



**2024/25 SESSION**  
**of the**  
**BERMUDA SENATE**

**OFFICIAL HANSARD REPORT**

**NOVEMBER - DECEMBER 2024**

*Sittings 2 - 4 of the 2024/2025 Session*  
*(pages 1–118 and Index)*

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

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

**BERMUDA SENATE  
OFFICIAL HANSARD REPORT  
27 NOVEMBER 2024  
10:02 AM**

*Sitting Number 2 of the 2024/2025 Session*

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

**The President:** Good morning, Senators. The Senate is in session.

Shall we pray?

### PRAYERS

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

### MOMENT OF SILENCE

*[In memory of former senator  
Joseph Charles Henry Johnson  
and the Late Senator  
Leslie (Laurean Clarke) Robinson]*

**The President:** Senators, we will now have a moment of silence, and this moment of silence is for [the late] Government Senator Leslie Robinson and the former Independent Senator Joseph Charles Henry Johnson who served in the Senate. He was an Independent Senator, by the way, and he served in the Senate for five years and died last week on the 22<sup>nd</sup> of November.

So we will have a moment of silence and . . . of a minute.

*[Senators rose and observed a moment of silence.]*

**The President:** Thank you, Senators. You may be seated.

### OATH OR AFFIRMATION OF NEW SENATOR

**The President:** We will now have the [affirmation] of Senator Mischa Gandhi Fubler, our new Senator. Senator, would you come forward?

*[Crosstalk]*

### AFFIRMATION Mr. Mischa Fubler

**Sen. Mischa Fubler:** I, Mischa Gandhi Fubler, do solemnly and sincerely affirm and declare that I will be

faithful and bear true allegiance to His Majesty King Charles III, his heirs and successors, according to law.

*[Crosstalk]*

### CONFIRMATION OF MINUTES

*[Minutes of 8 November 2024]*

**The President:** I call on Vice President Kiernan Bell.

**Sen. Kiernan Bell:** Madam President, I move that the Minutes of the meeting of Friday, the 8<sup>th</sup> of November 2024 be taken as read.

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

**Sen. Kiernan Bell:** Madam President, I move that the minutes of Friday, the 8<sup>th</sup> of November 2024 be confirmed.

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

*[Minutes of 8 November 2024 confirmed]*

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

### MESSAGES

**The President:** Mrs. Beale.

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

**The President:** Thank you.

### REPORTS OF COMMITTEES

**The President:** There are none.

### ANNOUNCEMENTS

**AUDITOR GENERAL'S FOLLOW UP  
OF PREVIOUSLY ISSUED RECOMMENDATIONS  
FROM SELECTED GOVERNMENT-RELATED  
ENTITIES NOVEMBER 2024**

**The President:** Before I open the floor, I would just like to make an announcement.

I wish to announce that I have received for the information of the Senate the Auditor General's Follow Up of Previously Issued Recommendations from Selected Government-related Entities special report dated November 2024 which has been submitted in accordance with section 101(3) of the Bermuda Constitution Order 1968 and section 10 of the Audit Act 1990.

I will call on Minister Darrell who also has an announcement. Minister Darrell, when you are ready, you can make your announcement.

#### **BERMUDA TOURISM AUTHORITY— 2023 YEAR IN REVIEW**

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

Madam President, I hereby present for the information of Senate the Bermuda Tourism Authority—2023 Year in Review. Senators may access copies of the report on their tablets and/or the Parliament's website.

**The President:** Thank you.

I believe you have . . . I believe you have a second.

**Sen. the Hon. Owen Darrell:** Yes, I do, Madam President.

#### **LABOUR FORCE SURVEY REPORT NOVEMBER 2023**

**Sen. the Hon. Owen Darrell:** Madam President, I hereby present for the information of Senate the November 2023 Labour Force Survey Report. Senators again may access copies of this report on their tablets and/or the Parliament's website.

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

I believe the final announcement is in the name of Senator the Honourable K. R. Wilkerson, spokesperson for National Security and the Attorney General.

You have the floor.

**Sen. the Hon. Kim Wilkerson:** [Microphone off]

[Pause]

**The President:** Your microphone is [now] on. Can you repeat?

#### **NATIONAL VIOLENCE REDUCTION STRATEGY**

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

I rise to lay before the Senate the National Violence Reduction Strategy as spokesperson for National Security in the Senate.

Thank you, Madam President.

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

### **NOTICES OF MOTIONS**

**The President:** There are none.

### **PETITIONS**

**The President:** There are none.

### **STATEMENTS**

**The President:** We do have a Statement in the name of the Senator the Honourable Owen Darrell, the Minister of Tourism, Culture and Sport and the Government Leader in the Senate.

You have the floor.

### **SPORTS POLICY UPDATE**

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

Madam President, this morning my Statement is going to be an update on the [National Sports Policy](#).

Madam President, sport plays a crucial role in fostering community development, unity, and national pride. The National Sports Policy—Sport Matters 2022-2027 has served as a guiding framework for the Ministry of Tourism, Culture, and Sport for the past two years, with a mission that is both aspirational and transformative. By focusing on increased participation, achieving sporting excellence, improving access to sports facilities, increasing the value of sport, and developing a clear framework for talent development, this policy ensures that our national sporting landscape will be both vibrant and sustainable for generations to come.

Madam President, the five core goals of the policy are designed to address critical components necessary for an inclusive and high-performing sports culture. These goals are not isolated; they are deeply interrelated, creating a holistic approach to sports development. These goals are interrelated to ensure we address the key relationships between participation, sporting excellence, high performance and talent development and facility access more broadly.

Today, Madam President, I would like to provide an update on the National Sports Policy and highlight the achievements made under each goal. These milestones reflect our ongoing commitment to creating a thriving, inclusive, and vibrant sports culture in Bermuda.

The first goal, Madam President, of the National Sports Policy is to increase participation across all levels of sport and physical activity in Bermuda. This goal aims to create more opportunities for individuals of all ages and demographics to ensure and engage in regular physical activity, develop a love for sports, and ultimately contribute to a healthier and more active society.

#### Progress on Goal 1: Increase Participation

- *Publish an Online Calendar:* The calendar has been published and is available on the sportsandrec.bm website. This tool offers the public easy access to information on sporting events and programmes.
- *Develop a Grassroots Sport and Activity Programme for Children Aged 3-6:* Preparations are well underway for the Active Kids Sports Academy, which is scheduled to launch in January 2025. This programme aims to introduce young children to foundational physical activities and encourage lifelong participation in sports.
- *Hold a Sports Expo Annually:* The annual Sport Expo is scheduled for September 2025. This event is an excellent platform for showcasing local talent, engaging families, and connecting the community with sporting organisations.
- *Implement Measures to Further Support Women in Sport:* Collaboration with the Bermuda Olympic Association has begun under the Women in Sport initiative. This initiative focuses on increasing opportunities and visibility for women in sport, including athletes, coaches, and administrators.

Madam President, continuing with the update on the National Sports Policy, I would like to highlight the achievements and progress made under Goal 2. This goal focuses on enhancing support for our high-performing athletes and teams to excel on the regional stage.

#### Progress on Goal 2: Achieve Sporting Excellence Regionally

- *Increase Government Funding for High-Performing Athletes and Teams:* The Elite Athlete Sponsorship initiative has provided valuable funding for athletes such as Caitlyn Bobb, Adriana Penruddocke, Tyler Smith, Conor White, Jack Harvey, Jessica Lewis, Erica Hawley, Sebastian Kempe, and Yushae Desilva-Andrade. This support has significantly enhanced their opportunities to excel and perform at the international level.
- *Provide Free Access to the National Sports Centre for National Athletes and Teams:* Organisations such as the Bermuda Football

Association (BFA), Bermuda Cricket Board (BCB), Bermuda National Athletics Association (BNAA), Bermuda Sanshou Association, Bermuda Rugby Football Union, Bermuda Hockey Federation, and the Bermuda Triathlon Association have all benefited from free access to the National Sports Centre (NSC) for two months prior to international competition. This access has allowed athletes to train effectively without the barrier of facility costs.

- *Invest Further in Local Coach Education and Development:* Increased funding has been allocated annually to the National Sports Governing Bodies (NSGBs) for coaching programmes under the Sports Investments initiative. This investment is aimed at enhancing the quality of coaching, which is essential for athletic development and performance.
- *Establish a High-Performance Framework:* Work is currently in progress to develop a comprehensive High-Performance Framework, scheduled for completion in 2025. This framework will outline the strategies and support systems necessary to nurture elite talent and achieve sustained excellence in sports.

Madam President, Goal 3 focuses on ensuring equitable and increased access to quality sports facilities for the broader community.

#### Progress on Goal 3: Improve Access to Sports Facilities

- *Increase Free Access to the National Sports Centre (NSC) and Other Sports Facilities for the General Community:* We are committed to expanding free access to the NSC as well as other facilities in 2025, to ensure that more members of the community can benefit from these resources. Madam President, currently local sports clubs, including Devonshire Colts, Hamilton Parish Workmen's Club, and Willow Cuts, have been utilising community fields to host practices, games, and community programmes. This initiative not only promotes grassroots participation but also strengthens ties between sports organisations and their local communities.

Madam President, the progress achieved under Goal 4 emphasises the importance of enhancing the visibility and recognition of athletes, teams, and sports activities in Bermuda to foster a deeper appreciation for the role of sport in our community.

#### Progress on Goal 4: Increase the Value of Sport

- *Endorse and Promote Athletes and Teams to Increase Visibility:* This initiative is being

carried out consistently through our social media platforms and website, which serve as dynamic channels for sharing the accomplishments and stories of our athletes and teams. A key achievement under this initiative is the digitisation of the Bermuda Sports Hall of Fame, making its valuable information easily accessible to the public. This effort has significantly enhanced awareness of our distinguished athletes and their contributions to the growth and development of sports in Bermuda.

- *Promote All Levels of Sport and Physical Activity Participation with Local Sports Partners:* We have partnered with local sports organisations to promote participation in sports and physical activity. This is also achieved through the strategic use of our social media channels and website, where we regularly highlight upcoming events, programmes, as well as success stories. Additionally, our monthly newsletters play a vital role in amplifying awareness and engagement by featuring key updates, achievements, and opportunities across the sporting community.

These initiatives under Goal 4 are critical to fostering a culture that values and celebrates sports, not only as a means of physical activity but also as a source of inspiration, pride, and community cohesion.

Madam President, to conclude the National Sports Policy update, I am pleased to share progress achieved under Goal 5. This goal is pivotal in ensuring the systematic development of athletic talent in Bermuda through structured and well-supported pathways.

#### Progress on Goal 5: Establish a Framework for Talent Development

- *Ensure All National Sports Governing Bodies (NSGBs) Are Educated on the Long-Term Athletic Development Plan:* All NSGBs have participated in educational workshops covering all aspects of the Long-Term Athletic Development Plan (LTADP). These workshops provided foundational knowledge to help sports organisations align their programmes with best practices in athlete development.
- *Assist All NSGBs with the Development of Their Respective Long-Term Athletic Development Plans (LTADPs):* Sixteen of our NSGBs have successfully completed their Long-Term Athlete Development Plans (LTADPs), which are now publicly accessible on our website. These plans outline clear, structured pathways for developing athletes at all stages of their careers, from grassroots to elite levels. We remain committed, Madam President, to providing ongoing support and resources to assist the remaining NSGBs that are still in the

process of finalising their Long-Term Athletic Development Plans, ensuring that every sport in Bermuda benefits from this framework.

Madam President, by establishing this framework, we are laying the groundwork for sustained athletic success, empowering athletes and sporting organisations with the tools and strategies they need to achieve their full potential.

Madam President, together, these goals create a comprehensive strategy for addressing the interconnected aspects of participation, excellence, and infrastructure in sport. As the policy moves forward, it is essential that we continue to monitor progress and make adjustments where necessary to ensure that these objectives are met effectively and equitably. It is with these principles in mind, Madam President, that we look to further strengthen our national sports framework, empower our athletes, foster community engagement, and set a pathway for sustained international success.

Thank you, Madam President.

**The President:** Thank you, Minister Darrell for your Statement.

## INTRODUCTION OF BILLS

**The President:** There are none.

## FIRST READING OF PUBLIC BILLS

**The President:** Senators, the following public Bill has been received from the Honourable House of Assembly and is now read for the first time. Its title is:

### BILL

### FIRST READING

#### DIGITAL ASSET BUSINESS AMENDMENT ACT 2024

**The President:** Senators, this Bill will be taken up in our Orders of the Day.

## FIRST READING OF PRIVATE BILLS

**The President:** There are none.

## QUESTIONS/QUESTION PERIOD

**The President:** Senators, we will now entertain questions on the Statement that has been delivered by Minister Darrell on National Sports Policy Update.

Would any Senator care to ask questions on this Statement?

Yes. Senator Robin Tucker, Opposition Leader in the Senate. You have the floor.

#### QUESTION 1: SPORTS POLICY UPDATE

**Sen. Robin Tucker:** Thank you, Madam President. Good morning to you and to my Senate colleagues and to the listening audience.

I have a question from the second page of the Statement and its bullet point *Develop a Grassroots Sport and Activity Programme for Children Aged 3-6*. I am wondering how that particular programme dovetails, I guess, with the programmes, the gym programmes that they are currently doing in schools. So that is my first question. I will wait for the response . . . or do you want me to just ask the second question? Because it is related.

**The President:** It is related?

**Sen. Robin Tucker:** It is related.

**The President:** Yes, you certainly may.

#### QUESTION 2: SPORTS POLICY UPDATE

**Sen. Robin Tucker:** Okay, thank you.

My second question is, with the National Sports Policy (and I do stand to be corrected). I believe that the schools no longer require gym programmes right along up through high school. If that is correct, then I am wondering if there is thought or consideration for changing that to ensure that there is consistency with this National Sports Policy and what we are doing in our schools. Because it seems silly (to me) that we have a policy and yet we have a gap in the high schools if that is the case.

I look forward to the Minister's response. Thank you, Madam President.

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

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

No? Then we will turn over to Minister Darrell to respond to the two questions that have been asked.

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

The two questions that were asked by the Opposition Senate Leader actually come under the Ministry of Education. However, the good news is that I am the spokesman for Education in this Chamber, so I am happy to answer those questions when it comes to gym in schools.

So, gym in schools actually comes under the remit of an Education Officer, under the Ministry of Education. And what we are going to do is we are going to connect with the Ministry of Education and see if they can promote this Active Kids [Sports] Academy in

schools. But this academy is . . . I can explain it as additional, extra. The only example I can give is there are many individuals (or students) that will play football in school but then they will, on the weekend, play for a club, like a PHC (Pembroke Hamilton Club) or a Devonshire Colts. But then even further than that, they might be able to take part in a specialised academy.

I know we have a particular national team player who has a very popular academy to take it to the next level. So that is what this Active Kids [Sports] Academy is going to be about. And exposure is key. So this academy, at the ages of 3-6, is going to be exposing kids who wish to go a little further with sports development to sports that they may not ordinarily get in gym class.

I can tell you, and I know that we have a Senator here who is very much involved in the sport of sailing. I can tell you that the Berkeley Institute nor at Harrington Sound did our gym class ever expose us to a sport like sailing. So this Active Kids is a good opportunity, and it is going to be launched in January. So, I know that the Opposition Senate Leader is going to be dialled in with keen interest to see how this Government is going the extra mile to ensure that students, kids at the age of 6, could be exposed to even more . . . going the extra mile. So I am glad she asked about that. And there are other exciting connections that are coming as well with the Ministry of Tourism, Culture and Sport, specifically the Department of Sport and Recreation with the Bermuda School Sports Federation as well.

I want the Opposition Leader in the Senate to listen carefully to that. But I know as a Cleveland County fan herself, she would be very, very happy to see what we are doing in this area of preparing our young students, or young sportsmen, from the age of 3-6 for Active Kids programme.

Question two also talked about PE (Physical Education) in schools and, like I said, the Department of Sport does not have remit over what happens in schools. But I can tell you that there are going to be more connections (and I don't want to give too much away too soon) with the Bermuda School Sports Federation. Also, with the Education Officer for Sports and, believe it or not, with the Ministry of Health as well because all of this ties in. And I just want to point out that physical education in schools (and that is what it is called: *physical education*) and sport are actually two different things. And I don't want individuals to go down a road of critiquing what happens in schools with *physical education* which actually deals with teaching and learning. It comes with a curriculum. It comes with grades. But when we talk about sport (and specifically this Active Kids programme) it is about exposure. Not exactly getting the kids at [ages] 3-6 to elite levels, but just exposing them.

I will note that there are also private entities that do a really good job at certain sports. We have an Olympian that every summer does her best to expose young people to other sports as well. When it comes to

gym in schools, I am sure that (at another time) we will go more and talk about physical education in schools. But this particular Active Kids programme, of which the Opposition Leader in the Senate, spoke about is a specific area to help with development.

Thank you, Madam President.

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

## ORDERS OF THE DAY

**The President:** Hearing no further questions, we will move on to Item No. 13. It is the Orders of the Day, and our first Order of the Day is Consideration of the Throne Speech with which Her Excellency—

*[Crosstalk]*

**The President:** You want to do the second reading of the Digital—

*[Crosstalk]*

**The President:** Absolutely. No problem.

So, Senators, Minister Darrell has suggested that we do the second reading of the Digital Asset Business Amendment Act 2024, and that is in the name of Senator Arianna Hodgson, the spokesperson for Finance.

Senator Hodgson, you have the floor.

## STANDING ORDER 25

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

Madam President, I move that the provisions of Standing Order 25 be granted so that I may proceed with the second reading of the Digital Asset Business Amendment Act 2024.

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

*[Motion carried: Leave granted for the Bill entitled the Digital Asset Business Amendment Act 2024 to be read a second time on the same day as its first reading.]*

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

I move that the Bill entitled the Digital Asset Business Amendment Act 2024 be now read a second time.

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

No objection.

## BILL

## SECOND READING

### DIGITAL ASSET BUSINESS AMENDMENT ACT 2024

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

I am pleased to present the [Digital Asset Business Amendment Act 2024](#) to this Honourable [Senate]. This Bill seeks to amend the Digital Asset Business Act 2018 to allow for the payment of a fee to members of the appeals tribunal constituted pursuant to the Act.

Madam President, as Honourable Members would be aware, usual practice is to remunerate members to sit on appeal panel tribunals. This Bill seeks to align the tribunal remuneration and allowances with the arrangements in place for the tribunal established under the Insurance Act 1978 and the tribunals under the other Acts amended by the Appeal Tribunals (Miscellaneous) Act 2017.

Madam President, while Honourable [Senators] will be aware of the importance of the Digital Asset Business Act [2018], it is vital for its ongoing credibility that an effective appeals process is in place and this Bill seeks to support this aim.

Accordingly, Madam President, the Bill will make the following amendment. First, the Digital Asset Business Act [2018] will be amended to allow for payment to the members of the tribunal, such remuneration and allowances as the Minister may determine after consultation with the Minister of Finance when another Minister has been appointed to administer this Act.

Madam President, while today's Bill is not a landmark change, Honourable [Senators] will recognise the value of a robust appeals process to support the continued growth in our digital assets business sector.

And because I had a conversation with Senator De Couto, I just thought it would be helpful to highlight the fee structure that will now exist. The chairman shall be entitled to receive the sum of \$350 an hour. The deputy chairman shall be entitled to receive the sum of \$250 an hour. All other members of the Appeal Tribunal will be entitled to receive the sum of \$50 an hour for their attendance at Tribunal meetings.

Thank you, Madam President.

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

Would any Senator care to speak on this Bill?  
Senator . . . Dr. De Couto, you have the floor.

**Sen. Dr. Douglas De Couto:** Thank you, Madam President, and thank you to the Junior Minister for the brief.

We have no objections to this Bill. We are glad to see that it makes this Tribunal consistent with others. I note the fees that perhaps may sound high to some, but I also note that in the Act I believe the members of the Tribunal have to be attorneys. So I would probably

submit that for most of the members of the Tribunal, they are taking a significant fee cut to do this work. So that is what we have to say on that, and we support that.

Thank you, Madam President.

**The President:** Thank you, Senator De Couto. Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

I, too, support this Bill. I just do have a question. In reading the Digital Asset Business Act, it referenced the Tribunal as having four members: a chairman, a deputy chairman and two others. And the chairman and deputy chairman shall be barristers and attorneys for at least seven years' standing. So are those appointments being made?

**The President:** Senator Hodgson.

[Pause]

**The President:** Senator Kiernan Bell, you also have a question?

**Sen. Kiernan Bell:** Really it was just a statement of support for these amendments. I can speak from experience having myself sat as chair or deputy chair of similar types of tribunals that they do take a considerable amount of time, and this payment is, in many respects, appropriate for the amount of work that is required in order to provide the support needed for these tribunals. Thank you.

**The President:** Thank you, Senator Kiernan Bell, Vice President.

**Sen. Arianna Hodgson:** Madam President, I did just have a look online for the board appointments and the current board will consist of chairman, Mr. John Hindess; deputy chair, Mr. Craig Rothwell; Ms. Diana Kempe, Mr. Carl Meyer, Mr. Thomas E. Miller and Mr. Philip Smith.

**Sen. John Wight:** Thank you, Junior Minister.

**Sen. Arianna Hodgson:** No problem, Senator.

**The President:** Thank you.

**Sen. Arianna Hodgson:** So, if there are no other questions—

**The President:** Are there any other questions?

There are no other questions, so you can now move your Bill.

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

I move that the Bill entitled the Digital Asset Business Amendment Act 2024 be now read a second time.

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

No objection.

## SUSPENSION OF STANDING ORDER 26

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

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

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

No objection.

[Motion carried: Standing Order 26 suspended.]

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

I move that the Bill entitled the Digital Asset Business Amendment Act 2024 be now read a third time.

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

No objection.

## BILL

### THIRD READING

#### DIGITAL ASSET BUSINESS AMENDMENT ACT 2024

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

I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Digital Asset Business Amendment Act 2024 do now pass.

Is there any objection to that motion?

No objection.

The Bill has passed.

[Motion carried: The Digital Asset Business Amendment Act 2024 was read a third time and passed.]

**The President:** Thank you, Senator Arianna Hodgson, and all Senators.

We will now move back then to our first item on the Orders of the Day and that is the Consideration of the Throne Speech with which Her Excellency the Governor was pleased to open the present Session of Parliament. Senator the Honourable Owen Darrell, Government Leader in the Senate, you have the floor.

