant; and (5) an attraction. The relief available under the Act ranges from one year to a maximum of ten years, depending on the level of investment made in and the type of tourism product.

With a new hotel, for example, the Act allows for full exemption from land tax starting six years after a hotel's opening date, subject to verification that the hotel in years six through ten employs 70 per cent Bermudian staff, and deferral of landholding charges payable under the Immigration and Protection Act 1956.

The first Order approved under the Act, the Tourism Investment (Bermudiana Beach Resort) Order, came into effect in early 2019.

Consequent to the Order being in use, the Government has identified four amendments and clarifications that ought to be made to the principal Act. First, Madam President, the principal Act allows for relief from customs duty in the case of a new hotel, for example, for 10 years from the hotel's opening date. However, the need for duty relief is significant during the construction phase, which predates the hotel's opening. Therefore, the Government proposes

to amend the period of custom duty relief so that it begins when the Order comes into effect.

Second, the principal Act provides two timeframes for the completion of the rehabilitation, refurbishment or extension work associated with a refurbished hotel: two years in the interpretation section of the Act, and 18 months in Schedule 1. A review of the original policy confirms that the intention is to allow two years for the completion of the work, which satisfies the definition of “a refurbished hotel.” As such, the Government . . . (I am sorry, Madam President, bear with me.)

Sen. James S. Jardine: Madam President, I am having difficulty hearing Senator Caesar. She keeps coming and going. I do not know if she is far away from the microphone or . . . I do not know if anybody else is having trouble, but her voice keeps coming and going.

[Inaudible interjections]

The President: Senator Caesar, can you adjust your microphone?

Sen. Crystal Caesar: Yes. We are just doing that now. So bear with us, please.

The President: Thank you.

[Pause]

Sen. Crystal Caesar: I will start again. Okay. Madam President, apologies. I will start with this paragraph again.

The Tourism Investment Act allows for relief from customs duty and the employer’s share of payroll tax to be extended to restaurants and for customs duty relief to be extended to attractions.

When the Act came into effect, there was a sunset clause of five years on its application to restaurants and attractions. Since 2017, however, no restaurants or attractions have taken advantage of the relief available for renovations and improvements. A recent exercise undertaken by the Bermuda Business Development Agency (or the BDA) revealed a lack of knowledge about how the legislation works. Given that much of the original period of eligibility for tax relief for restaurants and attractions has already passed, the Government proposes an amendment which would extend the application of the Act for a further five years, for a total of ten years.

Fourth, Madam President, the Government proposes to provide more time to developers of attractions to complete their projects. As it stands, tourist attractions are largely seasonal in nature, and an adjustment in the timeframe from one year to three years will better facilitate the financing and construction of a new attraction.

Madam President, the final amendment is a consequential one. The [Tourism Investment \(Bermudian Beach Resort\) Order 2018](#) is being amended to change the period of customs duty relief to commence from the date the Order came into effect, rather than the hotel’s opening date. This is in line with the amendment mentioned earlier, which is being made to the Act now.

Madam President, I welcome comments from my colleagues at this time.

The President: Thank you, Senator Caesar.

Would any Senator care to speak on this Bill?

Sen. Marcus Jones: Yes, Madam President.

The President: Senator Jones, you have the floor.

Sen. Marcus Jones: Thank you, Madam President. The original Hotels Concession Act—

The President: Senator Jones, you need to speak up or adjust your microphone as well.

Sen. Marcus Jones: Okay. All right.

The President: Thank you.

Sen. Marcus Jones: All right. I will try and speak closer to the microphone. Is this better, Madam President?

The President: That is better.

Sen. Marcus Jones: Thank you.

The original Hotels Concession Act 2000 was designed to stimulate investors in the hotel industry. Any hotel development or redevelopment that the Minister of Tourism deemed as in the national interests of Bermuda could apply for certain tax relief. Those were the lean days of hotel development. The Government of the day was looking to find ways to incentivise investment.

This amendment is another step in the evolution of hotel concessions Bills which at this time we have seen the completion of the development of two major hotel projects, namely, St. Regis and Azura, under an OBA Government and a continued redevelopment of two hotel properties whose investment order we will be discussing today, namely, St. George’s Club and Rosewood Bermuda. As good as these concessions are in motivating hotels to invest in the development of the physical capital, we can appreciate the Tourism Act 2017 incentivising its developers to invest in the human capital. This legislation does this by making part of its criteria [for] the allowance of [the] land tax exemption [being that] its staff [shall] be made up of 70 per cent Bermudians.

Maybe now is the time to up the ante on Bermudian representation in the executive level of staffing. For a jurisdiction that boasts 150 years in the tourism business, it would not be unreasonable to expect a larger number of Bermudians to fill that role. A suggestion of 40 per cent of the personnel on the management level be Bermudian as a minimum requirement for eligibility for these concessions sounds about right. If Government policy mandates that companies be allowed 60 per cent foreign ownership, but the requirement for a board of directors be 60 per cent Bermudian, then this proposed criterion is not unreasonable.

This will put greater responsibility on hoteliers to be looking not only to hire Bermudians, but to train them up to the executive level. Bermudians playing an integral role at this level would demonstrate to the Minister and Bermuda in general that this hotel's training regime is not just window dressing.

We support this legislation, Madam President.

The President: Thank you, Senator Jones.

Would any other Senator care to speak on this Bill?

Hearing none, then Senator Caesar.

Sen. Crystal Caesar: Thank you, Madam President. I thank my colleague for his comments. I would like to state that these obviously are consequential amendments and [are] enhancing the effectiveness of this particular piece of legislation.

And with that, Madam President, I would like to move . . .

The President: Yes. Carry on.

Sen. Crystal Caesar: Okay. I would like to move that the Bill entitled the Tourism Investment Amendment Act 2020 be now read for a second time.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Caesar.

SUSPENSION OF STANDING ORDER 26

Sen. Crystal Caesar: Thank you, Madam President.

I move that Rule 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

TOURISM INVESTMENT AMENDMENT ACT 2020

Sen. Crystal Caesar: Thank you, Madam President.

I move that the Bill entitled the Tourism Investment Amendment Act 2020 be now read a third time.

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

No objection.

Sen. Crystal Caesar: Thank you, Madam President.

I move that the Bill do now pass.

The President: It has been moved that the Bill do now pass.

Is there any objection to that motion?

No objection. The Bill entitled the Tourism Investment Amendment Act 2020 is passed.

[Motion carried: The Tourism Investment Amendment Act 2020 was read a third time and passed.]

The President: Thank you, Senator Caesar.

I believe you have the second item, consideration of the draft Order, Tourism Investment (St. George's Club) Order 2020. And you can continue when you are ready.

SUSPENSION OF STANDING ORDER 71(2)

Sen. Crystal Caesar: Thank you, Madam President.

Madam President, I move that Standing Order 71(2) be suspended so that Senate may now proceed with consideration of the Tourism Investment (St. George's Club) Order 2020.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Caesar.

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

Sen. Crystal Caesar: Thank you, Madam President.

I move that the Senate do now undertake consideration of the draft Order entitled the Tourism Investment (St. George's Club) Order 2020.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Caesar.

ORDER

TOURISM INVESTMENT (ST. GEORGE'S CLUB) ORDER 2020

Sen. Crystal Caesar: Thank you, Madam President.

Madam President, the purpose in bringing the Tourism Investment (St. George's Club) Order 2020 before these Honourable Chambers is to enable the grant of tax relief to the developers investing in this combination hotel and timeshare operation.

Madam President, Senators will recall the Tourism Investment Act 2017 (or the Act) became operative in November 2017. The Tourism Investment Act provides a scale of tax relief that can be accessed by developers through the grant of an Order approved by this [Senate].

As background, Madam President, the St. George's Club was developed in 1982 on the site previously occupied by the St. George's Hotel. The original development was undertaken by York-Hanover (BDA) Ltd. The property changed hands in 1994, and this year Hotelco Bermuda SGC Ltd. (or Hotelco) took it over. The developers of the St. George's Club and the St. Regis Bermuda (currently under construction adjacent to Fort St. Catherine) have the same parent company.

The St. George's Club features a main club [house] and 57 cottage buildings divided into 71 units. Over time, the use of the cottages has evolved into a mix of timesharing and hotel operations. As such, the Club has a hotel licence pursuant to the Hotels (Licensing and Control) Act 1969 and is also licensed pursuant to the Timesharing (Licensing and Control) Act 1981. The property amenities include three swimming pools, three tennis courts, and a restaurant located at Achilles Bay.

It is the intention of Hotelco to fully renovate the St. George's Club: the interior elements and exterior finishing of the cottages; the main clubhouse and the beach house will undergo a complete intervention to elevate the standard of the hotel to a four-star accommodation, incorporating a new gym and spa. This renovation will include new furniture, fixtures, equipment, air-conditioning, floor coverings, ceilings, windows, doors and bathrooms, as well as a comprehensive repair or replacement of the water infrastructure.

The members of the timeshare operation have purchased a limited period of occupancy in a club cottage, typically one week per year for [25] years. The Government can assure these Chambers that the members will continue to enjoy their rights under the new ownership, just in new and improved surroundings.

The schedule for the renovation of the Club is currently under review. The investment in the comprehensive renovation of the St. George's Club is such that the project meets the criteria as a new hotel, in accordance with the Tourism Investment Act 2017; that is, the redevelopment of an operating hotel with the estimated development cost of not less than 50 per cent of the appraised market value of such hotel and expended over a period not exceeding three years.

In meeting the criteria for a new hotel, the Act allows the Club to receive, in summary: full relief from customs duty for a period of 10 years; full exemption from hotel occupancy [tax] for a period of 10 years; full exemption from the employer's share of the payroll tax for a period of 10 years, subject to annual verification of a management training programme for Bermudians; and full exemption from land tax for 5 years, starting 6 years after the hotel's opening date, subject to verification that the hotel, in years 6 through 10, employs at least 70 per cent Bermudian staff.

Madam President, this Government is well aware of the challenges ahead for our Island. The commitment and confidence demonstrated by Hotelco and the Purroys are recognised and deeply appreciated. Bermuda cannot rest on past laurels. The constant renewal of our hotel product is critical, and this investment Order will help significantly in achieving this end. Thank you, Madam President.

The President: Thank you, Senator Caesar.

Would any Senator care to speak on this Order?

Sen. Marcus Jones: Yes, Madam President.

The President: Senator Jones, you have the floor.

Sen. Marcus Jones: We are very pleased with this Tourism Investment Order for the St. George's Club. We know that this particular piece of property played a very integral role—

The President: Senator Jones, you are fading a bit. Can you speak a little louder? (Sorry.)

Sen. Marcus Jones: Yes. Sorry about that.

We support this legislation and this Order, and I believe it is going to be very good for those who work in the eastern end of the Island, and for visitors alike. Thank you, Madam President.

The President: Thank you, Senator Jones.

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

Sen. James S. Jardine: Madam President.

The President: Yes. Senator Jardine, you have the floor.

Sen. James S. Jardine: Thank you, Madam President. I thank the Junior Minister for the presentation on this.

I obviously support this. I think it is important for the development of this property in particular. I have had cause to drive around it recently, and it certainly is in need of some update and work; there is no question about it.

Just a general comment and I guess a question. Through a number of these pieces of legislation today and certainly over the past number of years, the Government has waived substantial amounts of taxes, whether it be land taxes, hotel occupancy tax and so on. And I know at one point we used to keep track of or we did keep track of how much taxes we were in fact allowing to be waived. And I know it is difficult in some cases to determine how much this would be.

But it would be useful at some point in time if the Government could produce a document which would give us some indication of the amount of duty—for example, land taxes, payroll taxes, hospital occupancy tax—that the Government has indeed waived over the last, say, five years so that we could have some indication as to how much we are actually forgiving by way of taxes in order for these developments to occur. Because the periods of time for which we are forgiving some of these taxes are extensive, for up to 10 years.

And I guess the question is, Would these developments have invested the money to revitalise them if there were not these opportunities in place? And so I think, I guess my one question would be, Does the Government have any intention of trying to provide us with some indication of the total amounts of taxes, particularly those that can be calculated fairly easily, like land taxes, for example, and payroll taxes, so that we could have some idea of the tax levels that Government is forgiving on these projects?

Thank you, Madam President.

The President: Thank you, Senator Jardine.

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

Sen. Anthony Richardson: Yes, Madam President.

The President: Yes, Senator Anthony Richardson. You have the floor.

Sen. Anthony Richardson: Thank you, Madam President.

I just want to give a quick comment in terms of my more than re-endorsement of what is proposed to be the St. George's Club. Wearing my blue-and-blue today, but also being someone who grew up in the area, I do recognise the impact that the development has had in St. George's over many, many, many years now. And I look forward to its redevelopment and re-invigoration (if that is the right way to put it). And in addition to that, to encourage all those who stay in the environment of the St. George's Club, whether they be St. Georgians or otherwise in the East, to look at this as an opportunity to prepare themselves for the future.

We spoke earlier in terms of changes in the education system to benefit Bermudians or Bermuda residents, I guess. And this is another one of those

things in terms of, we can all anticipate what are the core requirements from the current point of view for any hotel development, whether it be providing (I want to say) limousine services, whether it be providing catering services, whether it be providing being the employer. Senator Jones referred earlier in terms of there is a significant component in the hotel industry that we do not necessarily appreciate when it comes to senior leadership. You have to employ, of course, accountants and HR people and a whole host of people.

And what Bermudians have been known for in the past, and I recall, you know, back in the day, as they say, when we went to university, many of the males in particular worked in the dining rooms. And it is interesting the level of interaction that you get with guests, how much they appreciate it. And from my perspective, they get a more genuine experience for their vacation. And some of the cricket games would be that you are serving them breakfast, for example. And their question would be, *Well, what should I do today?* And you could give them some suggestions. And then at dinner, they would recount what happened during the day and, *What's next?* And so we were always able to add flavour to their vacation. And in many cases, you [would] develop long-term friendships from doing that.

And so, what am I saying? It is for all of us now, particularly those in the St. George's area, to start to look at this. And it may be two years down the road, but let us prepare ourselves. We may have a job to do right now that we may not necessarily be fully invested in. But let us look to the future and prepare ourselves, because tomorrow is coming. And there is no point in tomorrow coming without us being prepared. And that is for those of us who may be both old and young, or as we have heard today a new terminology, "pre-senior." Not quite sure what that means, but we might be pre-seniors also. We can take advantage of these opportunities. So thank you, Madam President.

The President: Thank you, Senator Anthony Richardson.

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

No. Then, Senator Caesar.

Sen. Crystal Caesar: Thank you, Madam President. I thank my colleagues for their support and positive comments about this particular Tourism Investment Order.

I will just, I guess, respond to Senator Jardine with regard to tracking the taxes that are being waived, particularly land tax, payroll tax, et cetera. I am told that the Ministry of Finance does an analysis to see what types of taxes or potential taxes, which I agree may be somewhat . . . all of the taxes may be somewhat difficult to track, as how would one know

potentially what one would be making in these times? So one would not necessarily know. But I guess land tax in particular, and potentially payroll tax, an analysis could be done in the future. And if not already done, I am assuming that, based on his comments, this will obviously be taken under advisement by the Ministry of Finance and such—and announced; it can be provided at some time in the future.

So with that, Madam President, I move that the said draft Order be approved and that the following message be sent to His Excellency the Governor:

May it please Your Excellency:

The Senate, having had under consideration the draft Order entitled the Tourism Investment (St. George's Club) Order 2020 proposed to be made by the Minister responsible for Tourism with the written agreement of the Minister of Finance, under the provision of section 5 of the Tourism Investment Act 2017, has the honour to inform Your Excellency that the Senate has approved the said draft Order.

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

An Hon. Senator: No.

The President: Hearing none, the Order will be passed. The message will be sent to the Governor.

[Motion carried: The Tourism Investment (St. George's Club) Order 2020 was approved.]

The President: Thank you, Senator Caesar.

We will move on now to the third item on our Orders of the Day. And this is consideration of the draft Order entitled the Tourism Investment (Rosewood Bermuda) Order 2020.

And, Senator Caesar, this is your Order. You can continue when you are ready.

SUSPENSION OF STANDING ORDER 71(2)

Sen. Crystal Caesar: Thank you.

Madam President, I move that the Standing Order 71(2) be suspended so that the Senate may now proceed with consideration of the Tourism Investment (Rosewood Bermuda) Order 2020.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Caesar.

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

Sen. Crystal Caesar: Madam President, I move that the Senate do now undertake under consideration the draft Order entitled the Tourism Investment (Rosewood Bermuda) Order 2020.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Caesar.

ORDER

TOURISM INVESTMENT (ROSEWOOD BERMUDA) ORDER 2020

Sen. Crystal Caesar: Madam President, the purpose of bringing the Tourism Investment (Rosewood Bermuda) Order 2020 before this Honourable House is to make available to the Rosewood Bermuda Hotel the tax relief allowed under the Tourism Investment Act 2017.

Madam President, Senators will recall that TP Holdco Limited, an affiliate of Gencom Acquisitions LLC, and Gencom acquired Tucker's Point Hotel and Resort in 2016 from a three-year receivership period. At the time of the acquisition, the Tourism Investment Act had not been laid before Parliament. Therefore, TP Holdco Limited submitted an application for a hotels concession order in respect of the hotel's proposed redevelopment. And in June of that year, the Hotels Concession (Tucker's Point Hotel and Resort) Order 2016 was approved by this Chamber.

The concession Order entitled TP Holdco Limited to: full relief from customs duty until one year after the hotel's opening date in respect to any building materials, furnishings, fixtures and equipment which are necessary for the building, furnishing and equipping of the hotel redevelopment; five years of relief from land tax up to an amount not exceeding \$103,000 in each year of assessment from the hotel's opening date; five years of relief from hotel occupancy tax for an amount equal to the sum spent by the hotel on marketing the hotel's redevelopment up to an amount not exceeding \$2,760,000 in each year of assessment from the hotel's opening date; five years of relief from hotel occupancy tax for an amount equal to the sum spent on Bermudian entertainment up to an amount not exceeding \$84,000 from the hotel's opening date; and five years of relief from the employer's share of payroll tax for an amount equal to the sum spent on training Bermudians up to an amount not exceeding \$228,000 in each year of assessment from the hotel's opening date.

Upon acquisition of the property and the grant of the Hotels Concession Order, Tucker's Point Hotel [was] rebranded as Rosewood Bermuda. It underwent a redevelopment and revamp of rooms, food and beverage, including a new lobby bar, the golf club, the spa, and fitness areas and the beach club. In addition, there was upgrade of furniture, fixtures and equipment in the Harbour Court fractional units.

In November 2019, the Tourism Investment Amendment Act 2019 became operative. This Amendment Act amended the Tourism Investment Act 2017 so that it applied to specific hotel developments

presently using a hotels concession order made under the Hotels Concession Act 2000. TP Holdco Limited then submitted an application for the making of a tourism investment Order for Rosewood Bermuda.

Madam President, the investment in the comprehensive renovation of Rosewood Bermuda was such that the project met the criteria as a new hotel in accordance with the Tourism Investment Act, the definition of which I read with the preceding Order.

In meeting the criteria of a new hotel, the Act allows Rosewood Bermuda to receive, in summary, full relief from customs duty for a period of up to 10 years; full exemption from hotel occupancy [tax] for a period of up to 10 years; full exemption from the employer's share of payroll tax for a period of up to 10 years, subject to annual verification of a management training programme for Bermudians; and full exemption from land tax for 5 years starting 6 years after a hotel's opening date, subject to verification that the hotel in years 6 through 10 employs 70 per cent Bermudian staff.

Madam President, please note an important caveat. The Tourism Investment Act requires the tax relief already received by Rosewood Bermuda, pursuant to the Hotels Concession Act, be taken into account. This is to ensure that the period for which tax relief is granted pursuant to the Tourism Investment Act does not exceed the relevant period, in this case, 10 years. In this regard, the opening date of the hotel is set at the 1st of January 2018.

Madam President, this Government will continue to work with our hotel development partners to ensure our tourism product is fresh and modern, and the tax relief available under the Tourism Investment Act plays an important part. Thank you, Madam President.

The President: Thank you, Senator Caesar.

Would any Senator care to speak on this Order?

Sen. Marcus Jones: Yes, Madam President.

The President: Senator Jones, you have the floor.

Sen. Marcus Jones: As one of Bermuda's premier hotels, Rosewood Bermuda has proven to be a hotel colony that believes in constantly reinvesting into its physical plant. So this legislation, which provides further relief of taxes, has been well earned.

We support this. Thank you, Madam President.

The President: Thank you, Senator Jones.

Would any other Senator care to speak on this Order?

Senator Jardine, you have the floor.

Sen. James S. Jardine: Madam President, I certainly support this Order. I think it is important that some of our newer hotels are kept at a very high standard, which this one is. It attracts tourists to the Island and certainly is a Bermuda flagship when it comes to, shall we say, facilities that offer a variety of things for tourists to do on the islands. And so I do support this legislation.

Thank you very much, Madam President.

The President: Thank you, Senator Jardine.

Would any other Senator care to speak on this Order?

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

The President: Senator Campbell *[sic]*. Senator Campbell, *[sic]* yes. You have the floor.

Sen. Anthony Richardson: [This is] Senator Richardson.

The President: Oh, Senator Richardson. I am sorry. But—Senator Richardson, I am sorry. You have the floor.

Sen. Anthony Richardson: It is no problem.

Madam President, I declare my interest in terms of [the fact that] the Rosewood/Tucker's Point is in the broader area that I live in. But I will repeat my comments from earlier in terms of the St. George's Club. The Rosewood/Tucker's Point has definitely made a significant impact in the tourism arena. And visually, it is stunning for sure when you are there and you look out over the waters, for example, the greenery, the golf course. They have lots and lots of activities. There are many (I want to say surprising) boating activities. And I was there not long ago and was informed that whilst they are primarily focused on the guests, they are more than welcoming to Bermudians to also come and participate in terms of jet skis and boat rentals, and there is actually going to be a new water park established if it has not been already completed.

My main point, though, is that whilst we certainly recognise the significant impact that the hotel is to have, there is an important balance in terms of the impact on employees. Again, trying to emphasise, Bermudians being employed, knowing that there is a significant requirement and a variety of employees who are required, and for us as Bermudians or Bermuda residents to make sure that we avail ourselves of these opportunities. And clearly, in this particular case with the Rosewood/Tucker's Point, they have lots of need for a variety of employees who are . . . and some of which, obviously, very well paid. And so let us not look at it as if it is only for low-skilled per-

sons to work there. There is, as I said earlier, a significant variety.

And also in terms of demographics, within the hotel sector you do have that significant variety in terms of, you may start out as a younger person, almost in your pre-university days in the dining room, let us say, or in maintenance or whatever. And then you can actually grow your way through the industry over time. What has been in my mind quite interesting is the ability to work at a hotel. And in Bermuda, of course, we emphasise, let us say, the period between maybe April or May down to September. But the hotels are part of a chain. And you can in the so-called shoulder seasons of Bermuda go and work in a hotel in another jurisdiction. And by doing so, again you are able to significantly expand your individual skill sets. And in some cases, it ends up whereby you are able to get posted overseas for an extended period, then come back and be the general manager or [work] in another senior capacity.

So clearly, we do support what is taking place. There were some earlier comments in terms of there are other significant hotel redevelopments on the table, and we are looking for them to come to fruition. As a result of COVID-19, there has been a significant reduction in tourists coming to Bermuda. But all of these things do tie together. And I do know from my own experience that there now is still the significant request for persons to come to Bermuda. And as long as we are able to maintain what the Premier describes as (I think he called it) *the world's most stringent taxing regime*, that there is a go forward.

And I will say on that note, too, that again from experience, it is interesting to see how persons do, notwithstanding the need to be tested effectively five times with the nasal swabs, they still come. And I have had cases whereby they do comment that Bermuda has been a significant relief to them notwithstanding the tests. And in some cases, they have [decided] to extend their vacations after being here and recognising how it is safe and how pristine the Island is.

And so with those comments, clearly I do support what is being proposed today.

Thank you, Madam President.

The President: Thank you, Senator Anthony Richardson.

Would any other Senator care to speak on this Order?

No. Then, Senator Caesar, it is over to you.

Sen. Crystal Caesar: Great. Thank you, Madam President. And again, I thank my colleagues for their supportive comments around this investment Order.

So, Madam President, I move that the said draft Order be approved and the following message be sent to His Excellency the Governor:

May it please Your Excellency: The Senate having had under consideration the draft Order entitled the Tourism Investment (Rosewood Bermuda) Order 2020 proposed to be made by the Minister for Tourism with written agreement of the Minister of Finance, under the provisions of section 5 of the Tourism Investment Act 2017, have the honour to inform Your Excellency that the Senate has approved the said draft Order.

The President: Is there any objection to that motion?

No objection. Thank you, Senator Caesar. A suitable message will be sent to the Governor.

[Motion carried: The Tourism Investment (Rosewood Bermuda) Order 2020 was approved.]

Sen. Crystal Caesar: Thank you.

The President: We will now move on to the next item on our agenda, which is the second reading of the Trusts (Special Provisions) Amendment Act, and this is in the name of Senator Campbell.

You have the floor.

Sen. Vance Campbell: Thank you, Madam President.

Madam President, as in the past, I would like to move the provisions of Standing Order 25 for all of my Bills if that so pleases you.

The President: Absolutely. Yes, certainly you may.

STANDING ORDER 25

Sen. Vance Campbell: Madam President, I move that the provisions of Standing Order 25 be granted so that the Senate may now proceed with the second readings of the Bills entitled: Trusts (Special Provisions) Amendment Act 2020; Trusts (Special Provisions) Amendment (No. 2) Act 2020; Government Loans Amendment (No. 2) Act 2020; and Insurance Amendment Act 2020.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Campbell.

[Motion carried: Leave granted for the Trusts (Special Provisions) Amendment Act 2020, Trusts (Special Provisions) Amendment (No. 2) Act 2020, Government Loans Amendment (No. 2) Act 2020, and the Insurance Amendment Act 2020 to be read a second time on the same day as their first readings.]

Sen. Vance Campbell: Thank you, Madam President.

Madam President, I move that the Bill entitled the Trusts (Special Provisions) Amendment Act 2020 be now read a second time.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Campbell.

BILL

SECOND READING

TRUSTS (SPECIAL PROVISIONS) AMENDMENT ACT 2020

Sen. Vance Campbell: Madam President, I am pleased to present to the Senate the [Trusts \(Special Provisions\) Amendment Act 2020](#). This Bill will enhance and modernise certain provisions governing Bermuda's trusts, commonly referred to as "firewall provisions." This Bill is also part of an ongoing, collaborative effort amongst the private sector, the Bermuda Business Development Agency and Government to improve and adapt our laws, as needed, to attract more business to our shores.

Madam President, this Bill seeks to amend the Trusts (Special Provisions) Act 1989 (the principal Act) to clarify the jurisdiction of the Supreme Court in respect of Bermuda's trusts and foreign trusts with a connection to Bermuda, to enhance and modernise provisions of the Act with regard to the application of foreign laws and foreign orders to Bermuda trusts and to make consequential amendments to the conveying Act.

Madam President, according to industry practitioners, the provisions are now considered by industry experts both here in Bermuda and abroad as convoluted and unclear as to their effect. In comparison to other jurisdictions, Bermuda's provisions are also outdated. Now a simpler and more straightforward approach is preferred. The amending Bill accomplishes that end. It has been tailored to bring Bermuda up to date with other jurisdictions and to provide additional clarity by providing for its first jurisdiction of the court in setting out clear circumstances or matters for determination [INAUDIBLE] or will be excluded from applications with Bermuda trusts. In such cases, Bermuda law will apply despite conflicts with foreign law. Industry experts prefer the simpler and more direct approach, and it is expected to provide greater legal clarity.

Madam President, it is well established that settlors should be free to establish trusts in their jurisdiction of choice. It is also well established that settlors should enjoy the benefit of having key questions regarding those trusts determined by the courts of such jurisdictions, in accordance with domestic law. This freedom of choice in relation to trusts is usually codified in firewall legislation.

Madam President, the purpose of firewall legislation is twofold:

1. Firewalls provide a system for the use of domestic trust laws to determine key questions

regarding the validity, integrity and operation of trusts within that jurisdiction; and

2. Firewalls prevent the recognition and/or enforcement of foreign judgments that are adverse to trusts within the jurisdiction.

Madam President, while firewall protection is a common feature in leading trust jurisdictions, this aspect of trust law is generally considered by industry practitioners as having become increasingly complex and convoluted in a number of those jurisdictions, including Bermuda.

Madam President, Bermuda's existing firewall provisions are intended to ensure that Bermuda laws apply to Bermuda trusts and that Bermuda trusts cannot be set aside or undermined based on foreign judgments. Our current provisions do generally serve the purpose of firewall legislation. However, the approach and content of those provisions are no longer considered as cutting edge. Bermuda is, and has been for some time now, behind the curve which has been set by our competitors.

So the justification for the Bill we are debating today is quite clear. We must reposition ourselves to be ahead of our competitors. Bermuda's firewall legislation must provide settlors with a level of protection and legal certainty that makes Bermuda a clear choice amongst her competitors. To do that we must strengthen and clarify the existing legislation.

Madam President, this Bill is intended to

1. facilitate proper and efficient application of the firewall provisions;
2. provide express jurisdiction to the Supreme Court to hear claims in respect of Bermuda trusts and certain foreign trusts;
3. specify the circumstances where foreign laws will be excluded from application to Bermuda trusts and where the domestic law of Bermuda shall apply; and
4. prohibit the enforcement of any foreign order which is inconsistent with the enhanced firewall provisions.

Madam President, according to industry practitioners, one of the key factors for clients in choosing a jurisdiction for trusts is the robustness of the firewall protection. As a result, industry representatives have made fairly strong calls for Bermuda's firewall legislation to be updated. With the introduction of today's Bill, those calls have now been answered.

This Bill provides material clarification, improvement and strengthening of Bermuda's existing firewall legislation, while implementing an approach that practitioners believe will give Bermuda a competitive edge.

Madam President, the trust industry is a vital part of our international business sector and the Bermudian economy. Industry representatives and professional service providers include licensed trustees, administrators, investment business advisors, legal advisors, accountants and compliance professionals.

This Bill is a necessary step in supporting efforts to sustain jobs and to achieve economic growth in this very important industry.

In closing, I would like to thank industry representatives for their continued efforts to improve Bermuda's trust products and regulatory framework. I would also like to thank the Bermuda Business Development Agency and the public officers who assisted in bringing forth this important legislation.

Thank you, Madam President.

The President: Thank you, Senator Campbell.

Would any Senator care to speak on this Bill?

Sen. Jarion Richardson: Yes, Madam President.

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

Sen. Jarion Richardson: Thank you, Madam President.

We definitely support . . . I definitely support the amendments that are being made, and especially with industry support. We have to strengthen and clarify this legislation where our sector has informed us as legislators that we are falling behind the curve, so to speak.

The question of law relating to trust structures is important as it relates to the preservation of assets, especially high net worth individuals and families, and other kinds of asset preservation methods globally. And we are competing in this space in the global marketplace, too. So to that end, we definitely want to make sure that we provide for the express jurisdiction of our courts and prioritise Bermuda law where there are areas of conflicts.

To that end, we are mindful that the trust industry has been a long-time contributor to the success of our financial services industry, including the employment of Bermudians and the development of our skill sets through various organisations such as STEP and other kinds of qualifications. Many Bermudians are not only gainfully employed in this space and have careers in this space, but we can be sure that their families have experienced the downstream effects so that we have people in Bermuda who would otherwise not be able to ascend to and then live and stay in the middle class.

So overall, Bermuda trusts are a key foundation not just to us as a financial services centre, an international financial services centre, but also to the average Bermudian, even though they may not be aware of the role that our trusts and trust laws play in sustaining our economy.

With that [I will] end. Thank you very much for your attention, and I thank the Junior Minister for bringing this to us.

The President: Thank you, Senator Jarion Richardson.

Would any other Senator care to speak on this Bill?

No. Then, Senator Campbell, it is over to you.

Sen. Vance Campbell: Thank you, Madam President. And I would also like to thank my fellow Senators for their support of this Bill.

With that, Madam President, I move that the Bill entitled the Trusts (Special Provisions) Amendment Act 2020 be now read a second time.

The President: Is there any objection to that motion?

No objection.

SUSPENSION OF STANDING ORDER 26

Sen. Vance Campbell: 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

TRUSTS (SPECIAL PROVISIONS) AMENDMENT ACT 2020

Sen. Vance Campbell: Madam President, I move that the Bill entitled the Trusts (Special Provisions) Amendment Act 2020 be now read a third time.

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

No objection.

Sen. Vance Campbell: Madam President, I move that the Bill do now pass.

The President: It has been moved that the Bill entitled the Trusts (Special Provisions) Amendment Act 2020 do now pass.

Is there any objection to that motion?

No objection. The Bill is passed.

[Motion carried: The Trusts (Special Provisions) Amendment Act 2020 was read a third time and passed.]

The President: Thank you, Senator Campbell.

Sen. Vance Campbell: Thank you, Madam President.

The President: We will now move on to your second Bill. And that is the second reading of the Trusts (Special Provisions) Amendment (No. 2) Act 2020.

You have the floor.

Sen. Vance Campbell: Thank you, Madam President.

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

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Campbell.

BILL

SECOND READING

TRUSTS (SPECIAL PROVISIONS) AMENDMENT (NO. 2) ACT 2020

Sen. Vance Campbell: Thank you, Madam President. Madam President, today I present to the Senate the [Trusts \(Special Provisions\) Amendment \(No. 2\) Act 2020](#). Madam President, in 2002 an amendment was made to the Children Act 1998 to abolish the distinction between children born in and out of wedlock. The purpose of the amendment was to ensure that the rights of children were not impacted by the lack of marital relationship between the parents.

Madam President, the 2002 amendment also created a new rule for construing all instruments and statutory provisions that reference parents' and children's relationships. This included international trusts. There was no allowance for deviation from this rule of construction in cases where the trust instrument includes an express intention to exclude children whether born outside of a specified marital relationship or not. As such, the law is considered as having the effect of restricting the freedom of choice of a settlor when making gifts, either during his lifetime or upon death.

Madam President, in the years following the 2002 amendment, industry representatives have made several requests for the Government to reconsider the broad application of the rule of construction in relation to trusts. It has been noted by practitioners that the 2002 amendment has diminished the attractiveness of Bermuda as a centre for trust business. More specifically, industry practitioners have argued that the 2002 amendment codified a policy shift that deviates from the long-standing protection of freedom of choice for dispositions of property.

The rule of construction creates uncertainty because settlors may no longer be able to protect their family from claims of strangers or persons who were unknown to the settlor or trustee prior to the settlor's death. And the changes may run counter to strong religious views of some international clients.

Madam President, industry practitioners in Bermuda believe that a substantial amount of business has been lost to other jurisdictions because settlors are unable to dispose of their property in the manner in which they choose under Bermuda law. Since the 2002 amendment became operational, existing trusts have been moved to other jurisdictions. Persons with existing business holdings in Bermuda have chosen other jurisdictions to set up their trusts, and new business referrals have bypassed Bermuda and settled trusts in other places.

Madam President, as we continue with efforts to recover from the economic effects of the global pandemic, we must take every reasonable step to maintain existing business and to attract new business to our shores. Trust industry representatives have made it clear that Bermuda is continuing to lose business to other jurisdictions, based on the restrictive approach of the 2002 amendment. We simply cannot afford to continue with an approach that is viewed as unattractive and which isolates Bermuda from her competitors.

Madam President, the Bill we are debating today reconciles Bermuda's position on this issue with other leading trust jurisdictions and with the principle of freedom of choice for disposition of trust property. This amendment will allow for deviation from the rule of construction set out in the Children Act in cases where a trust instrument expresses a contrary intention of the settlor.

Madam President, we must balance our laws to ensure that we protect the rights and freedoms of all persons, including those who wish to dispose of their property in a manner which may not be popular in the court of public opinion. But that is their right. The law still prescribes a default application of the 2002 amendment in the absence of a contrary intention by the settlor of a trust.

Madam President, the 2002 amendment to the Children Act [1998] became operational more than 16 years ago. This is certainly enough time to ascertain the effects of a change in policy—both intended and unintended. The loss of business in the trust sector was an unintended effect, one which we must now take the necessary steps to correct.

Thank you, Madam President.

The President: Thank you, Senator Campbell.

Would any Senator care to speak on this Bill?

Sen. Jarion Richardson: Myself, Madam President.

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

Sen. Jarion Richardson: Thank you, Madam President.

Much like the previous legislation, we are looking at a circumstance where we may be *another*

world, but the world is very much interconnected now. And globally, we are competing with peer jurisdictions to assist settlers in not only the preservation of assets, to an extent . . . (I am sorry). By that I mean that they have every right to expect they can handle their affairs in the appropriate way. And so it is property in this case. Ensuring that children's rights are enshrined in our legislation. Again providing clarity, our trust industry practitioners are doing well to advise this Government of all of the tools that they need in order for Bermuda to remain competitive as a jurisdiction.

And to that end, we definitely support it, and again thank the Junior Minister and the trust industry for bringing this to our attention.

The President: Thank you, Senator Jarion Richardson.

Would any other Senator care to speak on this Bill?

Hearing none, then Senator Campbell.

Sen. Vance Campbell: Thank you, Madam President. Again, I thank my fellow Senators for their unanimous support of this Bill.

And with that, Madam President, I move that the Bill entitled the Trusts (Special Provisions) Amendment (No. 2) Act 2020 be now read a second time.

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

No objection. Carry on, Senator Campbell.

SUSPENSION OF STANDING ORDER 26

Sen. Vance Campbell: 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

TRUSTS (SPECIAL PROVISIONS) AMENDMENT (NO. 2) ACT 2020

Sen. Vance Campbell: Madam President, I move that the Bill entitled the Trusts (Special Provisions) Amendment (No. 2) Act 2020 be now read a third time.

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

No objection.

Carry on, Senator Campbell.

Sen. Vance Campbell: 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 has passed.

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

The President: Thank you, Senator Campbell.

Sen. Vance Campbell: Thank you, Madam President.

The President: We now move on to item number six, which is the second reading of the Government Loans Amendment (No. 2) Act 2020.

And, Senator Campbell, this is your Bill. You can start when you are ready.

Sen. Vance Campbell: Thank you, Madam President.

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

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Campbell.

BILL

SECOND READING

GOVERNMENT LOANS AMENDMENT (NO. 2) ACT 2020

Sen. Vance Campbell: Madam President, the Government Loans Act 1978 provides for the Government's authority to borrow money, the maximum amount that may be borrowed and related matters.

The [Government Loans Amendment \(No. 2\) Act 2020](#) now before the Senate proposes to increase the maximum amount that may be borrowed. Madam President, Senators will recall that on the 17th of July 2020, the Minister [of Finance] made a Ministerial Statement to inform those who sit in another place of the status of the Government's borrowing and the requirement to increase the authorised debt ceiling.

Madam President, the Bill now before the Senate proposes to increase the maximum amount that may be borrowed by \$600 million to \$3.5 billion. Madam President, this amendment only provides for the authority of the Government to borrow up to the newly established limit. And it is important to note that

incurrence of [additional] debt or long-term borrowing will only be incurred when absolutely necessary.

Madam President, when this Government took office in July 2017, net debt stood at \$2.397 billion and the debt ceiling at \$2.5 billion. We came in with a focus on prudently managing the country's finances on behalf of the people of Bermuda and committed ourselves to a strategy of not increasing the debt ceiling. We were successful in honouring that commitment in the 2017/18 and 2018/19 fiscal years and were on track to do so again in fiscal 2019/20.

Unfortunately, Madam President, in July 2019, in anticipation of borrowings to fund the purchase of indebtedness related to the guarantees with the stalled Caroline Bay project, the debt ceiling was increased by \$250 million to \$2.75 billion. Government subsequently entered into a \$200 million short-term credit facility with a local financial institution to purchase the project's tranche B and tranche C loans to acquire the claims of the project's general contractor and local subcontractors, and to fund expenses associated with implementing a remediation plan to protect the physical assets on the site, and to fund expenses associated with professional advisors. Madam President, at the end of March 2020, net debt stood at \$2.68 billion, an increase of approximately [283] million over the July 2017 balance.

Madam President, it is important to put this increase in additional indebtedness into its proper context and set out for Senators the primary components of this increase. Approximately \$187 million related to payment of obligations under the Caroline Bay guarantees and related costs; \$64.2 million related to the funding of the 2018/19 Sinking Fund contribution; and the remainder to finance capital expenditures in fiscal years 2017/18, 2018/19 and 2019/20.

Madam President, I provide this information for context to illustrate that, prior to the COVID-19 pandemic, we were executing on our plan to reduce fiscal deficits, generate budget surpluses, and pay down debt while at the same time delivering important public services and a secure, sustainable future for all citizens of Bermuda.

Madam President, in April 2020, in anticipation of the negative impacts of the COVID-19 pandemic, the Government raised the debt ceiling a further \$150 million to \$2.9 billion to ensure that it had the necessary liquidity to fund a variety of public health and emergency financial measures to support Bermuda's people and economy. In May 2020, the Government entered into a \$150 million credit facility with local financial institutions. To date, approximately \$88 million of this facility has been drawn to fund emergency measures associated with COVID-19.

Madam President, I can now advise Senators that the Government intends to conduct a public bond issuance in the international capital markets. The gross proceeds to be raised will depend on market conditions, but may be in the range of \$1 [billion] to

\$1.25 billion. Madam President, we speak of gross proceeds. And the typical fees that would be associated with such an issuance are underwriting fees, lawyer fees, agent and trustee fees, along with stock exchange fees. Those are the primary fees associated with such an issuance.

Madam President, the proceeds from the sale of the contemplated bond issuance are intended to be used, among other things,

1. to finance the anticipated deficits for fiscal years 2020/21, 2021/22 and 2022/23;
2. to refinance the credit facilities associated with the stalled Caroline Bay project;
3. to refinance the credit facilities associated with general liquidity needs and the COVID-19 emergency measures; and lastly,
4. depending on market conditions, to liability manage tranches of existing indebtedness. The hope would be, Madam President, in that instance that the current interest rates would be lower than the rates existing on those tranches of indebtedness, thereby saving the Government and the people of Bermuda money.

Madam President, any funds borrowed that are not required in the current fiscal year or for liability management purposes are to be invested in the Sinking Fund.

Madam President, this amendment will provide for the authority of the Government to borrow up to the newly established limit as we navigate our way through the COVID-19 pandemic and beyond. The proposed statutory debt ceiling of \$3.5 billion is set at a level to enable funding of the Government and its economic recovery over the next two to three years. Meanwhile, the Government will focus its maximum efforts to grow the economy in ways that increase the amount of job-creating dollars in the economy, and therefore revenues to the Government.

Madam President, in closing, Government remains committed to prudent and sensible borrowing. This borrowing strategy will allow the Government to lock in historically low [interest] rates, potentially reduce our interest expense on some of our current bonds and take advantage of strong, current global demand for investment-grade assets.