## DEBATE ON THE 2024 THRONE SPEECH AND REPLY

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

Madam President, I move that the Senate do now take under consideration the Throne Speech which Her Excellency the Governor was pleased to open the present session to Parliament.

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

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

Madam President, I will just start with a few opening remarks and then I will open it up and I will give my main presentation at the end.

But, Madam President, the Throne Speech title of which the Progressive Labour Party presented on Friday, November 8, was *A Fairer Bermuda For All*. And, Madam President, while we have heard from almost every Minister of this Government over the last two to three weeks as to what a fairer Bermuda for all looks like, we have seen commentary. We have heard from (as they say) the *man on the street*. And what I have heard, Madam President, is that the future is bright for this country.

Madam President, the Ministers that you have heard on the radio, that you have seen in press conferences, that you have seen op-eds from, have laid out the work that the Progressive Labour Party has been doing over the last seven-plus years to provide a fairer Bermuda for all.

Madam President, on top of that when we get on the airwaves and we talk about what we have done, the Progressive Labour Party Government also has laid out in this Throne Speech and others of what we will *continue* to do with specific plans to develop and deliver a fairer Bermuda for all.

Madam President, I was reminded a couple of weekends ago by the very eloquent Prime Minister of Grenada how a society treats its most vulnerable, whether it be children, whether it be families, whether it be the infirm or our seniors is always the measure of its humanity.

Madam President, I am not going to take up much of my time to speak about what an Opposition party has said, but I do have a couple of points on that which I will tie into a story. A real-life story about people.

But when I turned on the radio for the Reply [to the Throne Speech] from another place, of the Opposition, all I heard was a call for an election.

And then I read their book. Some of my colleagues call it a pamphlet, nonetheless. And I smiled because over and over the word *fix* comes up.

Now, Madam President, this is where my story comes in. I am sure the Senate Leader for the Opposition would know this story well. In my 44 years on this Earth, there is no better fix-it man that I have come

across than my father. I put this on the airwaves because people always seem surprised when they find out who he is. So, yes, Oliver Darrell worked for years at a place called Tungate Electric. Now he works at a place called Motor Works & Control [Ltd], down on 1 Devil's Hole Hill. One thing he knows well is how to fix it.

I will tell you a story about this gentleman, Madam President, and when it comes to fixing things. One of his pet peeves in his career for a long time is when everybody brings him something that they have tried to fix but have no clue what they are doing, Madam President. They bring it down and part of the equipment is in boxes and a piece is missing and wires are all over the place. And he looks, he says, *What happened here?* You know what they say? *I thought I could fix it*, Madam President. And he looks back and he smiles, and he says, *Oh, you did, eh? Well here is the problem. You have no qualifications to fix it. You have no plan to fix it. You have no tools to fix it. So therefore you are not qualified to fix anything.*

Madam President, he then takes his time, and he goes back and he continues what he has been doing for many, many years and that is to make sure that he does the job that he is entrusted to do. And he calls the person in a couple of days and says, *You can come pick up your piece of equipment now. It is ready.*

When we look at this Reply [to the Throne Speech] from the Opposition, it reminds me of that story, Madam President. The Opposition gives no plan as to how to "fix it." The Opposition does not have a clue as to what is wrong. And quite frankly calling for an election, which is going to happen very soon anyway, is just what they call (I think in today's terminology) *gaslighting*.

So let us focus, Madam President, on what the Progressive Labour Party are doing to bring a fairer Bermuda for all.

Let us start with our children and our families, Madam President. The Progressive Labour Party Government has done a litany of things in this area. Child care assistance has been expanded, Madam President. I see the Opposition making notes. They should know this stuff. Families making under \$130,000 can now get help for paying for child care. Let me go through my list. It is going to take a while because that is what happens when you have been building a fairer Bermuda for all, Madam President.

The Government has taken steps to address domestic violence. And I know you will hear about this more in a presentation from my colleague. This includes support for the Multi-Agency Risk Assessment Conference (MARAC), a comprehensive approach to domestic violence in the community and a partnership with the Office of the Director of Public Prosecutions and the judiciary to create a domestic violence court programme. A cross-ministry team will work to help high-risk families, Madam President. This intensive family preservation team will provide basic life skills

support, ensuring the welfare for families with children and stable housing. And they will give them food and access to medical care.

The Government has continued to work on education reform. Three Signature Schools will be open with specialisations in (get this) tourism and educational services, exceptionalities. School transformation teams will be onboarded to develop Parish primary schools in Sandys and St. George's.

The Government will reintroduce youth substance abuse counselling, Madam President. The Department of National Drug Control will [reinstate] the Bermuda Youth Counselling Services and address gaps in substance abuse treatment and counselling for adolescents. That is just *one*, Madam President, and that is our children and families.

Then we move on to what the Progressive Labour Party Government is doing to build a fairer Bermuda for all when it comes to our most vulnerable. This Government increased financial assistance for seniors and person with disabilities in rest or nursing homes. Just to put it out and highlight it again, Madam President, we have heard about the financial assistance regulations that are going to be amended to provide a personal allowance to individuals in rest or nursing homes. This is intended to enhance the dignity of this vulnerable population and to ease the burden of those families who are supporting them. History will recall, Madam President, I am sure the Opposition will remember how they treated seniors on their way out of Government the last time. So, you cannot talk about fixing stuff when, as Oliver Darrell will tell you, *You may have been the one to break it*.

Let us talk about a Disabilities Act, Madam President, to promote inclusivity and protect persons with disabilities. You know that this Throne Speech that we talked about almost three weeks ago highlights that Bermuda has become the first [of the] Overseas Territories to achieve the extension of the UN Convention on the Rights of Persons with Disabilities. And going a step further, Madam President, to build a fairer Bermuda for all, this Government is going to introduce a Disabilities Act to ensure equal access to services, facilities and employment to persons with disabilities. This Act will complement the formal register of disabled persons which was established last year.

Just a reminder: while some would talk about fixing stuff and gaslight the public into what *they* want, our heads are down, Madam President. We are focused on delivering a fairer Bermuda for all.

Let us talk about the intensive family preservation team to support high-risk families. Let us talk about the expansion of mental health initiatives. How we are going to focus on youth mental health to create a more inclusive and supportive environment for mental well-being in our community, Madam President. The reinstatement of the Bermuda Youth Counselling Services to address substance abuse. A comprehensive plan to end homelessness. And I just want to point out and

highlight the work that my colleague, the Honourable Minister Tinee Furbert is doing in this space. You cannot open social media or the newspaper or anything without seeing the forums that are being held to end homelessness in Bermuda.

The Government has completed a public consultation, and during this session the Legislature will review and support the final plan which will involve a collaborative approach.

And, Madam President, when we talk about what we are doing for the people, number three is what the Progressive Labour Party Government has done and will continue to do for seniors. Seniors' pensions have been increased in line with the Consumer Price Index (CPI). I guess those trees do have money, Madam President.

The Financial Assistance Regulations 2004 will be amended to provide the personal allowance which I spoke on. Legislation will be brought forward to eliminate the employers' portion of payroll tax.

So, Madam President, as you have heard over the last couple of weeks, the Throne Speech entitled *A Fairer Bermuda for All* emphasises that the Progressive Labour Party Government's legislative and policy commitments support the most vulnerable members of our society. Again, seniors, people with disabilities, high-risk families, those experiencing homelessness and those with mental health challenges.

Not only are we clear, Madam President, on what needs to be done with these initiatives that we have put forward, but we are clear, Madam President, on what it takes to address the root causes necessary in order to improve the lives of *all* Bermudians. And what they say is, *Put your money where your mouth is*, Madam President. We are prioritising these needs by funding the needs of both those with our short-term agendas as well as our long-term agendas.

As we saw, we had a full presentation about the mid-year economic forecast. And people are paying attention. Although there is one particular party that keeps calling for an election, we are working hard and you will see much of what the PLP plans to do in our next budget announcement. And you say, *Well, Madam President, how do you come up with this title? Why do we come up with this title, A Fairer Bermuda for All?*

It is because if you look through this document—and, you know, I don't have my highlighted one, but when you look through this document, you know, many of us as legislators will have it highlighted. We will have pages pinned and whole lots of stuff in it. Circles. Notes. But one thing that is clear, when you look through this document and when you heard it delivered by Her Excellency on 8 November, it is clear that the work and priorities of this PLP Government are committed and have a clear vision of what a fairer Bermuda for all actually looks like.

So, I will wrap up just where I started, and I know you will be excited, Opposition Senate Leader, to know that I will come back later with some other

interesting tidbits for you. But instead of responding to *call an election*, the gaslighting that has, you know . . . they want it for their headline. My Government colleagues and I are going to spend the next significant bit of time in this place telling you what we are doing *now*. We are not sitting around waiting for an election to be called. We are actually *working* on legislation.

I sent a text message to somebody late last night and I was expecting a response. And do you know what the response was? *I am working. Talk to you later*. That is because this Progressive Labour Party Government is actively working on legislation. We are working on policy on behalf of (here we have it) *the people of Bermuda*.

This [Throne Speech Reply] right here from across the aisle was just a wish list of their selfish desires. But the Progressive Labour Party Government is focused on initiatives that address economic equity, social well-being and access to opportunities, Madam President, for all Bermudians.

Let us talk about tourism, a \$560 million investment into this economy. For a long time we heard in this place (and other places) that the One Bermuda Alliance were silent about what was going on at Fairmont Southampton. But I will tell you this. You would not know from this Chamber or others that they actually supported the economic growth and the jobs that this project is going to bring for Bermudians. But you know [what] they say (right?). You know Senator Robinson over there would know this. There are people who have receipts. You know what those are, Madam President? Pictures of the OBA sliding in quietly. They do not want anybody to see them. They were at that groundbreaking—a few of them. Exciting times. That is what creating a fairer Bermuda for all actually looks like.

Madam President, while the One Bermuda Alliance spent most of their time in another place a couple of weeks ago gaslighting the public . . . falsely claiming that they can fix something that they have no clue that it is broken, we are going to spend our time today continuing to double down on the details of what success for the people of Bermuda looks like and what fairness for Bermudians looks like.

Thank you, Madam President.

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

Would any other Senator care to speak?

Senator Robin Tucker, Leader of the Opposition, OBA Leader in the Senate. You have the floor.

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

I am very grateful to have this opportunity to provide my thoughts on the Throne Speech this year. I will say that there were some positive things that were found in it and of course I will give credit where credit is due. I will also make note of some things that caused a little bit of concern, and I will sort of wrap up with a couple of key things that I thought were surprisingly not mentioned.

I want to start today by talking about the point concerning people with disabilities. Ensuring equal access to services, facilities and employment for persons with disabilities, whether physical, mental, or cognitively disabled, is all vitally important. Disabled persons in Bermuda deserve the right to work and live and move about this community just like any other resident.

I did note though that the Government had on its 2017 platform document called *An Agenda for Making a Fairer Bermuda for All* in the transportation section that they promised that they would ensure all new public transportation is accessible to Bermudians with physical disabilities. Madam President, seven years on . . . promises made, promises not kept as we have yet to see this pledge fully realised. I am hopeful that accomplishing the pledge they have made recently to ensure equal access to services, facilities, employment and so on will also include the freedom of movement via our public transportation system. As (obviously) having equal access is of little value if one does not have the ability to actually get around and get there.

The point on domestic abuse—no surprise to anyone in here that, you know, I was quite excited to hear about the initiative concerning specialised domestic violence court. I was encouraged to see acknowledgement of the lack of perpetrator services on the Island. And of course to hear the clarion call made for matter expert assistance that can also offer supporting services. So I thought that was quite good.

Females and males . . . obviously as we all know are in domestic abuse relationships. However, men are less likely to report. And having perpetrator support for both males and females will be highly beneficial to helping to address this critical issue. As much attention is rightly given to victims but also providing services to perpetrators will hopefully help all parties and play a role in breaking the cycle of domestic abuse.

The Centre Against Abuse . . . MP Jackson and I also called for a specialist domestic violence court. So obviously I was, again, very pleased to see that. I look forward on that point to learning more about the plan for the specialist court and of course seeing its execution. A victim's ability to get speedier protection orders and implementation of measures to hold perpetrators accountable is obviously going in the right direction, I believe. And taking action on this is great news. However, I will say that I am a bit concerned that critical support services that are going to be needed for this court that they will be in place as they will be instrumental in the court's ability to achieve its mission. So just making sure that I do point out that sufficient resources with capacity to support the court directives in a meaningful way is obviously going to be needed.

I would say that in that regard I would like to have seen a commitment to providing actually a dedicated safe house as a [refuge] for victims of domestic abuse when it is unsafe for them and their children to be in their homes. As the public will remember the

Island's only safe house (and only as far as I am aware) dedicated safe house shut down in 2014.

Amendments to the Domestic Violence (Protections Orders) Act 1997 to increase protections for victims of domestic abuse is critically needed. And so I am also a bit disappointed that has not been added to the list of Bills for consideration in this legislative session. And neither was there any mention of increasing support services for children impacted by domestic violence. We all know from media and information shared from helping services that the rising number of domestic abuse reports has been described as frankly alarming. And not only adults are impacted by domestic abuse, but so are children who witness it. According to the Family Centre, we know that . . . well, I should say, studies have shown that children growing up in domestic abuse end up with mental health issues at a higher rate than children who are actually direct victims of physical abuse.

So, while expanding support for youth mental health is unquestionably important given the instances of antisocial behaviour in our schools and public spaces, gang activity, et cetera, there was nothing mentioned about added protection for children exposed to domestic violence and other types of abuses.

Expansion of mental health initiatives. Again, it was good to see a refocus on mental health and particularly a focus on youth mental health. Earlier this year, reported results from a survey conducted by Daniel Cavanaugh and Dr. [Shawnee] Basden did reveal that students between ages 10 and 19, that 31 per cent of the surveyed participants had moderate to severe symptoms of depression or anxiety. And a 2023 [Bermuda] Mental Health Foundation report found that, "Since the pandemic rates of anxiety, depression, loneliness, stress and tension in young people have reached" (again the word used) "'alarming' levels." And "services offered to young people—public, private, third sector—are limited by stretched services, dated infrastructure, inadequate resources, fragmented approaches, economic challenges and troubling social issues including drugs." (Again,) "gangs and the effects of adverse childhood experiences." And again, this is directly out of the report.

I just want to say that it is good to see that the Government is making a commitment to enhancing programmes and supporting the third sector to assist, but supporting in this way has been long overdue for not just the youth but also adults who struggle with mental health challenges.

As we all know, illicit substances are running rampant in our schools, in our homes, our community. Our children are being diagnosed with mental health issues. They are fighting and aggressive—I can't say for sure, but there could be a correlation between domestic abuse and this type of outcome that we are seeing. But I will say again that I think that it is a bit disappointing that no legislative changes are proposed to update the

Mental Health Act [1968] this year. That would have been a very important thing to do.

On the Cross-Ministries Initiative Team (otherwise known as CMIT) and Bermuda Youth Counselling Services, Madam President, the announcement that the Ministry of Youth, Social Development and Seniors would lead a cross-ministries team to provide further intervention to identify high-risk families was interesting because it came across as if it was a new thing when it is actually not. That cross-ministries team, as I mentioned, is referred to as CMIT and it was a brainchild (as far as I remember) of Renee Brown who works in the ministry. It started back (if I recall) in the early 2000s. And the reason that I know this is because I, along with a team of a group that I am a part of . . . myself and a team of two others participated actually as facilitators of a cognitive restructuring programme for two different CMIT cohorts back in the earlier 2000s.

I have personally seen how the CMIT programme helped transform the lives of families. A couple of participants whose lives have been changed largely because of Renee and her CMIT team, I still actually have contact with today. So while it was great to hear that the CMIT programme was reinstated, it was shocking to me to learn that such a critical and successful social programme had been disbanded in the first place.

Similarly, it was good to see that the Department of National Drug Control will reinstitute the Bermuda Youth Counselling Services. But, again, the fact that it was disbanded or suspended in the first place is hugely concerning. Particularly in light of the Government's initiative (I will call it) to pass the recreational cannabis legislation. It is boggling in my mind to hear that the Government is actually boasting about reinstating such a critical service. So, I would ask like, How many of our young people have actually fallen through the cracks while this service was suspended? As I said a few minutes ago, illicit substances are all around us. Some of our young people are using them openly at home, at school, in public places and many are and have long been struggling with the effects of substance abuse. And so in my view, disbanding such a vital substance abuse counselling and support service for our young people is quite concerning. And once again I am very happy to see its return.

Affordable housing—Landlord and Tenant Act [1974]. We know that finding affordable housing is difficult. I know of landlords who, because of the challenges they have had with dealing with difficult tenants, going through the court processes and getting people out and the like, have taken their units off of the rental market. And people in here probably know people as well. Despite the fact that they could be getting rent they still would rather not go through those difficulties. So whatever choice that is made, whether it is landlords taking their properties off the market completely or turning their places into Airbnb's, so on and so forth, it is

negatively impacting our (obviously) our local housing market.

While it is good to hear that Government intends to update the Landlord and Tenant Act [1974] so both parties have adequate protection when one party does not meet its commitments, if the core reasons that landlords decide to stop renting their units is not acknowledged, addressed and respected, then the status quo unfortunately will likely remain. So as has been heard previously, a solution that the OBA put forth in our platform to address the affordable housing issue is . . . one solution at least is for the Government to partner with private sector entities, extending leases on unused Government properties and enabling leaseholders of Government residences to purchase their properties.

On seniors, an amendment to the financial assistance legislation to award an additional \$100 for personal care items . . . I am sure will not come [as] a surprise to the Government Senate Leader, Minister Darrell, that I think that while \$100 is something, I do not think it goes far enough. Clearly, money can be found. We found \$25 million and carved out some of that money to buy a new fleet of GP vehicles. I think we can do better for our seniors, frankly. I think that seniors are appreciative of the—

**Sen. the Hon. Owen Darrell:** Point of information, Madam President.

**Sen. Robin Tucker:** Madam President, no thank you.

**Sen. the Hon. Owen Darrell:** Point of order, Madam President.

**The President:** What is the point of order?

**POINT OF ORDER**  
*[Misleading]*

**Sen. the Hon. Owen Darrell:** The Opposition Senate Leader is misleading the Senate. The vehicles of which she talked about . . . she knows very well, Madam President, has nothing to do with the \$25 million investment that was made recently. Thank you, Madam President.

And can I ask that—

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

**Sen. the Hon. Owen Darrell:** —she retract that statement for misleading the Senate.

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

The fact remains that we found money to get new Government vehicles while we can give—

**Sen. the Hon. Owen Darrell:** Point of order, Madam President.

**Sen. the Hon. Owen Darrell:** The Government—

**Sen. Robin Tucker:** Madam President, I am happy to say—

**Sen. the Hon. Owen Darrell:** The One Bermuda Alliance Senate—

**Sen. Robin Tucker:** —that it didn't come out of the \$25 million.

**Sen. the Hon. Owen Darrell:** Madam President, I have not raised my point of order.

**The President:** Point of—

**POINT OF ORDER**  
*[Misleading]*

**Sen. the Hon. Owen Darrell:** She is misleading the Senate, Madam President. That money of which she is speaking about, we debated in this House in February and March in the Government budget. It was budgeted for! So to mislead the Senate about finding money for something she knows very well is not in the \$25 million of social programmes is out of order, Madam President. Thank you.

**Sen. Robin Tucker:** Thank you, Madam President. I did just acknowledge that. But we still found money, half a million dollars, to buy new cars.

So I think seniors are appreciative of the additional funds as some will obviously see it as something that is . . . something better than nothing. But in my view, again, I think that we can seriously, we should seriously be doing better. Some people who do not understand the gravity of the situation that many of our seniors are in, I actually spoke to one of the helping agencies recently and was told that the three most critical things that seniors are requesting from them is laundry detergent, paper towels and toilet paper because the cost of them is so expensive that these are the three key items that they need. So please do not talk to me about \$100 because I believe we can do better.

Seniors and the hospital. There was no mention of addressing the issue of the elderly being left in the hospital or the fiasco resulting in people lying in beds in the emergency department. Why cannot one of our no longer used schools or dilapidated government buildings be transformed into an affordable nursing home or an orphanage for children? And we could put a few housing units for staff, and it be created . . . so some of those things can come from our schools that are no longer used.

I would have liked to have seen additional support, acknowledgment support, given for family caregivers so they are better positioned to house and care for their elderly relatives. I did not frankly think that I would

be living in a Bermuda where visits to the emergency room . . . you could see people lined up in the hallway waiting to be seen and sadly this has become our norm. And frankly it is unacceptable.

I also wanted to talk about issues of unused buildings . . . sorry, seniors. Again, seniors and the Office of the Public Guardian. I mentioned in my Throne Speech [debate] last year, the reports of elder abuse had increased by 33 per cent for three years, from three years ago. And owing to the increase of the ageing population, the department of Ageing and Disability Services expected that number to grow. Financial exploitation and physical and psychological abuse were the most reported. And given this information, where are the additional legislation and specialised resources to provide [those] added protections for them?

The Government talks about cherishing seniors—which I am not questioning at all. And so before the Senate Leader jumps up, I am not questioning that. Again, I am just saying that that . . . dedicated services, I would like to see more of. The Office of the Public Guardian [was] announced in the 2020 Throne Speech. You see, Madam President, the Government has made political hay about the OBA's eight-page platform which sets out things that we will realistically accomplish.

*[Inaudible interjection]*

**Sen. Robin Tucker:** Ensuring that we will actually follow through with the things that we say and not make promises we cannot keep or make (knowing from the outset) that we will not keep. It is not a 31-page of promises that we know from the start that we are setting people's expectations for votes. But knowing some of those promises will not be kept.

The Government in its 2020 Throne Speech said that they would establish an Office of the Public Guardian to provide independent services and support for seniors, children and other vulnerable persons in circumstances where they are unable to make decisions for themselves in the management of their health, financial or legal affairs. The public is aware that between April 2022 and March 2023, at least \$60,000 was paid to a sitting MP for work done on this initiative. But it has been almost five years since the Government's initial announcement and yet we still do not have this critical office in place.

Switching to emigration. I understand that an emigration survey has been or is being done. But plans for increasing the population in this year's Throne Speech, again, noticeably missing. A dedicated plan, I will say. If the Government is telling us how many people we have living on this Island, not . . . can the Government (I should be saying) tell us exactly how many people we have living on this Island? Not estimates. The actual number. I doubt it. We are all very much aware that we need more people living on the Island.