With those introductory remarks, Madam President, I now pause and allow my Senate colleagues the opportunity to speak on this Bill.

Thank you, Madam President.

The President: Thank you, Senator Campbell.

Would any Senator care to speak on this Bill?
Senator Jones.

Hello, Senator. Senator Jones.

[Pause]

The President: Senator Jones, can you hear me? You have indicated you want to speak.

An Hon. Senator: Better unmute yourself, Marcus.

[Pause]

The President: I am okay. But Senator Jones is not coming through.

[Inaudible interjections]

The President: Would any other Senator care to speak while we are trying to sort out Senator Jones?

Sen. James S. Jardine: Yes, Madam President.

The President: Senator Jardine, you have the floor.

Sen. James S. Jardine: Thank you very much, Madam President. Thank you again to the Junior Minister for sending out the details surrounding the increase in the level of indebtedness, which I completely understand based on events which have happened over the last year or so.

It is no question that it is difficult to predict the full impact of COVID-19 on not just this year's budget results, but also next year's results. And so it is somewhat fluid as to what the actual impact will be for this current year and going forward. So I understand the need to provide for that.

In addition, as I understand the going to the market looking for \$1 [billion] to \$1.25 billion, I think that also includes, if I am correct, Junior Minister, on the refinancing, I believe it is of some \$615 million worth of debt which comes due, I believe, in 2022/23. So partial parts of that or a large part of that, I believe (and this is a question for the Junior Minister) would be the refinancing of debt which comes due in 2022. So that is a question I have for him.

But I completely understand the circumstances that the Minister of Finance is faced with. I also heard comments that any excess funds which are not needed for dealing with the financial burdens of COVID-19 will be placed in the Sinking Fund. And hopefully those can be used to retire future debt.

So with those comments, Madam President, I just have that one question.

The President: Thank you, Senator Jardine.

Would any other Senator care to speak on this Bill?

I seem to have lost Senator Jones.

No. Then . . .

Sen. Jarion Richardson: Sorry, Madam President.

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

Sen. Jarion Richardson: Thank you. Yes. I wanted to make a point that as it relates to the necessity for this exercise I do not think any of us question it. Obviously, living through a global pandemic and seeing a significant loss in revenue, increasing expense, we are really on the razor's edge. And it will take all of us rowing in the same direction to pull our country through this calamitous event.

So with that being said, I wanted just to be clear that I do not . . . there may have been an oversimplification in the description of finances prior to or in previous Government budgets. And without getting into specifics, because that is not what I want to do . . . I do in fact want to row, and I want us to all get on with this. I do not want it to appear as if we are conceding that all things were perfect before. And to that end, I would definitely defer to my Senatorial colleagues to expand on that point. But I definitely want to make sure of that.

We are on the razor's edge. We all now need to row in the same direction. And this will require some very difficult financial management. And so to that end, we support the Government in their efforts. But not all things were perfect before that. Thank you.

The President: Thank you, Senator Jarion Richardson.

Would any other Senator care to speak on this Bill?

Hearing none, then Senator Campbell, it is over to you.

Sen. Anthony Richardson: Madam President . . . Madam President.

The President: Sorry. Is it Senator Richardson?

Sen. Anthony Richardson: I was trying to defer to Senator Jones.

The President: Yes.

Sen. Anthony Richardson: But is he back online?

The President: We have been trying to . . . we seem to have lost him somehow. I do not see him. He is not—

Sen. Jarion Richardson: We have lost him. But I do have his question handy.

The President: Well, perhaps you could put his questions then, Senator Richardson, Jarion Richardson.

Sen. Jarion Richardson: Thank you. And I am thankful for your indulgence.

The question is, How does the Government intend on paying down this debt with no comprehensive economic stimulus in view? And estimated budg-

et deficits . . . what are the estimated budget deficits for the foreseeable future?

Thank you, Madam President. Thank you for the indulgence.

The President: Yes. Thank you, Senator Jarion Richardson.

Senator Campbell, you have heard the questions.

Sen. Vance Campbell: Madam President, I believe Senator [Anthony] Richardson had a comment. And I would prefer to wait for all questions until after he comments.

The President: Fine.

Senator Anthony Richardson, you have the floor.

Sen. Anthony Richardson: Thank you, Madam President.

Some time ago, I had an analogy in terms of two persons in a boat off of Devonshire Dock and that in the event a leak springs, for example, at that point in time the effort is to get back to shore. And the goal would be that, if it is me and whoever, we are going to make sure that we work together to get ourselves to shore. Now, mind you, once we get to shore, there may be some challenges of in terms of, *Who caused the hole in the boat?* and, you know, a fisticuffs, as they say. But at this stage, the question would be, *Let's get back to shore.*

I do take the point from Senator [Jarion] Richardson in terms of, let us all now row in the same direction. And I want to give some comments in that regard. Clearly, I am a Government Senator and do support the Government's position. But on a personal level, I also want to just highlight what our current Minister of Finance is doing. I think that he comes with specific expertise in the whole world of debt management. And I have been, I guess, confident (if that is the right word) in terms of his overall plan to try to adjust the government indebtedness.

And the one thing he said recently was that they are going to go to market to raise in excess of \$1 billion. And one of those things is going to be to effectively reduce Government's current cost of debt, which we all would like to do. For example, if we use the analogy of our home mortgages, it is nice to be able to find . . . you have a mortgage to start out with. It is nice to actually refinance the mortgage to have a [lower] interest rate so your cash payments are actually less than they currently are. And in doing so, there is an increase in interest costs over time. But when it comes down to the actual cash implications, it is nice to be able to pay less cash now and have the excess cash whenever you choose.

And so at the national level, the Minister of Finance has clearly set out what he is going to be do-

ing in the short term, which is to retire some of the more expensive debt and replace that with lesser debt. And that will give Bermuda (or give him, really, or Bermuda) some excess capacity with the immediate cash needs of Government.

The Premier has said previously and also recently that the goal is going to be to grow the economy as opposed to trying to necessarily or unnecessarily cut back too drastically. Because if you do, it is going to have a different impact on the economy. And so those are the two broad goals that the Government is now working on. One is to refinance some of the existing, expensive debt so we have more cash to play with. And then to continue to grow the economy, because ultimately it is going to be an expanded economy which allows us to repay the debt.

We spoke earlier in terms of . . . or we approved earlier two of the tourism investment plans or projects for both the St. George's Club and the Rosewood/Tucker's Point. And even in terms of scale, the St. George's Club is a much smaller project, albeit still valuable, than, say, Rosewood/Tucker's Point—same for St. Regis and others. And that is a small example of how we are going to start to work now to grow the economy. Because we can imagine, if you take the allocation of those three or four developments to employ, let us say for argument's sake, 400 Bermudians, that is going to start to drive the economy. Because clearly, those persons are going to need somewhere to stay. They are going to buy food. They are going to eat, all those kinds of things. And that is going to be part of how we grow the economy.

Similarly, there have been other steps in the business community that will also start to attract others to come to the Island. And I believe in the last session we spoke about the idea, or actually Senator Caesar spoke to the intention of Government to allow non-Bermudians to come to Bermuda and work remotely. And even though that is a much smaller scale, it does have the same impact. Because if Anthony is not Bermudian, but is allowed to come and work remotely from Bermuda, again I need somewhere to stay. I am not Bermudian; I have no residence. I am going to eat some food. And I am going to go out and socialise. I am going to rent a little Twizy probably, or whatever. So these are all those activities that will go towards assisting the economy.

And even on a leisure perspective, I am probably going to enjoy some water sports. I might play golf. And those are the things that we start to do. And from a social point of view, I am going to develop friendships also. And so I am saying all of these things are what are going to be happening to help to grow the economy and get us back on a more secure footing.

Clearly, nobody saw the COVID-19 coming. It has had a massive and unexpected impact on Bermuda's economy and many, many others. And so to go back to what Senator Richardson alluded to, now

is definitely time to recognise the fact that we are both offshore in a boat. And the Government wants to row in the same direction because if we do not do that, then we are not getting back to shore. And none of us getting back to shore is of no benefit to anybody.

So again I want to underscore his point. He did make it, I believe, even when he had his inaugural speech some time ago, that his intent would be to be positive and constructive in what he is doing. And so I just underscore all those being in with these comments and say thank you, Madam President.

The President: Thank you, Senator Richardson. Senator Campbell, it is over to you.

Sen. Vance Campbell: Yes, Madam President.

In relation to Senator Jardine's question on the use of the \$1 [billion] to \$1.25 billion, yes, that is correct. A portion of that will be used for refinancing of debt. And I believe this was stated in my brief, but I have no issue with restating it. So Senator Jardine is correct that it will be used to pay down that debt which comes due in the next two or three years.

As it relates to the anticipated . . . I believe Senator Jones via Senator [Jarion] Richardson, had a question on the anticipated deficits. I think the Minister of Finance has indicated for a deficit for this year in the range of somewhere between \$250 [million] and just over \$300 million—it is anticipated that this will be the deficit for this year. To get into predicting what deficits are, if the Government was accurate at predicting the future, then we would have foreseen the pandemic and we would have been able to be better prepared for that. But nevertheless, it is anticipated that the deficit will be in the range of between \$250 [million] and just over \$300 million for this year.

It has always been the intention, Madam President, of this Government to run a surplus. And as I have stated, things come into play that are unanticipated. And so we have . . . although we were executing on our plan, it has been derailed by the COVID-19 pandemic. But it will continue to be our intention to put this country back into a surplus position. When you ask, *What is the Government's plan?*, we see that there are some green shoots out there. We have the Riddell's Bay SDO [special development order], which is anticipated to inject tens of millions of dollars into the economy, as well as jobs. We had the press conference yesterday in which the ground-breaking took place for the Ottiwell Simmons Arbitration Centre. Again, this rolls out jobs and putting our people back to work.

We have the Bills that were presented today around the improvement in our tourist product, which should bear fruit in the number of visitors to our Island, again putting money into the economy. And Senator Anthony Richardson hinted at . . . or he did not hint, he referred to the one-year remote-working regulations Bill that we passed, and that is starting to

catch the eye of those overseas, as it was intended to. We also have and we anticipate eagerly the recommendations from the Economic Advisory Committee. So we have all of these things going on, which the objective is that these will all contribute to us not only paying down our debt, but returning to a surplus position from year to year.

So I believe that, in my humble opinion, answers or addresses all of the questions which were put here.

The President: You certainly have. So you now move the Bill.

Sen. Vance Campbell: So, Madam President, with that I move that the Bill entitled the Government Loans Amendment (No. 2) Act 2020 be now read a second time.

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

SUSPENSION OF STANDING ORDER 26

Sen. Vance Campbell: 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

GOVERNMENT LOANS AMENDMENT (NO. 2) ACT 2020

Sen. Vance Campbell: Madam President, I move that the Bill entitled the Government Loans Amendment (No. 2) Act 2020 be now read a third time.

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

Sen. Vance Campbell: Madam President, I move that the Bill do now pass.

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

Is there any objection to that motion?
No objection. The Bill is passed.

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

The President: Thank you, Senator Campbell.

Sen. Vance Campbell: Thank you, Madam President.

The President: Senators, we will now break for lunch, and we will return at 2:15.

The Senate stands adjourned. Thank you.

Some Hon. Senators: Thank you, Madam President.

Proceedings suspended at 1:04 pm

Proceedings resumed at 2:14 pm

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

The President: Good afternoon, Senators. The Senate is now back in session. I hope you all enjoyed your lunch.

An Hon. Senator: Yes, and you?

Another Hon. Senator: Thank you, Madam President.

The President: Yes, I do too. Thank you.

So we are now resuming with the Orders of the Day. We are now on the seventh Order of the Day which is the Insurance Amendment Act 2020 and this is in the name of Senator Campbell. So you can start when you are ready to start.

Sen. Vance Campbell: Thank you, Madam President.

Madam President, with your indulgence before I move on to the next Bill, I do just want to clarify a comment that I made in relation to the last Bill.

The President: Which is the Government Loans?

Sen. Vance Campbell: The Government Loans Bill.

The President: Yes.

Sen. Vance Campbell: The \$250 [million] to just over \$300 million is the anticipated line of deficit for 2021 and 2022. So that is the combined—

The President: Combined, all right.

Sen. Vance Campbell: The anticipated. So I just wanted to make that clarification before we moved on.

The President: Thank you for that.

Sen. Vance Campbell: Thank you, Madam President.

Madam President, I move that the Bill entitled the Insurance Amendment Act 2020 be now read a second time.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Campbell.

BILL

SECOND READING

INSURANCE AMENDMENT ACT 2020

Sen. Vance Campbell: Thank you, Madam President.

Madam President, the purpose of the Bill entitled the [Insurance Amendment Act 2020](#) is to facilitate more effective supervision of the insurance sector by enhancing the cyber reporting event framework.

Madam President, Senators would be aware that the Bermuda Monetary Authority is a founding member of the International Association of Insurance Supervisors (IAIS) and one of the first signatories to the IAIS Multilateral Memorandum of Understanding [MMoU].

Senators are advised that there are 73 signatories to the MMoU. Madam President, as at the 11th of July 2020, there were a total of 215 IAIS members including the Bank for International Settlements [BIS], the IMF [International Monetary Fund], the OECD, the World Bank, as well as 55 members of the National Association of Insurance Commissioners (the NAIC).

The Senate will be aware that the NAIC is the US standard-setting body created and governed by the chief insurance regulators from the 50 states, the District of Columbia, and five US territories. Madam President, as the leading member of the IAIS, Senators will recall that various representatives of the Authority have been appointed to the Executive Committee and also currently serve and/or have served as co-chairs and/or vice chairs of various committees including, but not limited to, the Reinsurance Task Force, the Policy Committee, the Macroprudential Committee, and the Financial Crimes Task Force. Our sincere thanks go to the team at the Authority for their tireless advocacy on behalf of Bermuda at home and abroad.

Madam President, the IAIS insurance core principles and methodology constitute the globally accepted framework used in the evaluation of supervisory regimes. The insurance core principles [ICP] consist of the essential principles that need to be in place for a supervisory system to be effective. They also serve as a basic benchmark for insurance supervisors in all jurisdictions. Public authorities concerned with issues of financial stability are urged to provide the necessary support to their supervisory authorities so that they can meet the principles based on the criteria set out therein.

Madam President, part 6 of the insurance core principles sets down the prudential requirements for insurance supervisors. Insurance core principle 18 covers matters related to the assessment of risk and

risk management. ICP 18 states, that “The supervisory authority requires insurers to recognise the range of risks that they face and to assess and manage them effectively.” Specifically, the essential criteria set down under ICP 18 provides in part (a) that the supervisory authority should require and check that insurers have in place comprehensive risk management policies and systems capable of promptly identifying, measuring, assessing, reporting, and controlling their risks.

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

1. Section 30JE of the Act sets down certain notification provisions for insurance marketplace providers. Under section 30JE, insurance marketplace providers are required to notify the Authority of a cyber reporting event. It is proposed to amend section 30JE to expand the scope of this provision to include insurance managers, brokers and agents.
2. Madam President, section 30JE of the Act also includes a definition of the term a “cyber reporting event.” A cyber reporting event is presently defined to mean “any act that results in the unauthorised access to, disruption, or misuse of the electronic systems or information stored on such systems of a registered person, including breach of security leading to the loss or unlawful destruction or unauthorized disclosure of or access to such systems or information” It is proposed to amend the Act to revise the definition of a cyber reporting event by qualifying the manner in which events are to be considered which will include the following:
 - Where the cyber reporting event has the likelihood of adversely impacting policyholders or clients, or where there is a significant loss of system availability, or where the integrity of information or data has been compromised or where there is a likelihood that there has been unauthorised access to information and or where an event has occurred for which notice is required to be provided to a regulatory body or government agency.
3. Madam President, further to the above, the Act will be amended by inserting a new provision after section 30JE to expressly make provision for an obligation to be placed on insurers to notify a cyber reporting event to the Authority in circumstances similar to those of insurance managers and intermediaries under section 30JE.

Madam President, as per section 2BA of the Act, additional details are set out under the insurance sector operational cyber risk management code of conduct. The cyber code of conduct must be read to-

gether with the Bill so that registered persons are clear about the initial notification time period. While the Bill provides for an obligation to notify the Authority on a forthwith basis, the cyber code provides that notification of an event must occur within 72 hours from the time there is either a suspicion or a confirmation of a material event, whichever is sooner. The Authority has advised the Ministry that such grace period is in keeping with the BMA’s Statement of Principles whereby it always, in the first instance, seeks to allow for a remediation period prior to undertaking enforcement action.

Madam President, the code is expected to come into effect in January 2021 with enforcement commencing in December 2021. Once operational the cyber code of conduct will complement the general provisions set out in the various codes of conduct published for insurers and intermediaries. The code will be published as soon as possible after the Bill comes into effect.

Madam President, as highlighted in the Authority’s 2019 Bermuda Insurance Sector Operational Cyber Risk Management [Code of Conduct] report, the Authority will continue to monitor and ensure that operational cyber risk assessments are integrated into all key supervisory processes such as year-end filing reviews, on-site visits, and supervisory colleges.

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

[Pause]

Sen. Vance Campbell: Madam President, you are muted.

The President: Thank you, Senator Campbell.

Would any Senator care to speak on this Bill?

Sen. James. S. Jardine: Madam President.

The President: Senator Jardine, you have the floor.

Sen. James. S. Jardine: Madam President, I support this Bill very much. I just had one question for the Junior Minister.

Could you tell me whether or not such a clause exists in any other corporate legislation, for example, that any company which has a cyber event has to report it to a particular body such as the Registrar of Companies or the BMA?

That is all I have. Thank you, Madam President.

The President: Thank you, Senator Jardine.

Would any other Senator care to speak on this Bill?

Sen. Jarion Richardson: Madam President.

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

Sen. Jarion Richardson: Thank you, Madam President.

I would like to thank the Junior Minister for bringing this to our attention. It is obvious that Bermuda has to maintain a high level of compliance with international standards and the International Association of Insurance Supervisors [IAIS] is the body that outlines what that is in every substantial way for us. And given the vast majority of our financial services are in insurance and reinsurance space, it only makes sense that we play not only a role in being attentive to what they ask for but also in terms of setting that standard. For that, our regulator, our supervisors, are to be commended.

To that end, we are not unfamiliar with misconduct in the insurance market, as is [the case] in any marketplace there is bound to be at some point someone who offends or breaches a law. To that end we have seen a number of matters in overseas papers, especially recently. So it is good to see that we will now require directors, officers, shareholder controllers of our licensed insurers and reinsurers to notify the BMA should they become concerned in any criminal proceedings either in Bermuda or overseas, making sure that we maintain our high standards and our transparency. It is worth those high standards.

Equally following that, cybersecurity is a developing space. Ten years ago no one . . . well, 10 years ago it was not as well understood. And now we are all very fluent with all aspects of information, information security, data protection and cybersecurity. The European Union and the United States have gone very far in creating standards with which our local institutions have had to work very hard to understand and comply with in their cross-border transactions. So to that end, again, we are doing well by moving this line forward.

I would raise a few concerns and then a question. The first concern I would raise has something to do with . . . well, actually, with Senator Jardine's query where the definition of cybersecurity. . . well, I will get to that.

The definition of cybersecurity in the principal Act seems like a very high-level place to put something this flexible in something that can change relatively quickly with the development of cyber events all over the world. Granted, it is a very wide-ranging definition, and with any luck you will not have any problems maintaining that standard. I know that the BMA has some expertise in this space, and that cyber code of conduct will go a long way to informing us and guiding us about what we are to do and when we are to do it, but I just thought that the principal Act just seemed to be a very high-level place to put something like this.

To draw your attention to other regulatory frameworks, wherein we have cyber reporting events but they are lower down on the framework (so to speak). So we have the principal Act, then we would have some forms of regulations, the secondary legislation, and then of course guidance notes, some form of tertiary legislation, as it were. We find that our reportable events, especially cybersecurity, live in sort of minimum criteria for licensing at the very back of a programme. So it curious that we have moved this one into such a prominent position in the principal Act, and by putting it there I am concerned that we may be locking in the definition at too high a level to make it flexible enough for the future.

To that end we do have other cybersecurity reportable events in other frameworks. My concern is when we have so many different regulatory regimes, obviously we have licences afforded to financial services companies as per the business they undertake. So the Investment Business Act [2003], Investment Funds Act [2006], Trusts (Regulation of Trusts Business) Act [2001]. One of the things we have, though, in those very silos, or regimes, is that the reporting obligations are either not named the same, identical, or they will live again in different places within a framework. And as a financial services company, they ideally need to harmonise their compliance programmes across all of their various business lines and licences so that if you do hold multiple licences you are able to then . . . [for] a cybersecurity event under the Insurance Act you would react in a similar or as similar a manner as you would under the Investment Business Act. To that end, that harmony made sure that you do not miss anything.

Now, we are lucky that our regulator is a very sophisticated regulator, so they are not going to be [INAUDIBLE]. They are going to look to work with you as they figure out what has gone wrong. But insofar as it is possible, I do think that we should be harmonising these regulatory frameworks to enable compliance programmes to be as simplified as possible and thereby we do not overcomplicate our industry with onerous regulation.

And to that end I am glad to hear that the cyber code of conduct will be rolled out in January 2021. And my question to the Junior Minister is, When the cyber code of conduct is rolled out, how will it be related into the various regulatory Acts? Will the Acts then refer to that code of conduct? Will we be using some other form, maybe a minimum licensing criteria Schedules in the back of those Acts? Basically, how do we make sure that the cyber code of conduct is appropriately cross-referenced and that way it can be easily enforced?