In September 2022, we heard that the Island needed to increase its working population by 25 per

cent over a five-year period. It has been since acknowledged that that is not realistic. Was it not said that we would be bringing . . . let me backtrack on that. I just wanted to say, was it not said that 75 per cent (or a good portion) of the labour that is going to be needed to work on the Fairmont Southampton Princess project will be coming from overseas? Maybe that is how we are going to be increasing our population. I do not know. Or maybe tied to a shift on CARICOM and population swells occur as a result of freedom of movement. I don't know.

**Sen. the Hon. Owen Darrell:** Madam President. Point of order, Madam President. Point of order.

**The President:** Minister Darrell, what is your point of order?

### POINT OF ORDER

*[Misleading]*

**Sen. the Hon. Owen Darrell:** Once again, the Opposition Senate Leader is misleading the [Senate]. It has been put on record in this place and others that when or if we go down the road of CARICOM, open borders would not be a part of it. So, to mislead the [Senate], knowing that it has already been put on record that that would not be the [case], is out of order for this Chamber, Madam President. And I would ask the Opposition Senate Leader to take a higher level of debate and speak on facts and not what she believes is gaslighting the public.

Thank you, Madam President.

**Sen. Robin Tucker:** Madam President, I did ask . . . I made that statement in the form of a question. I did not make a blatant statement.

*[Inaudible interjections]*

**Sen. Robin Tucker:** It was estimated that . . . as we all know, 8,400-odd extra people (or 5 per cent) would be needed. And again, that obviously was a bit too ambitious.

So this year's Throne Speech has a line on page 12 that says, "The Government has implemented significant immigration reforms and has tabled proposals to ensure that Bermuda's population is sustainable into the future." Where will these people be coming from? We all know and are all aware that we will not get 8,000 extra people anytime soon to share the cost of living, the cost of health care, the cost of all the economic burdens that are more manageable to spread across larger numbers of people and will obviously make a positive impact on the economy.

We must have valid and reliable data telling us exactly how many people have left and why. Years ago, before, I mean, everybody of a certain age will remember the days where you had to fill out the declaration,

the departure form, before you left. I am not quite sure, again, why we no longer have that form because obviously it would be low-hanging fruit, and it would be easy to implement something now to start getting that information as people continue to leave or are making plans to leave. But I would like to know, where is the emigration data that the Government promised in its [2017 Platform]? When they said they will collect, quote, they will “collect emigration statistics to identify trends and gather a better understanding of the core reasons for Bermudians leaving our shores.” That was page 20 of the [2017 Platform]. Again, promises made, promises not kept.

In conclusion, Madam President, no matter what side of the political divide you are on, there is no denying that living in Bermuda is difficult. Most, if not most of us, know someone who has left because they feel they just cannot afford to stay. They have no viable opportunity to progress. They feel insecure given gang and criminal activity embedded in our society. The education system is unstable. Everyday costs are astronomical and our infrastructure is . . . frankly, good portions of it, are embarrassing.

But for those of us who have decided to leave this country because we have said leaving is not an option, we must hold the Government to account and expect them . . . and I want to say, Madam President, I do not care what Government it is, you have to hold Government to account and expect them to influence and create an environment of change giving us assurance that the plans read out to us each year are taking us in a direction that will improve life for *all* of us in Bermuda.

We are seeing some infrastructure improvements. New windfalls of cash miraculously found are being handed out to entities that have long needed the financial support—

**Sen. the Hon. Owen Darrell:** Madam President, point of order. I have to, Madam President.

#### POINT OF ORDER

*[Misleading]*

**Sen. the Hon. Owen Darrell:** Once again, the One Bermuda Alliance Senate Leader is speaking mis-truths. It has been brought to this place and others that money was not *miraculously found*. It was because of the Government putting forth good fiscal responsibility. So it is not miraculously found. I am glad that she would like to highlight what a great job we are doing with the economy. But she is misleading the House with the, again, fluffy, gaslighting language that she is trying to use.

Thank you, Madam President.

**Sen. Robin Tucker:** Thank you. That is our word of the day: *gaslighting*. Thank you. Thank you. Thank you.

*[Inaudible interjections and laughter]*

**Sen. Robin Tucker:** So—

**The President:** Senator Tucker, continue.

**Sen. Robin Tucker:** So cash is being handed out to entities that have long needed the financial support like candy handed out on Halloween, with the press, social media coverage, photo ops to boot.

An election is obviously coming. It is good news being spread everywhere or so it seems. The Government wants us to forget the discontented teachers, taxi drivers, farmers, fishermen, protests, the school rescoring debacle, the list goes on. An election is coming as we all know. And this Throne Speech certainly seems to be an attempt to distract us from some of the realities of what many of us are experiencing day-to-day being led by a Government that has been in power for 22 of the last 26 years.

The Government's theme of its 2017 platform was *An Agenda for a Better and Fairer Bermuda*. Seven years later, the theme of this year's Throne Speech is *A Fairer Bermuda for All*. There is no denying that this PLP Government is making things fairer for some, but certainly not for all.

Thank you, Madam President.

**The President:** Thank you, Senator Robin Tucker, Opposition Leader in the Senate.

Would any other Senator care to speak?  
Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

As we know, a Throne Speech is intended to provide a government's legislative agenda for the coming year. I look at it through the lens of what can be done to improve the lives of Bermudians and this jurisdiction. As usual, I will provide a balanced view of the Throne Speech.

For starters, legislation created to supplement and keep up with the cost of living for Bermuda's seniors and those who qualify for financial assistance are legitimate and very appropriate and meaningful uses of legislation. I think the Government has done a good job of assisting those people in our community who need their support.

There was a lot in the Throne Speech, but I am going to focus my response today on the issues that I think Government needs to prioritise in 2025 which were addressed in the Throne Speech. These issues are:

1. Bermuda's ageing population and an immigration policy;
2. Bermuda's public education system;
3. Bermuda's health care system; and
4. Bermuda's new corporate income tax regime.

Let me start with Bermuda's ageing population. An issue not unique to Bermuda as most countries in the western world are working to address this issue with

mixed results. While there are many ways to explain the criticality of this issue, I will use Government's own old age dependency ratio which is defined as the number of people aged 65 and over per 100 of working age [people].

In 2017, Bermuda's ratio stood at 28. By 2026, Government forecasts this to, in their own words, "soar to 44." So what does this mean for the average Bermudian? It means that as Bermudians retire from the workforce, there are fewer and fewer people of working age paying into the Consolidated Fund by way of payroll taxes at a time when our retirees begin drawing on government's bank account by way of seniors' pensions and increasing hospital visits.

It means that the current stresses of funding for Bermuda's hospitals already seemingly at the breaking point will only get worse. It means funding for road improvements, public schools, road improvements, seniors' pensions will become more difficult. This is not meant to be an alarmist statement. This is the reality that we are facing.

There are many moving parts to address this issue. As mentioned in the Throne Speech, we need more foreign workers in Bermuda. Always a contentious and a sensitive issue, but an issue that cannot be politicised. These foreign workers are the younger workers who we need to contribute to our economy, to help us balance our budget and begin to pay down our debt. But in order for this to happen, Bermuda needs more housing units for Bermudians and expat workers alike. I am thus pleased to see the Throne Speech reference making the expansion of Bermuda's housing inventory critical. I am a strong supporter of relaxing building restrictions in Hamilton for both residential and commercial, so I applaud Government for progressing this forward during this session.

Next, Bermuda's public education system was referenced in the Throne Speech. Much of Bermuda's and the western world's troubling and growing concerns, in my view, revolve around income disparity, only growing by the year. In re-reading Government's 2023 Throne Speech, I read words which resonated with me, "Education is the foundation of any society's success." This year's 2024 Throne Speech referenced, and I quote, "... the people of Bermuda can see the results of the years of planning and development in the signature programmes now enhancing the educational experience of the Island's students."

Madam President, I cannot see, and I believe many Bermudians are not able to see the measurable benefits of education reform. I stand to be corrected if this is not the case, but I have been asking and continue to ask for student grade data to be shared with the public. We need to see improving grades of our students so that more Bermudians can be educated to levels that allow them to achieve their career goals. It is not fairer to Bermudian parents that their children are disadvantaged if their children are educated in the public school system rather than the private school system.

We need *all* children in Bermuda to succeed. So I ask that transparency be provided to Bermudians to show that education reform is in fact improving the educational needs of our children.

Next, Madam President, the Throne Speech referenced the path to universal health care taking longer than expected. This is not surprising, as it is a very complicated and expensive process. What the Throne Speech did not reference, which is concerning to me, is the stresses on our Bermuda hospitals, both financially and operationally.

I referenced earlier the issue of Bermuda's ageing population and one of the consequences is that as we all get older, we make more and more visits to King Edward [VII Memorial Hospital]. During the annual government budgeting process, we see the cost of medical inflation far surpassing that of general inflation. We hear stories of friends and relatives who have experienced very long wait times for emergency and other hospital services. I do not know what the plans are for 2025, but I think that the omission to the recognition of the stresses on all aspects of medical coverage in Bermuda, whether the hospitals or Government's path to universal health care demands a higher level of urgency.

And as an adjunct to Bermuda's health care system issues, my caution to Government is that now is not the time to consider medical tourism. If we are facing strong headwinds to offer efficient and affordable health care services and insurance to our residents, diverting priorities to medical services to tourists efficiently and effectively does not make sense to me.

Madam President, much has been said about Bermuda's new corporate income tax regime, commonly referred to as the global minimum tax. Companies based in Bermuda of a certain size based on revenues and other measures who qualify will begin in 2025 to pay a 15 per cent minimum tax rate, with offsetting credits including payroll tax relief so that companies will not be caught in double taxation.

While I do believe that Bermuda signing onto this global agreement is the correct decision, I would like us to guard against believing that this will solve Bermuda's financial woes. There is still much work to be done in Bermuda and many other jurisdictions who have signed on globally. As the OECD will ultimately decide in one way or another what financial relief for companies will offset the new 15 per cent rate of tax, the figures that I have seen publicised by Government as projections for additional revenues are in my view very aggressive. So I would like for Bermuda to continue to focus on responsible budgeting for 2025 as we await, perhaps months away, more specifics on how this global minimum tax will impact the Government revenues in 2025 and beyond.

In closing, Madam President, Throne Speeches are like company strategic plans. They are very important guides to transparency for the future but a good plan only works if it is executed effectively and

appropriately. And while on the topic of execution, I am getting more and more concerned with the lapses in efficiencies in the governance of this country. I have great respect for both the Office of the Auditor General and the CEO herself. I continue to read reports and recommendations not properly addressed, some that go year after year. Whether audited financial statements of large quangos years in arrears or deficiencies in internal controls, I implore Government to do a better job in this area. I am a staunch supporter of strong governance and believe that it is the role and responsibility of Government to be a leader in this area.

In preparing for my response today, I re-read prior Throne Speeches, and the one delivered in September 2017 resonated with me. Madam President, it read, "In keeping with its campaign promises, the Government will implement a number of measures to improve the standard of governance in Bermuda to ensure that our democracy and our government is more responsive to the needs of the people it serves."

While that statement resonated with me then, I do not see it working in practice in 2024. In fact, one of this morning's announcements was the Follow Up of Previously Issued Recommendations from Selected Government-related Entities. From reading this report last evening by the Auditor General, she referenced 11 government funds and quangos to where strong concerns are expressed so severe in nature that the Auditor General is unable to offer any "assurance regarding [the] fairness, completeness or accuracy" of the financial statements. The entities included totalled \$2.2 billion of assets entrusted to them.

So in summary and in closing, Madam President, there are many issues that I was pleased to see in the Throne Speech and some that I thought were not appropriately addressed. But in the end, it is the execution that I will be following closely in this next session.

Thank you, Madam President.

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

Would any other Senator care to speak?

Senator Lindsay Simmons, you have the floor.

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

Madam President, the Progressive Labour Party, this Government is delivering real transformative progress for the people of Bermuda. And I am truly proud of the steps we are taking to uplift and protect our community. Madam President, this Government is a government that listens, cares and takes action.

Madam President, the PLP was formed out of a deep commitment to social justice and equity. We were born from the struggles of working Bermudians who sought fairness, dignity and the opportunity in the face of systemic inequality. From our earliest days, this party has stood for the people, putting Bermudians first in every decision we make.

Madam President, history shows that whenever Bermudians needed a voice it was the PLP that stood strong, advocating for workers' rights, better wages and social protections for our most vulnerable. Madam President, as I sit here today I am honoured to stand on the shoulders of our founding members, visionaries like Arnold Francis, Walter Robinson, Wilfred "Mose" Allen, Hugh Richardson and others who dared to dream of a better Bermuda. Their courage, foresight and determination laid the groundwork for the progress we continue to build upon today. Their fight for equity, justice and opportunity inspires everything that we do as a Government.

Madam President, as I sit in this Chamber, I cannot help but reflect on our rich history . . . of the rich history of this place. On this very piece of land, our National Hero and Bermuda's first Black woman Member of Parliament and lawyer, the Honourable Lois Browne-Evans moved for the third and final time her law practice now where we pass legislation. Her legacy as a trailblazer for justice and equality serves as a powerful reminder of why we do this work. She dedicated her life to serving the people of Bermuda, breaking barriers and championing the causes of those who have been marginalised for far too long. It is an immense privilege to carry forward her legacy in the work that we do today.

Madam President, over the past four years we have faced unprecedented challenges including navigating Bermuda through a global pandemic, addressing economic uncertainty and dealing with the rising cost of living. Yet through it all, the PLP has remained steadfast, determined and focused on our core mission to improve the lives of Bermudians and to give a fairer Bermuda for all.

Madam President, despite the difficulties of the pandemic, this Government delivered results. While other governments worldwide buckled under pressure, the PLP rose to the occasion. We implemented programmes to protect jobs and ensure that our people could make ends meet, such as the unemployment benefit programme. We strengthened health care systems, provided financial relief and supported small businesses to keep our economy afloat.

Madam President, during these four years, we did not just weather the storm. We laid the foundation for a stronger future. Madam President, we passed Bermuda's first ever minimum wage to ensure that all workers are paid fairly. We protected workers' gratuities and tips to stop businesses from profiting off of their labour. These steps reflect our commitment to equity and dignity in the workplace.

Madam President, as the Junior Minister of Home Affairs I am proud to be part of a Government that is leading the charge on environmental protection and climate change. Under the leadership of the Deputy Premier, Minister Walter Roban, Bermuda's has taken bold steps to address these critical global issues. We are working to transition to renewable energy, reduce our carbon footprint and implement sustainable

practices to preserve the natural beauty and resources of our Island.

Madam President, this Government understands that climate change is not just an environmental issue. It is a social and economic one as well. By creating initiative policies and collaborating with international partners, Bermuda is positioning itself as a leader in the fight against climate change. We are committed to safeguarding our Island for future generations while creating green jobs and opportunities for Bermudians.

Madam President, one of our initiatives I am most proud of is the independent living facility for children ageing out of foster care. This Government is committed to helping our young people, ensuring that no child or young adult is left behind. This facility provides crucial support in a safe, stable environment for these young Bermudians as they transition into adulthood. I must say, Madam President, as the president of the Foster Parents Association, I have seen firsthand the challenges faced by our children who age out of the foster care system. To now be a part of a government that has made this programme a reality is deeply personal and incredibly meaningful to me. As a Junior Minister, I am honoured to have contributed to this initiative which ensures that our most vulnerable children are not forgotten. This is the kind of leadership that makes me proud to stand with the PLP. A leadership that puts people first, especially our youth.

Madam President, this Government made history by implementing Bermuda's first-ever minimum wage. A landmark achievement in our ongoing efforts to ensure that no Bermudian is left behind. For too long workers have been struggling to make ends meet, while wages lag behind the cost of living. The PLP is committed not only to this historic step but also to increasing the minimum wage to ensure that it truly reflects the value of our workers contributions.

Madam President, as I said before, we have gone a step further to protect workers' gratuities and tips. In industries like hospitality where gratuities are a significant part of income, this protection ensures that hard-earned tips and gratuities go to the workers who deserve them, not to businesses profiting off their labour. As someone who works in the hospitality field, I am deeply grateful for these measures. They provide fairness and security for workers like my staff, safeguarding their livelihoods and ensuring their efforts are respected. This is the kind of leadership that understands the struggle of the average Bermudian and takes action to address them.

Madam President, another initiative I hold closest to my heart is the implementation of the domestic violence court. As a survivor of domestic violence myself, I know the pain and challenges that come with such experiences. I am deeply grateful to be a part of a government that recognises the importance of supporting survivors and holding perpetrators accountable. This court is not just about punishment. It is about healing, justice and ensuring that no Bermudian feels

abandoned or unsafe. This is the kind of leadership that puts people first and demonstrates our unwavering commitment to building a fairer Bermuda for all, where everyone feels secured and valued.

Madam President, we have made owning a piece of the rock a reality with this impactful programme that we introduced, the mortgage guarantee programme. This programme has made home ownership more accessible for Bermudians. This initiative is providing Bermudians with the opportunity to secure loans for their homes offering stability, pride and a strong future for their families. By guaranteeing mortgages, this Government is breaking down barriers which previously kept hard-working Bermudians from owning property. This is not just about housing. It is about ensuring that Bermudians can invest in their future and begin building generational wealth. The response to this programme has been overwhelmingly positive and it is a shining example of how the PLP prioritises the need of our people.

Madam President, we are also committed to supporting our seniors who have worked hard to build the foundation of this country. The recent increase in pension is a testament to our respect for their contributions and our promise to ensure they can live with dignity. Madam President, unlike the OBA which only increased the seniors' pension once before the election that they had, the PLP has consistently worked to ensure that our seniors receive the support they deserve. Our record reflects a meaningful and sustained action, not empty election year promises.

Madam President, education has always been a pillar of our vision for Bermuda. And year after year we continue to invest in educational scholarships for our young people. We know that education secures a strong future for our country. These scholarships open doors for our students to achieve their dreams and equip them with the tools to contribute meaningfully to our community. Madam President, education is the key to unlocking potential and this Government [is] ensuring that Bermudians have access to opportunities they deserve.

Madam President, I am also proud to be part of a Government that implemented the paternity leave and increased maternity leave, giving parents the time they needed to bond with their children. Family is the foundation of our community and by supporting parents during such a crucial time we are not only helping families, we are also strengthening Bermuda as a whole.

Madam President, our economic recovery continues to move forward with milestones like the groundbreaking at [Fairmont] Southampton Princess. This project is a gamechanger set to create over 700 jobs for Bermudians and contribute significantly to our economy. While the OBA failed to support this critical project, the PLP stayed committed, even through a once-in-a-lifetime pandemic, this Government refused to let adversity derail this important initiative. We are incredibly thankful to Gencom and the Bermudian Industrial

Union for their partnership and determination to push this project forward. Together we are securing opportunities for Bermudians and revitalising our tourism industry.

Madam President, for our families we have implemented initiatives like the child care allowance which eases the burden on parents and ensures that our children can have the best possible start in life. We understand that raising a family in today's economy comes with challenges and this allowance is part of our broader commitment to supporting working families and fostering strong communities.

Madam President, these are just a few examples of the PLP's dedication to the people of Bermuda. Our Throne Speech reflects our ongoing efforts to create a fairer, more inclusive society with policies designed to benefit every Bermudian. From improving access to affordable housing, to enhancing health care and driving environmental sustainability, we are leading with vision and purpose.

By contrast, Madam President, the OBA continues to show a lack of vision and understanding of what Bermudians need. Their response to the Throne [Speech] offers no meaningful solution, only criticism. While they talk, we take action. While they focus on negativity, we focus on building a better Bermuda. The Progressive Labour Party is committed to creating a fairer Bermuda for all of us. One where opportunity is abundant, equity is prioritised, and every Bermudian can prosper. Our track record over the years has shown that we do not just talk about progress, we deliver it.

For over 60 years, we have remained true to our mission to uplift Bermudians. From achieving universal adult suffrage, to transforming education and the health care system, the PLP has always prioritised the need of our people. The PLP is a Government of action, compassion and resilience. From our founding to today, we have remained steadfast in our mission to put Bermudians first. We will continue to fight for a Bermuda where everyone, regardless of their background or circumstance, can thrive. And I am truly proud of what we have achieved, and I am even more excited about what we will accomplish together in the future.

To be honest, Madam President, the choice is very clear. The Progressive Labour Party is the part of progress, unity and hope. We will continue to put Bermudians first because that is what leadership truly means. The PLP will ensure a fairer Bermuda for all of us.

Thank you, Madam President.

[Desk thumping]

**The President:** Thank you, Senator Lindsay Simmons. Would any other Senator care to speak?  
Senator Kiernan Bell, Vice President.

**Sen. Kiernan Bell:** Thank you, Madam President. I will be brief.

The Throne Speech . . . in my mind there is one word which really came to mind when I read it which was: *ambitious*. And what do I mean by that? If we look at the variety of areas where there is going to be legislation coming down the pipe, we have constitutional reform. We know that we have the corporate income tax, a new tax regime in Bermuda. We know that the health care landscape is going to be wholesale changed. We know that there is going to be amendments coming through to the banking legislation, our new banking laws. And we also know that there is going to be wholesale changes to the legislation around domestic violence.

These are all very significant legislative agendas for . . . any one of those would be significant in any parliamentary session. So that is why I feel like *ambitious* is a good word.

With that in mind, I thought, how best can I provide some insight and thoughts on this Throne Speech? And this is one area where I would like to see improvement and that is consultation. I think it is very important on all of these initiatives for there to be full, public, proper, transparent consultation. I think it . . . and what do I mean by that? And the Members in this Chamber will know that I criticised what I viewed as insufficient consultation around the recent legislation that came through on the health care side.

What was insufficient there was that the legislation was not circulated to the stakeholders beforehand. More significantly, the wholesale changes in that health care environment have not been circulated in full to all of the various constituents of that ecosystem in Bermuda, which of course affects everybody.

The same is true when you are dealing with constitutional reform. The same is true when you are dealing with wholesale banking reform. And of course, the same is true for corporate income tax. So, we must do well and better at consultation. Getting out there in advance, having full public scrutiny of this legislative agenda coming through so that members of the public understand the scope of the legislation, feel that they can ask questions, provide input and frankly I think this improves the quality of the legislation that comes through. It assists the statutory draftspeople respond to those issues and of course it increases the trust that the public have in the Government.

I look forward to seeing the legislation come through in my capacity as a Senator in this Chamber and commenting on it. But I also look forward to being able to review this legislation well in advance through the consultation process.

Thank you.

**The President:** Thank you, Vice President Kiernan Bell.

And Senator Robinson, you have the floor.  
Dwayne Robinson, OBA.

**Sen. Dwayne Robinson:** Thank you, Madam President, and, you know, I always get a few chuckles around this time of year when we come to the Throne Speech and the Reply to the Throne Speech because it is almost somewhat of a religious experience because it seems Government becomes born again with every Throne Speech they deliver. Promises that were made and not kept from past Throne Speeches are washed away and suddenly we are meant to somewhat forget promises such as the arbitration centre, as well as the vertical farm and the list goes on, that the Government comes forward with initiatives and every year tells us about the things they have done right (in their opinion) and fails . . . or omits, I should say, certain things that simply did not materialise or simply were underwhelming.

With that being said, I always find it very interesting that every year seems as though there is a fresh new agenda and no self-accountability from Government at all, year to year.

Really quickly, I would like to just speak a little bit about some of the things that I did agree with or enjoy seeing in there like digitising TCD (Transport Control Department). I know that a lot of residents will read that and be very pleased to see that, you know, the Government is taking the initiative to attempt to make that easier for residents when it comes to renewing your licence and the like. And I know that has been something that many have complained about so I know it will be received quite well.

The domestic violence court programme, as well, I would like to also highlight my Leader in the Opposition, Robin Tucker, for calling for this particular initiative back in 2021. So, we had a longstanding support of it, as we have all seen the statistics are going in the wrong direction and are very alarming for, I am sure, those of us on both sides of the Chamber. So, I look forward to seeing this materialise and hopefully in this legislative session so that we can start to tackle that very real and growing issue in our community.

I know that with the domestic violence statistics going up, we also know that a lot of these things are linked to substance abuse. So, I would be looking forward to seeing a bit more stringent measures as to how we will tackle that growing issue in our society as well of a lot of these being alcohol induced or other drug induced incidents that result in violence within the home.

I also would like to lend my support for reviewing landlord and tenants' legislation. Something that is within the OBA's platform as well and I am welcome to seeing this tackled because at one point we did have a population of over 70,000. So, the housing here in Bermuda is sufficient for the population that we have because we know it is not 70,000. So, there is clearly a breakdown there when it comes to various pieces being put into the reason why it is hard for our people to find places to stay.

And I will acknowledge the affordable housing terminology used in this Throne Speech, and I think we have raised this before, but we have to define that because when folks are reading a Throne Speech and they hear *affordable housing* and then they hear \$3,000 to \$7,000 rents in Bermudiana, that discrepancy can cause a lot of confusion in the community when we use the word *affordable*. So, I think Government needs to take time to really define and showcase what it means by *affordable* because when you see the prices for some it does not add up at all.

I think that also . . . moving into the Disabilities Act, I am fully in support of this Act and I feel as though our differently abled Bermudians and those who are dealing with disabilities often feel overlooked, often feel ignored and I feel Bermuda could benefit a lot not just in mobility of those who are disabled, but this would also benefit seniors who may have mobility issues in their later years. And I also think it will benefit our tourism product so that we can be more inclusive of our visitors and our residents to be able to get around and enjoy a lot of things in Bermuda that they may not be able to now due to restricted access or lack of inclusivity when it comes to being able to be mobile around the Island.

I also wanted to be quite nuanced about the personal care allowance for seniors. I believe that every little bit helps. That is my mantra. And I believe that in a situation where, you know, we knock on doors and, you know, seniors are short, their pension doesn't go far enough, or they are on FA [Financial Assistance]. I think every little bit helps. I do also though want to agree with my Senate Leader when I say that I think we need to make sure that when we come forward with policy, not only are we making sure it is sustainable, but we are making sure it addresses the actual issues that seniors and any targeted group that we are looking for is dealing with. Because as we have seen, these policies and these financial aids are always welcomed by the community.

I am sure everybody supports social well-being and support for those in our communities who are not as well off or not able to sustain themselves. But we also realise that this is a cost. It is a legislative cost, and it is also, you know, we just have to look across the pond, really. The UK Labour Government had to redo or repeal their winter fuel allowance for seniors and make it means-tested because they discovered upon defeating the Tories in the last election that there is a multi-billion-dollar black hole in their finances. Because what happens is folks create these policies and people govern from election cycle to election cycle. And we end up running into issues where that plays a part in the future generations and the future financial mobility of the country.

I feel as though when we look at these Throne Speeches, that is often how the Progressive Labour Party governs, very much from cycle to cycle. As we have seen, that has a cost and that cost eventually

catches up to us. So, we have to also make sure that we have future generations when we sit in this Chamber who will reap what we have sown here today. If we are not going to take the systemic issues of why, you know, our seniors are struggling under this cost of living, i.e., health care costs and the like and we continue to push that can down the road then we are going to have to come back every year and legislate an increase for that personal allowance because these costs will continue to increase.

So we need to also make sure that we are doing sound systemic fiscal policy and not just politically expedient policy that looks nice and has a great slogan, but when it hits the community, the community's outlook on life in Bermuda does not change because they realise that it is not going to fulfil or tackle the issues that they are dealing with on a day-to-day. So, we have to be careful about that.

And just leading on to the fiscal black hole in the UK for seniors, it leads me to something that I feel was not stringently addressed in this Throne Speech. Something that is a cornerstone and quite possibly the hugest adversity facing Bermuda and that is our ageing population. It is mentioned very briefly, and it is a throw-away of, *Well, there will be a plan to address that*. But let us be quite honest: if that working population black hole isn't sorted, there is a population bubble burst that is coming and that is in the folks who are 59 going 60 now, or you know, that bracket who will be 65 in five years.

We have a demographic issue that we downplay in Bermuda when it comes to governing because when you see a Government that has told you in one breath that Bermuda's working population is unsustainable, that we are heading to a place where will not have enough taxpayers to maintain the benefits of those who are retiring, to maintain the benefits of those who have retired and to maintain the benefits of those who are heading towards retirement. You have one breath that that is what is being said. And in the other breath we have a surplus, we have additional to spend. We have all of this money that we are willing to put into various things.

And then what is going to end up happening is if we are not going to address immigration reform, if we are not going to address getting younger people here to have children to increase that population, those things that are being given now . . . as we see across the pond, will be retracted in the future because it will not be sustainable. And then we will be sitting here having, whoever that Government is, making tough decisions that this current Government refuses to make. Far down the line when folks are saying, *I need support. I need certain things to stimulate the private sector, the economy*. The Government is not going to be able to do that because it did not address this very core issue.

Yet to truly get a grip on immigration numbers. Yet to truly come to the people of Bermuda with any substantive immigration reform to tackle this, and yet to

come to Bermuda with any true policy or framework that is going to increase the births of Bermudians or entice Bermudians to return home. So, it is a lot of plans on plans, as we see every year, the Government will plan too. The Government will create a plan of this plan that did not quite work the last time they planned it. And now this time, this plan will work.

We have to get away from that and it is time for us to discuss the reality. And I know sometimes some on the Government side confuse reality with doom and gloom. Some people's reality in this country is doom and gloom. Some people's reality in this country is not a bright outlook on the future and we have to accept that as legislators. It is not for us to decide what reality is. It is for us to echo what people are saying to us on the doorstep, on the street, and most Bermudians are struggling, and Government is not addressing the core issues of why that struggle is.

It also did not take into account the potential impact of the American election on our corporate income tax regime and whether there will be any impact on that. Because as far as we know, the current president-elect is very much America first. And it has been something that both governments of both major parties in Bermuda, OBA and PLP, have realised that many larger jurisdictions have an eye on our business. Many larger jurisdictions have an eye on how we have built and maintained our international business sector.

From what I am seeing, if we have a Government that has a surplus and is spending . . . deciding to spend more, if we have a Government that is content with swiping the people's credit card because we have an interest payment of \$125 million and a \$4 million surplus will not go far enough to address that. Why [are there] also no mitigating factors as to how this new president will impact our international business sector? How this corporate income tax may be the very thing that *he* leverages to force companies to return and re-domicile in America? These are things that, you know, people would like to hear addressed by the Government, because I am going to tell you, Canada's Government is talking about it. The UK's Government is talking about the impact of a Trump presidency under president-elect Trump and it seems as though we are content to somewhat leave our people in the dark as to whether or not any of our Government's plans have changed based on that. And whether or not the projections of the yield of the corporate income tax will be affected by that as well.

To me there was a new plan of tackling crime, another systemic issue that we have seen on the rise, and I feel as though I want to truly wish Government the best in this regard because it is something that affects all of our communities and affects all of us. But we have heard consistently since 2017 that there was going to be a comprehensive plan to tackle violence. And unfortunately, there has not been any real materialisation of a decrease or a cool down of this very, very, very damaging thing for our community. And so not to

politicise it too much, but I really, really look forward to seeing what new initiatives will come forward from Government in this space that will show some substantive change in this regard.

We have also seen universal health care kicked down the can. And as many people have said, this is indeed a very, very difficult task. But there was a method identified many years back of potentially focusing on our underinsured and uninsured to start that would potentially be an easier way to do . . . the steps to universal health care rather than simply try to bring out the entire plan all at once. Because we still have folks who are underinsured. We still have folks who are uninsured. And through the number is not particularly high, I think in a country or an Island that is what considers itself to be, you know, a high-ranking financial sector, it is unacceptable.

I think if Government wanted to show some true tangible movement in this area tackling that much smaller population and ensuring that all of our people are *insured* to start, or have adequate insurance for the timeframe . . . for the things that they are dealing with in Bermuda, it may be a great first step to show some real skin in the game as far as reforming our health care. Because it is probably what many of my folks that I speak to on the street call it a second mortgage. Right? I mean, it is becoming a huge burden for seniors especially and also a huge burden on the family members who support their senior parents to be able to pay and give adequate medication and support for these members.

Again, I think it is overdue for something tangible. Over the last seven years of promises from this Government I think a small step in that direction will aid a lot of people who right now are probably dealing with the fear of working or going through life without insurance.

To me, this Throne Speech, it paints a picture of an Island where people are unable to retire, who cannot afford to retire, who cannot afford to purchase a home, who are constantly dealing with acts of crime, domestic abuse, substance abuse and all manners of things that suddenly we are seeing every year we get to this point where these things are highlighted. And again, I liken back to the domestic violence courts since 2021 that was called for. We have to start holding Government accountable when it comes to making promises that are not kept. Because people's lives are directly impacted by these hugely massive systemic issues.

And nobody expects Government to get it right in one term. Nobody is expecting one election cycle suddenly these problems will disappear and, you know, anyone who is in Government will wave this magic wand and Bermuda will be a healed society. However, it does not wash when we constantly hear these new promises after almost eight years in Government. It just does not wash.

It is (to me) an indictment when you have a Government that is willing to give itself many pats on the back. As we have heard many press conferences, many radio appearances, many op-eds about the great things it has done to a society who has watched them govern for over 20 years. And has seen these issues get worse and worse and whether or not they are content with doing the same song and dance of promises and pretending that they only started governing in 2017 and that they inherited this massive, massive, massive mess from four years of the OBA when in actuality the OBA governed in between almost a decade of PLP governance. And then we now have come to the end of almost another decade of PLP governance and we are talking about the same issues that we were talking about then.

In my opinion, I think it might be more refreshing for this Government to start taking some accountability and showing the people that they genuinely hear what is being said. Because we can all sit here and paint a political narrative based off of what we hear on the doorstep, but I can tell you that the stats show that 75 per cent of Bermudians or at least in that bracket—I don't have the exact number—are looking to relocate.

We constantly see independent statistics come out of how our people feel. And we come into the Chamber and it becomes a *he said, she said* situation where apparently all of us are knocking on different sets of doors and we hear completely different ideas or beliefs of where Bermuda is right now.

*[Inaudible interjection]*

**Sen. Dwayne Robinson:** Yes, there you go.

I will speak to you, Madam President, because it is always hilarious when the Minister opposite talks about raising the level of debate and constantly declines it every session. But—

*[Inaudible interjection]*

**Sen. Dwayne Robinson:** —we will continue to hold the Government to account much contrary to some opposite who want us to come here and tell them how great they are every session. Unfortunately, it is not going to happen, Madam President. It is just not going to happen. When the people reflect what the Government is saying, then maybe we will come in here and sing a different tune.

But just moving on, there was a lot of jumping up and down about Fairmont Southampton and this is just another classic example of Government conflating two issues to suit a political narrative. The One Bermuda Alliance and many other people who raised objections about the SDO [special development order] and the concessions, nobody that I heard ever raised an issue about the hotel reopening. Not once.

Now, to conflate the two arguments is disingenuous and pretty petty politics to be completely

honest. And instead of taking a victory lap for something that all of Bermuda, or I should say most of Bermuda is very excited about, the PLP decides to make it partisan (as always). Because the big issue here is . . . it is, as they say, the largest investment in history. But on the flip side of that, it is also the largest concessions in history. The largest concessions made for any project in our history when it comes to tourism.

We did not even give St. Regis that level of concessions for a brand-new build. A brand-new build! And we have given over 15 years of concessions for a renovation to a company that Government had to step in and pay redundancy for its workers. Where a Minister resigned because they did not feel that that deal was suitable.

And all of a sudden, what do we hear? Rewriting of history yet again where this deal was crystal clear from the very beginning and only the Progressive Labour Party could see and nobody else could see how great this deal was. And now that it is open, everybody else should come and eat crow because we did it, guys. Well, that is your job. You allowed that hotel to close during COVID-19.

So let us tell the whole story because I am going to be quite honest with you, Madam President, many of us are tired of the high-fives. We are. And I am thinking about the community. I hear it every day. And whether or not they want to acknowledge it or not, folks are tired of the high-fives because it never starts at the beginning of the tale. Only when it is a PLP victory. And you know they say, *To the victor, go the spoils*. Right? To the victor goes the history and they can rewrite it as such.

But there are still many of us around who have paid attention from beginning to end of this saga and we do agree and support the hotel reopening. And yes, people will get on board because everybody wanted that Fairmont Southampton to reopen. But let us stop with the rewriting of history and let us just ask this Government to get on with governing. Because I have heard several Members parrot that same disingenuous argument and I want to let them know it is not washing. It is not. Because as somebody who lives in that area, my neighbours were never against the opening of Southampton, of Fairmont. But many of them had issues with the SDO and would have rather seen the 2009 SDO be used. But that is history and Government were aware of that—the good and the bad.

Just moving on really quickly to just highlight the fact that Bermuda does indeed have a choice. We have a choice between a Government that governs to each election cycle. Or we have a choice of a party, the One Bermuda Alliance, who in our Reply [to the Throne Speech] showed many look forward to the future. And it ironically is named, *Securing Bermuda's Future*. And that is because our Opposition Leader did outline the fact that the Opposition (the OBA) would cut payroll tax for workers who are under 30 . . . for employers that hire workers under 30 because we understand that we

need to build the base of young workers in order to fund any of these government initiatives. Because if you are not tackling that and you don't have taxpayers to pay into these things, Government is going to have to repeal them.

We also had a focus on small business and the removal of red tape because we understand that the local economy is struggling in Bermuda. The local businessperson is struggling because there is a lack of consumers. There is a lack of support for small business and ironically, from a Labour Government, there is much more support for international business and large corporations.

In fact, they are willing (as they alluded to) to potentially remove or alter customs duty because it is very apparent that they believe that corporate income tax will save Bermuda from all its financial woes and they are prepared to place Bermuda further at the mercy of a select few large companies, over €750 million, which is the threshold. And that is a small amount of companies that will . . . it seems the way the Government is going will build the majority of the tax income for our Island and that is extremely concerning from a Labour Government who continuously tells us how they are proud of that credential.

The failure to focus on local business is something that our Opposition Leader delivered in the Reply [to the Throne Speech] and outlined that the One Bermuda Alliance is keen to work with international business but understands that it is the local business as well that will provide innovation and other pillars for our community.

Attracting more conference and business tourism is something that the One Bermuda Alliance also spoke on. Developing conference centres and multipurpose entertainment venues because we understand that Bermuda requires more recreational activities. Bermuda requires more centres to host conferences and to really support the finance and business sector and that tourism market.

That is just showing longevity and future planning of not just dealing with the present but also trying to address the things that will lead to future growth for the Island. And that is why the One Bermuda Alliance is so focused on not only taking us back to basics to make sure things work now and continue to work the way that they should because that is a key issue that we see here in Bermuda that things are difficult. Certain things that we should want to be simple to stimulate the economy are difficult. Opening up a business account can be difficult.

This is what we mean by back to basics and being a party that is looking to securing Bermuda's future. It was also mentioned of an infrastructure fund—a real one—that would be set aside to maintain and properly plan the consistent maintenance of our roads and infrastructure. Not just quick pavements and quick fix-up jobs for pre-election campaigning. Because I have streets that are still not paved. The railway is still

not paved around my neighbourhood, and this is somewhere that is going to be right around Fairmont Southampton. So, again, if Government is very serious about revitalising tourism, these are some of the things they can show the people. To maintain these areas that tourists will be going through, and residents enjoy as well.

Just really quickly to segue to transport . . . we saw a reduction for taxi drivers, which I think many taxi drivers will welcome. But again, there is a huge rift between that industry and Government. And if we are going to see a tourism renaissance, as it has been touted, fixing and maintaining our transport system should be of paramount importance. And there is no mention of repairing the relationship with taxi drivers. Just cut them a cheque basically is how it looks.

This is what I mean about accountability when it comes to creating a transport system that works and can support not just our residents but also a potential tourism increase. Nothing to be said about that.

Just to close, Madam President, because I feel as though my Opposition Leader in the Senate covered so much of what we have stood for and what we feel about the Throne Speech, I just want to caution that this particular exercise that we do, how we communicate, how we address the people of Bermuda, how we present ourselves is very important. I would caution any government to build and build on a foundation of sand. We must get our taxpaying base, our working population sustainable or all of this that is being talk about, all of these promises that are being made . . . we will reap the benefits of pushing this down the road.

So, Madam President, I appreciate the opportunity to share my thoughts. I appreciate my opportunity to speak and represent the One Bermuda Alliance and the people who are listening in. And I hope to see some of these initiatives manifest in the future. Thank you, Madam President.

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

With that, Senators, it is now 12:25. I think we will break for lunch and will be back at two o'clock.

Senate stands adjourned for lunch.

#### **Proceedings suspended at 12:25 pm**

#### **Proceedings resumed at 2:00 pm**

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

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

We will resume with the Senate's debate of the Throne Speech and the Reply. There was a fulsome discussion/debate this morning and we will continue this afternoon.

Would any Senator care to speak?

Senator Arianna Hodgson, you have the floor.

## **DEBATE ON THE 2024 THRONE SPEECH AND REPLY**

*[Continuation thereof]*

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

Madam President, this year's Throne Speech highlights our very founding principles and embeds them into an enduring vision for a fairer Bermuda. In fact, Madam President, I would say that it reaffirms our commitment as a Government to leave this Island better than we found it. As Members are aware, and for those who may be listening this afternoon, Bermuda's Parliament was established in 1620 and it is actually one of the oldest in the world. For centuries the foundations of our governance were rooted in colonialism with power concentrated in the hands of a few and policies that served the interests of the colonial masters rather than the Bermudian people.

I checked the numbers, Madam President, because we like to point fingers here, and it was 378 years and 98 days after the then incumbent Governor Nathaniel Butler actually summoned a general assembly to convene at what we know as St. Peter's Church that the Progressive Labour Party actually won the general election of 1998. This is significant because as I think about our role as a Government, our record as a Government and our intended reach as a Government, I think about the evolution of party politics and how the introduction of the Progressive Labour Party actually shifted the dial for Bermudians.

Now, I am not claiming that party politics does not have its challenges, but if you look at the history it can be said that it wasn't until the 20<sup>th</sup> century with the establishment of the Progressive Labour Party in 1963 that Bermuda saw a real shift toward a more inclusive and actually representative Government.

Madam President, the establishment of the PLP brought what would have been considered a new dynamic to Bermuda's Legislative Assembly. We introduced policies and debates and a new way of thinking that aimed to address the needs and aspirations of a broader segment of our society. This shift was not only crucial in promoting greater social equity but also fostering a political environment where the voices of previously marginalised groups could be heard and considered in the governance of the Island. One of the most crucial milestones in Bermuda's political history was actually the introduction of universal adult suffrage which was significantly influenced by the PLP's push for democratic reforms at the time. It was in 1968, not even 60 years ago, that this change in policy granted voting rights to all adults regardless of property ownership and greatly expanded the electorate. For the first time individuals from various social economic backgrounds had the opportunity to actually influence the direction of their Government and the policies that affected their daily lives.

And so, Madam President, even when we don't get it all right, I remember that the Progressive Labour Party was founded to challenge what we consider systemic inequalities and to fight for the rights and voices of those who had been silent for so long. While other parties have emerged to represent more conservative interests, I do believe that this Progressive Labour Party Government remains committed to ensuring that all Bermudians, regardless of background or status, have a real opportunity to thrive—a fairer Bermuda for all of us, Madam President. So we are going to continue the work of dismantling and rebuilding until we achieve that fairer Bermuda.

Madam President, we are here to talk about this Government's Throne Speech, so I thought I would start by highlighting some of the initiatives that I am particularly pleased about. So, for starters, Madam President, let me just say that I will support anything this Government does to support our families, to support our young people, to support the men and women who are responsible for supporting our children as they grow and develop. The people piece is why I sit in this Chamber as a Government Senator, and it is why I choose to represent the Progressive Labour Party.

My grandfather always said that Bermuda's greatest issue had been the degradation of the family unit. And so, I am particularly proud of our efforts to better support Bermudian families and high-risk families in particular, Madam President. When we help individual families, we are actually strengthening entire communities. When our families thrive, Madam President, our society also thrives. And so, I am personally committed to advocating for policies that support our families, protect our children and build a brighter, fairer future for all of Bermuda.

Madam President, it is important that we are expanding mental health resources. It is important that we are expanding substance abuse support for our youth, and it is important that we are assuring access to basic life skills training, access to stable housing, nutritious food and health care to halt multigenerational trauma. Senator Tucker mentioned that there were instances where programmes were suspended and have now been reintroduced. And I think it is worth stating that the benefits of such reinstatement outweigh any criticisms. It is my hope that this period has allowed us the opportunity to reassess and optimise these programmes and to make them more effective and better aligned with current realities.

Madam President, it has been a hot topic of late, but we are also learning that access, fairness and accountability in banking in Bermuda must be addressed. And I am pleased that this Government is taking the necessary steps to ensure that every Bermudian has access to basic banking services.