Thank you, Madam President, and my thanks again to the Junior Minister.

The President: Thank you, Senator Jarion Richardson.

When any other Senator care to speak on this Bill?

No. Then Senator Campbell, it is over to you.

[Pause]

Sen. Vance Campbell: Madam President, I am being advised that we are having technical difficulties, and I am not sure if it is still the case, but I was advised that the Senate is not on air.

The President: Oh!

Sen. Vance Campbell: And I am not—

Sen. the Hon. Kathy Lynn Simmons: It is back on.

Sen. Vance Campbell: Oh, it is back on.

The President: It is back on now. All right.

Sen. Vance Campbell: But what I can do in the absence of a response from my technical officers is endeavour to get an answer to both Senator Jarion Richardson's question and Senator Jardine's question—

The President: Jardine's question.

Sen. Vance Campbell: —as well. And report back to the Senate with the responses to those questions. If that is acceptable, Madam President.

The President: Yes, I am sure it will be.

Sen. James. S. Jardine: That is fine with me, Madam President.

The President: Thank you, Senator—

Sen. Jarion Richardson: And that is fine with me, as well, Madam President.

The President: —Jardine and Senator Jarion Richardson. Yes. He will get back with to you on the responses to your questions.

Thank you, Senator Campbell. You can move on.

Sen. Vance Campbell: Yes, I appreciate the understanding of both Senator Jardine and Senator Richardson, Madam President.

With there being no other questions, Madam President, I move that the Bill entitled the Insurance Amendment Act 2020 be now read a second time.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Campbell.

SUSPENSION OF STANDING ORDER 26

Sen. Vance Campbell: Madam President, I move that the Standing Order 26 be suspended in respect of this Bill.

The President: Is there any objection to that motion?

No objection.

[Motion carried: Standing Order 26 suspended.]

BILL

THIRD READING

INSURANCE AMENDMENT ACT 2020

Sen. Vance Campbell: Madam President, I move that the Bill entitled Insurance Amendment Act 2020 be now read a third time.

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

No objection.

Sen. Vance Campbell: Madam President, I move that the Bill do now pass.

The President: It has been moved that the Bill entitled the Insurance Amendment Act 2020 do now pass.

Is there any objection to that motion?

No objection. The Bill has passed.

[Motion carried: The Insurance Amendment Act 2020 was read a third time and passed.]

The President: Thank you, Senator Campbell, and Senators.

Sen. Vance Campbell: Thank you, Madam President.

The President: Thank you.

We now are now moving on to the eighth item on our Orders of the Day and that is the Criminal Code Amendment (No. 2) Act 2020.

And that is in the name of the Attorney General, Senator Kathy Lynn Simmons. You have the floor.

I just remind you of Standing Order 25.

STANDING ORDER 25

Sen. the Hon. Kathy Lynn Simmons: Yes. Thank you, Madam President.

Madam President, I move that the provisions of Standing Order 25 be granted so that the Senate may now proceed with the second reading of the following Bills. And I will do them both at this time, Madam President.

The President: Yes, please. You may.

Sen. the Hon. Kathy Lynn Simmons: They are entitled: Criminal Code Amendment (No. 2) 2020 and the Expungement of Convictions Act 2020.

The President: Is there any objection to that motion?
No objection.
Carry on, Madam Attorney General.

[Motion carried: Leave granted for the Criminal Code Amendment (No. 2) Act 2020 and the Expungement of Convictions Act 2020 to be read a second time on the same day as their first reading.]

BILL

SECOND READING

CRIMINAL CODE AMENDMENT (NO. 2) ACT 2020

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President.

I move that the Bill entitled the [Criminal Code Amendment \(No. 2\) Act 2020](#) be now read a second time.

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

Sen. the Hon. Kathy Lynn Simmons: Thank you. Madam President, I am pleased to present to the Senate the Bill entitled the Criminal Code Amendment (No. 2) Act 2020. This Bill amends section 519 of the Criminal Code Act 1907 to modernise the jury selection process by providing parity between the Crown's and the defendant's challenges to potential jurors for Supreme Court criminal trials. The Bill will also replace an out-of-date reference to the death penalty in the Criminal Code Act 1907 and repeal the archaic provision, section 521, allowing for all male jurors.

Madam President, the public will be aware that the Constitution guarantees an accused person the right to a trial by jury if they are being tried for an offence in the Supreme Court. The jury selection process is conducted in part according to provisions in the Criminal Code Act 1907. A jury consists of 12 persons plus alternates. Jurors play an important role in criminal trials because they bring their individual and collective common sense and broader life experiences to the assessment of the evidence presented at trial.

As the Government perpetually keeps the state of law under review for modernising reforms, we have acknowledged that there is a disparity in the jury selection process which could give the appearance of bias benefiting the Crown. The offending provision is section 519 of the Criminal Code [Act] which allows

the Crown to "standby" an unlimited number of potential jurors without having to give reasons. Potential jurors who are stood by when first called and are not recalled, at which point the Crown would have to justify their exclusion unless the rest of the panel has been exhausted. This effectively gives the Crown greater opportunity to select a jury which is perceived to be more sympathetic to the prosecution.

Conversely, a defendant has a fixed number up to a maximum of five challenges, depending on the type of offence, without being required to give a reason. This has led to defendants claiming bias because of their perception of how the Crown has exercised its options to standby potential jurors. The Crown's use of the standby has fallen out of favour in many jurisdictions, including the United Kingdom, Canada, and the British Overseas Territories of the Cayman Islands and British Virgin Islands. Standby provisions are increasingly being removed from jury selection laws because they are criticised for being open to potential abuse by the Crown to stack a jury on racial, sex, ethnic, age or other implicitly biased grounds. Use of standbys has been subjected of legal challenges on constitutional grounds for potentially offending the fundamental right to a fair trial, lack of equality of arms between the parties, violating the rule of law and breaching the rules of natural justice.

Madam President, the proposed amendments to the Criminal Code [Act 1907] will repeal the section permitting unlimited standbys by the Crown and give the Crown and defendant equal numbers of without cause challenges to potential jurors. "Without cause" simply means the objecting party does not have to give a reason for their objection to the potential juror. The Crown and the defendant will also be able to agree to excuse any number of potential jurors with the introduction of a new provision in this Bill.

It is also timely to correct a sexist provision in the Criminal Code [Act 1907] which permits empanelling all-male juries in cases where matters of an indecent nature are likely to arise. I do not believe the public needs much explanation as to why this provision no longer comports with gender equality rights.

Thank you, Madam President.

The President: Thank you, Madam Attorney General.
Would any Senator care to speak on this Bill?

Sen. Dwayne Robinson: I would, Madam President.

The President: Senator Robinson, you have the floor.

Sen. Dwayne Robinson: Thank you. And thank you, Madam Attorney General for this particular amendment.

I have heard several cases of people who have claimed jury bias, and I do believe that this particular amendment brings us in step with jurisdictions to the south and also with the UK. So as the Opposi-

tion we do support the modernisation of our current legislation and also, of course, promoting the gender equality in our legislation, which is a major point for me, personally.

So with that you have our support, Madam Attorney General. Thank you, Madam President.

The President: Thank you, Senator Robinson.

Would any other Senator care to speak on this Bill?

Sen. Jarion Richardson: I would, Madam President.

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

Sen. Jarion Richardson: Thank you and I thank Madam Attorney General for bringing this to us today.

I am reminded that efforts like this help to instil or reinforce our confidence in our criminal justice system. Obviously long gone are the days of *Les Misérables* and Victor Hugo and the sort of Jean Valjean level of injustice in our western democracies, but the law is a moving line.

Insofar as we can doubt the criminal justice system, then people will use other means of conflict resolution instead of the courts. And to that end it is not a case that we modernise our laws for any kind of appearance sake or even to make ourselves feel good, it is necessary for the functioning of our society that people see the law changing, fairness being constantly questioned. And to that end we definitely can thank the courts for addressing this matter and Government for then amending the law, or bringing it to us to amend the law, so that people can have that faith in not just the criminal justice system but the entirety of our Government's framework. Thank you.

The President: Thank you, Senator Jarion Richardson.

Would any other Senator care to speak on this Bill?

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

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

Sen. Michelle Simmons: I would also like to thank Madam Attorney General for bringing this Bill.

It definitely goes a long way toward restoring faith and confidence in what happens during criminal trials. The jury selection process is pivotal in those trials and, therefore, it is important that it should appear that there is a degree of fairness.

I have one question, and let me say before I ask the question, I fully support this Bill. My question is about why it is necessary to have two different lev-

els of challenge. So, for someone, or for a trial where the offence is punishable with a mandatory life sentence of imprisonment, the Crown and the Defence are entitled to no more than five challenges. In other trials they would be entitled to not more than three. Why is it deemed necessary to have the two tiers and not just one level? That is the only question I have, and I thank you again, Madam Attorney General.

The President: Thank you, Senator Michelle Simmons.

Would any other Senator care to speak on this Bill?

Sen. James. S. Jardine: Madam President.

The President: Senator Jardine, you have the floor.

Sen. James. S. Jardine: Thank you, Madam President.

Madam President, I, too, support this Bill. It always seemed strange to me that the Crown was allowed to select a superior number of alternatives in a particular court case to that of the Defence. Having served as a juror once a number of years ago, and being thrown off a succession of matters that came before the courts, it was not until the last month of my service that the judge basically forced them to take me. And I always thought it was rather strange that I kept getting thrown off one after the other.

I was much younger then, Madam President, and perhaps somewhat naïve as to why I was being thrown off continuously. But in any event, this certainly seems like a just and far more fair system of dealing with court matters. So I would just like to say that I support this Bill. Thank you.

The President: Thank you, Senator Jardine.

Would any other Senator care to speak on this Bill?

No. Then Madam Attorney General, it is over to you.

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President. I would like to thank Senators first and foremost for their support of the Bill. The Government takes very seriously the necessity to make sure that our laws are modernised. And as we come across particular circumstances that lend themselves to social injustice, it is a responsibility that we all have to ensure that they are dealt with through the legislative process to ensure parity and fairness with respect to these matters.

The reason why we have the different tiers, we have five for mandatory life sentences, and those offences are the most serious offences known to our laws, particularly the offences like murder. So the different tiers reflect the nature of the particular offences in question.

So with that, Madam President, if there are no other questions I move that the Bill be now read a second time.

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

SUSPENSION OF STANDING ORDER 26

Sen. the Hon. Kathy Lynn Simmons: Madam President, I move that [Standing Order] 26 be suspended in respect of the Bill.

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

[Motion carried: Standing Order 26 suspended.]

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President. And before I move that the Bill do now pass, I would like to take note of the efforts behind this particular initiative whereby the counsel in the Department of Public Prosecutions [DPP] and also, and notably, the Deputy DPP Cindy Clarke and our Deputy Solicitor General Shakira Dill-Francois, along with the drafter.

And I will be happy to announce to the world today that our junior drafter, Assistant Parliamentary Counsel, Alisha Wilson, actually drafted this Bill. She was assisted by Amani Lawrence, but she is quite apt and very, very good, so I am pleased to be able to shepherd her first Bill through the legislature today.

And with those comments, Madam President, I move that the Bill do now pass.

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

Is there any objection to that?

[Inaudible interjections]

The President: Did we do the third reading? I'm sorry. The third reading.

Sen. the Hon. Kathy Lynn Simmons: I'm sorry.

The President: I lost you.

Sen. the Hon. Kathy Lynn Simmons: After Standing Order 26, I suspended in view of rule—

The President: Yes.

[Crosstalk]

The President: You do the third reading now.

BILL

THIRD READING

CRIMINAL CODE AMENDMENT (NO. 2) ACT 2020

Sen. the Hon. Kathy Lynn Simmons: I move that the Bill do now be read a third time.

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

Sen. the Hon. Kathy Lynn Simmons: I now move, Madam President, the Bill do now pass.

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

Is there any objection to that motion?

No objection. The Bill has passed.

Thank you, Madam Attorney General.

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

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President.

The President: We will now move on to the next item, the second reading of the Expungement of Convictions Act 2020. And Madam Attorney General, that is your Bill. You can proceed when you are ready.

BILL

SECOND READING

EXPUNGEMENT OF CONVICTIONS ACT 2020

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President.

Madam President, Senators may recall that soon after this Government was elected it enacted the [Misuse of Drugs \(Decriminalisation of Cannabis\) Amendment Act 2017](#). In part, the preamble to that Act stated that its purpose was to remove criminal sanctions in relation to the possession of cannabis, where the amount is less than or equal to seven grams.

At the time, Madam President, the overall policy objective was stated to be the discontinuation of the long-standing practice of criminalisation for recreational cannabis use. It was a long overdue response to generations of Bermudians facing criminal penalty for being caught with small amounts of cannabis for personal use. In particular, it was the realisation of a campaign promise to rid our society of the unfairness,

especially to young Black men, of harsh drug enforcement and criminal justice practices long recognised as having a lifetime impact on education and employment prospects for our youth.

Madam President, that was to be the initial step in achieving social justice for persons most likely to be affected by cannabis prohibition laws. The next logical step is to offer redress to those carrying criminal records for possessing small amounts of cannabis before the cannabis decriminalisation law came into effect.

Madam President, against that backdrop, I am pleased to present to this Honourable Senate the Bill entitled the [Expungement of Convictions Act 2020](#). This Bill makes provision for an application to remove criminal conviction records of persons convicted for possession of less than or equal to the statutory threshold of seven grams under that Act.

Madam President, when the Bill was debated in a different place last Friday, there was a reference made to an omission in the title of the decriminalisation Act in the Schedule. This omission has been corrected in the Bill before us today.

Presently there are persons in Bermuda with criminal convictions on record for an offence which is now decriminalised because their conviction was recorded prior to the amendments in the law taking effect in December 2017. Accordingly, it would be unfair to leave those persons to continue to suffer the consequences for an offence which has been repealed and that societal values no longer consider warrant criminal sanction.

This Bill provides the opportunity for those affected persons to overcome the negative stigma, biases, and exclusion attached to those criminal histories. The procedure prescribed by the Bill is for persons convicted of possession of less than seven grams of cannabis before December 20, 2017, to apply to the Minister of Legal Affairs to make an order that the record of their conviction is expunged, i.e., an expungement order.

Madam President, it is a simplified procedure which permits affected persons to apply to the Minister for an expungement order by providing basic details of their conviction and minimal personal information such as name, date of birth and home address, which is also the address at the time of conviction. Ministerial discretion can be exercised to request additional information beyond that which the applicant submits for the Minister's consideration.

Provisions within the Bill also allow an applicant to appeal to the Minister's refusal to make an expungement order. The ultimate effect of making the expungement order, Madam President, is captured at clause 8 of the Bill. That is to say, the person is thereafter to be treated as not having committed the offence, not having been charged or prosecuted for the offence, and not having been convicted or sentenced for the offence.

A person with an expungement order will not be compelled to have their prior criminal record used against them in criminal proceedings. Likewise, prospective employers cannot use it to deny him or her employment. In other words, the person with an expungement order will not be subject to any legal ramifications such as perjury or giving a false statement by not acknowledging or disclosing the prior existence of an expunged record. This includes the response to any inquiry made of them for any purpose either by a court of law or a perspective employer.

Madam President, in practical terms, an expungement order will have the effect of completely erasing the applicable criminal conviction. For all intents and purposes that conviction will no longer exist under Bermuda law and for conducting affairs within Bermuda. Expungement orders will be binding upon authorities and entities in Bermuda including those who hold and make criminal conviction records available to third parties.

Madam President, to position this proposed law reform within global context, a number of other countries have recently decriminalised or legalised cannabis possession and/or usage to varying degrees. These jurisdictions include Trinidad and Tobago, Jamaica . . . and Madam President, excuse the Cup Match parade that is going by the window—

The President: Yes, I hear it in the background.

Sen. the Hon. Kathy Lynn Simmons: Yes.

[Crosstalk]

Sen. the Hon. Kathy Lynn Simmons: These jurisdictions include Trinidad and Tobago, Jamaica, Barbados, Canada, Australia and more than 30 states within the United States of America.

Likewise, since enacting cannabis decriminalisation or legalisation measures, a number of countries have also sought to expunge past criminal conviction records for cannabis offences. For example, Jamaica has a Criminal Records (Rehabilitation of Offenders) (Automatic Expungement of Convictions) Order which became effective in July 2015. Canada has Bill C-93 in June last year which allows persons to be pardoned immediately and at no cost for simple cannabis possession upon making application to do so. Madam President, within the United States, expungement for simple cannabis possession and other forms of criminal record relief such as sealing and set-aside have now been enacted in more than a dozen states. Most US laws require individuals to file petitions in court to obtain relief.

Madam President, one of the pressing questions locally is whether expungement over prior cannabis conviction record will avoid the person being with the US Immigration stop list. This question cannot be answered definitively, as US Immigration policy is

entirely of its own making and operates independent of other country's laws. Canadians, for example, are faced with a similar challenge to Bermuda as the US has said that it does not recognise Canada's cannabis conviction pardon. This means that Canadians with past convictions may still face difficulties crossing into the US border notwithstanding that they have been lawfully pardoned.

Madam President, additionally, an expungement order cannot expunge things such as news stories and social media posts. However, where we can give assurances is by highlighting that once an expungement order is issued local authorities will be prohibited from providing criminal conviction records for the expunged offence to any person or entity, locally or internationally. In other words, no new criminal record information for expunged offences will be provided to US Immigration authorities post expungement. It can also be said that with the relatively recent trend of decriminalisation across the US, expungement offers the best opportunity for overcoming the stop list hurdle in the future.

Madam President, I am confident that this Bill will bode well for those who would otherwise have their future compromised because of historic personal drug use. This latest measure toward achieving social justice and restorative justice in Bermuda, especially for young Black Bermudian men, will not be the last. The intent is to ensure that the law does not unnecessarily—let me make that clear, unnecessarily—stigmatise persons based on historic personal drug use.

And with that, I conclude. Thank you, Madam President.

The President: Thank you, Madam Attorney General. Would any Senator care to speak on this Bill?

Sen. James. S. Jardine: Madam President.

The President: Senator Jardine, you have the floor.

Sen. James. S. Jardine: Madam President, I am certainly prepared to support this Bill on the basis that it follows logically from the decriminalisation of personal use of cannabis for amounts of seven grams or less. Errors in judgment are made by young people, and in this particular case I think to carry the stigma of a criminal offence for personal use of small amounts of marijuana seems an unduly harsh cross to bear for the rest of one's life, as it has a significant impact on the ability to obtain work and to possibly leave and obtain education off-Island.

As the Attorney General has indicated, of course, the United States keeps its own records of individuals who have been criminally charged for possession of cannabis. So the fact that it has been expunged from our records, as she quite rightly points out, does not necessarily mean that the United States

will recognise those expungement orders and [will] have cleared their records of that particular charge. And so the doubt still exists as to whether individuals who have been previously charged and who are currently on the stop list in the United States will be able to travel there and obtain education.

Hopefully it is something that can be dealt with shortly in the future so that our young people or individuals who have been charged with this and who have managed to obtain an expungement order here will be able to travel to the United States. But obviously that is a matter for the United States authorities and not ourselves. Thank you, very much, Madam President.

The President: Thank you, Senator Jardine.

Would any other Senator care to speak on this Bill?

Sen. Dwayne Robinson: Yes, I would, Madam President.

The President: Senator Robinson, you have the floor.

Sen. Dwayne Robinson: Thank you.

First of all, I want to commend Madam Attorney General for taking in a lot of the feedback that was received from the public and also from my colleagues in the other place. Frankly, this particular amendment is something that I really, really, really celebrate because it is a well-known fact that young Black males have been (in a sense) targeted via drug convictions. And I do believe that this is going to give a lot of people in my age bracket—and a lot of people I went to school with have struggled to really pursue their ambitions and dreams because of a mishap or a misstep they might have made in the past—this will give them a second opportunity.

And it is really one of the reasons why I got involved is to see amendments like this be passed that truly benefit the younger generation and also move us into a new state of looking at cannabis as the rest of the world does, and start to move into a place where one minor mistake is not going to be held against you regarding this. So with this I fully support the Bill, and also from the Opposition we also stand with you on this, Madam Attorney General. Thank you very much.

The President: Thank you, Senator Robinson.

Would any other Senator care to speak on this Bill?

Sen. Anthony Richardson: Yes, Madam President.

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

Sen. Anthony Richardson: Yes, Ma'am.

These are times when we have an opportunity I believe to reminisce. So I wanted to express my support and admiration for Madam Attorney General and for all those who have played a part in bringing this to the forefront. I say “reminisce” in the sense of my own life in that some would look at me and say that *Anthony has been successful and done different things*, but what most will not know . . . actually, very, very few know that Anthony, of course, made decisions when he was younger.

I did not smoke cannabis, marijuana, weed or whatever you want to call it.

[Laughter]

An Hon. Senator: I felt like something was coming.

Sen. Anthony Richardson: No, no! Madam President, as a youngster I have always been intrigued by speed. And I can remember one Saturday evening my friends and I were sitting out on the wall on Dock Hill, my mother of course was inside (I don't know whether she was asleep or otherwise and everything else) and I decided that it would be okay to go for a little bike ride at age 15 riding a 50cc. And I gladly took myself for a ride. I went out to Victoria Street there—

An Hon. Senator: We'll try not to laugh at this one.

Sen. Anthony Richardson: —and as I rounded the corner there was a good old policeman there. He pulled me over.

[Laughter]

Sen. Anthony Richardson: And he said, *Now, look, go with me*. And I went to the police station. And so at age 15 I was at the police station. They called my mother to say, *Well, Anthony is here*.