Madam President, the public service often takes a lot of heat, and I am glad that during this season we are ensuring that our public service is committing to attracting talent and building excellence. Having

worked in the service, and I have worked in the public and private sectors, I think it is particularly important that we focus on strengthening our own workforce and aligning our salaries with market standards but also implementing leadership training and other means of professional development for all level of employees. When we invest in our workforce, our people, it means that we are doing the work to build a robust, a dynamic public service that is actually ready to deliver for the people of Bermuda.

Madam President, I support a Government that continues to support small and medium-sized businesses, a Government that continues to strengthen the rights of workers; a Government that wants to streamline government services and cut red tape. [I support] a Government that continues to advance pensions at the rate of inflation, a Government that continues to expand HIP and FutureCare to cover more preventative doctor visits and improve prescription drug coverage. [I support] a Government, Madam President, that attempts to keep more money in the pockets of the Bermudian people, a Government that recognises the significance of advancing policies that increase housing options for the Bermudian people. And I will pause here, Madam President, because we start to go on the tangent of an argument about whether or not the housing is affordable. And I think that the truth here, and what really matters, is that there is a shortage of housing on all fronts. And so, our housing initiatives are designed to offer a range of options that cater to various income levels.

Madam President, I am also proud that Bermuda leads as the first Overseas Territory to extend the UN Convention on the Rights of Persons with Disabilities and I am proud that we have a Disabilities Act on the way. And finally, Madam President, I am happy to have our Attorney General advancing works around a new domestic violence court that will protect victims and hold perpetrators accountable. While we recognise that the issue of domestic violence is far larger than the establishment of any one court, Madam President, I believe these efforts are an important step forward. These measures are vital for the protection of our community. I am confident that they will provide an essential framework for justice.

While I am here, Madam President, we actually met with Minister Tinee Furbert on Monday in the spirit of 16 Days of Activism [Against Gender-Based Violence] surrounding the ending of violence against women. And what I want to say is that we could have spent an entire day talking about the impact of violence and abuse on our communities. I would like to explore this perhaps a bit further, but I will start today because abuse in all its forms—that is financial, that is emotional, that is physical—is impacting our communities in more ways than we can imagine. It is affecting us as we walk down the street. It is affecting us as we interact with our young and our old people. The trauma and the stress caused by these acts, Madam President, are affecting our families and our neighbourhoods in the

broader community. Children who are exposed to violence, for instance, often struggle in school. And we see it. They often face mental health challenges, and they are at a higher risk of perpetuating this cycle of violence. Our elderly, who should be enjoying their golden years are often left isolated and vulnerable and they are suffering in silence, Madam President.

It is interesting because we also heard about the impact of in utero abuse on the women and the children themselves. We must address the problems of abuse in our communities. There is an economic cost to abuse, Madam President, and it is significant. Our meeting with Minister Tinee Furbert underscored the need for us to take the necessary steps to address the prevalence of abuse in our communities and implement robust legislative and policy measures to protect our most vulnerable. But we cannot stop there, Madam President. Education, as always, is a powerful tool in combating abuse. And each one of us have a role to play in teaching our young people and our peers—because in many instances it is our peers who are experiencing these types of abuse—about conflict resolution and about respect for others. We must break these cycles, and we must do so by ensuring that our people know their value.

As we know, and as we have heard, election time is near, Madam President. I want the people of Bermuda to know that our Government agenda is clear. A fairer Bermuda for you, Madam President, for me, for my good friend, Senator Wight, and all the rest of us here today. While this can look like a lot of things to a lot of people, I think about a fairer Bermuda in terms of Government policy. And I think about advancing initiatives which are aimed at promoting equity, inclusivity and opportunity which touches all residents. I think about equity in education. And that means ensuring that all students, regardless of their background, regardless of the system they sit in, have access to quality education and the resources they need to succeed. I think about equity in health care. And that means providing affordable and accessible health care to every resident. I think about equity in employment. And that means, and we have done a great job in my opinion, creating policies that promote fair wages and safer working conditions for our people. I think about inclusivity that celebrates diversity. Inclusivity that supports marginalised communities. And inclusivity that encourages participation so that residents of Bermuda feel empowered to participate in the democratic process and to have their voices heard in policy-making. I think about opportunities for economic growth and fostering an environment where businesses can thrive. I think about creating more jobs and economic opportunities for Bermudians. And I think about opportunities for innovation and investing in new technologies in industries ensuring that Bermuda remains competitive in the global market.

Madam President, as I reflect on the future we are building together, I also think about the

opportunities for personal development. And this is something that is near and dear to me because I firmly believe that each one of us is doing the best with what we have got. But we cannot do better until we know better, Madam President. And this is why it is so important to invest in ourselves, to invest in each other and to make sure that we are fostering environments where learning, growth and improvement are not only encouraged but actively supported.

Madam President, as a young female member of this Progressive Labour Party Government I find nothing more honourable or fulfilling than being called to serve. It is a privilege and a responsibility that I am proud to embrace. For me, serving in this capacity is not just a position, it is a commitment to my community, to my country and to future generations who will ultimately inherit the policies and decisions that we make today.

Madam President, I have a lot of conversations with a lot of different people and as I consider my candidacy in the upcoming election, I have been saying that I feel something more than called. When I think about my “why,” I realise that I stay in the room because I deeply believe in the role that I have to play in ensuring that my fellow Bermudians, regardless of age, gender or background, have a real voice that actually reflects their aspirations and concerns. The work that I do in my personal and my professional and my political capacities is driven by my belief in a fairer, more equitable society. A fairer Bermuda for all, Madam President.

I am one of those who believes in a Bermuda where everyone has access to opportunities, where our most vulnerable are supported and that they feel that support. And where our policies are forward-thinking, where they are responsive and inclusive. For me it is not just about our ambitions as leaders. It is about representing the collective hopes of Bermudians. And although I am not so young, I believe that young persons deserve a Government that listens and acts in their best interest.

Senator Robinson should know that this Government is talking about the realities of the recent election and that we are having conversations about what that can mean for our Island. And perhaps we have not done the best job of ensuring that every Bermudian understands this occurrence and the potential challenges, but what I can say is that we continue to push forward. We can acknowledge the challenges but we cannot afford to remain stagnant either. It is a daunting task but that is why we are grateful for all of the hard work that has been undertaken by the Tax Reform Commission and so many other groups.

Madam President, while we continue to focus on diversifying our economy and fine-tuning our value proposition as a business jurisdiction of choice, a significant component of our economic strategy is indeed the implementation of a corporate income tax. Whether the estimates are too high or too low, a responsible Government must start to have conversations about

what this Means for our debt, what this means for our delivery of services as a Government, but ultimately how the Government's economic performance will benefit the people of Bermuda, Madam President.

While the Opposition cautions us against getting too excited or too carried away with planning for the potential, I believe the response actually underscores a fundamental difference in our party ideologies. The Progressive Labour Party is progressive. We are proactive and we are always looking for ways to ensure that Bermudians benefit from the economic activities taking place within our shores. And that is just a fact, Madam President. And so, I think we do get the opportunity to get excited. I think we do get the opportunity to plan ahead. And I know that I, our Ministers [and] our MPs have already begun the work of envisioning the ways in which we can uplift our people and ensure that prosperity is shared.

Madam President, a few weeks ago the Premier, our Minister of Finance, presented a comprehensive overview of the economic landscape. And I think there are a couple of points that deserve our attention here today. He highlighted a number of important indicators that speak to the resilience and ongoing strength of Bermuda's economy. And he said something to the effect of *there is no great exodus from Bermuda*. The narrative of an exodus for Bermudians and businesses of fleeing the Island simply is not supported by the facts. The truth is that despite global challenges, despite the doom-and-gloom narrative of the naysayers, Bermuda continues to attract investment, talent and businesses. This is not a picture of a nation in decline but one that is maintaining its standard, Madam President.

We are not out of touch and the Premier's remarks are not just optimistic. They are based on solid economic data that demonstrates the strength and resilience of our economy. When we compare the record, Madam President, we are a Government that has delivered affordable—and I will say affordable housing. We are a Government that has lowered and will continue to lower taxes on hard-working Bermudians and their families. We are a Government that recognises that health care should be accessible, efficient and affordable for all Bermudians. And that our education system must prepare the next generation for success in a rapidly changing world. And so, we will continue to advance health care and education reform, Madam President.

We are a Government that takes a people-first approach and that is why we continue to focus on improving the lives of everyday Bermudians. A people-first approach means that we are listening to our communities and that we are actively engaging to understand their needs and concerns. From health care to housing and taxes to education, our policies are designed to support our communities, to empower our families and to create opportunity for all.

Madam President, Senator Robinson spoke to the issue of immigration in his Reply and the need for this Government to act. And as someone who was born to a mother who was born and brought up in Brazil but has Swedish parents, a father whose mother is Guyanese and father was Bermudian, immigration is a topic that I would love to have some more conversation around. I know, and I am sure that Senator Robinson knows, that making any changes to immigration legislation or policy requires some conversations around ensuring that every Bermudian feels secure in the knowledge that our immigration policies are designed to protect their rights, opportunities and the integrity of our local culture and workforce.

We must take a balanced approach, one that values the contributions of those who come from other nations and cultures, while also protecting the interests of Bermudians. The conversation must involve all stakeholders. I have been doing some work myself, Madam President, and there are many stakeholders who must have a seat at the table. We must ensure that our immigration policies reflect respect for the Bermudian people, our identity as a people, Madam President. And while immigration is undoubtedly a complex issue, we cannot overlook the economic implications, the long-term sustainability of such policies, and the impact on future generations, Madam President. Because that is who I think about, our future generations.

Like Senator Robinson, I do believe that the matter of immigration is integral to Bermuda's future. And as we move forward, I am committed to being part of the conversations in finding solutions, fair solutions, that work for all of us. Along this same line, Madam President, I feel compelled to speak to this idea of preparing our young people to succeed in a country where labour shortages have led to an increasing reliance on non-Bermudians to supplement our workforce.

I have always said that every parent should go through the exercise of opening the newspaper with their children and heading straight to the job section. It may seem simple, Madam President, but this exercise can open up a world of possibility. It allows our children to see the types of opportunities that exist in the world around them that exists on our Island and to understand the skills required to succeed in these fields and to begin thinking critically about their own paths forward. It is a small act, but I believe that it is one that can have a profound impact on the way that our young people approach their futures.

I think it is critical, crucial, essential—all of those things—that all of us leading in our homes and in our schools take the time to truly understand what this economy demands and to share that knowledge with the young people in our lives. We must recognise that the landscape of work is changing rapidly with technological advancements and global shifts, reshaping the way we operate. Our young people must be equipped to meet these challenges head on and it is not enough to teach them the facts and figures. We must teach

them adaptability, critical thinking and the ability to see as opportunities that may not yet exist.

This Government cannot and should not be solely responsible for ensuring that our young people are employable. It is a shared responsibility. While we as a Government work to create policies that force the job growth and economic stability, it is equally important for parents, educators and community leaders to ensure that the young people in their care are equipped with the foundational skills necessary for success.

Madam President, I do not expect this Government or any government for that matter to teach my child discipline. I do expect them to instill the work ethic, the personal responsibility or the determination that is required for her long-term success. When we look at the challenges facing Bermuda, including the need to fill critical roles of non-Bermudians, we cannot afford to overlook the importance of building a workforce that is ready, capable and willing to take on the challenges of tomorrow. Our young people must be prepared not just for the jobs that exist today but for the jobs of the future. And so, we need to work together—that is Government, parents, educators and businesses, all of the stakeholders we talk about—to ensure that our youth have every opportunity to succeed in an ever-changing world.

Madam President, early in my remarks I spoke of how proud I am to support a Government that is investing in the development of our workforce. By way of background, I am an HR professional and so I get really excited when I hear that we are expanding apprenticeship opportunities in construction and skilled trades, that we are expanding solar energy training for our electricians, that we are accelerating hospitality training to meet the growing demands of the industry. And I know we talked about Fairmont Southampton today and what that means for our Island. And I think it is important that we highlight and that we reiterate that there will be opportunities for our people, not only in the lead-up to its re-opening, but once they open their doors in 2026, Madam President.

I am particularly pleased to hear that we are revitalising the Bermuda Job Board and its functions and that we are looking to close the gap by developing and retooling our students and job seekers and that we are directly connecting them to employers. I am not sure how long the Bermuda Job Board has been in existence, but I am looking forward to the new product.

Lastly, Madam President, and this one might be a bit controversial, depending on who you are or perhaps your view of labour, but I am also proud of the work that we are doing to support our unions and to tell the story of collective bargaining and how it has resulted in better working conditions for our people.

Madam President, I will also say that I do agree with Senator Kiernan Bell. I do believe that we can do more as a Government to ensure that every sector of our community feels that they have an opportunity to

participate in decision-making in this country. This does not mean that the collaborative approach is not fair, Madam President, but that we must actively work to create spaces where all voices are heard and valued. This means engaging with our communities in meaningful ways, ways that we perhaps have not considered before. It means reaching out to those who have been historically marginalised or overlooked. It means ensuring that their perspectives are included in our policies and our programmes. I am thinking about the young people, Madam President. I would love to see teenagers in the room. I might be taking it a bit far—

*[Laughter]*

**Sen. Arianna Hodgson:** —to see some young people in the room. And maybe not in this room, but in the House, Madam President. Because I think that we need to be where the decisions are being made. I am calling myself young with the whole “we” bit.

*[Laughter]*

**The President:** You are.

**Sen. Arianna Hodgson:** I think that good governance requires us to broaden the brain pool. And I know that the defence is usually that young people need a little more experience, a little more training, a little more something before they should be given a seat at the table, but I see it a lot differently. I think that each one of us who are already in these rooms can do a better job of building bridges in our workplaces, in our communities, in our churches, in our schools, and even here in this Chamber.

We must remember to constantly foster dialogue. We must remember to create a culture of participation where everyone feels they have a stake in our collective future. And it is important that we create spaces where we feel heard, where all of us feel heard and seen and valued and able to contribute to something bigger than us.

In my world as a Government Senator and a member of the PLP, I am committed to championing this cause. As I move through my days and my conversations, I continuously advocate for greater transparency and inclusivity in our decision-making processes. And I believe that by doing so we can build a more democratic, a more responsive and a more just society where every Bermudian really feels that they had the opportunity to not only contribute but to thrive and ultimately achieve success.

Madam President, as you know, my ethos does not allow me to attack the One Bermuda Alliance or what they are selling, as I believe there is a buyer for everything. But what I will say is that their criticisms, reactions and responses often reveal a difference in philosophy and a discomfort with the changes we are committed to making for the benefit of all Bermudians.

Our party is driven by a vision of progress and inclusivity which includes expanding access to quality education, ensuring affordable health care, providing adequate housing, and promoting economic opportunities for all. And while I know it is not their intention, Madam President, sometimes this collective reluctance actually suggests a preference for maintaining the status quo which has historically benefited only a select few.

When we gather as a party, as a Progressive Labour Party, and we propose policies aimed at leveling the playing field, making life fairer for Bermudians, and we think about implementing a minimum wage, expanding our social safety nets (or as we call them, social protections), investing in underserved communities, the response from the combined Opposition in its various forms tends to focus on potential drawbacks rather than long-term benefits of the greater good. And this, Madam President, indicates a fundamental divergence on how we view the world of Government and our responsibility to our citizens.

Madam President, the work of building a fairer and more inclusive Bermuda is ongoing. And it requires the commitment of each one of us. Let us continue to strive for a future where all voices are heard and where every individual feels empowered to participate in shaping our nation.

I am proud to support this Throne Speech and the vision it sets out for our future. Together we are building a Bermuda that is fairer, more inclusive and brimming with opportunity for us. A fairer Bermuda where my daughter can thrive, where there are no ceilings. A fairer Bermuda where young men see their value and how their contributions impact the wider community. A fairer Bermuda where my grandparents are able to retire in dignity with support from a Government that recognises their contributions. A fairer Bermuda where my neighbours feel safe, where our community support our young people, and we check on the vulnerable. A fairer Bermuda where future generations are considered in every policy decision made. A fairer Bermuda where the Opposition, though with differing views, stands as a partner in the pursuit of a fairer, more just society for all our people. And that is what it is all about, Madam President. The people.

And so, as we approach this next legislative season it is my hope that we will move forward with determination and perhaps just a bit of unity, Madam President. Because I know that the work that we are doing today will lay the foundation for a brighter tomorrow.

And before I wrap up there is just one last thing. There is a saying *that which is tracked, grows*, or perhaps, *that which is measured, improves*. I want to challenge those of you listening today to take this message to heart. I want to encourage each of you to read the Throne Speech in its entirety. I want to encourage you to print it out, highlight the promises we have made, track our progress and share with us successes and the challenges we face. I need us as citizens to be

willing and able to bring forward solutions. And I know that we are also about to roll out the Pre-Budget Report, Madam President, and so I urge those listening and those in this room to read the report, to engage with it and ask questions, and, if you so desire, to seek out your MP to share your thoughts, perspectives and personal experiences because your voices do matter.

I was talking to a friend earlier this week and she told me that there are spaces in our society that require my service and my attention. And it was a bit of an eye-opener. And I want to share this message with those of us here today. We must each think critically about how we can answer those calls because together we can build a Bermuda that serves all of us. A fairer, stronger, more united Bermuda.

Thank you, Madam President.

*[Desk thumping]*

**The President:** Thank you, Senator Arianna Hodgson. Would any other Senator care to speak at this stage?

Senator De Couto, Dr. De Couto, you have the floor.

**Sen. Dr. Douglas De Couto:** Thank you, Madam President.

I have quite a few notes here but so many people have spoken and spoken so well that I hope I can only add constructively to the debate. But I will take my tack at it. My general intent will be . . . and perhaps I am not as eloquent as some recent speakers, Madam President.

But you know, regarding the Throne Speech, I will talk a little bit about what I like and to be fair, my colleagues from across this room have spoken quite a lot so if I miss out some things it doesn't mean I didn't like them, it means they have probably been well highlighted. I will talk about some things I am not so sure about or do not like. I will talk about what is missing. There is quite a lot missing, Madam President. And I will take care to contrast the Government's legislative agenda, its Throne Speech, to the approach embodied in it to the approach that the OBA would take. I will take our OBA's vision for growth and a prosperous future for Bermuda versus what we characterise as the PLP Government's approach of slicing a dwindling economic pie finer and finer, in order to cling to power above all else.

Now, I did mention some of the fine words that we have heard recently and someone talked about measuring the results. And I think my One Bermuda Alliance senatorial colleagues in fact highlighted quite a few things in the Throne Speech that have recurred over the years many times. But yet, no progress has been made. So I might not cover all of those, but they have been well mentioned in this session, Madam President.

And we did hear a good anecdote from Minister Darrell, Madam President, about his father. And his

prowess as, I guess an electrician or electrical technician, and he used the analogy of people bringing him a box with all the wires hanging out and saying, *What have you done? I'll fix it.* I think that when people look around at the economy of Bermuda today, the analogy that I would like to use is that I think that the ministers of this Government are sitting up there in the Cabinet Office standing around the table looking at that box of wires that is Bermuda's economy. And which people will tell you the wires are every which way. Some of them are cut. Some of them are burned. And this PLP Government is busy trying to touch the wires together, or see which wires need to be spliced together or figure out what should be plugged in where to get this Island working again. Unfortunately, Madam President, they have not been very successful. And we are going to talk about that.

So here are a few things that I like, Madam President. Obviously, anybody would be supportive of more inclusivity and support for people with disabilities and increasing their rights, their access to mobility and, like my colleagues, I look forward to seeing that. Likewise, I am very [eager] to hear about initiatives to reduce domestic violence and gang violence. I am a little unsure what has been done to date by Pastor Bean. We know we talk about that in the Budget sometimes, and the funding applied to that. But I hope that the approach proposed now bears fruit for the sake of everyone on this Island.

[I am] pleased to see \$100 in funding for personal items for people on financial assistance. I would put to you, Madam President, that that perhaps is an illustration of the dire economic straits that many people are in today in Bermuda, when even the cost of things like soap, paper goods, paper towels can be prohibitive.

Something that no one has mentioned today is eliminating trans fats from the food supply. I did a little research on this and many countries and jurisdictions, states and cities in the United States of America, have put in place limitations or bans on preparing food with trans fats. So I believe that this initiative should be positive for the health of Bermudians. Probably some businesses will have to make some adjustments to their supplies and so forth, but like I said, this does seem to have been successful in many areas.

Anything about Workforce Development, of which many in this room have spoken about more eloquently than me, I look forward to and welcome. In fact, the One Bermuda Alliance looks forward to—and welcomes and is in our platform—training in the trades and hospitality. The trades are great jobs. And I have a lot of respect for people who can fix a motor, build a door. I can't do those things, Madam President. And they require training [and] skill. The question is, Will we grow the economy to create the demand that is required to support the number of jobs that we need on this Island, Madam President? That is my question.

Housing initiatives. Like Senator Wight, we in the OBA certainly support loosened restrictions for residential buildings in Hamilton. Building up will surely only increase the supply and create opportunities for investment, and housing the workers that this economy needs. You have heard about tenant/landlord reform and how it has been in the One Bermuda Alliance platform. So we welcome that and investigation and collaboration with the industry on building practices, maybe the Planning code, some kind of innovation. What can we do to consult with these stakeholders to bring down the cost of building? Fundamentally, the cost is too high. So what can we flex? What can we learn? If we consult in good faith with the experts, what can we do?

And anything around reducing homelessness, Madam President, is hugely important. I would like to congratulate the charity, HOME, for all the collaborative work that they have done on this with the Government, with all the various agencies, the third-party sector [and] stakeholders. They have a fabulous approach and I wish them all success.

It is in our own platform so of course we support red tape reduction, Madam President. Really, who doesn't? I was a little surprised that the only law that could be identified was something around some relatively old-fashioned laws around advertising. I feel like there are probably quite a few more laws that could have been easily identified, so I hope that we see some progress there, Madam President. But like I said, there are many things to like in the platform. Not enough, but some. And many others in this room have talked about some other good aspects.

There are some things I am quite unsure about, Madam President. There were some allusions to streamlining procurement. In fact, in the One Bermuda Alliance platform, Madam President, we want to empower small and medium[-sized] businesses. And one way to do that is to strengthen the oversight of bidding and procurement and make it fair so that the businesses have the skills to make competitive bids to government, which is a big part of our economy. I do not know that we would streamline it, but we would make sure that the business people have the skills and capabilities to do the right job and get the right bids. I guess I should be glad that procurement was mentioned at all, frankly, because this current Government has demonstrated what I would call, at best, indifference, and at worse, flagrant violation of the existing procurement codes and laws as documented by other experts. And they have recently lost a court case specifically on this. So, this is why I am a little concerned when I hear them talk about streamlining procurement.