She said, *No, he is not there. He is outside*. Because she thought I was actually outside.

[Laughter]

Sen. Anthony Richardson: As a consequence, I was arrested.

And then there was a big conversation in terms of *What do you do with this young boy?*, because yes, you are riding under age, no insurance, and the whole nine yards, but it is basically a relatively minor offence. And so as a consequence, I was actually taken in, at that stage, under the Juvenile Liaison Scheme and on that basis what happened was I did not get a conviction, as such, but I was told to . . . you know, you had to follow-up, and all the drama that arises.

Me being a 15-year-old and having some lady . . . I shouldn't say that. I mean, a police officer come to my house in full uniform. And so—

[Laughter]

Sen. Anthony Richardson: What I am getting at is that I was able to go full circle—

An Hon. Senator: Unbelievable!

Sen. Anthony Richardson: I actually became a police cadet at age 17, became a policeman . . . I actually went through the whole police cadet process—

[Crosstalk]

Sen. Anthony Richardson: Eventually, life went on.

I am saying all that to provide a case, but also to also to the general public, that as young people we do things and it is not the end of life. It is reality. And I know that all of us have had other indiscretions. But this is one of those small things that is actually huge to young people who may be listening but also to parents to know that things do happen. But we have to then persevere and realise that those things in life they do give us, sometimes, the impetus to do much better. But it should not be something that causes us to be held back.

And so even though I did not have the conviction for, say, smoking marijuana, smoking weed, whereby I could not travel overseas, certainly, these are the small things that have become big things that do impact our lives. And that is why I said earlier this is a time for me to reminisce and to use it as an example of encouraging, because right now for many of us there seem to be so many negatives, and we do not realise that all of these things can be turned to positives.

Certainly, as Senator Jardine said and Madam Attorney General said already, we know that the expungement of records in Bermuda is not going to take you off of the US stop list. However, I think it should still be pursued in terms of you can still make mistakes and, to be honest, we learn from our mistakes and move ahead. And so still now, if you happen to go on the stop list there is a process by which you can make application to try and get a waiver.

And yes, it may take a long time and some people may not succeed and all that, but I still believe that for those who are currently challenged or who have issues in that regard that they should pursue it with full vigour to ensure that they can get off the stop list or have a waiver to travel, because it is through traveling, it is through experiences, it is through different interactions by which we are able to have a more solid platform to become solid individuals going forward.

And I will say that I might be encouraged to make comments under the motion to adjourn in regard to this, but for right now I just want to say, yes, we have all had our youthful indiscretions. But this is an example by which we can actually overcome those

things and still achieve in life as we should all be aiming to do so. So thank you, Madam President.

The President: Thank you, Senator Richardson.

Would any other Senator care to speak on this Bill?

No. Then Madam Attorney General, it is over to you.

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President.

This is a Bill, and I thank Senators for their support, and which is supported in the community as well. I had cause to be up at Hayward's (I call it Hayward's)—

An Hon. Senator: Mm-hmm.

Sen. the Hon. Kathy Lynn Simmons: —in Warwick, recently and an older gentleman approached my car (and I had the GP at that point). And he was angry. And of course, my first thought was, *Oh, what have I done!*

And he proceeded to spew a great story full of anger and frustration, and he imparted to me that he is 70-some years old and has been denied travel privileges to the United States for many years because of an infraction as a young person.

I felt very sad for him. He was . . . I mean, you would think sometimes that people do not listen to what we are doing and that people are not switched on, but people are listening and people are appreciative of the measures that we are taking to bring (in my terms) social justice to the country. There are many things that we talk about; there is very little, sometimes that we do. So I am really, really privileged to be shepherding this through the Legislature today because it will in fact make a difference in so many people's lives, hopefully.

What I think is important to know with regard to the whole conversation around the stop list is that it is very important that we make people whole in our country first.

The President: Yes.

Sen. the Hon. Kathy Lynn Simmons: And to the extent that these minor convictions have prevented people from seeking employment or obtaining employment, they carry a stigma in terms of social interactions, education and the like, it is very important that we do these things with urgency and sensitivity.

And I will say, generally, Madam President, that as we look at our laws generally, so Anthony can be sponsoring an amendment to, you know, change fishing laws or something, as Ministers we all have our different portfolios. And along the road of making minor amendments to the law you often stumble upon very archaic provisions which fall into this category.

And so members of the public and the Legislature should know that we will continue to be mindful and vigilant of these types of injustices so that we can remedy them in short order. And I am sure that all Senators [can] embrace that philosophy going forward with respect to our roles.

And with that, Madam President, I am left to thank, once again, my drafting team—

The President: Absolutely!

Sen. the Hon. Kathy Lynn Simmons: —and in this particular case Parliamentary Counsel Amani Lawrence who was assisted [by] young [Assistant Parliamentary Counsel], Alsha Wilson with respect to this Bill. [She] diligently did the research, and I am pleased to carry this Bill today.

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

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

SUSPENSION OF STANDING ORDER 26

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President.

I move that [Standing Order] 26 be suspended in respect of the Bill.

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

[Motion carried: Standing Order 26 suspended.]

BILL

THIRD READING

EXPUNGEMENT OF CONVICTIONS ACT 2020

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President.

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

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

Sen. the Hon. Kathy Lynn Simmons: And finally, Madam President, I move that the Bill entitled the Expungement of Convictions Act 2020 be now passed.

The President: Is there any objection to the passing of the Bill?

No objection. The Bill has passed.
Thank you, Madam Attorney General.

[Motion carried: The Expungement of Convictions Act 2020 was read a third time and passed.]

Sen. the Hon. Kathy Lynn Simmons: Thank you,

The President: We will now move on to item number 10 on our Orders of the Day and that is consideration of the draft Agreement entitled Exchange Agreement between the Corporation of Hamilton and McCalmon Trust PTC [Limited]. That is in the name of Senator Campbell.

Senator Campbell, you have the floor.

SUSPENSION OF STANDING ORDER 71(2)

Sen. Vance Campbell: Thank you, Madam President.

Madam President, I move that Standing Order 71(2) be suspended so that the Senate may now proceed with consideration of the two proposed exchange agreements, [one] involving the Corporation of Hamilton and [another], the proposed sale and purchase agreement involving the Corporation of St. George's.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Campbell.

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

Sen. Vance Campbell: Madam President, I move that the Senate do now take under consideration the draft Exchange Agreement between the Corporation of Hamilton and McCalmon Trust PTC Limited as trustee of the McCalmon Trust regarding certain areas of land situated at 5 Brooklyn Lane, in the City of Hamilton, being marked as Lot 1 and Lot 2, as shown etched in yellow and pink, respectively, on onsite engineering drawing number 14112, annexed to the agreement, proposed to be approved by the Senate in accordance with the provisions of sections 20(1A) and 20(1B) of the Municipalities Act 1923.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Campbell.

AGREEMENT

EXCHANGE AGREEMENT BETWEEN THE CORPORATION OF HAMILTON AND McCALMON TRUST PTC LIMITED

Sen. Vance Campbell: Thank you, Madam President.

I am pleased to introduce the draft Exchange Agreement between the Corporation of Hamilton, a corporation existing pursuant to terms of the Municipalities Act 1923, the vendor, and McCalmon Trust

PTC Limited, the purchaser as trustee of the McCalmon Trust.

Madam President, the vendor and the purchaser wish to enter into the agreement set out in the draft exchange agreement. Section 20(1A) of the Municipalities Act 1923 requires that "Any agreement for—

- a) the sale of land which is the property of the Corporation; or
- b) a lease, conveyance or other disposition of any interest in land which is the property of the Corporation, being a lease, disposition or conveyance expressed to be for a term exceeding twenty-one years or for terms renewable exceeding in the aggregate twenty-one years,

and any related agreement, must be submitted in draft to the Minister for approval by the Cabinet, and be approved by the Legislature."

The land exchange is required to allow the corporation to complete the sidewalk from the Laffan Street to Canal Road which many schoolchildren use. The Corporation of Hamilton agrees to convey their property, area 1, to the McCalmon Trust in exchange for the conveyance of the McCalmon Trust Property, area 2. The trust agrees to convey their property, area 2, in exchange for the conveyance of the Corporation of Hamilton's property, area 1.

Madam President, the draft exchange agreement is such an agreement. It has been submitted to the Minister and has been approved by the Cabinet. It is now before the Senate for its approval in accordance with section 20(1B) of the Municipalities Act 1923, which provides that "[t]he approval of the Legislature . . . shall be expressed by way of resolution passed by both Houses of the Legislature approving the agreement, and communicated to the Governor by message."

Madam President, this concludes my presentation of the draft exchange agreement. Thank you, Madam President.

The President: Thank you, Senator Campbell.

Does any Senator care to speak on this draft Agreement, this Bill?

Senator Robinson, you have the floor.

Sen. Dwayne Robinson: Thank you.

Just in looking at the legislation we can see that it is a very clear and cut-and-dry upholding of the current Municipalities Act so the Opposition definitely supports the Bill. We can carry on, Madam President. Thank you.

The President: Thank you, Senator Robinson.

Would any other Senator care to speak on this Bill?

No. Then Senator Campbell it is over to you. There seems to be agreement of all Senators.

Sen. Vance Campbell: Thank you, Madam President. And I thank my fellow Senators for their support.

With that Madam President, I move that the draft Exchange Agreement be approved and that a suitable message be sent to His Excellency the Governor conveying Senate approval of the said draft Agreement.

The President: Is there any objection to that motion?

No objection.

Thank you, Senator Campbell. A suitable message will be sent.

[Motion carried: The Exchange Agreement between the Corporation of Hamilton and McCalmon Trust PTC Limited was approved.]

Sen. Vance Campbell: Thank you, Madam President.

The President: We will move on to your next item which is the draft Agreement between the Corporation of Hamilton and the Dianthus Trust.

Sen. Vance Campbell: Yes, Madam President, I move that Senate do now take under consideration the draft Exchange Agreement between the Corporation of Hamilton and the Trustees of the Dianthus Trust regarding certain areas of land situated at Canal Road and Laffan Street in the City of Hamilton designated as parcel A and parcel B, as shown etched in yellow and green, respectively on Q-Ship Enterprises [Ltd.] drawing number 0516054 annexed to the agreement, proposed to be approved by the Senate in accordance with the provisions of sections 20(1A) and 20(1B) of the Municipalities Act 1923.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Campbell.

AGREEMENT

EXCHANGE OF LAND AGREEMENT BETWEEN THE CORPORATION OF HAMILTON AND DIANTHUS TRUST

Sen. Vance Campbell: Thank you, Madam President.

I am pleased to introduce the draft Exchange of Land Agreement between the Corporation of Hamilton, a corporation existing pursuant to terms of the Municipalities Act 1923, the vendor, and Dianthus Trust, the purchaser, a local trust incorporated in Bermuda.

Madam President, the vendor and the purchaser wish to enter into the agreement set out in the draft Exchange Agreement. Madam President, section 20(1A) of the Municipalities Act 1923 requires that "Any agreement for—

- a) the sale of land which is the property of the Corporation; or
- b) a lease, conveyance or other disposition of any interest in land which is the property of the Corporation, being a lease, disposition or conveyance expressed to be for a term exceeding twenty-one years or for terms renewable exceeding in the aggregate twenty-one years,

and any related agreement, must be submitted in draft to the Minister for approval by the Cabinet, and be approved by the Legislature."

The land exchange is required to allow the Corporation of Hamilton to complete the sidewalk from Laffan Street to the Canal Road, which many school-children use. Both properties are almost equal in size, one being 150.06 square feet and the other being 150.03 square feet. Madam President, the land currently belonging to the Dianthus Trust is exchanged together with full, free and unrestricted right and liberty of way and passage for the Dianthus Trust and the owners, tenants and servants and all other lawfully authorised persons to go, return and pass and repass at their will and pleasure, with or without animals and vehicles of all descriptions, over and along the land being exchanged, given that the proposed land use is a public sidewalk.

Madam President, the draft Exchange Agreement is such an agreement. It has been submitted to the Minister and has been approved by the Cabinet. It is now before the Senate for its approval in accordance with section 20(1B) of the Municipalities Act 1923, which provides that "[t]he approval of the Legislature . . . shall be expressed by way of resolution passed by both Houses of the Legislature approving the agreement, and communicated to the Governor by message."

Madam President, this concludes my presentation of the draft Exchange Agreement. Thank you, Madam President.

The President: Thank you, Senator Campbell.

Would any Senator care to speak on this Exchange Agreement Bill?

Sen. Dwayne Robinson: I would, Madam President.

The President: Senator Robinson, you have the floor.

Sen. Dwayne Robinson: Thank you.

Similar to the previous legislation, the Government once again has our full support. You know, we look forward to getting it done. Thank you, Madam President.

The President: Thank you, Senator Robinson.

Would any other Senator care to speak on this Exchange Agreement?

No, then it is over to you Senator Campbell. You have full support.

Sen. Vance Campbell: Thank you, Madam President, and thank you Senators.

Madam President, with that I move that the draft Exchange Agreement be approved and that a suitable message be sent to His Excellency the Governor conveying Senate approval of the said draft Agreement.

The President: Is there any objection to that motion?

No objection.

A suitable message will be sent to the Governor. Thank you, Senator Campbell. Thank you, all Senators.

[Motion carried: The Exchange of Land Agreement between the Corporation of Hamilton and the Trustees of the Dianthus Trust was approved.]

The President: We now move on to the last item on our Orders for the Day and that is consideration of the draft Agreement entitled the Sale and Purchase Agreement between the Corporation of St. George's and the W. M. E. Meyer & Company Limited. And Senator Campbell, this is your Bill, you can proceed when you are ready.

Sen. Vance Campbell: Thank you, Madam President.

Madam President, I move that the Senate do now take under consideration the draft Sale and Purchase Agreement between the Corporation of St. George's and the W. M. E. Meyer & Company Limited regarding a vacant lot of land known as Lot A situated at Penno's Drive in the Town of St. George's as shown within an area etched red on Bermuda land survey from number LS7602 annexed to the agreement proposed to be approved by the Senate in accordance with the provisions of sections 20(1A) and 20(1B) of the Municipalities Act 1923.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Campbell.

AGREEMENT

SALE AND PURCHASE AGREEMENT BETWEEN THE CORPORATION OF ST. GEORGE'S AND THE W. M. E. MEYER & COMPANY LIMITED

Sen. Vance Campbell: Thank you, Madam President.

Madam President, I am pleased to introduce the draft Sale [and Purchase] Agreement between the Corporation of St. George's, the corporation existing pursuant to terms of the Municipalities Act 1923, the vendor, and to W. M. E. Meyer & Company Limited,

the purchaser, a local company incorporated in Bermuda.

Madam President, the vendor and the purchaser wish to enter the agreement set out in the draft Sales Agreement. Madam President, section 20(1A) of the Municipalities Act 1923 requires that "Any agreement for . . . Madam President this is the same as what we read in the two previous Bills so I will skip that part.

[Laughter]

Sen. Vance Campbell: If you do not mind, Madam President?

The President: Not at all Senator Campbell, you can continue with the Bill.

Sen. Vance Campbell: It has not changed in the last minute.

[Laughter]

The President: All right. Carry on.

Sen. Vance Campbell: Madam President, the subject lot is undeveloped and previously formed part of the adjacent property to the west of Coal Shed building, located at 6 Penno's Drive, the property which is grass, is roughly triangular in shape and used from time to time for parking. During 2009 and 2010, the Corporation of St. George's and W. M. E. Meyer & Company, Limited engaged in discussions regarding the boundary adjustment of the aforementioned property, with a planning application subsequently made. Attached at Annex 2 is the approved final plan of subdivision.

Madam President, after consideration of the market sales information of non-developable land parcels attached at Annex 3, a market value of \$13,000.00 was affixed to the subject lot. An evaluation was conducted by a chartered valuation surveyor representing Bermuda Realty. Based on the information provided to the Corporation of St. George's Council, members were satisfied that the proposed price is reflective of the true market value for the property.

Additionally, the purchaser, W. M. E. Meyer & Company Limited, has agreed to cover all costs associated with the sale. A tentative resolution was subsequently obtained and recommended to the Minister responsible for municipalities to approve the sale. Attached at Annex 4 is the sales and purchase agreement.

Madam President, the draft Sales Agreement is such an agreement. It has been submitted to the Minister and has been approved by the Cabinet. It is now before the Senate for its approval in accordance with section 20(1B) of the Municipalities Act 1923,

which provides that “[t]he approval of the Legislature . . . shall be expressed by way of resolution passed by both Houses of the Legislature approving the agreement, and communicated to the Governor by message.”

Madam President, this concludes my presentation of the draft Sales Agreement. Thank you, Madam President.

The President: Thank you, Senator Campbell.

Would any Senator care to speak on this draft Agreement Sale Purchase?

Sen. Dwayne Robinson: I would, Madam President.

The President: Yes, Senator Robinson, you have the floor.

Sen. Dwayne Robinson: I am certain that my colleagues can predict what I am going to say next by now.

[Laughter]

Sen. Dwayne Robinson: Yes, the Opposition does support this legislation and we do look forward to seeing positive activity coming out of the St. George’s area. Thank you, Madam President.

The President: Thank you, Senator Robinson.

Would any other Senator care to speak on this Bill?

No. Then Senator Campbell it appears you have full support from the Senate.

Sen. Vance Campbell: Thank you, Madam President, and thank you fellow Senators for your support.

So with that, Madam President, I move that the draft Sale and Purchase Agreement [between the Corporation of St. George’s and the W. M. E. Meyer & Company Limited] be approved and that a suitable message be sent to His Excellency the Governor conveying the Senate’s approval of the said Draft Agreement.

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

No objection.

Thank you, Senator Campbell. A suitable message will be sent.

[Motion carried: The Sale and Purchase Agreement between the Corporation of St. George’s and the W. M. E. Meyer & Company Limited was approved.]

Sen. Vance Campbell: Thank you, Madam President.

The President: Thank you.

MOTIONS

The President: There are none.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The President: Would any Senator care to speak on these—

Sen. Ianthia Simmons-Wade: Yes, I would. Yes, I would, Madam President.

The President: Yes, Senator Ianthia Simmons-Wade you have the floor.

Sen. Ianthia Simmons-Wade: Hi. Madam President, I would like to send congratulations to Leroy Brownlow Place who celebrated his 104th birthday on July 24th. He was born in 1916. In his early years he worked with *Bermuda Recorder*, which was actually funded by his father, for many, many years. He started a job at the Corporation of Hamilton at 55 and he retired at 85 years old.

He is a Somerset fan Cup Match!

[Laughter]

Sen. Ianthia Simmons-Wade: He is an avid cricket enthusiast. He goes up seven am in the morning and he stays there until last call. This will be his first year that he has missed Cup Match but he will still continue to celebrate. He is a living legend in our community. I want to say, as the Chairman of the Ageing Well Committee, he is what I guess I would consider an individual who has aged well.

The President: Mm-hmm.

Sen. Ianthia Simmons-Wade: He said it is a combination of good genes, positive attitude, he eats well, he exercises every day. I see a number of people here in the Senate who are shaking their heads because they have not tried every day.

[Laughter]

Sen. Ianthia Simmons-Wade: So I would like to say for those individuals, eight years ago . . . no, actually 12 years ago, he actually said what he really wants to do is to live to 100 years. He is now 104. You saw the recent pictures in the newspaper—

The President: Yes.

Sen. Ianthia Simmons-Wade: —he is walking, he is talking, and he certainly appears to have all of his faculties.

So I will say if you follow his example, you cannot do much about your genes, but all the other things that we recommended on the Ageing Well Committee, that would make a difference in how long you will be around for your family and your children. So in behalf of the Senate I wish him many more years. I do not know how many he wants, but I wish many, many more years, good health and happiness. Thank you, Madam President.

The President: Thank you, Senator Simmons-Wade. Would any other Senator care to speak?

Sen. James. S. Jardine: Madam President.

The President: Yes, Senator Jardine, you have the floor.

Sen. James. S. Jardine: I just wanted to be associated with Senator Ianthia Simmons-Wade's comments. I remember him well when I was an alderman at the Corporation of Hamilton. He always looked so young. And I always said to him that I hope I look as good as he did when reached his age. I think I have failed him miserably.

[Laughter]

Sen. James. S. Jardine: I saw him recently; he still looks the same as he did when he was at the Corporation. And it has been some years since I was an alderman on the Corporation, and he still looks the same. He is an incredibly active individual and has retained . . . if all Bermudian seniors could look like him and be like him, it would be wonderful. He is such a healthy individual and so cheerful. I remember him well and I wish to be associated with her comments. Thank you, Madam President.

The President: Thank you, Senator Jardine.

I would just like to add my own comment too. He introduced himself to me and he called the name and I told him my name and he said, *Oh, you are Inus Diller's daughter?* And she was my cousin. And he was telling me this well before he was 100 years old. He is a fine gentleman, and I want to be associated with the comments that have been made so far.

Would any other Senator care to speak on Congratulatory and/or Obituary speeches?

Sen. the Hon. Kathy Lynn Simmons: I will, Madam President.

The President: Yes, Madam Attorney General, you have the floor.