I am concerned about the proposed changes to PATI. And I think that the proposals are not accretive or do not improve any access to information for the public which is vitally important for accountability. I have been able to learn from some of the experts in this area that what the Government is proposing is probably not consistent with best practice that we are seeing in other

countries. I think what we would have preferred to have seen, Madam President, was an investment in resources and training for the people in government who have to provide that information. So rather than restrict the way people can get information, let's enable them to get the information more efficiently and effectively. So that is one difference on how the OBA would approach that topic, Madam President.

CIT, Corporate Income Tax. Madam President, we had a speaker talk about that the Government is planning ahead. I would suggest, Madam President, there is a difference between planning ahead and writing cheques that you cannot cash. I would also suggest, Madam President, that the Premier's description of a CIT to date has been perhaps naïvely optimistic, and I am sure unwittingly so. And it has been confusing to the public. I want to note that I do not speak for the Tax Reform Commission here in this place, only the Commission will. But it is a matter of public record that the Commission has not produced any reports, recommendations, projections, any outputs whatsoever. So any statements by the Premier and the Finance Minister should be solely attributable to him. I just want to put that out there as a matter of fact and information for the public.

Now, it has been difficult to keep track of, but regarding the CIT my estimate is that the promises of the proceeds of that CIT have been promised about three times over to a large variety of stakeholders. And if you break out a napkin and a ball point pen, you are going to see, Madam President, it does not add up.

So I want to reiterate the One Bermuda Alliance pledge, Madam President, raised almost a year ago, that we would ringfence the CIT revenue to ensure that it is applied to the best long-term interests of this Island as, potentially, a once in a generation or several generations opportunity to get our Island's finances back on track. And we would protect it, Madam President, from the vagaries of short-term, opportunistic political decision-making. I would say this: any upside from the CIT will not arrive for a few years and it will be uncertain amounts. And that is a message that you know you have heard from me before. We in the One Bermuda Alliance would create plans to improve the financial position of Bermuda starting today. We will not sit on our hands waiting for the CIT funds to fall from the sky.

Now, Madam President, I talked about some things that were missing from the Government's legislative agenda that we would have liked to have seen. It is a bit scattershot here, but you have also heard a lot of things from my colleagues as well so I think people will get a good picture.

How about renter-friendly initiatives for renewable energy? Changing the regulations and rules so that renters can receive the benefits of the power from the sun? I know that the people who work in that industry have some ideas. So I was surprised, given the

prevalence of the cost of energy, that there was nothing in there from the Government.

Not a peep, Madam President, about pension reform. Not a peep. Where are the pension actuarial reports? I know that the Government has them, so I wonder: Is there a message in those reports that is going to be more concerning than the messages from the prior reports? Government's failure to address the pension issue is unfair—unfair, Madam President—to the current and future working generations of this Island who cannot rely on these funds.

We heard from Senator Wight. Nothing in this Throne Speech about all the issues with the missing audits or the plans or the resources required to get them done. And if you do not mind, I am just going to read a few statistics from the Auditor General's latest report. After 13 years of these recommendations being made, only two out of six recommendations were implemented for the Contributory Pension Fund, the Government's [Employees] Health Insurance Fund, the Public [Service Superannuation] Fund and the Confiscated Assets Fund.

Twelve [*sic*] years! After seven years, none of the 13 recommendations have been fully implemented for FutureCare, Health Insurance, or the Mutual Reinsurance Fund. Does that sound like a Government that is serious about improving health care on this Island, Madam President?

After 4 years, 6 out of the 22 recommendations not fully completed for the BGC [Bermuda Gaming Commission], the [Board of Trustees of the] Golf Courses, the Regulatory Authority and the Sandys [Secondary] Middle School [Capitation] Grant. And of 13 entities or funds mentioned in this report, only 5 out of 13 have *unqualified* audits. And we heard the statistic already of \$2.2 billion in assets sitting in funds that do not have clear audits. Nothing in the Throne Speech about that, Madam President.

How about this one? I talked about pensions. Can you count on your pensions? And I quote, [that there are] serious deficiencies in the accounting records of the Contributory Pension Fund. That is social insurance. And then with respect to the Mutual Reinsurance Fund and the other government health insurance funds, three pages of recommendations. Not one completed. They couldn't throw in a sentence about this in the legislative agenda?

Also not mentioned, Madam President. No plan for gaming. Millions of the people's money down the drain and nothing to show for it and no plan to produce it. No plan to increase the working population. Remember, it is a government report that says we need . . . I can't remember. It was 7,000, 8,000, thousands of people. So I love that we are going to be able to build these buildings in Hamilton, but who is going to live there? And just because the Government writes immigration reform in its Throne Speech, does not mean it has actually done it.

No actual timelines for universal health care. And nothing that actually grows the economy that is supposed to employ this workforce that we are supposed to be developing. Nothing about youth employment. Nothing about youth entrepreneurship, Madam President.

So let me talk about the One Bermuda Alliance approach, Madam President. We want to create a positive flywheel economy. What does that mean? Well, success building on success. I characterise this Government as riding the brakes. The One Bermuda Alliance Government will get out of the way so that the creativity and energy of Bermudians is free to flourish. I view this Island and its economy as a patient leaning to God. All this Government has to offer is a box of Band-Aids. Madam President, we have the ideas and expertise in the One Bermuda Alliance to stitch this patient up and get her back on her feet.

Today, too many people are stuck needing Government assistance. And my colleagues have talked about the importance of this assistance. And don't get me wrong. It is a fundamental function of the Government to take care of the people who need taking care of. So where that assistance is required, the One Bermuda Alliance Government is committed to providing it. And you know, Madam President, from our record of public statements in this Chamber, my colleagues and I have always supported providing assistance to people, despite the mischaracterisations from the Government.

But wouldn't it be better, Madam President, if this economy was up on its feet and the people did not need the assistance in the first place. Wouldn't it be better if Bermudians were supplied with good educations, the right skills, and a thriving economy that demanded and paid for their skills? That is what an OBA Government would do, Madam President.

Wouldn't it be better if instead of moving the budget money around like shell game and trying to hide information from the public, the Government operated with integrity, transparency and accountability so that businesses and investors would be confident (whether they be local or international) to invest their capital in this country and so that Bermudians felt like they were getting a fair shake from the Government. That is what an OBA Government will do, Madam President.

Wouldn't it be better if instead of being wowed by flashy consultant PowerPoints, chasing deals with shady outfits and dropping poorly drafted legislation at the last minute for so-called "consultation," wouldn't it be better if Government could work closely and in good faith with experts to create good plans that make sense for Bermuda [and] to seek initiatives that take advantage of our unique geography, our climate, our world-class regulatory strength our creative and hard-working people and our hard-won reputation? That is what an OBA Government would do, Madam President.

Wouldn't it be better instead of flying all over the world to attend flashy events and creating so-called "links" with other countries that do not go further than PR initiatives, Government could focus on getting the basics right and create a foundation on the Island for continued and repeated success?

How about paving the roads, educating our students and keeping our country safe, Madam President? That is what an OBA Government would do. That is what we mean by *back to basics*.

Madam President, wouldn't it be better instead of creating and exploiting an us-and-them mentality, Government worked to unite and celebrate the entire breadth of the community. Yes, recognising and understanding the impact of our history, the legacy of enslavement on Bermudians, on our society that impacts all of us today but also recognising and celebrating the legacy of Portuguese Bermudians, West Indian Bermudians, Filipino Bermudians just to name a few of the "dash[-]" hyphenated Bermudians who exist today. And all who have arrived on our shores, like our [ancestors] before us to become part of our rich tapestry. That is what an OBA Government would do.

Madam President, wouldn't it be better that if instead of kicking the can down the road on Bermuda's long-acknowledged wicked problems like pension reform, health care costs, the demographic crisis of a rapidly ageing population and the immigration and emigration mess the Government actually tried to work on these problems? That is what an OBA Government would do.

Wouldn't it be better if the Government actually had a plan for maintaining the roads and other critical infrastructure like the bridges? An OBA Government will. And some of that sounds like, *This is all you talk about, Senator De Couto*. It is because we are keeping track, as we were asked to do by the previous speaker. And we do not see any progress in those areas.

Madam President, if you will permit me I just want to quote a short snippet from the actual Throne Speech. And I quote, "In Bermuda, that 'long patience of the masses' is being tried by unfairness in too many sectors." . . . "The covenant of public service means facing down ingrained systems and setting an agenda of fairness and equity which governs for all and not for the few." Madam President, in the One Bermuda Alliance we are well acquainted with the patience of the masses because we have been hearing from them for a long time now. They are desperate for change. Their patience has been tried by this PLP Government. And although this Government has titled and used frequently the refrain "a fairer Bermuda for all" the people are telling us that this PLP Government is for the few.

We heard about gaslighting in the introduction to this debate. And I put it to you, Madam President, that this Government is gaslighting the Island.

[Inaudible interjections]

**Sen. Dr. Douglas De Couto:** Is it fair, Madam President, that this Government boasts about a supposed growing economy when local jobs, non-IB jobs, are down minus-8 per cent since before the pandemic? Is it fair that the Government tabled a report to give themselves a raise but there are not enough teachers?

*[Crosstalk]*

**Sen. the Hon. Owen Darrell:** Madam President, Madam President. Point of order, Madam President.

**The President:** Minister Darrell, what is your point of order?

#### POINT OF ORDER

**Sen. the Hon. Owen Darrell:** Senator De Couto has been in this Chamber long enough to know that that report was not tabled by the Government and it was actually written more by his people than the Government. So he should retract that statement. His OBA people.

**Sen. Dr. Douglas De Couto:** Madam President—

**Sen. the Hon. Owen Darrell:** Trying to score with cheap political points here, Madam President. That's . . . that's the point of order.

**Sen. Dr. Douglas De Couto:** Madam President—

**The President:** Senator De Couto.

**Sen. Dr. Douglas De Couto:** Yes, thank you.

Madam President, is it fair that this Government has failed to address our failing social insurance and public service pensions but they expect seniors to work longer to support themselves? Is it fair that retirees who have given their lives to this Island cannot afford to live here?

Madam President, is it fair that the Government spent over a half a million dollars on new GP cars but cannot maintain the roads? Is it fair that they spent almost a half a million dollars on a Middle East consultant but the Salvation Army was running out of food?

This may sound long, Madam President, but I can assure you I have had to omit several items in the interest of time. Thank you for your patience. Madam President, is it fair that this Government gave a \$75 million guarantee to a company that could not make severance payment for 700 employees but created a new Airbnb tax?

*[Inaudible interjections]*

**The President:** Minister Darrell . . .

**Sen. Robin Tucker:** Madam President, I was just going to raise a point of order on Standing Order 18 which speaks to interruptions, and I would ask you to please . . . Thank you, Madam President.

**The President:** Thank you. I will address . . .  
Minister Darrell, your comment is interrupting Senator De Couto.

**Sen. Dr. Douglas De Couto:** Thank you, Madam President.

**The President:** Yes.

**Sen. Dr. Douglas De Couto:** Madam President—

**The President:** Senator De Couto, I am listening to you.

**Sen. Dr. Douglas De Couto:** And I certainly appreciate your attention and I value it greatly, Madam President.

Madam President, is it fair that this Government pretends to have reduced health care costs when in reality it is just using your borrowed money to pay the bills and has threatened to lock up doctors? Is it fair that Government has wasted millions of dollars on the Gaming Commission but cannot open . . . there is no casino open? Is it fair that over 70 per cent of Bermudians do not see a better future for themselves on the Island and are thinking about leaving?

Madam President, is it fair that Government wants to loosen procurement processes when the Auditor General has determined that the Premier broke multiple existing laws when he gave the lucrative no-bid resQwest contract during COVID-19? Is it fair that BELCO got a rate increase while people are struggling to put food on their tables and are choosing between food, medicine, rent and other bills?

Madam President, is it fair that a Government Minister's spouse was hired into that Minister's own Ministry on a lucrative contract? Madam President, is it fair that this Government has failed to address our transport sector when the Premier has a stake in a company that is competing with those taxis and minibuses in that very same transport sector?

Madam President, is it fair—

**Sen. the Hon. Owen Darrell:** Point of order, Madam President.

**The President:** Minister Darrell, what is your point of order?

#### POINT OF ORDER

*[Imputing improper motive]*

**Sen. the Hon. Owen Darrell:** The Senator is imputing improper motive in this Chamber as this stuff of which he speaks about is not factual.

Thank you, Madam President.

**The President:** Minister De Couto, if you cannot prove that it is factual, then you need to withdraw the statement.

**Sen. Dr. Douglas De Couto:** I believe it is in the [Register of] Members' Interest. Thank you, Madam President.

Madam President—

#### POINT OF ORDER

**Sen. the Hon. Owen Darrell:** And just a point of order, real quick, Madam President. I mean, the Senator needs to understand this. The Gaming Commission was formed by the One Bermuda Alliance. I do not know if he, the Senator, was in OBA caucus at that time but I just thought I would help him.

Thank you.

**The President:** Senator De Couto, you can continue.—

**An Honourable member:** Were you there?

**Sen. Dr. Douglas De Couto:** Thank you, Madam President. I am mindful of my time.

Madam President, is it fair that the NSC [National Sports Centre] solar contract was given to a former PLP party chair over the heads of the NSC board?

I am telling you, Madam President, none of those are fair. The PLP Government's policies have not been fair for Bermuda and Bermudians. And under this PLP Government the Island's economy has become less fair. But the One Bermuda Alliance is ready with a team and a plan to get Bermuda and Bermudians back to where they need to be, where they deserve to be, and we look forward to the opportunity to get to work.

Thank you, Madam President.

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

Would any other Senator care to speak at this time?

**Sen. the Hon. Owen Darrell:** Madam President, before we go any further there is something that Senator De Couto said about the Attorney General and the Premier breaking laws. That is incorrect and we cannot, Madam President, allow that to be placed on the record of this Chamber. So I would ask that you ask the Senator to withdraw those statements about the Attorney General or the Premier breaking laws. It is not correct and it cannot be allowed to stand on the record, Madam President.

**The President:** Senator De Couto.

**Sen. Dr. Douglas De Couto:** Madam President, I did not say that any law was broken. But I did ask a question if it was fair—and this is a matter of fact—that the . . . well, I did not specify which Minister, but since the Minister has, the Attorney General's husband was hired into the Ministry on a lucrative contract—

*[Crosstalk]*

**Sen. the Hon. Owen Darrell:** —take the statement about breaking laws off the record. It is not correct and he knows it. Please, Madam President.

**Sen. Dr. Douglas De Couto:** Madam President, I did not make a statement about breaking of laws, with respect to the Attorney General, the former Attorney General.

**The President:** Minister Darrell, he says he did not state that [she] had broken the laws.

**Sen. the Hon. Owen Darrell:** I would like to make a point here that once the record comes out, if that is on the record, then it must be removed.

**The President:** And that will occur.

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

**The President:** Would any other Senator care to speak at this time?

Senator, Attorney General Kim Wilkerson, you have the floor.

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

Good afternoon to the listening audience. You are listening to now the current Attorney General. Just to keep the record straight with respect to the last set of comments by my colleague across the aisle.

**The President:** Mm-hmm.

**Sen. the Hon. Kim Wilkerson:** Madam President, this afternoon I give my comments in consideration of what I consider to be the forward-thinking initiatives outlined by this PLP Government on Friday, November 8, focused on making a fairer Bermuda for us. And we have heard a lot of comments just recently about things that another party would do or questions around whether some things that are highlighted might be fair. What I want to talk about, Madam President and listening audience, is what the PLP has done that is fair, factually, the things that the PLP have already done and outline things in this go-forward Throne Speech that the PLP will do that will ensure further fairness for the people of Bermuda.

Madam President, I understand that members of the public who are tuned in by radio this afternoon are said to be Bermudians of a certain demographic. That is to say, Madam President, these may be mature listeners. And when I say *mature*, I mean people my age, perhaps.

[Laughter]

**Sen. the Hon. Kim Wilkerson:** And I make that point to say in context, that I often hear a sentiment expressed by younger Bermudians, and I have heard a version of it in this Chamber this afternoon or this morning, that the PLP has not done anything for them, or that the record is such that it does not benefit Bermudians, the PLP's record. And I want to help to set that record straight, Madam President.

So if you are a Bermudian of a certain vintage, you would know that we are all benefiting, every single working Bermudian is benefiting from the hard work of the Progressive Labour Party in bringing foundational protections for labour. I am speaking of the Employment Act 2000. It is that piece of legislation. It is a firm foundation enacted to make Bermuda fairer for Bermudians and which is being expanded and amended. The increase in statutory redundancy pay in this Throne Speech alone is just one example.

Madam President, I raise that piece of legislation to show that progress can and must be iterative. My colleague, Vice President, used the term "ambitious" to refer to the initiatives in the Throne Speech. And I accept that they are; some of them. But I would also say that we have to start somewhere with everything and we do as much as we can. And I looked carefully at the Employment Act of 2000 because that is an example of how you start somewhere and you make progress. That Act, members of the public would know, was enacted in 2000. There was an amendment in 2021. And we continue to amend. It is iterative. This is how we progress toward making Bermuda fairer for Bermudians.

Madam President, if I may, I would like to refer to some of the changes that the amendment Act of 2020 made in 2021 to the Employment Act. And I want to talk about some of those benefits for all Bermudians. The reason I do, Madam President, is because people today go on a job, you have a contract, you have [maternity] leave, you have paternity leave, you have redundancy leave, you have a minimum wage and all of that people take for granted. They consider it a matter of right. And I am telling you that those changes have been hard-fought for by the Progressive Labour Party and they have come in iterative steps. So, I have a problem sitting on this side of the room, Madam President, and hearing a suggestion that . . . you talked about fairness in your 2017 Throne Speech. Yes, we did, because fairness is a long road. It is an iterative process toward success.

Members of the public might know that in 2020, after the very . . . I think it was groundbreaking at the time, the Employment Act. There was no provision for bullying. There was no provision for consultation with a Labour Relations manager. There was no provision for sexual harassment. There was no provision for so many matters, Madam President. Rest days, for example, would be one of them. Overtime pay in the contract. And those are just a few. So I believe I am making the point, Madam President, that fundamental and foundational legislation enacted by this Progressive Labour Party is what we are standing on as we work toward a fairer Bermuda for everyone.

Is there more to do? Absolutely! But we have come a long way. And often in debates of this nature, I get a little bit frustrated because I hear people saying, *Well, you had an idea last year. You talked about and nothing has been done.* Progress takes a moment, Madam President. As I think about the long way we have come, you might remember, Madam President, and certainly some of the radio listeners, I was a child, certainly, there was a Virginia Slims commercial, people don't smoke cigarettes today. It was glamorised back then. But I was reflecting on it and the sentiment in that commercial was, *We have come a long way, baby.* And I really believe we have. Again, I say, Is there more to do? Absolutely! There is a lot more to do. But we are pushing toward progress.

Last week, Madam President, I was . . . the day before coming to this Chamber I was on my way down Court Street. I was going toward the Soulfood Cafe to get my favourite kale Caesar salad lunch, and I love the vibrancy that is Court Street right now. And I passed number 12. I know there are some people in the listening audience who might know about number 12 Court Street. And for those who don't, that is where Liberation School was located.

Madam President, as a little girl, that is where I spent my Saturday afternoons as a child. And I thought back then in the 1970s that everybody went to some form of Liberation School. So for those who do not know, it was a Saturday school. It was organised and taught by members of the Black Beret Cadre [BBC]. And the idea was to teach children (And at that time we were not learning this in school. It was not on the curriculum.) about the struggle, learning about human rights. And I was learning, particularly how to stand up for my rights as a Black girl in a Bermuda where opportunities were not equal.

I visualised it, Madam President, and I saw myself actually, you know, bouncing down Court Street . . . I would have been about 8 years old with two Afro puffs on my way to learn about Malcom X and Huey P. Newton and Bobby G. Seale, about the movement and about where we had to go. Right? So I say all of that to say that sometimes progress is slow but when I look back I recognise and I celebrate the progress that we are making.

So let me talk about the IB [International Business] sector just for a very, very quick second. And I raise this point to say, I heard my colleague in another place, the Minister for Economy and Labour, and in the Throne Speech, talk about efforts toward pay transparency, pay equity. And this is not an exact quote from him, but the sentiment that that Minister expressed was that the PLP will not sit idly by while there are disparities. We will actively work to enhance the careers of Bermudians in IB. And I heard a colleague across the aisle talk about the job stats. But we do know that jobs in international business today have exceeded the 2008 peak.

So Madam President, let me return to some specific things in our press forward to a fairer Bermuda that emanates from my Ministry, the Ministry of Justice. We have heard conversation today about the domestic violence court programme. In another place there was a question from a representative on the other side, asking, *Is this just a promise?* I am heartened that in this Chamber I know that there is support across the aisle. I have certainly had conversations with the Senate Leader [for the Opposition], Robin Tucker, and I know that she is behind and will be a party to our initiatives around the domestic violence court programme. And I am grateful.

There was a question raised. One of the other important initiatives is changes to the Jurors Act. And to the casual observer they may think that this is not very important. And I was pleased that my counterpart in the other place recognised . . . I think that this was an important initiative, but he did ask a question. And the question was (and I may be paraphrasing) . . . it was around collaboration and buy-in. And I want to say, because I took his question as a genuine one, that . . . so I will answer that question in the same way and say that, yes, indeed, there has been a collaborative approach within the Ministry of Justice including the Judiciary to agree that changes to the Jurors Act is a proposal that we stand behind that we can support and that can be achievable within the next 12 months.

And I believe, Madam President, these changes are important. They will, if people are not aware, certainly increase the jury pool and take advantage of the experience and availability of members of our population who are older. And we know that older members of the population will have, often, more time, certainly more wisdom (right?) and experience to bring to jury duty. Right? But there has been a recent case, and I believe it was a right result, an unfortunate one, out of the last sitting of the Court of Appeal, which highlighted the disastrous results that could arise when we do not have a wide enough and robust jury pool to choose from.

One of the other items out of my Ministry, Madam President, is the Law Reform Office, its staffing and reconfiguration. So this reorganisation is particularly aimed at how those who are impacted by legislation—stakeholders, affinity groups, victims, those who

are aggrieved—will have an opportunity to directly make representations to the new office of law reform. It has been said that he who feels it, knows it.

And I heard comments, I believe it was Senator Bell, and I think others across the aisle who referred to the need for more collaboration, more consultation, and that is the ethos with which the revised Law Reform Office will be operating. It is critically important to recognise that people who are affected by a law, by situations that do not work, are able to advocate in a way that they do not have to go through channels of red tape to have their voices heard. And so that the impact of laws, as I said, that do not work, they may have unattended consequences, that those members of the public who are citizens can be heard in a way that, as my colleague, Senator Hodgson, said, respects and values them.

One final area under my Ministry that I would like to highlight in the Throne Speech initiatives is certainly the bringing into force of the other provisions in PACE. These efforts directly go toward a fairer Bermuda for us. I heard it said in another place that governing is not easy. It isn't easy. But we are continually working toward this. And I raise the bringing into force of the last provisions of PACE as one of those things that highlights the reflectiveness of this Progressive Labour Party Government. I heard across the aisle a list of questions about things that should be . . . are they being considered. And I have to say, in my seat around the Cabinet table, there are active conversations about moving forward on every one of those items. So that is to say it is a long game. But we understand that, Madam President, that the Throne Speech itself is meant to reflect legislative initiatives that we can see to roll out and be finalised within the next 12 months. So that is why everything is not included in the Throne Speech, but it does not mean that those matters aren't under active consideration by the Government. So I just wanted to posit that, Madam President.

If I could talk for a moment about CIT, Corporate Income Tax, I heard my colleague across the aisle . . . I wouldn't say he took us to task, but he is making a suggestion that the impact of the US election should have been considered on the pages of the Throne Speech. But we know, Madam President, timing-wise, the US election took place on November 5 of . . . some of us might have thought the result was going to go a different way. It did not. We do not have a crystal ball, but I do know, Madam President, that all efforts at scenario analysis for global political impacts are always considered at the table and how these might affect the view.

Senator De Couto, you know, is quite aware obviously, he mentioned his comments are not from his place at that table. Right? But I would say, just commenting on public news, where it has been printed, we have seen the hiring of a first-class piece of talent, in the form of Mervyn Skeet, who is to be the new CEO of the Corporate Income Tax Agency. And I have no doubt that scenario modelling is on the top and will be

continuing to take place under his remit that will consider, certainly, the impacts of potential Trump changes or . . . I will go so far as to say cogs in the wheel, perhaps. But they will be considering those as well as the impacts of global political changes.

But I would say that tax competition is important. It is an important thing for us as a jurisdiction to understand. But it is not the only reason companies, and particularly in the insurance and reinsurance sector, to choose to domicile in Bermuda. There . . . and responsive regulation by the BMA, the ability to set up companies in Bermuda in record time, the ability to bring new products to market, and particularly for insurance products without the bureaucracy of rate and form filings as one would have to do in the United States, are some of the factors which weigh the balance in favour of Bermuda. And I believe, Madam President, under this responsive Progressive Labour Party Government which will continue to support the BMA and the international business industry in that way, Bermuda will continue to be looked at favourably.

So Madam President, I state again in closing, for every step the Progressive Labour Party is striving toward a fairer Bermuda for us and for every Bermudian.

Thank you.

*[Desk thumping]*

**The President:** Thank you, Attorney General and Senator Wilkerson.

Would any other Senator care to speak at this stage?

Minister Darrell, you have the floor.

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

Before I get into my closing remarks, I would like to revisit the point of order which I raised and I will quote, and I did say the Attorney General, I meant the Auditor General.

**The President:** Mm-hmm.

**Sen. the Hon. Owen Darrell:** I will quote a comment that was made by Senator De Couto during his submission that I would like to be removed from the record and it is not true. Senator De Couto, and I quote, said the Auditor General said that the Premier “broke multiple laws” regarding the contract to resQwest. I would like that removed from the record as it is not true, Madam President. As he used the term “broke the law.” The Auditor General did not say that in her report, Madam President. I would like that to be removed from the record because Senator De Couto I believe was purposely misleading the House and in turn misleading the people of this country, Madam President.

**The President:** Senator De Couto, we would ask that it would be removed.

**Sen. Dr. Douglas De Couto:** Madam President, I stand by my interpretation, but I would request perhaps an opportunity to research and I could respond at the next session at which I am able to attend because I believe my statement is correct. So I am not going to withdraw it just because I am told it is not correct because based on my research it is correct. But I would like the opportunity to further that research to—

*[Crosstalk]*

**Sen. Dr. Douglas De Couto:** —respond.

**The President:** Senator De Couto, at this stage I would ask that you withdraw it.

**Sen. Dr. Douglas De Couto:** If that is your request them, Madam President, then—

**The President:** Yes.

**Sen. Dr. Douglas De Couto:** —I withdraw it.

I would like to state that the Auditor General’s report quite in black and white does state that multiple laws and procedures were broken, and you can read that text yourself, or anyone in the listening audience can read that text themselves—

**Sen. the Hon. Owen Darrell:** Madam President—

**Sen. Dr. Douglas De Couto:** —in the awarding of that contract. Thank you, Madam President.

**The President:** Senator De Couto—

**Sen. Dr. Douglas De Couto:** But I have withdrawn my original statement.

**The President:** —you have withdrawn it and—

**Sen. the Hon. Owen Darrell:** Thank you—

**The President:** —we need to come back to—

**Sen. the Hon. Owen Darrell:** —Madam President.

Madam President, in doing a quick summation of what we have heard today in this very important general debate on the Throne Speech, I would like to commend the Government’s Senate team for reminding the public, reminding everyone listening today of what it means and what it looks like for a fairer Bermuda for all.

I would like to take the opportunity to just push back on some of the inaccuracies that we may have heard from across the aisle today. And I will start with Senator Robinson’s comments. You know, he is

highlighting the Government's agenda, changing from one Throne Speech to the next. And I will simply say this: In governance, that is what happens. Should government not adjust its initiatives as the circumstances of a country change? Surely, Mr. Robinson needs to go back and have a lesson on governance. I understand he has never been there before. Nevertheless. Senator Robinson talks about government's cycle to cycle has a cost. I would like to remind him, is that similar to the cost to our students who saw scholarships and the like reduced during the OBA's election cycle? That is a real cost, Madam President. What about the cost to senior citizens whose pensions fell behind the rate of inflation under the One Bermuda Alliance election cycle of governance?

Senator Robinson talks about increased funding midyear. Finding more money, he says. I think what he really meant to say, Madam President, was that this Government has prudent fiscal management only allocating funding to Government initiatives after measuring the impacts of a growing economic activity. This one was funny. Senator Robinson in his submission says that their job is to echo what people say on the street. Again, Madam President, I will remind you where I started a couple of hours ago. [It is] clear that the One Bermuda Alliance has no desire or a plan to fix anything. They just want to be parrots. Maybe the Senator could take a look in the mirror. Some comment he made about "yes" people.

They ask about our comprehensive plan to tackle violence. I invite Senator Robinson to take some time, as I say to my son, *Put the technology down for a little bit, Twitter Finger*, and read the latest plan.

**Sen. Dwayne Robison:** Point of order, Madam President.

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

#### POINT OF ORDER

**Sen. Dwayne Robison:** Can we just refrain from any particular name-calling in the Minister's submission?

**Sen. the Hon. Owen Darrell:** I think you would have heard me say what I say to my son.

**Sen. Dwayne Robison:** Put the technology down, Twitter Finger.

**Sen. the Hon. Owen Darrell:** Twitter Finger.

**Sen. Dwayne Robison:** He could withdraw that, please, Madam President—

**Sen. the Hon. Owen Darrell:** Absolutely not.

**Sen. Dwayne Robison:** —and try to act as though he is in the post of a Minister and responsible for people. Thank you.

**Sen. the Hon. Owen Darrell:** Madam President, I would invite Senator Robinson, again, to read our latest plan.

**Sen. Dwayne Robison:** Point of order, Madam President.

**Sen. the Hon. Owen Darrell:** Empty—

#### POINT OF ORDER

**Sen. Dwayne Robison:** Could he please withdraw that name-calling, please, and then he can continue with whatever else he is doing.

Thank you, Madam President.

**Sen. the Hon. Owen Darrell:** I associated that—

**Sen. Dwayne Robison:** We heard it.

**Sen. the Hon. Owen Darrell:** —with what I tell my son—

**Sen. Dwayne Robison:** We heard it.

**Sen. the Hon. Owen Darrell:** —Madam President.

**Sen. Dwayne Robison:** Madam President, we heard it.

**Sen. the Hon. Owen Darrell:** I tell him to put the technology—

**The President:** Minister Darrell—

**Sen. the Hon. Owen Darrell:** —down and get off his Twitter fingers.

**Sen. Dwayne Robison:** He said "Mr. Twitter Fingers." That is what he said—

**Sen. the Hon. Owen Darrell:** Twitter Fingers.

**Sen. Dwayne Robison:** —and he needs to withdraw that. There is no room for name-calling in this Chamber and not for his station. Please act like it. Please, Madam President.

**The President:** Minister Darrell, will you refrain from those comments, please?

**Sen. the Hon. Owen Darrell:** I will stay focused on my speech, Madam President.

**The President:** Please do.

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

Antisocial behaviour is tied to economic disparity. Senator Robinson talks about ensuring that everyone has health insurance. Universal health care is an initiative addresses the root cost of affordability of health care.

And then in his submission he talks about Southampton Princess. We legislated that these concessions are rebates that are contingent on factors like local employment ratios. So Madam President, I just want to start there by pushing back on some of the things that we heard earlier that are just not true.

I would like to reiterate some of the missteps that Senator De Couto said. He talked about measuring how well the Progressive Labour Party Government has done. What metrics is Dr. De Couto using, Madam President? Because the ones that are currently available to us, like the GDP and unemployment rates, show that things are definitely trending in the right direction.

Yes, there is definitely more work to do, as demonstrated by the items highlighted in our Throne Speech. But to claim that things are getting bad, and they are getting worse, is a disingenuous comment at best, Madam President. But we have come to expect that from the other side.

#### POINT OF ORDER

*[Imputing improper motive]*

**Sen. Dr. Douglas De Couto:** Madam President, point of order.

The Minister is imputing improper motive. We may disagree, but I would suggest that he refrain from imputing improper motive.

Thank you, Madam President.

**The President:** Minister Darrell, you need to retract that.

**Sen. the Hon. Owen Darrell:** Very well, Madam President. I will . . . I will speak to what I believe are the facts from our side.

Senator De Couto made comments about the One Bermuda Alliance—

**Sen. Dr. Douglas De Couto:** I would like for him to retract the comments for the record.

Thank you, Madam President.

**Sen. the Hon. Owen Darrell:** Which one is that, Madam President?

**The President:** Specifically.

**Sen. Dr. Douglas De Couto:** When he was implying motive with respect to our comments. Thank you. Improper motive.

**Sen. the Hon. Owen Darrell:** He didn't even have the comment that was said.

Madam President, I would like to continue as I don't know which comment the Senator is referring to.

Madam President, Senator De Couto's comments about the One Bermuda Alliance committing to strengthening oversight of procurement and encouraging more small businesses . . . I think he referred to it as a flywheel economy. I think that is what was said. Madam President, I will remind you and the listening public that this Government has put in place a portal for small businesses to have themselves registered as vendors for inclusion in the RFP process.

*[Pause]*

**Sen. the Hon. Owen Darrell:** Senator De Couto and . . . and we hear this coming from the other side quite a bit. They seem to take joy in repeating a fact that local non-IB jobs are down. I just find it a little confusing because are IB jobs not jobs that Bermudians actually also fill? And it is important to note that the—

**Sen. Dr. Douglas De Couto:** Point of information, Madam President.

**Sen. the Hon. Owen Darrell:** —economy has changed—

**Sen. Dr. Douglas De Couto:** I would love the opportunity to answer the Minister's question.

**The President:** The Minister is not interested in—

**Sen. Dr. Douglas De Couto:** Thank you, Madam President.

**The President:** —taking a matter of information.

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

**The President:** Continue.

**Sen. the Hon. Owen Darrell:** The economy has significantly changed over the last four years since the pandemic.

Senator De Couto made us smile. He talked about corporate income tax and doing math on the back of a napkin. Well, Madam President, I will tell you if scribbling stuff on the back of a napkin is going to be how the One Bermuda Alliance thinks they are going to fix the economy, surely, Bermudians know that that is not the way for a fairer Bermuda for all. And luckily, the Progressive Labour Party Government are doing a lot more than using paper napkins to do calculations or projections.

#### POINT OF ORDER

*[Misleading]*

**Sen. Dr. Douglas De Couto:** Point of order, Madam President. He is misleading the Senate.

I said that my calculations of how much the Premier has promised the corporate income tax proceeds many times over, not how the One Bermuda Alliance would itself address the CIT.

Thank you, Madam President.

**Sen. the Hon. Owen Darrell:** I think the point I was making is that he was using a paper napkin to do his calculations, Madam President. But I think we get the point. They do not know how to fix anything. Sorry, not *they*; the Opposition.

Madam President, I would just like to end with the rebuttal for the other side with something that the One Bermuda Alliance continues to throw around. And that is the Government investing in a new fleet of ministerial vehicles. Madam President, this was not a new decision. It was not a decision that was taken lightly. And in a 2022 Throne Speech initiative the Ministry of Transport talked about embarking on a national electric vehicle policy and strategy for Bermuda in which a plan would be set out to phase out combustion engine vehicles. And this is an example of a government leading by example, Madam President. And for Government Ministers, or anyone, Madam President, to think that it is safe to operate vehicles that are over 25 years old and having serious mechanical failures, is short-sighted and disingenuous for them to throw along as (the word of the day, they say) gaslighting.

**Sen. Dr. Douglas De Couto:** Madam President, the Minister continues to [impute] improper motive—

**Sen. the Hon. Owen Darrell:** And I would ask this, Madam President.

**Sen. Dr. Douglas De Couto:** —and I don't appreciate it. Thank you.

**Sen. the Hon. Owen Darrell:** I would ask this—

**Sen. Dr. Douglas De Couto:** [INAUDIBLE]

**Sen. the Hon. Owen Darrell:** I would ask this. Would Dr. Senator De Couto feel comfortable standing in front of the vehicle that when put in reverse actually ran forward because the infrastructure and the mechanics of that vehicle was so old?

**Sen. Dr. Douglas De Couto:** Point of information.

**Sen. the Hon. Owen Darrell:** Would he feel comfortable, Madam President?

**Sen. Dr. Douglas De Couto:** I would love to answer the question, Madam President. If the Minister will accept . . .

**The President:** Minister Darrell, do you accept the point of information?

**Sen. the Hon. Owen Darrell:** I am going to my next point, Madam President.

**Sen. Dr. Douglas De Couto:** Thank you, Madam President.

**The President:** Do continue.

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

So I will go back to where I started. We have heard many examples today of a Government which is going piece by piece to lay out a fairer Bermuda for all. And Madam President, exercises like this are necessary in the legislative process, and allow the listening public to hear the choices between how one group of individuals govern and how an Opposition feels that they would govern.

The only unfortunate part of that is that as has become the case, the Opposition does not come with any real solutions, Madam President. Luckily for us it was not 35 years ago; it was just 7.5 years ago that we recall the mess that a previous Government left us in.

So, Madam President, as we continue to go through this session of the Senate we will continue to bring legislation to this House that will continue to remind Bermudians of what this Government will do for them to make Bermuda a fairer place for all.

Thank you, Madam President.

**The President:** Thank you, Minister. It is now for you to [send] the message to the Governor.

**Sen. the Hon. Owen Darrell:** Just give me one second.

*[Inaudible interjection]*

**The President:** Yes, he is looking for his motion.

## MESSAGE TO THE GOVERNOR

**Sen. the Hon. Owen Darrell:** Madam President, I move that the following message be sent to Her Excellency the Governor.

May it please Your Excellency:

The Senate has the Honour to thank you for the most gracious speech with which Your Excellency was pleased to open the present session of Parliament.

**The President:** Senators, do you agree to the motion being sent?

You all say Aye.

*[No audible response.]*

**The President:** The message will be sent.

Thank you, Minister. And thank you all Senators for your comments today and for the debate of the Throne Speech and the Reply.

## MOTIONS

**The President:** There are none.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

**The President:** Would any Senator care to speak?  
Senator De Couto, you have the floor.

**Sen. Dr. Douglas De Couto:** Thank you, Madam President.

Of course, for yourself and the other Senators, and the listening audience, some of these comments were more timely last week, but I thought that they were worth bringing up. I would like to congratulate Miguel Power on winning the National Optimist Championships. It was three days of very mixed and challenging conditions with big waves and winds and so he dominated the results in that fleet. And I believe he and his national teammates will be off to Argentina for the Optimist World [Championship] shortly. So I want to wish them luck.

I also want to highlight a name that may sound familiar here. Jacob Bealle was second in the novice division of that championship. And that was a very large division so I would like to congratulate young Jacob.

I would like to congratulate Mildred Blyden Davis who turned 90 two weekends ago now. I had the opportunity to speak to her and I hope that I can remain as sharp as she is.

I would like to send my condolences to the family of Peter Green, especially his sons Alexander and Andrew. Mr. Green and his family have been our generous benefactors and investors in Bermuda. They have funded scholarships for over 175 students to date. And I think many people are aware that they have reinvested in and reinvigorated multiple venues in Hamilton. Most especially the iconic Hamilton Princess. I want to just send my regards to that family at this difficult time.

I would like to congratulate the Cobbs Hill Methodist Church for their 197<sup>th</sup> anniversary service which I was privileged to attend two weekends ago. It was a joyful and invigorating service. I want to congratulate them. And when I am ever thinking that my burden is heavy, when we learn their history, Madam President, and I am probably not really the right person to speak on this topic but it is a reminder of what we could be doing, what we have the capacity to do.

I would like to thank all the attendees at my Seniors Tea two weekends ago as well. The presenters and the volunteers, especially Marie Fay of NorthStar

Dementia and Ronnie Chameau who . . . I want to thank them for their time in entertaining the attendees.

I would like to congratulate Eduardo Medeiros on the successful launch of his book *175 Years of the Portuguese in Bermuda*. As we know, this is the 175<sup>th</sup> anniversary of the arrival of the *Golden Rule*. And I know that this book is going to be a wealth of information and an important resource about the Portuguese Bermudians story.

And I did want . . . I know we had the moment of silence, but I just want to associate my condolences for Senator Robinson and [former Senator] Johnson.

Thank you for the time, Madam President.

**The President:** Thank you, Senator De Couto.  
Would any other Senator care to speak?  
Vice President Kiernan Bell, you have the floor.

**Sen. Kiernan Bell:** Thank you.

I would actually . . . I know that everyone has spoken and we had the moment of silence, but I would like to express my condolence for our fellow Senator Leslie Robinson. Senator Robinson, as we know, was a smart, successful and highly accomplished woman. And I knew Senator Robinson professionally before we were both serving in the Senate. We are essentially the same age. We are both professional women in Bermuda and it is a club of sorts. You know each other and you see each other frequently over the years. Her passing has left a hole that will be impossible to fill across our community. And whether you knew her as We-Speak coach or at work or in her church or a Senate colleague or part of our PLP family, she was quite simply one of the loveliest persons you could ever hope to meet. I shall miss her.

If I could come back on congratulations subsequently. Thanks.

**The President:** No, you can do it now.

**Sen. Kiernan Bell:** I will just wait a minute if that is okay.

**The President:** You will wait. Okay. Fine. That's fine.  
Would any other Senator care to speak?

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

Madam President, I also want to give condolences [to the family of] my colleague, Senator Leslie Robinson, JP. Her death is a tremendous loss for not only our party but the community. I want to give condolences especially to Kelechi and her close family and friends as she is going to be a huge miss. And I am going to miss the messages between us and just her beautiful spirit.

When I gave my tribute, I just always remember walking into this Chamber and walking in and she was there typing away every single time. And she

looked up with a smile and always had something positive to say. She was one of those people who the glass was always half full, never half empty. So she is going to be a huge miss. She sat behind me so I remember when she entered the Chamber. I wouldn't say I am necessarily an experienced Senator, as some people in here, but she always reached out to me so it made me feel a big part of her being a Senator with me.

I learned a lot of from her. And just the way she spoke, and she was always ready to deliver. When the Minister looked back, she knew it was time. So she is going to be a huge miss just in this Chamber. And even I can say from the other side and the Independent Senators, she never had anything negative to say. [She] always looked to a brighter future for Bermuda. So I ask everybody to be a bit like Leslie and want the best for Bermuda.

Thank you, Madam President.

**The President:** Thank you, Senator Lindsay Simmons, for your comments.

Yes, Senator Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

I would like to just add to the comments about Senator Robinson. I knew her but not well before she joined the Senate. But she was just such a lovely, caring person with a big heart. I think just everybody in the community was so taken back by the tragic news. And attending her funeral last week just gave another reason why she was so important to this community and what she meant to so many people. So, yes, it is going to be a tough one for Bermuda to get over. That's for certain. We are all going to miss her greatly.

I also want to associate myself with the condolences to the family the late Peter Green.

**The President:** Mm-hmm.

**Sen. John Wight:** Mr. Green did a tremendous amount for this community. And so I just want to give my condolences to Alexander and Andrew and the entire Green family.

So, thank you, Madam President.

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

Would any other Senator care to speak?

Yes, Senator Wilkerson, Attorney General, you can have the floor.

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

Let me start by associating certainly with the comments of my colleagues on the passing of our dear Leslie. As Senator Bell has said, when you are in that group of professional women there is a bond and a comradery that is a support network that . . . It is kind of unbreakable. It is unspoken but you know that you

can rely on those women to always be supportive. And Leslie certainly was that.

So certainly I knew her from being in the insurance industry. Probably she came behind me about five years. It is still a blow that we are digesting. And certainly on the morning of the funeral, the Premier posted on his Facebook page a picture of us (I think). Yes. Myself, Leslie and him (the Premier) and Grant Gibbons at [the] Rim [Cafe] in Philadelphia in 2017. And it brought back so many memories. You know, she was that person, steadfast, even back then. So as you say, a standard of excellence and comradery to be emulated. And certainly we will miss her. And we continue to keep her daughter in our prayers.

Madam President, I also would like to give condolences . . . I know we already gave a moment of silence for Joe Johnson, but he was particularly large in my life because he was actually how I got my start on the road to my career in international business. Believe it or not, I was a student at the Bermuda College. My idea of insurance was something that you get for your bike. They ask questions, you know, *Do you know about the insurance industry?* And I was like, *Yes, I know you need to have some for your bike or your house.* No idea of the extent of product, services, careers that could be involved in the industry. And of course that would have been back in 1980, 1981.