Sen. the Hon. Kathy Lynn Simmons: I would like to send congratulations to several people, and I think today is my day for highlighting the Attorney General's

Chambers. But in particular we have a former Parliamentary Counsel, Dr. Anthony Richardson, who has left our shores and has gone to the United Kingdom. And when I say "doctor" he received his doctorate while he was drafting legislation and provided services to the Government. But he has been singularly focused on higher education and advancing his career and he has achieved many things. He has a Harvard higher education teaching certificate. He has taught in other jurisdictions. And I have been informed he has been offered and accepted tenancy at a very prestigious chamber in the UK, i.e., 9 Bedford Row, International Chambers. And these Chambers are specialists in commercial, criminal and international criminal law matters. So, on behalf of the Senate it is so wonderful to see a son of the soil advancing beyond our shores to great legal esteem. And so I just want to congratulate him. He tends to follow us, and so I am hopeful that from the other side of the pond he is listening to us today. And I would like to say, *Well done!*, on behalf of his former colleagues and us as well.

I would also like to congratulate Ms. Chardonai Hughes who is one of our students. She has successfully completed her Master of Laws in legal practice and she has been employed with us since last year. She has a wonderful pleasing personality. She is a hard worker and I am looking forward to her, hopefully, completing her pupillage at some point and being called to the bar.

We also have a young student, Eva Frazzoni, [who] is returning to finish her law studies and so she is leaving us on the 3rd. I am happy for her. I am happy that the Government has been able to continue its summer programme to have students come through my Chambers and other departments to gain experience during the summer months. And so *Congratulations* to Chardonai and *Good Luck* to Eva.

I would also like to strike closer to home, Madam President, because throughout this period we have been assisted by one of our own. And when I say "one of our own," Mr. Gilbert Rowling, who is probably cringing at the moment, has been pivotal in making our lives very comfortable during this session. Gilbert is actually a policy analyst at the Cabinet Office who has . . . he is currently acting as the chief protocol officer. I know Gilbert from my days as a PEN consultant.

Not only is he well educated, he graduated from the the University of Western Ontario and he also has an MBA, but he is one of the most accommodating, selfless . . . (what other word can I use?), Bermudian who has provided a concierge service to the Government. He is diligent, he is kind, and a wonderful young man.

And I would just like to acknowledge him today because you do not often get that level of service particularly when people can be pursuing other more important things. But his kindness has

struck me, and I would just like to say on behalf of the Senate team thank you to our Gilbert.

I am done, Madam President.

The President: Thank you, Madam Attorney General. Would any other Senator care to speak on the Congratulatory and/or Obituary speeches?

Sen. Vance Campbell: Yes, Madam President.

The President: Senator Campbell, you have the floor.

Sen. Vance Campbell: I would also like to associate myself with the comments of Senator Simmons-Wade as it relates to Mr. Brownlow Place. I do see some signs of his ageing in that his judgment may be impaired in that he was wearing red and blue . . . but I will take that—

[Laughter]

Sen. Vance Campbell: —up with him the next time I see him.

Secondly, Madam President, I do wish to congratulate Latoya Brown-Hayward who was recently recognised by the Kiwanis Club of St. George's as their Hero of the Year. Ms. Latoya Brown-Hayward pulled her . . . I believe it was her cousin . . . her brother-in-law, sorry, Madam President, Omar Hayward, a Paralympian, from their home as it was ablaze, after attempting to put out the fire by herself. She is a Royal Bermuda Regiment soldier and I just want to congratulate her on her bravery and the Kiwanis Club recognition of her bravery and making her their Hero of the Year. Thank you, Madam President.

The President: Thank you, Senator Campbell.

Would any other Senator care to speak on the Congratulatory and/or Obituary speeches?

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

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

Sen. Anthony Richardson: Thank you, Madam President.

I would like to carry on the theme this afternoon of congratulating young people. And my focus is actually the Appleby scholars—

The President: Mm-hmm.

Sen. Anthony Richardson: The Appleby law firm awarded a total of seven scholarships. I will call all the names, with your indulgence, Madam President.

The President: You certainly may.

Sen. Anthony Richardson: Ms. Khayl'la Ball, Christopher Jackson, Zene Wade, Skye Burrows, Tiffany Cooper, Anthony Howell and Candace Paynter.

I want to especially comment on Ms. Khayl'la Ball, more so because I did not know who she was prior to COVID-19, but one of the wonderful opportunities we get as parliamentary representatives is to interact with members of the public in surprising circumstances. I came to know her more . . . well, know of her, I suppose, in the context of COVID-19.

She was one of those students who was overseas and could not return to the Island. Her mother contacted me one day and [asked], basically, if there was any way we could assist (me, in my other capacity). And it was wonderful to go through the process of assisting her in getting to Bermuda. And then we were able to work with her because that was right around the time when the Government made adjustments to its mandatory quarantine site. She was a wonderful individual. And the very first physical meeting with her was . . . she had to remain at the point of . . . at the airport in fact for about four hours. And despite the, in my mind, the arduous period of not knowing where she would be, she was tremendously positive during the entire time.

We were able to then help her to find, you know, the whole nine yards. It was just really, really rewarding to work with her. And then one day I asked her, basically, why was she here and all those kinds of things. And she told me that she was determined to come back because she had to attend an interview. [She] did the interview online and then she called me back to say that it went very, very well. And of course I followed up to find out what happened. Then she said she actually got the scholarship.

The President: Wonderful!

Sen. Anthony Richardson: And the scholarship . . . and she is very shy However, the scholarship, Madam President, says, "This year's Legal Education Scholarship [is] valued at \$30,000" which means that her mother does not have to pay for the school fees, and if I am not mistaken . . . no, I'm not mistaken rather, she is very, very bright . . . and again, following now in Madam Attorney General's footsteps to be a lawyer. And so now she is off to the UK, and I am looking forward to her coming back to practice in Bermuda in the longer term.

But, again, to all of those young persons, I say, *A job well done!*

And a final comment in regard to the success of the Bermuda Dual Enrolment Programme. I have commented on it on several occasions. I have been informed that history will be made this year because Bermuda College will take at least two students, age 14, into the programme, which means they have basically finished their high school graduation require-

ments and are now moving on to the first stage of their tertiary education. So it bodes well.

I commend also Dr. Duranda Greene, as President of the college and all the directives that she and her team do (she can't do it by herself). And just in a general sense to all of our young people now to realise that education is very important and really, if you focus on it, it is yours to obtain. So thank you, Madam President.

The President: Thank you, Senator Anthony Richardson.

Would any other Senator care to speak on Congratulatory and/or Obituary speeches?

No. Then Madam Attorney General, you can move us to adjournment.

ADJOURNMENT

Sen. the Hon. Kathy Lynn Simmons: Madam President, I move that the Senate do now be adjourned until Wednesday, September 16.

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

Sen. Marcus Jones: Yes, I would, Madam President.

The President: Senator Jones, welcome back. You have the floor.

EMPLOYMENT OPPORTUNITIES FOR WILLING BERMUDIANS

Sen. Marcus Jones: Thank you, Madam President.

Over the last week we have witnessed the departure of several expatriate workers returning to their homelands. A July 24th story in the *Royal Gazette* reported that over 60 Portuguese nationals quit the Island in a special repatriation flight. With the invasion of this COVID-19 onto our shores, we have had to view life—business, sports, entertainment and any other activity that we do—differently.

This new normal should cause us as Bermudians to approach work with a different perspective. The jobs that we have frowned on and refused to do because it was beneath us, or did not pay what we thought was a salary that sufficiently underwrote our lifestyle, needs to be a way of the past. The high-paying jobs that were in abundance in the 1990s and the early 2000s are not there anymore so we as Bermudians need to be willing to do those jobs that we took a pass on and left for expats to do. Jobs such as landscaping, waiters, chefs, commercial cleaning, domestic help, skilled labourers, and construction and the like. Why? Because our economy has seen the shrinkage of jobs and the ones that have been able to survive through the recession are the ones that have been traditionally filled by foreign workers. So as we

come out of this state of emergency we must swallow our pride and be willing to do those jobs that we once looked down our nose at.

Stop making the expat workers the enemy. Both political parties have maintained a stance of Bermudians first. And we make no apologies for that. That position should never be surrendered or compromised. But what disturbs me is the general *Woe is me, the foreigners-are-taking-my-job attitude*. We Bermudians are made of stronger stuff than that.

Our parents and grandparents who may not have had university degrees did the work that was necessary to survive. They put us through school, built their homes, and had money saved for retirement to travel and enjoy the finer things in life in their declining years. If for whatever reason you are unable to go to university and qualify for that six-figure career job, or if you did graduate from higher learning, and a job in your field is not readily available, humble yourself, pick up that paint brush, lawnmower, serving tray or whatever tool is necessary to do the work with your hands. Our forebears did it. The expat workers are doing it. And with persistence and disciplined spending habits, they are able to make a prosperous life for themselves and their families who live in a foreign land. Who knows, if you are industrious and have a good work ethic, maybe you can ascend to upper management and ownership within an industry that is a mainstay on this Island.

I can make this claim with authority because I worked full-time as a waiter at a hotel after graduating from high school at the age of 16. By the age of 37 I had worked through the hotel ranks and was made a general manager of a small size hotel here on the Island. In between that time I attended Bermuda College and a Canadian university to equip myself to qualify for the top job. But great outcomes start with small beginnings!

If working for someone else is not your forte, work to be an entrepreneur, one that can find enterprising opportunities as the economy reopens. Be willing to work those so-called blue-collar jobs while you prepare to be a business owner or engage in online further education to upgrade your skill sets. Why is it that we as Bermudians cannot see opportunities on our shores while that is all the foreigners see? Why are many of our family members pulling up stakes and pursuing opportunity abroad rather than making it work for us here on our beloved Island? Because many times opportunity is disguised in work overalls and gloves, and we miss it.

At present, there are hundreds of hotel workers unemployed due to this pandemic. There is uncertainty on whether hotels will reopen or remain closed until next spring. There is a predetermined break-even point in occupancy that every general manager within the industry will want to attain in the next few months to justify a decision to open now or wait until next year. In the meantime, many of those expat workers

who filled the jobs that traditionally Bermudians do not gravitate to, such as chefs and food and beverage servers, are seeing the unemployment benefits coming to an end and no guarantee of work. So they will return to their countries and the hoteliers will not have enough staff on hand to open, if in a month's time they can find a financial reason to reopen.

What do I see from this potential dilemma? Opportunity! It is time for Bermudians, both young and old, to return to the hotel industry. Make yourself available for retraining in being a waiter, a chef, a spa attendant, or a landscaper. Those of you who are already employed in the hotel, be willing to receive cross training in other departments so that a room attendant can be cross trained as a waiter, while a front desk clerk can upgrade his or her skills to be a sous chef in the kitchen.

Allow me to destroy a myth that remains a talking point amongst those who may not be in the business of hiring. As a general manager of a hotel with more than 100 employees, I preferred Bermudian workers and searched high and low to find them. I was not unique in that approach, because most of my colleagues within a management fraternity of the hotel industry both foreign and local felt the same way. I may be biased, but there is no group of people on God's earth that are friendlier and more personable than Bermudians. So we desperately wanted Bermudians to sell our Island's attributes to the visitors when they checked them in, served them a beverage or cleaned their room. But too often we were dealing with workers who failed to show up for work, failed the drug test at the hiring stage, or who had a poor work ethic.

Come on people! We are running a business and we need to provide top-notch service. So, as much as we want to hire and train our fellow Bermudians, we must have them commit to a good work ethic and a willingness to go the extra mile when called upon. Very few people are willing to admit this flaw in our local work force. So we pretend it does not exist and claim that foreigners are taking our jobs.

Hospitality is part of our DNA as Bermudians. And generations before us were able to generate enough wealth to give their families a great life. I know of a female housekeeping department staff member [who was] at one of our major hotels all of her working life and, through hard work, persistence and shrewd money management, was able to purchase houses here on the Island and overseas. Don't chase the money; follow your passions with great diligence and purpose and the money will chase you. Be willing to take career changes that suit your personality and skill set.

Here in Bermuda, as in other jurisdictions about the world, we will have to reinvent ourselves. This is not new, as we have been doing that as a nation since our inception over 400 years ago. Throughout our colourful history we have been whalers, ship

builders, privateers, tourism specialists and international reinsurance providers. This 21-square mile piece of limestone, 650 miles from its closest major landmass to the west of us, has punched above its weight class for centuries. What this economy is crying out for is for people to be willing to do the jobs that we, over the last several decades, have been unwilling to do because we figured we were too educated to do them, or they did not pay us enough.

The Government's unemployment benefit programme will come to a screeching halt. We do not want to create a generation of people who get comfortable with government assistance as a source of income. We can appreciate that we are living through unusual and exceptional circumstances. But there comes a time when we have to dust ourselves off and be willing to do the jobs that our expat workers do that, under normal circumstances, we would not venture to do ourselves.

Happy Cup Match holiday to my fellow Senators and the listening audience.

Thank you, Madam President.

The President: Thank you, Senator Jones.

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

Sen. Anthony Richardson: Madam President.

The President: Senator Richardson, you have the floor.

BLACK LIVES MATTER

Sen. Anthony Richardson: Yes, Ma'am.

Madam President, I will preface my comments by saying that sometimes it is difficult to get up, because when you are down people step on you, or you are feeling in a negative mood and they throw what might be unintended criticism, but nevertheless it is criticism. What I ask us to do sometimes is . . . we are all human, sometimes consider the context before you make comments. So, for me personally, don't call me up and start making accusations of another. Sometimes just ask a question or see how I am doing before you launch into what might sometimes be a diatribe because it doesn't in any way help my attitude, my mood or otherwise. So, with those comments, Madam President, I offer this:

Madam President, Black Lives Matter. Black Lives Matter? Black Lives Matter! Madam President, each of those statements used identical phrases. But the difference in articulation is based on the usage of punctuation. So today I used a period, a question mark and an exclamation mark. A rhetorical question each of us and the broader community in Bermuda is, What do we use after the proclamation of Black Lives Matter—a period, a question mark, or an exclamation mark?

Madam President, the May 25th, 2020 death of Mr. George Floyd at the hands of law enforcement officers in Minneapolis caused a significant outpouring of worldwide demonstrations. And I have mentioned before my observation of a broad demographic that attended the march in Bermuda on June 7th, estimated to contain as many as 7,000 attendees. So, Madam President, as we prepare to celebrate Cup Match 2020 and the inaugural Mary Prince Day my question is, what next?

What is next for Bermuda to ensure the number and diversity of attendees on June 7th does not result in just that, an emotional outpouring and no more. Two recent experiences in my portfolio as Junior Minister of Education provide the context for my following comment. One experience was the revelation that a white Bermudian had completely and selflessly undertaken to ensure that a young Black Bermudian had an actual education and undertook to fully fund him from primary school all the way through university.

The second was a white non-Bermudian who planned to come to Bermuda with three younger children, and they asked me about schools in Bermuda. Based upon what normally takes place I explained that there are different social dynamics that take place in the public school system versus the private schools system. Midway through my explanation he interrupted me to say, *No, I want to know about public schools because I want my children to attend public school because that is the only way they will know what life is about.*

Madam President, I am a proud graduate of Warwick Academy. In many cases people ask me, or assume that I attended Berkeley. And then there is a general conversation in terms of Berkeley versus Warwick Academy. And I would say that I have lots of friends from Berkeley, actually many family members, my wife went to Berkeley and so did my two children. But my personal experience going to Warwick Academy helped to ensure for me socially that there is actually no difference fundamentally between Blacks and whites in Bermuda and, therefore, we got a chance to see us all in groups. In some cases when it comes to sports, there are some Blacks that are superior to whites and there are some Blacks that are not in any sporting contests. When it came to academics, we had a broad variety. Some, you know, just to a class, you may have a white person or a Black person that was the best in class, in terms of highest grades, or the lowest. When it came to playing music, the same thing would apply.

What I am getting at is that through that experience it allowed us to understand that on a man-to-man or on a person-to-person basis, we are no different. Therefore, there is no need for us to presume that a white person is better than a Black person, and the reverse, that a Black person is inferior to a white person.

The challenge, though, that does arise is that through socialisation, what I refer to as socialisation, that in many cases whites will progress further in a professional sense than Blacks. And when I say "socialisation" I am referring to the fact that based upon your friendships and your social interactions that sometimes persons are given greater opportunities than others. So, going back to the Black Lives Matter, we need to consider what will we do individually, because I cannot change you, but I can change me. And I can change me by making fundamental decisions.

Today we talked about or certainly congratulated many young people. Madam Attorney General referred to many of the persons who actually write, draft and research all of the laws that come into place for us that will actually transition Bermuda in the longer term. Over the past year, we have actually looked at some laws and figured out that from the inception they were racist. So it is certainly intended to provide an advantage to white Bermudians. One of the most recent ones for me was, of course, when we did the Riddle's Bay [(Warwick Parish) Special Development Order 2020] last week, or at the last [sitting]. We came to find out that public money was actually used for a private matter which ultimately ended up with Blacks being excluded from the activity. And then what some of us observed was that even when it came to the reporting of that, what did the *Royal Gazette* do? For whatever reason, and it is certainly not on a personal level, they chose to have Senator Jardine as the face of the whole discussion around the Riddle's Bay. Clearly I have no detailed information as to why that happened, but it is the observation sometimes of things that we see that we then use our own bias to figure out why it is or why it is not.

More recently—and I say recently, the past three or four days now—the lead story since last week Saturday, or not the lead story but the lead pictures, if you will, has been a discussion about criticism of Dr. Weldon. And how that played out in my mind . . . it was on the front page of the paper seven times. The message in my mind was completely wrong to us as a Black community because there were many other things that could have been highlighted to show a much more positive experience.

So I go back to my comment, Black Lives Matter. What are we going to do? It is a challenge to us individually and collectively. Going back to my current role as Junior Minister of Education, I will say this: Clearly, Education at a young age and all the way through would have one of the most significant impacts on our upbringing, our socialisation, and our better understanding of each other primarily and significantly to ensure that we recognise that skin colour does not make anybody inherently better than another.

I am going to end by saying this: for the past two years, at least, while I have been a Senator, I have always tried to highlight what has been taking

place in the public education system, not because I have a bias against private education, but because the narrative for so long has been that public education has been “less than.” But I wanted to ensure that I was able to highlight the significant successes in public education. On occasion I have talked about the fact that there have been many children right now who have gone through the dual enrolment programme, which is a public school programme, by which children who are able to complete the majority of their high school graduation requirements are able then to attend Bermuda College courses on a dual enrolment basis.

What has surprised me is so many of the children that did well at Bermuda College were actually the younger children, i.e., those who were in the dual enrolment programme. In many cases they were the ones who got the highest grades and were then rewarded at the end of the school year with recognition for what they had achieved.

I want to underscore again to both us as a people and to the business community also that it is more than just money. It is actually the survival and the success of Bermuda. [It] will go a much, much, much longer way if there is greater support for what is needed in the public education system. We know that the Minister of Education which is [INAUDIBLE] today is leading the determination to make changes to the public education system. I believe it is going to be a long-term investment, maybe 10 or 20 years, maybe. But for those of us who currently have children in the public school system we need to redouble our efforts in support of our children, because that is what is going to have a significant impact on the success of our children.

As a final comment, Madam President, I will say that for all of us now, going back to my original comments in terms of Black Lives Matter, we can make decisions today and every other day in terms of how we govern ourselves because Black Lives Matter. Black Lives Matter? Black Lives Matter!

Thank you, Madam President.

The President: Thank you, Senator Anthony Richardson.

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

Sen. Ianthia Simmons-Wade: Yes, Madam President.

The President: Sorry, I am looking to see who . . .

Sen. Ianthia Simmons-Wade: Senator Simmons-Wade.

The President: Senator Caesar, you have the floor.

Sen. Ianthia Simmons-Wade: Simmons-Wade.

The President: I beg your pardon, Senator Simmons-Wade. Your voice was very low and I wasn't sure where it was coming from. But Senator Simmons-Wade you have the floor.

L. F. WADE INTERNATIONAL AIRPORT

Sen. Ianthia Simmons-Wade: Thank you.

Madam President, the [INAUDIBLE] Wade family was very [INAUDIBLE] and proud that the PLP renamed the airport in honour of my late husband, L. Frederick Wade. I actually briefly thought when the airport was being renamed to ask whether or not there was a possibility that we could move it to Somerset. But I decided not to.

My husband was elected to Parliament in 1968 and served as an MP and as a Leader for 28 years. He worked tirelessly for all Bermudians. His ultimate goal was to have a PLP Government, as he believed that a PLP Government would be the best Government to serve the people of Bermuda. Unfortunately, the past two years prior to the PLP winning Government he sacrificed so we could have Bermuda. The airport belongs to the people of Bermuda. But I am sure that those people would understand that this is very personal for me and my family.

My initial concern was when the previous Government decided not to put this contract out to tender, when the terms and the conditions of the contract were made public, I was more concerned and to be quite honest, I was actually quite appalled. When the PLP regained power every effort was made and continues to be made to amend the contract. To date, all of their efforts have been unsuccessful. As a result of the pandemic, it has highlighted even more the issues and the price that Bermuda taxpayers would have to pay when \$5.7 million was paid out because the airport was closed during the pandemic.

I ask myself the question, even though it was acknowledged by Mr. Cannonier that the lawyers hired somehow did not do good service in terms of reviewing this contract, I do not understand why if he had four MPs who are lawyers sitting for the OBA, that no one could see that this was not a good contract for the people of Bermuda. But then we have a hint. They would have had to have sight of the contract in order to give their input. I do not know if this was the case.

The bottom line is, this contract and the situation that we have here in Bermuda as it relates to the airport lies solely at the feet of the OBA Government. Even during the sunniest day a cloud would be over the L. F. Wade Airport if this contract is not amended. No one expected to have to be paying for 30 years. Every time we travel, every time we look at that airport, we have to put our hands down and say *someone is in my pocket*, because we will be paying for a very long time.

This honour is now bittersweet for my family. As a Government we will continue to seek the legal

advice to bring amendments or changes to this contract without compromising Bermuda financially. Again, we are honoured to have the airport named after my husband, and I appreciate that this is the L. F. Wade International Airport.

Thank you, Madam President.

The President: Thank you, Senator Simmons-Wade.

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

Sen. Dwayne Robinson: I would, Madam President.

The President: Senator Robinson, you have the floor.

AIRPORT PROJECT AGREEMENT AND REGULATED REVENUES

Sen. Dwayne Robinson: Thank you.

When we come into this Chamber, I really strive to be as accurate as possible with my statements. And I really hope that my colleagues intend to do the same. Regarding this particular airport commentary that we have had in the press and whatnot, I do want to make it quite clear that in the same breath that we are talking about not placing an airport out to tender, or a certain contract out to tender, we then have a Government, a current Government, that has turned around and met folks overseas to discuss sewage treatment and come back with an untendered contract for the Ottiwell Simmons building.

So it is very, very, very convenient for me when I hear that folks will like to lay this debacle directly at the feet of the OBA when we inherited a Government that was fiscally mismanaged and capital expenditure was out of control. And when you make a deal you have to take into account your leverage in a situation, you have to take into account the people that it affects. And, at the end of the day, the airport workers were working in conditions of mould, they were working in conditions of things that were flooding, roofs falling in and different things like that. And if we did not act at the time, or at least my colleagues at the time did not act, then we would have to have a different conversation about the One Bermuda Alliance not caring about the type of work environment that the airport workers are in. And I do believe that during the time when this deal was made it was made in the interests of getting the airport constructed so that those workers could, indeed, work in suitable conditions and we could become a tourism capital without adding to the books.

Now, we had the option of increasing taxes on people in order to pay for an airport and to put it out to tender, knowing that the previous Government who put projects out to tender ended up paying twice or three times for those projects. So, obviously, if you are a cash-strapped Government, you do not want to tax your people to make up a shortfall to build a new pro-

ject, you create something that may not have been the most suitable, but it was definitely the best thing at that time.

So, I definitely want to kind of caution my colleagues when laying blame, especially when it comes across quite hypocritical to support and then turn around and say, *Well, that deal wasn't so great*. And then see an identical deal being made currently by the Minister of Public Works. So we have to be very careful in our criticism of certain deals when we then have to turn around and see these same deals being made currently.

In that essence, I just want the people of Bermuda to understand that, no, it was not a silver bullet. It was not meant to be an end-all, be-all. But 90 per cent of Skyport's employees are Bermudians. And 60 per cent of the people who participated in that construction of the airport were Bermudians. But I would love and encourage my colleagues to give me the financial details of this Milhouse [Engineering & Construction] deal and the arbitration centre deal that has broken ground, and we still do not have the financial details of, that did not go out to tender. And we are going to sit here and listen to somebody discuss the tendering process. It just baffles.

With that, Madam President, I just wish that we maintain as much accuracy as possible when we are listing out these events. Thank you, Madam President.

The President: Thank you, Senator Robinson.

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

Senator Jardine, you have the floor.

AIRPORT PROJECT AGREEMENT AND REGULATED REVENUES

Sen. James S. Jardine: Thank you, Madam President.

In some respects, I was hoping that we would avoid the discussion of the airport again, but reliving the debate that went on back in February of 2017, I do not think it is necessarily appropriate to go back and rehash the decisions that were made at that time, except that I think it is important to clarify, or, should I say, clear the air, with respect to this minimum revenue guarantee.

I first raised concerns about this minimum revenue guarantee back in November of 2016 with the Government of the day because I was concerned based on the documents I had read that Bermuda had an exposure, should we have to meet the minimum revenue guarantee. And, Madam President, if you will grant me some degree of latitude, I wish to read from the speech that I gave during the debate that we had in February of 2017, and just the bit about the minimum revenue guarantee so as to put this in full perspective. As I said, this was a matter that I first raised

with the Government back in November 2016, and I continued to pursue it until we actually got to the debate of the legislation in February of 2017.

The President: You certainly may.

Sen. James S. Jardine: Thank you.

If I could just read from the speech that I gave with respect to this debate, just one part of it. And it is as follows: "There is a minimum revenue guarantee which is set out in section 9 of the management agreement and as defined in schedule A of the agreement. This guarantee will remain in place until the senior debt for the project has been repaid which is expected to take 25 years. Bermuda will be issued with an indication of the amount that has triggered the minimum revenue guarantee. The minimum revenue line which is used to determine whether or not any payments are due from Bermuda under the minimum revenue guarantee provision appears to be set using airport passenger arrival levels of 750,000 or lower. Historical airport passenger levels have fluctuated in the last 18 years from a high of 997,000 passengers in 1998 to its lowest level of 756,000 passengers in 2015. Again, we do not know what these revenues are in total or how much they could vary if different traffic flow levels between the base case forecast. This is a clear risk to the consolidated fund cash flows and the most significant concern I have about this transaction since the success or failure of this transaction depends on the attainment of the base case traffic flows. Any decrease below a certain minimum regulated revenue line amount will be funded by payments from the Bermuda Government during the 25-year debt repayment period. Risk management considerations are important. So I was disappointed to see that the Government has not sought to mitigate its risk of having to meet possible cash calls with respect to the minimum revenue guarantee payments by considering insurance risk transfer solutions for this risk at least for the next five to ten years, while Bermuda gets its financial house in order. Again, I have mentioned this to Government as a step which could be taken. I have recently been given a verbal assurance from them that they will actively look at this option in order to safeguard the consolidated fund from any calls which could be made under the minimum revenue guarantee. This would then remove what I consider to be the major concern that I have with this transaction."

And, Madam President, you may remember that those were the comments I made during the debate on this particular Bill.

The President: I certainly do.

Sen. James S. Jardine: And, Madam President, it was based on those assurances in greater part that I gave my support to the determination of the construction of the new airport.

And subsequent to that, I pursued Government to find out whether they had indeed gone to seek insurance coverage. And I pursued it for some months. I have to confess I do not recall how long it was, but it seemed to be a considerable period of time thereafter, when I was finally told that they did seek to see whether they could obtain the necessary insurances, and I was told that it was not cost-effective to do so. And in fact, I think that was confirmed in a news broadcast on Monday night on ZBM.

Madam President, I still believe that we could have cobbled together some means of risk transfer of this particular risk. We are in a market here, I think it is the third largest insurance/reinsurance market in the world. And I suggested at the time that they could have cobbled together some form of risk transfer agreement probably involving a number of the large reinsurance and insurance companies here in Bermuda. We have over 174 qualified actuaries on this Island. And I cannot believe for one minute that they could not have put together a programme that would have been cost-effective for us. However, that is now all water under the bridge. But I thought it was important to clarify that the matter of insurance I certainly raised back in November of 2016 and pursued with some vigour, as you are aware, in order to try to make sure that Bermuda was not exposed under this minimum revenue guarantee.

And so it is distressing to me to see that we have indeed been caught by a very unusual occurrence. But it is those unusual occurrences that one buys insurance for, that one seeks to transfer the risk so that one is not exposed for the risk that we now find ourselves having to bear. So I thought it was important, Madam President, to (shall we say) clear the air or clarify this whole question of insurance coverage, because it was a concern that I indeed had back in 2016/17.

Thank you very much, Madam President.

The President: Thank you, Senator Jardine.

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

Hearing none, I would just like to say—

Sen. Vance Campbell: Madam President.

The President: I beg your pardon.

Sen. Vance Campbell: It is Senator Campbell.

The President: I beg your pardon. Senator Campbell?

Sen. Vance Campbell: Campbell.

The President: Yes. You have the floor.

POSITIVE CHANGES FOR BERMUDA

Sen. Vance Campbell: Thank you, Madam President.

Madam President, several Senate sessions ago on the motion to adjourn, I spoke about Frederick Douglass. And I told how Frederick Douglass devoted his life to abolishing slavery. And I spoke about how Douglass fought for civil rights and to empower African Americans to develop their own skills and to take responsibility for their actions and their lives. And with that, Madam President, I began a number of, a series of speeches on the motion to adjourn on self-empowerment and taking responsibility for one's own life, one's own future and at times specifically addressing my comments to Black Bermudians.

Madam President, I advised that while pursuing their goals and dreams, Black Bermudians would face challenges and obstacles of a systemic nature, but that these challenges and obstacles should not be used as reasons to quit. Madam President, I encouraged our people to keep moving forward and to never stop when they encounter such challenges and obstacles.

In a subsequent session, Madam President, I spoke to the fact that information is power and that it is only through the acquisition of information that a group of people can develop the ability to control their destiny. We also advised that the process of learning and gathering and storing of information—and its proper use, I might add—should be a lifelong experience. Madam President, I told of how children are being born with an inquisitive nature. They want to know it all. They ask—they are bright and observant and full of questions. I told that parents and educators must nurture this nature, this natural desire for information, until our children can take control of the process themselves.

Madam President, I read the poem, “Transition 13,” whose author is unknown. And I would like to read that poem again, Madam President, with your indulgence.

The President: You certainly may.

Sen. Vance Campbell: And so, the poem goes,

*We knew not
We studied
We learned all there was to know
We taught others*

*Then we forgot what we learned
And then forgot that we had forgotten*

*Now we are taught
(By those whom were once taught by us)
Knowledge
That we already had*

So . . .

*We study
We learn all there is to know
We teach others*

Will we forget . . . AGAIN

Today, Madam President, I would like to add to all of this by talking about choices. Madam President, there are some things over which we have no choice or we have no control—the circumstances into which we are born, our family and death. However, Madam President, there are many things over which we do have choice and over which we do have control. We can choose to leave our past in the past, and make peace with our past, and make sure it does not mess up . . . that we do not carry it into our present or into our future and mess our present and our future up.

We can choose to be happy or not. No one, Madam President, is in charge of our happiness but us. The one thing about happiness, Madam President, it is never too late to be happy. But we have to decide that that is what we want to be. It is all up to you and no one else.

Madam President, we have the choice over how we react to circumstances or how we let them affect our life. You know, in Bermuda we are always concerned about what someone else thinks about us. Why do not we adopt the approach that what someone else thinks about is none of our business? You know? I have seen times where people were mad at somebody and did not even know why they were mad, and this went on for years, Madam President. Wasted energy; wasted time.

It is our choice to be positive and not negative. We can choose to say or look at the glass as being half full versus half empty. If we are focused on our life, we do not even see the life of others so that you do not spend time unnecessarily comparing our lives with those of others. We do not know all of the details of their journey anyway. We do not know what they have been through to arrive where they are. You know? It may look like life is good for them, but it may be the complete opposite.

So we can decide, Madam President, what we want to do with our life today and forward. Make a plan and then let nothing distract you, distract us from that plan. One of the big areas, Madam President, is we have a choice in those whom we call friends. And I would advise, Madam President, that we choose our friends wisely as much as we can. Surround ourselves with people who will lift us up and not try and bring us down to where they are. I would encourage people to let people go. Let go of people who are in your life who are not adding to your journey. If they bring nothing, then, Madam President, it should be no issue in cutting them out of your life. You know, I believe, I firmly believe that there is a lot to be learned from bad relationships. And when it comes to my children,

many of whom are adults, I have advised them that when a relationship has to be a secret, then it probably is not a relationship that they should be in.

We should always be encouraged, Madam President. We should not be afraid to ask for help. We may actually be pleasantly surprised at the response when we do ask for it.

And as far as choices, I would like to conclude this section on choices by saying that life is not fair. But from my perspective, life is still better than the alternative. I would encourage our young men and women not to be afraid of failure, Madam President. Most people, even those who appear to be flying high in the best jobs, [with] the big house, cars, multiple trips. Most people, including them, are only one or two bad decisions away from disaster, Madam President.

If I can go down this road, it is okay to be angry with God. He can take it. And when in doubt, rather than stop, Madam President, just continue on, but take smaller steps. Everything can change in a moment. I would suggest we be flexible and do not break. Do not be afraid to change, to evaluate your circumstances and change direction, and listen to that still, small voice.

So that would be my advice continuing on the theme that I have been presenting over the last several weeks on motion to adjourn. I took a break last week, Madam President.

AIRPORT PROJECT AGREEMENT AND REGULATED REVENUES

Sen. Vance Campbell: But I now must switch gears, Madam President. And I wish I did not have to, but I feel compelled that I must now switch gears, not specifically talking about the airport, but the mere fact that the Government of the day that made the deal said it is the lawyers' fault, Madam President. As the Government, any government, whether it is PLP Government or not, Madam President, you cannot sort of select to be associated only with your successes and blame others for your failures. It does not work that way, Madam President.

According to the OBA, it is not the Finance Minister, the OBA Finance Minister's fault. It is not the OBA Cabinet's fault. No one in the OBA read the contract? As my Senate colleague indicated in her comments, the OBA had four lawyers amongst their ranks. Were they not asked to read the contract? Perhaps they were like the rest of Bermuda—did not know what was going on.

Madam President, perhaps this gross incompetence resulted from the arrogance of the OBA. In their minds, they are the finance guys. As they came into Government in 2012, they promised they were going to fix the economy and provide 2,000 jobs. We will talk about how they failed in both instances in a minute, Madam President, because they grossly failed on the provision of jobs—nowhere near 2,000. Per-

haps this airport project was to be a major jewel in their re-election crown. And in their haste to push it through, they were taken advantage of in the midst of their [carelessness].

So we already said they failed to provide 2,000 jobs or anywhere near it. What about examining the finance guys? You know, we heard basically an admission that the airport deal was bad for Bermuda. But it is the lawyers' fault. Today we heard an attempt to draw parallels to a project where there was a ground-breaking yesterday, a project under this Government. We also heard talk of accuracy followed by a whole bunch of inaccuracies. But one thing, Madam President, any project that this Government engages in, the overriding factor will be to ensure that the people of this country receive value for money.

Let us talk about the OBA and their lot on being the financial guys. During their term in Government, you put your life at risk walking on the streets of Bermuda. You almost basically had to walk on the yellow line because the overgrowth along our roads was out of control. And that was to be expected because they were not spending any money in those areas. They were funding positions and then not filling the positions—using the positions to fund the America's Cup. And I am not knocking America's Cup, Madam President, because I am a fan of America's Cup and have been since a young age. I do not know why, but I am. I am glued to the TV when America's Cup is on.

But it seems as though in hosting America's Cup, we put all of our eggs in one basket. There was no guarantee that it would be hosted here the next time around unless and only if, and a possibility if the US team won. And what if the US team did not win? We know what happened when they did not. No America's Cup. We have \$30 [million] to \$40 million put into Cross Island—no plans as to how it would be used post America's Cup or even how it would be paid for.

Morgan's Point—\$200 million cost to the taxpayer. The principals, one of the partners in the companies that owns that project, is worth almost half a billion [dollars], or thereabouts, completely off the hook. The people of Bermuda have to pay \$200 million. That is not the economic or financial management I want, Madam President.

SAGE Commission—this is something the OBA commissioned, Madam President. Not one of their recommendations was implemented by the OBA! But they are the financial wiz kids. *Step aside, everybody! We are here. We will bring you back from the brink.* Rubbish! We have been on the brink since 2012. And this COVID-19 pandemic just proves the delicate position we were in all along, Madam President.

What do we have now? There is a call for what is the plan. Well, we do have the potential for 75-plus jobs being injected into our economy as a result

of the SDO [special development order] for providing for the Riddell's Bay project. We have a recent Immigration Amendment which is starting to gain traction to attract people here on one-year work permits to work remotely.

We have heard today how this Government is making it possible for others to invest and improve their tourism product, which should translate into higher occupancy rates, better value, more money pumped into our economy. Yes, and the Ottiwell Simmons Arbitration Centre will provide jobs. And as I said earlier, we are eagerly awaiting the recommendations of the Economic Advisory Committee. And as far as our Minister of Finance, he is the best man for the job, and he is the man whom we need as our Finance Minister for these times.

So with that, Madam President, I thank you.

The President: Thank you, Senator Campbell.

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

Sen. Crystal Caesar: Yes, Madam President. Senator Caesar here.

The President: Senator Caesar, you have the floor.

SYSTEMIC RACISM IN BERMUDA

Sen. Crystal Caesar: Thank you, Madam President.

Madam President, I am minded when I think about Bermuda, and the environment in particular that I grew up in, where I was told to get a good education, get higher education, come back and contribute to society. I often hear, I have even heard the very first Black President of the US tell people that if you just work hard you can achieve whatever your dreams are. And whilst I think those are encouraging words, I like to live in the land of reality. And these types of things would be true if the world was fair, if life was fair. And it is not. So I actually do not say those things to young people. *If you dream it, you can achieve it. Fly high! Sky's the limit.* Because, realistically, Madam President, there are obstacles that some of us know and some of us do not know.

And I will admit, having grown up in Bermuda with a relatively good childhood, upbringing—had my family, had great friends, et cetera—I had heard about this thing called *racism*, but I did not really know what it was, how it pertained to me. In fact, I remember in particular, Madam President, there used to be a weekly editorial on a well-rounded student in the community. And there was one young lady in particular whom I remember. I do not know why this story stuck with me. She was of mixed race. And she was asked the question, *Well, does it affect you? How has that affected you?*

And she said, *Well, I don't really . . . I don't see any. I mean, I don't see any difference. I haven't seen anything that affects me.*

And admittedly, I think a lot of my peers felt the same way. *Well, we don't see anything. We don't see anything about race. Everybody gets along, especially here in Bermuda.*

But I will say, Madam President, that upon my return to Bermuda after having been educated overseas and having worked overseas and lived overseas, on coming back I was told (or I had heard, at least), that, *You've worked in the US. You had experience there, you know. Somebody is going to snap you up just like that! And you have an accounting degree? Oh my gosh! You've got it all.*

So I walked in to every interview thinking, *You know what? I got this.* And I will say I definitely . . . most interviews that I attended, I did get the job.

But the reality struck when I continued to progress in my career—or so I thought. In Bermuda there is this insidious underlying system of racism that we have all come to just accept as the norm. We have lived with it so long, we have become so attuned to it that we do not even realise when someone is saying, *Oh, that person doesn't have the soft skills.* More times than not, what does that person look like when someone is saying that?

Or for instance, when someone goes and applies for a job and they have an interview, or do not have an interview, depending on who is looking at the application. That person's "name" (quote/unquote) gives them away so they do not get a foot in the door.

I have sat on scholarship panels where, unfortunately, I have had people in the room say, *I don't know that person.* And they went to a public school: *I'm not sure what kind of education they had.* And I am proud to say that I had all public education in Bermuda while I was growing up. And I could not understand what the difference was, why that made a difference.

So I started saying all that to say that the reality struck when it came time, you know, yes, I got in and I got into a job. And I was doing well. And I was understanding, and, you know, I was making friends. And I was attending meetings. And then it was time for me and at least one other individual to go for a job. And we were both Bermudian, both educated here in Bermuda. We were basically vying for this position in a friendly way. But then, unfortunately, the person who was overseeing us, a work permit holder, got very deathly ill, very, very, very ill. She had ovarian cancer and so had to go through a very difficult round of cancer treatment, et cetera. So basically, her post was not filled at the time. And we needed someone, or so we thought, to give us a direction that we needed, the two of us, to reach this particular post.

But what happened was very demoralising to the both of us. The company decided to bring in someone else who worked for that company, but did

not necessarily have the (quote/unquote) “qualifications” that my counterpart and I had, and proceeded to tell us that *This person is going to be an extra pair of hands. You know, Your boss can't do the work. She's not here. We need that extra pair of hands.* So again, we merrily go along. Oh, welcome her in and help her to learn everything about what needed to be done. And then six months later, she's our boss. And magically, neither of us is (quote/unquote) “ready” for the position.

And I have heard this story countless times since that experience. And it was such an eye-opener to me because I am thinking, *Well, I've done everything everybody told me to do. I got a good education. I was an A student. I was well-grounded. I got the scholarship, full scholarship. I worked in the US, I came back, I got a good job.* And I did everything that everybody told me to do. But still, I have not been able to reach, or my counterparts and I have not been able to reach a certain level of success in the workplace. And why is that? Why is that? And I think we are so afraid to have the discussion that systemic racism in Bermuda is pervasive. It is insidious. It is deep.

So many of us have these stories, and we talk about them in our little clusters, our little groups. But it is not something that we admit readily. So for instance, when a work permit application is put in and that person has to have six years' experience, but a Bermudian applicant applies and they have five, can someone please tell me why—and the experience otherwise and qualifications otherwise are exactly the same, why is it that this person who is non-Bermudian tends to get the job? And I do not want anyone to give me the story, *Oh, well, you know, we tried, but people don't apply.* Or, *That person just didn't quite have the soft skills.*

I do not know in what company. I do not care what you are doing. You could be pottery-making, jewellery-making, sweeping floors, you still have to learn how that particular company or institution does things. You have to be (quote/unquote) “trained on the job.” So this notion that, *Oh, we don't want to have to train that person to get up to that other person's level of experience,* is a nonsense, in my opinion, because everybody has to be trained. If you have core competencies you can do the job.

The problem, however, Madam President, is that too many people take it for granted that somebody who does not look like them, or does not have the same last name or did not attend the same school or live in the same area, somehow that negates their ability to get the job done. And for too many Black Bermudians, this continues to be the case. I feel like we have . . . there is this unspoken, *Well, let's not talk about that. Let's all just get along. Let's continue to progress.* I do not know how one can progress if we do not admit what the realities are.

Oftentimes, in fact most recently, I had someone say to me, *You know, I know about the past. But*

it wasn't me. It wasn't my family. It wasn't my people. Or, You know, it just doesn't affect us. But it is the past, and it actually does still affect us. And it does. It is the reality that is pervasive, not just in the workplace—socially, even in our sports clubs. It is everywhere we look. And I am not sure why we tend to have these colour-blind glasses on because it is what it is. And we need to take them off and have the real conversations that we need to have.

It is so interesting that in Bermuda's schools, I remember learning about the Holocaust. I remember learning about the Windsor family, Greece and Rome, the Vikings, et cetera, et cetera. And what I learned about Bermuda was that we are boat-builders, and onions were once an export of ours—very, very innocuous details. And so the real history around how we are where we are and why we are the way we are, those conversations have not been had.

So my colleague recently just spoke about Black Lives Matter. And it has brought to the fore discussions that I think many of us have forgotten about. Because we are all busy just trying to make our dollar so that we can buy our home or have our piece of the rock and drive our car and buy our boats and all of these types of things. But we are not living in reality. Because if you do not know or cannot admit the way things really are, I do not know how you feel that this is realistic. It actually is quite crazy, for lack of a better term.

So I bring this all to a conclusion because we have just renamed the second day of our annual Cup Match Classic to Mary Prince Day—which I think is fantastic. It is absolutely phenomenal. And it has a special place in my heart because 20-plus years ago one of my dad's teachers, Conchita Ming, whom I think very many people know, during the National Dance Theatre of Bermuda, choreographed a piece specifically [for] me. And it was about Mary Prince, way back then. And I actually danced to certain excerpts of her book. And it helped me to realise that this actually happened in Bermuda. This is a reality that happened in Bermuda. But even still, 20 years ago, it did not sink in like it does today.

And I am not sure if it is because I have children of my own now, and I have to explain to my nine-year-old why people are saying *Black Lives Matter*. Why? What does that mean? So one of the largest . . . I could talk about myriad different accomplishments that this PLP Government has had. But the renaming of Mary Prince Day rings very true for me and I think is very important, because I have travelled. And I have made the observations to other people: In any major city that I have been to, and in particular in Europe, most of those people know their history. They can tell you about . . . Well, I was an exchange student in what was then the Soviet Union. So they can tell you about Stalin, they can tell you about Kerensky, they can tell you about Gorbachev, they could tell you about all of the Ukrainian poets and actors and writ-

ers. But how many of us know about Mary Prince, and know about her in such a way that it has become engrained in our lives?

These people know their history so much so that they can recite the poems of [INAUDIBLE]. You do not need a tour guide. You will walk past a statue or an emblem or a plaque, and most of the citizens of those countries can tell you about that particular person. How many of us can do that about our National Heroes or our people in history? And that goes to the core of who we as Bermudians are. And I actually think it is quite sad that the majority of us cannot do that. It is quite sad that so many Bermudians have gone to their grave not knowing some of these things.

In order for a people to progress, we have to go back to our foundations. In order for people to progress, we need to see the realities of what history has played in our lives. So I am proud that this PLP Government is doing things like this, but there is so much more to do. Because I certainly do not hope that we rename this day but then do not tell the children, *Well, what exactly does this mean?* Because my daughter said to me, *Why did we do that? Why did we change the name of Cup Match?* And I was like, *Oh my Gosh.* Here I am thinking about these things myself, but I have not passed this on to my child. And how many more of us have done that?

So whilst I have said a lot today, I think that it is very timely, particularly around the Emancipation and Mary Prince Day that we are about to celebrate in the next couple of days, and no, not in the traditional way. But it actually may be better for us because we are spending it with family. We are spending it with friends and not just (quote/unquote) "partying." We can actually reflect on how this will affect us going forward as a people. And so that is my challenge to people: Recognise where we are and educate yourself on who we are.

Thank you, Madam President, for giving me some time.

The President: Thank you, Senator Caesar.

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

Sen. Jarion Richardson: Yes, Madam President, myself.

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

SYSTEMIC RACISM IN BERMUDA

Sen. Jarion Richardson: Thank you.

First of all, I just want to thank my fellow Senators for a very informative and compelling, and sometimes emotive topic. Senator Campbell spoke on motion to adjourn some time ago about Frederick Douglass. And that made me go off and start reading

a book on him. And it is fascinating. It is well worth it. So I thank him for that. And Senator Richardson's support of public education always has me sort of trying to get my head stuck back in that space and say, *Well, okay, if he said that, then what's this?* So it is just stunning.

But one of the things that I have a hard time sort of putting together is the necessity for us to . . . the airport is a great example. It is the necessity for us to have a go at each other. And by the way, I am thinking out loud here, so I beg your indulgence. But one of the things that fascinates me is how a group of people, otherwise rational people, can look at the same set of facts and reach radically different conclusions, especially as it relates to blame/guilt. I mean, at one point there was the comment about *gross negligence*. And I am sure that this stone can be cast at another glass house for other capital projects, whether they be project overruns, commissions of inquiry, all that kind of stuff.

So the one thing I will give to the people who stand in leadership positions is, *Well done for standing*, first of all. Because the vast majority of people would prefer to sit down and not even stand up on the day when it is named and lead. And no one is perfect. So there is a degree of errors. And I am just mindful of that. I do not want to go down the road of *gross negligence* or doing anything to otherwise impugn upon a person, not if I think that they have authentically and genuinely and with their best effort tried to do well. And if mistakes were made, then we should be held accountable for those. I am a big, big believer in accountability.

I also identify with Senator Caesar's comments because, yes, you do get that job. Or you get onto that ladder. And people just start swapping out rungs, you know. But as fast as you can get on that ladder, they just start swapping out those rungs. Appraisals always used to make me laugh. Appraisal processes that are not connected to, for example, compensation. So in other words, it is basically like who is friends with who gets the better job, gets the promotion, gets the vacations. And maybe that is why I went and started my own company. And when I would go out and I would bid . . . and I work in and amongst financial services companies. I am very mindful of those experiences that Senator Caesar so eloquently brought out.

To that end, there have been some sweeping generalisations, right? And without going into details about every single circumstance and competing one against the other, and who was right and who was wrong, I do just want to say that it appears that we have not had a reckoning in Bermuda. Our political discourse always boils down to *us and them* just almost overnight. And considering there are 60,000 of us, it is a bit of an accomplishment, to be fair, that we could find enemies so quickly and in so many places.

But the part of it that really blows my mind is our subjective frames of references that are adapted so radically different. One of us . . . we live in these narratives, and that is not to say one is not . . . well, I will put it this way. It has got to be hard to be always right or always wrong. And I suspect neither one of us or any of us are actually that. I suspect we are individually complex and difficult and with a number of successes and failures. And yes, none of us wants that to be hung out on the washing line.

But nonetheless, here we sit in this Chamber on the eve of what is effectively I call *the Bermudian New Year* because almost everything in Bermuda sort of rotates around Cup Match. And I take Senator Caesar's comments on board that this is probably not the best time to party. And it is a probably a great time to reflect. Because given that we now have a number of situations happening to us that do not care about our narrative, our subjective frames of reference, it does not care who is right or who is wrong—COVID-19 could care less who is in Government; COVID-19, \$3.5 billion in debt, it does not care. Right? So we sit here on the precipice.

And I take Senator Campbell's comment that we have been on the precipice since 2012. I am not sure I agree; but that is a fair point to bring up. We sit on a precipice. And what is the phrase? If you are digging a hole, once you realise you are in your hole, stop digging. And that seems like what we should spend our Cup Match doing—figuring out how we stop digging.

Senator Jones made an appeal about how we can take control, which matched Senator Campbell's. So that is great. I mean, I do not think we are actually all that different. Or if we are that different, then we have got a bigger problem than COVID-19 and \$3.5 billion in debt. Because if we are so very different that these calamities cannot get us to row in the same direction, then there is no win. There is nothing that will bring us together—if we are that different.

And I really just hope that we are not. I really, really hope that . . . I really do have a lot of time for the Government Senators. And I hope one day we can actually engage in a way that does not require accusations. Again, not to say that people should not be held accountable, but certainly I cannot be led to believe that there is a great evil and it is contained in a person with whom I disagree, short of serious historical matters. And I do think that our racism, our systemic racism is present. We have never had a reckoning or a reconciliation. And anyone who can make steps to bridge that gap to figure that out is probably going to be putting Bermuda in a better place for our next step.

But as long as we continually fight about everything, yes, we are not going to pull this off. So I think it is time on Cup Match that we take that chance and step back and really get a good look at it. Because we are all out of gas. And if we do not help each other,

this is going to end way worse than any one of us can conceive of—way worse than right now.

Thank you, Madam President.

The President: Thank you, Senator Jarion Richardson.

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

Hearing none, then—

Sen. the Hon. Kathy Lynn Simmons: Madam President.

The President: Sorry. Madam Attorney General, you have the floor.

SYSTEMIC RACISM IN BERMUDA

Sen. the Hon. Kathy Lynn Simmons: Thank you, Madam President.

So on the eve of so-called Emancipation Day, I am hearing all sorts of dispirit narrative, accusations, emotive outpourings, personal stories, good and bad. And words get bandied around like *systemic racism*. And I think sometimes it does us all good to pause and actually think about what we are saying sometimes before we say it. And so over this holiday, I have decided to take some introspective time. And I actually started last week to determine what this all means.

What is emancipation? So we have a march, and people talk about *Black Live Matter*. And out of that came a new awakening. It was, in my opinion, a very emotive response to something that has been a part of our history from the time I ever came to be.

And when you look at what has or has not been done, there are some things that really need to be looked at. So when we talk about "systemic," you talk about something that is entrenched. And for me, the first line of enquiry is, *What is entrenched? And how is it entrenched?* So for some strange reason, I have been delivered up to all sorts of reading. I mean, everybody knows I am a reader. I am not attacking. But I eventually sat down and got to reading, and I enlightened myself. And there are some things that I think that we need to know and appreciate before we embark down a road of uninformed narrative in some cases.

So Senator Caesar made the point that we do not know our history. And quite frankly, if you do not know our history, I think we should have a much more sober conversation than slinging barbs back and forth and being concerned with if a narrative is in fact a barb, and so on and so forth. So my job today, undertaken by myself, is to bring some clarity to what we are dealing with. Because I do not think people appreciate the level or the gravity or the complexity of the tasks that we are undertaking when we talk about trying to address systemic racism.

And so I came upon a presentation that was done by CURB from long ago, which spoke to immigration and history, you know, race, power, quests for votes, et cetera. And I was a person who ran around thinking (and I often say this) that the Act is called the Immigration and Protection Act 1956. It is all about protecting us—protecting! That is the reason, protecting Bermudians, generally.

And I have been enlightened recently as to what that “protection” was all about. And I think we are woefully uninformed generally. And so my battle has taken on a different complexion now that I have been informed. So with your indulgence, Madam President. I would love to enlighten the Senate with respect to a few matters pertaining to our history before I leave today.

The President: Certainly, Madam Attorney General. Carry on.

Sen. the Hon. Kathy Lynn Simmons: So let us start with Emancipation. It is not a cricket match; it is not a holiday. It is actually “any effort to procure economic and social rights, political rights or equality, often for a specifically disenfranchised group.” So in Bermuda we would tend to believe, and the facts will bear it out, that Black Bermudians are the disenfranchised group.

So what does this look like in terms of our history? From the historical perspective, we stand on the shoulders of some literary and social and political giants, from Ira Philip to Eva Hodgson to Kenneth Robinson, and even my recently departed colleague, Walton Brown, who actually had studied this. And so in 1616, according to research, and right up to 1834 there was the banishment and deportation of free Black people from this country. And Kenneth Robinson, in his book, *Heritage*, actually said in 1806 . . . and this is what he says, and this is what they record: “Whereas the black population of these Islands, has of late years increased, and is increasing, in a manner very injurious to the welfare of this Community; and whereas it is thought expedient to adopt all such proper and practicable measures as may be calculated to diminish the relative proportion of the black to the white population . . .”

In 1834, following Emancipation, the white oligarchy (and I had to learn what they were) doubled the voting property qualifications for voters, electors, candidates and jurors and candidates. It was cold-blooded, a retrograde piece of legislation which raised the qualifications for electors and candidates for the first time in 55 years. And we talk about Emancipation.

In 1942, UK immigrants . . . an Act was passed to encourage white immigrants coming to these Islands from the UK. The first post-abolition endeavour was to increase instantly the relative size of the white population. That was launched. Then we have the arrival of the Portuguese in 1846. Then we had the West Indies immigrants in 1894. They began

migrating to Bermuda in larger numbers and were viewed as troublemakers by the white oligarchy. And they were fearful of the radical ideas because our Caribbean cousins have always been much more progressive when it comes to what is necessary, based on their history. They got off of those first.

So those people were fearful of the ideas being brought to Bermuda, and so we were encouraged to see ourselves, as Black Bermudians, as better than our West Indian cousins. And we all know the terminology “Jump up” and know the unflattering terms that were used to describe people who actually could have taught us something about a fight that we needed to fight.

So Ira Philip in his book *Freedom Fighters: [From Monk to Mazumbo]*, went to say, “This is the story of ruthless power exercised by the rulers of Bermuda”

Who are they?, I asked myself. It reveals how traditions have been passed on to the courts, Parliament (remember, that is our construct) and the monopolistic daily press and, more recently, through the medium of power politics. And it amassed the divide and rule tactics that for generations confused and demoralised Black Bermudians and segregated Black and white Bermudians and poisoned Bermudians’ West Indian relationships. And we know that. We know that.

So by the 1920s (and I am not going to be too long) Bermuda’s Government imposed strict regulations and ended up banning the immigration of whole families. So employment . . . and this is where the Portuguese have a piece. Employment freedom of Portuguese workers was restricted for decades, keeping many immigrants confined to jobs as farmers, cleaners or gardeners. It was not until 1982 that the job category restriction was lifted so even the Portuguese got their piece.

And we hear from the people in that community with regard to their struggle. From 1921 to 1931, the population exploded. So after the forced purchase of 512 acres of land and destruction of Tucker’s Town, or the Tucker’s Town Black community in 1920, the majority of those who were allowed to come to Bermuda during this period were white, brought in to manage the burgeoning tourist industry. Many stayed on to marry. They became Bermudians. They were domiciled here.

In the 1930s the Government ensured Portuguese separation. This was not . . . not by design, this was not by—

An Hon. Senator: It was by design.

Sen. the Hon. Kathy Lynn Simmons: Yes. It was by design.

So in the 1930s the Government ensured Portuguese separation by withdrawing Portuguese from the Black schools and creating new schools for them.

And then we had birth control. So in 1935, there was a government paper called *The Report on Unemployment* which recommended that laws be passed to compulsory sterilise certain segments (mostly Blacks) of the population. And while the recommendation was not carried out, it caused an outcry publicly from both Blacks and whites. Yes. And what prompted the document was the realisation that the Black population far outnumbered the white population.

And then in 1937 Margaret Sanger was invited to meet the Members of the House of Assembly, the Legislative Council, our people, the Board of Health, the Bishop of Bermuda, Colonel Dill and the Attorney General to discuss birth control. We had an article in *The New York Times* entitled "Bermuda Birth Control To Limit Negro Families." Know your history! And in 1941, Steven High in a book entitled *Base Colonies in the Western Hemisphere, [1940–1967]* and I quote, "For a hundred years', concluded the American vice consul, 'a small group has made Bermuda its own paradise by controlling legislation and by seeing that taxation policy kept all but themselves in strict economic subjection. While they themselves accumulated fortunes subject to no taxes whatsoever . . .'"

And recently, Madam President, I was the happy recipient (happy and unhappy) of a copy of a magazine entitled *Holiday* that was printed in 1947, and [it was] really, really enlightening. And the first, one of the articles was entitled "Bermuda—the Old Families that Own it and Run it." And I say this because it is relevant to the construct in which the work . . . and I am saying this to focus Senators not on the senseless political barbs that we all are subjected to from time to time that are unnecessary . . . if you focus on what we are charged with responsibility for, I think our narrative would be somewhat different. Because according to this magazine, which talked about the old families who own it and run it, they list the families by surname: Butterfield, Spurling, Watlington, Trimmingham, Gosling, Darrell, Tucker, Smith, Hoss, and Trott. And what was interesting was that they have a profile on members of these families. Harry Durham Butterfield. They have a little bio on him. He is a member of the Colonial Parliament, sat in it.

Sir Stanley Spurling, he is a member of the Colonial Parliament, was since he was 21 years of age. Hereward (and I do not know how to pronounce these names) Trott Watlington. He was a member of the Colonial Parliament. The Trimmingham brothers, Kenneth F. and Eldon H. Trimmingham, both had served in the Colonial Parliament. Colonel Ambrose T. Gosling, he is the member of the Colonial Parliament. Brad Darryl wasn't. And I am going through this wonderful magazine. John William Cox. He was a member of the Finance Committee of the House of Assembly. And lastly, Sir Howard Trott.

And I say all that, Madam President . . . I am not going to speculate about Mr. Trott. So we sit in a construct, and I take you back to the definition of

"emancipation"—"any effort to secure economic and social rights, political rights or equality, often for a specifically disenfranchised group . . ." So what we have in this country, Madam President, whether we want to call it *racist* or not, is a system that did not lend itself to equality. And so if we as a collective intend to live up to the charge of service that we signed onto, I think our narrative would be and should be a little bit different, because there is real work to do to dismantle a system that is actually enshrined in our body of laws.

And so, as I said earlier, when as Ministers we go to amend a particular piece of legislation, it is actually imperative that we do a wider review to see if any of those provisions, in whatever piece of legislation, fall for consideration with regard to this exercise that we claim is important, that we claim we are going to undertake as a country. And so, to all of you who think that by imploring somebody to give you a job . . . and let me hearken back to Senator Jones. This is a time of great concern, great collective (how can I put this?) I will be . . . I will be simple. You cannot continue to advance the narrative that brands Bermudians as lazy, as non-industrious, as not wanting to do certain jobs—

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

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

POINT OF ORDER

[Misleading]

Sen. Marcus Jones: I believe the Madam Attorney General is inadvertently misleading the [Senate]. I never used those words, "lazy." I never used or impugned the integrity of the workforce of this country.

Thank you, Madam President.

The President: Madam Attorney General.

Sen. the Hon. Kathy Lynn Simmons: Yes, Madam President. I will continue.

In his impassioned speech about the expats leaving, he talked about Bermudians refusing to do jobs. He talked about us needing to swallow our pride. He talked about us needing to be industrious, as if we are not. He talked about us having to have a good work ethic, as if we did not. And I am simply saying to Senator Jones, *Be careful what you say*. Because at a time when our people need the collective goodwill and encouragement and support of all of us . . . and rest assured, there is a segment that this characterisation may apply to. But the myth that the 1 per cent or the prosperous people in this country got there by simple hard work may in fact, based on our history, just be a myth. It may just be a myth.

Because if you go back to the reparations that were given to the slave owners, and if you go back and understand what they underwrote in terms of industry in the UK and in our country, I think our narrative would be a little bit different, a lot different. So let us all agree . . . and I am giving everybody homework. You can say, *AG, be quiet*. I am giving you all homework now.

[Laughter]

Sen. the Hon. Kathy Lynn Simmons: Do some reading over the holiday. Do some reading over the holiday. Because when this Government comes with initiatives, more initiatives that aim to level the playing field economically, I am not going to seek bipartisan support; I am going to expect it. I am going to expect it, because the system that we have to dismantle is not a joke. And the irony of it is that we all work in this construct. And my hope is that one day when we become an independent nation—not if, but when—we will be able to craft a construct that serves all of us.

But in the meantime, we have some real work to do to dismantle the system that has never worked for our people—has never worked for our people. So let us go home and refresh, and come back with a new narrative, one that is going to uplift our people during these dark times.

And I would like to say they are not too dark for me. Because I tend to see the glass as being half full with promise and opportunity that we can all band together and make. So with those words, Madam President, let me just say before I close that, to Mr. Somner, who is helping more technologically challenged people every session—

[Laughter]

Sen. the Hon. Kathy Lynn Simmons: I would just like to thank him for the assistance that he continues to give all of us during our sessions.

Some Hon. Senators: Hear, hear!

Sen. the Hon. Kathy Lynn Simmons: And to wish him well over the holiday. And I am sure Senators will align themselves with those remarks.

An Hon. Senator: Yes. Yes.

Sen. the Hon. Kathy Lynn Simmons: And to the staff of the Legislature generally, we do appreciate what you do for us. And I would encourage all of you to take some introspective time. Take some introspective time because the road that we have to travel is not going to be easy. It is going to require real leadership. And I think that we are in good hands. So check yourselves and come back with a renewed purpose and a narrative that is going to embrace change.

Thank you, Madam President.

The President: Thank you, Madam Attorney General.

And I would like to thank all Senators. I am sure the listening audience, having heard each one of you speak passionately about your concerns and about our Island, I am sure that they have learnt quite a lot. And maybe many of them in the community will take a leaf out of your book, Madam Attorney General, and do some reading, particularly on our history.

But I would like to take this opportunity also to thank Mr. Somner and the administrative staff here for their support of us. I want to wish each and every one of you, as well as the listening audience, an enjoyable Emancipation Day, a Mary Prince Day and a Cup Match holiday. Be safe, everyone. Follow the COVID-19 restrictions. Maintain your distance, and wear your masks.

So with that, Senate stands adjourned. Thank you all.

Some Hon. Members: Thank you, Madam President.

**[At 5:20 pm, the Senate stood adjourned until 10:00 am, Wednesday, 16 September 2020.]*

**[His Excellency the Governor, acting on advice from the Honourable Premier, [dissolved the Legislature](#) on Friday, 21 August 2020.]*

[His Excellency the Governor, acting on advice from the Honourable Premier appointed that a [General Election](#) be held on the 1st day of October 2020.]

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