And I was encouraged by the head of the Bermuda College. I had been a Bermuda public school student through every tier that I could. And I was at the Bermuda College and the head of the Bermuda College at the time, Dr. George Cook, was a personal friend of Joe Johnson. And Mr. Johnson said to him, *I would like to have a Bermuda College student compete for the CV Starr Trust Scholarship.* And I think previously Bermuda College students had not been in the mix. And we talk a lot about diversity and inclusion, you know, and I have been the beneficiary of it in so many different ways. And that was something that was important to Mr. Johnson, that a Bermuda College student apply. And the Bermuda College was only going to put up one student and it turned out to be me.

But as I said, Madam President, I had no idea what I was going into. I went to that scholarship interview, ended up winning the scholarship, chose to go to The College of Insurance, School of Risk Management (now St. John's University) only because it was in New York and would not have been as cold as Acadia University where I was headed—

[Laughter]

**Sen. the Hon. Kim Wilkerson:** —to study economics. And I knew about New York and I didn't know anything about Halifax. So I thought it would be a good choice.

But I would say that Mr. Johnson was not . . . he was the head of AIG [American International Group, Inc.] in Bermuda at the time and he was not a

person who was up here. He was invested in my career. And I started as a work study student and I did two semesters in New York and one in Bermuda, working at AIG. But during the time that I was in New York I was completely supported out of 80 Wall Street. There were people there who looked after me, and I checked in. And when I saw his passing, I was certainly . . . I was struck. And I have to say that because it follows my second, which is now my third, obituary this afternoon.

It is in relation to the passing of Anna Summers. And she was the . . . she worked at International Risk Management. And when I completed university, and I had gone through the ranks of the AIG, and there was not a job for me that would have been of interest, Anna hired me. I had been a Hopewell Scholar and I went to work at Hopewell. And she gave me an opportunity that also completely helped to be a backbone to my career that served me very well administering captive programmes and they ended up being the same programmes that when I became a lawyer they were the centre of multimillion-dollar arbitration disputes. So these people put themselves in the way to be of assistance to a young Bermudian. And I am forever grateful to them.

One more. It is that kind of day, Madam President. In Somerset this afternoon, there is the burial of David Ronald Jones. He was a patriarch of Cooks Hill. There is a community there that is mourning, kind of, the last of seniors of a certain age. And Mr. Jones was one of them. So I just wanted to say on the radio in this forum, to his family that condolences are coming from the Senate of Bermuda and particularly to his daughter, Adwina.

Thank you, Madam President.

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

Yes, Vice President Kiernan Bell, you have the floor.

**Sen. Kiernan Bell:** Why, thank you, Madam President.

I did have some congratulations and I am wrestling with which order to do my congratulations, whether I should do my father first, or last, or pickleball first or last. But I will start with pickleball. I want to congratulate all the metal winners at the inaugural National Pickleball Championships which were held last week. I was unfortunately away but made it back for the finals. And it was just amazing to see a huge community that came out. The level of competition was outstanding. It was live-streamed so people could watch it if they wished to. There were 372 games played in total with 300 adults and 72 juniors during the course of the week. It was amazing. So congratulations to the Pickleball Association for doing that. It was the inaugural National Pickleball Championships.

And if I can also beg your indulgence, Madam President, to congratulate my father, Mr. Justice [Geoffrey] Bell, on his retirement from the Court of Appeal

last week. Throughout his distinguished career he has always demonstrated the highest level of integrity and legal acumen. He was of Bermuda's first commercial judges before he was elevated to the Court of Appeal and he has been on the Court of Appeal for a decade. So it is a bit of . . . it is an end of an era.

I think it is safe to say that whether he was in the Supreme Court or the Court of Appeal his decisions have shaped the legal landscape in Bermuda for the better. Although I suppose it depends on which side of his decision you may have fallen on. But he has always been a hard act to follow. And as his daughter, in the legal profession, I continue to do my best but no doubt will continue to fall short. He has a brilliant legal mind. A shining example of what a legal career should embody. And he has just had an incredible lasting effect on so many in the legal profession, including me.

And I did want to also acknowledge my Senate colleague, the Attorney General, who I understand spoke incredibly eloquently at the special sitting of the Court of Appeal last week which marked his retirement. It was a celebration that unfortunately I could not attend as I was away. But I did want to acknowledge that.

So, congratulations Justice Bell. Thank you.

**The President:** Thank you, Senator Kiernan Bell. Senator Robinson, you have the floor.

**Sen. Dwayne Robinson:** Thank you, Madam President.

And I just want to briefly associate myself with the condolences for Senator Leslie Robinson. My senatorial namesake who I have to say led all of her responses and all of her interactions with empathy and kindness. As she was a Junior Minister of a lot of the ministries I am the spokesperson of on this side, we tend to kind of speak often across the Chamber and I had to always say that afterwards we would be able to share a hug and I would tell her that her contributions are always people first. And that is something that no one could argue with.

So, I want to give my condolences especially . . . I know we feel it on this side, but I want to give my condolences to her Progressive Labour Party colleagues who no doubt have worked very closely with her [during] her duration as a Senator and her party activities. And I know that they are most likely feeling it more than others who may have known her just in passing. So, my condolences.

**The President:** Thank you, Senator Robinson. Would any other Senator care to speak? Minister Darrell, you have the floor.

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

Madam President, I want to start with two condolences. And the first is to associate myself with our late colleague, Senator Leslie Robinson. We do know that, what was it? Two weeks ago we all attended a wonderful homegoing service for the late Senator Robinson. And we just want to send continued support to her family, her spiritual daughter, Ms. Kelechi Jones, all of her very, very close family members, especially her first cousins as those of us who were at the funeral would have heard their tributes, and all of our tributes. But I would just like to reiterate three things about our late colleague. She was kind, she was intelligent, and she was genuine.

**The President:** Mm-hmm.

**Sen. the Hon. Owen Darrell:** So, not to repeat what everyone else has said about our late colleague, but I do want to be associated with that.

And secondly, Madam President, I would also like to send condolences to family of the late Mr. Manuel David Furtado who was laid to rest on Monday of this week. He passed away in his 89<sup>th</sup> year and he was a beloved member of the community. Well known as a footballer of the National Sports Club in the 1960s. He was a father to David Furtado and Deborah Davis, and the grandfather of one of my colleagues, Mr. Jordan Scott Furtado, and his great grandson, Josiah. He worked for 45 years at TELCO before working at A. F. Smith's for a few years until its closure. He worked at A.S. Cooper's until he retirement in 2012. So, to the family and especially my colleague, Jordan Scott Furtado, I want to send condolences in the passing of his grandfather, Mr. Manuel David Furtado.

And in a little lighter news, Madam President, I would like to congratulate the Hamilton Parish Workmen's Club—they are also known as Hot Peppers—on their victory in the Dudley Eve Final a couple of weeks ago. There definitely were joyous scenes down there at St. George's Cricket Club as they were able to lift one of the first trophies of this domestic football season.

Also to the young members of North Village Community Club, who won the Leonard [DeRosa-] Holder Trophy and I think that is for . . . I am not sure if it is Under-15s or Under-17s. I want to say congratulations to them.

We have a lot of sportsmen to congratulate and sportswomen. I would like to congratulate all of them. I am not going to go through the list at this time because time does not allow.

I also want to congratulate a Bermudian activist. She was the only Bermudian to attend COP29, and that was Ms. Noelle Young. She went and she flew the flag for Bermuda doing the important work that she did out there. She is a resident of constituency 15, Pembroke East, they call it, Madam President. So I want to just publicly congratulate her for the work that she has been doing, the work that she continues to do and

recognise her for flying the flag as the only representative from Bermuda to actually attend COP29 last week.

And finally, I would like to congratulate my newest Senate colleague, Senator Mischa Fubler. You know, I was reading something a little earlier, somebody said . . . actually, it was downstairs. When I was leaving somebody said, *Well, who is your people?* As they say in Bermuda, right? And I would like to put on record that I can vouch for the calibre and the stuff that Senator Fubler comes from. Many would know his late father, Darrell Fubler, who was definitely one of the top creatives and musicians in this Island. His grandmother was a Sunday School teacher to many, Ms. Lorraine Fubler, at St. Paul's AME Church for many years, as well as his grandfather, Rev. William Fubler. And I could go on and on. Another one of his great uncles, Mr. Gilbert Darrell, and his uncle, I would call him a community activist, Mr. Glenn Fubler.

So, Senator Mischa Fubler, can definitely stand on his own right. And we will see, Madam President, what he has to offer and what he has been offering the people of Bermuda, not only in this place, but in other places as well. So I want to officially in my congrats say congratulations to the newest Member of the Senate, Senator Mischa Fubler. And we are looking forward to all that he brings in service to this country.

Thank you, Madam President.

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

And I would like on my behalf as well as all Senators here to congratulate Senator Fubler for joining us and we look forward to working with you. So I offer everybody's congratulations to you at this time.

I would like to associate myself also with the condolences expressed for our dear and departed Senator Leslie Robinson. I would fully support all the comments that have been made about her. I would just like to say also that one of the things she always did, she always sent regards to my husband, who taught her at Bermuda College. And so he was really, really distressed when he heard of her passing. But she always had a kind word [about] the impact that he had on her when she attended as a student. So, on his behalf I express not only mine, but his.

I would also like to associate myself with the condolences expressed by Senator De Couto and many of you here for Mr. Peter Green, because the Green family has done so much in this Island. And I don't think we should ever forget that. From the time he came back to Bermuda with his sons, he has just been phenomenal in all that he has done for scholarships and various other things here in Bermuda. So, I would like to express that myself.

And I would also like to express condolences to the family and many friends of Canon James Francis who was funeralised last week at Christ Church, Devonshire. He was very responsible for me and my growth and in the church. Much was said about him and all that

he did for Bermuda, so I would just like to express that today.

And I also extend condolences to the family of Mrs. Esther Catheryn Bean (nee) Swan, a beloved wife of Dr. Gerard Bean, whose was funeralised today. I was very close to the family, so I would just like the family to know that I express sincere condolences to them.

And that is for me so . . .

Minister Darrell, the motion to [adjourn].

## ADJOURNMENT

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

Madam President, I do now ask that the Senate adjourn until next Wednesday, December 4.

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

We have all had a full day.

*[Laughter]*

**The President:** Therefore, Senators, the Senate does stand adjourned until next week Wednesday, the 4<sup>th</sup> of December.

Thank you for a fulsome day.

*[At 4:06 pm, the Senate stood adjourned until 10:00 am, Wednesday, 4 December 2024.]*

**BERMUDA SENATE  
OFFICIAL HANSARD REPORT  
4 DECEMBER 2024  
10:02 AM**

*Sitting Number 3 of the 2024/2025 Session*

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

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

### PRAYERS

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

**The President:** Please be seated.

### CONFIRMATION OF MINUTES

*[Minutes of 27 November 2024]*

**The President:** Vice President Kiernan Bell, you have the floor.

**Sen. Kiernan Bell:** Thank you, Madam President.  
Madam President, I move that the Minutes of the meeting of Wednesday, the 27<sup>th</sup> of November 2024, be taken as read.

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

**Sen. Kiernan Bell:** Madam President, I move that the Minutes of Wednesday—

**The President:** Hold on. Pardon. Somebody has an objection.

**Sen. Robin Tucker:** Yes. Sorry, Madam President.

**The President:** Senator Tucker, yes.

**Sen. Robin Tucker:** Thank you. Good morning.  
I simply just wanted to point out a typo in the first paragraph of Senator Johnson's name. That is all.  
Thank you, Madam President.

**The President:** Duly noted.  
Carry on.

**Sen. Kiernan Bell:** Madam President, subject to that amendment, I move that the Minutes of Wednesday, the 27<sup>th</sup> of November 2024, be confirmed.

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

*[Minutes of 27 November 2024 confirmed]*

**The President:** Thank you, Senator Kiernan Bell, Vice President.

### ANNOUNCEMENT BY THE PRESIDENT

#### SENATE VISITOR

**The President:** Before we move on, I would just like to acknowledge and welcome in the Gallery the Honourable Wayne Furbert.  
Welcome to you, sir.

### MESSAGES

**The President:** Mrs. Beale.

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

**The President:** Thank you.

### REPORTS OF COMMITTEES

**The President:** There are none.

### ANNOUNCEMENTS

#### APOLOGY

**The President:** Senators, I would just like to announce that we have apologies from Senator Fubler, who is abroad on business for his firm.

The next item is the announcement of Honourable Owen Darrell on the closure of schools, education.  
Minister Darrell, you have the floor.

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

**The President:** Good morning.

**EDUCATION (CLOSURE OF SCHOOLS)  
ORDER 2024**

**Sen. the Hon. Owen Darrell:** Madam President, I hereby present for the information of Senate the Education (Closure of Schools) Order 2024 as made by the Minister responsible for Education in exercise of the power conferred by section 6 of the Education Act 1996.

And Senators may access copies of the Order on their tablets and/or the parliamentary website.

**The President:** Thank you, Minister. And you have other announcements; you can continue.

**EDUCATION (PRIMARY SCHOOLS)  
(IMPLEMENTATION OF REFORMS) ORDER 2024**

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

Madam President, I hereby present for the information of the Senate the Education (Primary Schools) (Implementation of Reforms) Order 2024 as made by the Minister responsible for Education in exercise of the power conferred by section 5 of the Education (Primary Schools) Temporary Act 2023.

Again, Madam President, Senators may access copies of the Order on their tablets and/or the parliamentary website.

**The President:** Thank you, Minister Darrell. And you may continue with your next announcement.

**BERMUDA COLLEGE AUDITED FINANCIAL  
STATEMENT FOR THE YEAR ENDED  
31 MARCH 2024**

**Sen. the Hon. Owen Darrell:** Madam President, I hereby present for the information of Senate the Bermuda College Audited Financial Statement for the year ended 31 March 2024.

And Senators may access copies of the statement on their tablets and/or the parliamentary website.

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

I think the next announcement is in the name of Senator the Honourable Owen Darrell again. The last announcement.

**REPORT OF THE JOINT WORLD HERITAGE  
CENTRE/ICOMOS ADVISORY MISSION TO  
THE HISTORIC TOWN OF ST. GEORGE'S AND  
RELATED FORTIFICATIONS, BERMUDA  
(UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND)  
25–28 MARCH 2024**

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

I hereby present for the information of Senate the Report of the Joint World Heritage Centre/ICOMOS Advisory Mission to the Historic Town of St. George's and Related Fortifications, Bermuda (United Kingdom of Great Britain and Northern Ireland) [25–28 March 2024].

Madam President, Senators may access copies of the report on their tablets and/or parliamentary website.

**The President:** Thank you, Minister Darrell.  
Moving on with our agenda.

**NOTICES OF MOTIONS**

**The President:** The first motion is also in the name of Minister Darrell. And that is the Tourism Investment [draft Order].

**TOURISM INVESTMENT  
(ROSEDON HOTEL) ORDER 2024**

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

I hereby present for the consideration of Senate the Tourism Investment (Rosedon Hotel) Order 2024, proposed to be made by the Minister responsible for Tourism under section 3 of the Tourism Investment Act 2017, together with the written agreement of the Minister of Finance in exercise of the power conferred by section 5 of the Tourism Investment Act 2017. And I give notice that at a later point in the meeting, I will move that said draft Order be approved.

**The President:** Thank you, Minister Darrell.  
We can move on, yes, to your second.

**TOURISM INVESTMENT  
(SWAN PYROTECHNICS LIMITED) ORDER 2024**

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

I hereby present for the consideration of the Senate the Tourism Investment (Swan Pyrotechnics Limited) Order 2024, proposed to be made by the Minister responsible for Tourism under section 3 of the Tourism Investment Act 2017, together with the written agreement of the Minister of Finance in exercise of the power conferred by section 5 of the Tourism Investment Act 2017. And I give notice that at a later point in the meeting, I will move that said draft Order be approved.

**The President:** Thank you, Minister Darrell.  
Moving on to the next item.

**PETITIONS**

**The President:** There are none.

## STATEMENTS

**The President:** There are none.

## INTRODUCTION OF BILLS

**The President:** There are none.

## FIRST READING OF PUBLIC BILLS

### BILLS

#### FIRST READING

##### PAYROLL TAX AMENDMENT (NO. 2) ACT 2024 (GOVERNOR'S RECOMMENDATION SIGNIFIED)

##### CONTRIBUTORY PENSIONS (AMENDMENT OF BENEFITS AND VALIDATION) ACT 2024

##### PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2024

**The President:** The following Public Bills have been received from the Honourable House of Assembly and are now read for the first time: Their titles are, respectively, the Payroll Tax Amendment (No. 2) Act 2024 (Governor's recommendation signified); the Contributory Pensions (Amendment of Benefits and Validation) Act 2024; and the last is the Public Access to Information Amendment Act 2024.

And, Senators, I have been advised that that particular item will not be raised today. We will be carrying it over.

## FIRST READING OF PRIVATE BILLS

**The President:** There are none.

## QUESTION PERIOD

**The President:** There are no questions to be raised today.

## ORDERS OF THE DAY

**The President:** The first Order of the Day is the consideration of the tourism Investment (Rosedon Hotel) Order 2024.

## ANNOUNCEMENT BY THE PRESIDENT

### SENATE VISITOR

**The President:** And before the Minister presents his [draft Order], I would just like to acknowledge the

presence of Pandora Glasford, the Permanent Secretary for the Ministry of Tourism, Culture and Sports.

Welcome to you.

**The President:** Minister, when you are ready, you can proceed.

## SUSPENSION OF STANDING ORDER 71(2)

**Sen. the Hon. Owen Darrell:** Madam President, Thank you very much.

Madam President, I move that Standing Order 71(2) be suspended so that the Senate may now proceed with the consideration of the Tourism Investment (Rosedon Hotel) Order 2024.

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

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

**Sen. the Hon. Owen Darrell:** Madam President, I move that Senate do now take under consideration the Tourism Investment (Rosedon Hotel) Order 2024, proposed to be made by the Minister responsible for Tourism under section 3 of the Tourism Investment Act 2017, together with written agreement of the Minister of Finance in exercise of the power conferred by section 5 of the Tourism Investment Act 2017.

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

## DRAFT ORDER

### TOURISM INVESTMENT (ROSEDON HOTEL) ORDER 2024

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

Madam President, the purpose of bringing this Tourism Investment (Rosedon Hotel) Order 2024 before the Senate is to enable the grant of tourism investment relief to the developers of the tourism product, the Rosedon Hotel, which is in the national economic interest of Bermuda.

Madam President, I am pleased to invite this Honourable Senate to take this [draft] Order under consideration. Madam President, the application for a Tourism Investment Order was submitted by Rosedon Limited, the developer, in respect to the renovation of the Rosedon Hotel, located on 61 Pitts Bay Road, Pembroke, Hamilton. The joint stock company called Rosedon Limited was incorporated by an Act of the Legislature in 1958, namely, the Rosedon Company Act 1958.

Madam President, the Rosedon was purchased from the Brown estate by Geoffrey Kitson, JP, RN, OBE, and his wife Elizabeth "Betty" Kitson, MBE,

in 1954. The home was first opened as a small bed and breakfast, and it was operated as such, Madam President. A small pool was built in the back garden area along with 15 guest rooms. The basement of the main house was converted into housekeeping. The main kitchen was used to serve breakfast and traditional tea to their guests.

Madam President, the hotel is now owned and operated by Scott Kitson, the grandson of Geoffrey and Betty. Madam President, over the last seven years, the Kitson family has invested millions of dollars into the hotel property. Between 2017 and 2023, the main house was extensively renovated in tandem with the introduction of the renowned Huckleberry [Brasserie] restaurant. A state-of-the-art kitchen was installed, and upgrades were made to Beau's Bar in the front veranda. The upper floor was converted into a large, elegant events space named the Crystal Room. The pool area was renovated to include a 40-foot covered pergola, a private cabana and new pool furniture.

Madam President, upgrades to the hotel continued between 2018 and 2023. During this time the gardens originally designed by Betty Kitson were redesigned into several outdoor, tiered living rooms by family members Lee, Judy and Scott. In support of the farm-to-table practice of Rosedon Hotel, the gardens feature Bermuda banana trees, citrus trees and birds of paradise, to name a few. Madam President, following a two-year closure due to COVID-19, the hotel reopened in November 2022 with 10 rooms. A full reopening was held in February of 2023.

Madam President, Rosedon Limited plans to fully renovate all 27 bedrooms and to develop new food and beverage options to include Clarabell's, a pizzeria on the front lawn and poolside. You like that, right?

*[Laughter]*

**Sen. the Hon. Owen Darrell:** You like that.

A bar to host events around the pool, and Scott's, a fine dining restaurant will be open to run alongside Huckleberry, the all-day Brasserie restaurant.

Madam President, the schedule of renovations, estimated to cost between \$2 million and \$3 million, began in August 2024 and will be completed in the winter of 2025/26. Madam President, the Rosedon Hotel currently employs 50 people, 54 per cent of whom are Bermudian. The employment projection for 2025 is 75, and for 2026 and beyond, 90 employees, 70 per cent of whom must be Bermudian.

Madam President, Rosedon Hotel has established timelines by which employees of the hotel will be promoted. These timelines include but are not limited to the following: from kitchen porter to chef within one year; from server to captain within two years; from housekeeping supervisor to head housekeeper within three years. Madam President, in addition to several training programmes, Rosedon Limited has introduced

flexible working hours for its employees and will allocate \$25,000 toward external training programmes to all managers.

Madam President, Senators will note that the Rosedon Hotel has been awarded the following terms of relief allowed by the legislation:

- full relief from customs duty for 15 years from the operative date of the Order;
- full relief from hotel occupancy tax for 15 years from the hotel's opening date;
- full relief from the employee's share of payroll tax for 15 years from the hotel's opening date; and
- full exemption from land tax for 10 years starting from the sixth anniversary of the hotel's opening date.

Madam President, Senators will note that exemption from land tax is subject to the hotel's confirming in years six through eleven that 70 per cent of the hotel staff must be Bermudian. Further, Madam President, exemption from the employer's share of the payroll tax is subject to [the condition that] management training programmes for Bermudians, verified by the Department of Workforce Development, is in operation at the hotel. Madam President, the aforementioned renovation schedule of the Rosedon Hotel is a testament to the confidence that the Kitson family has in the hospitality industry here in Bermuda. The employment, training and promotion of Bermudians at this property stands as a shining example for other hotel properties. Indeed, it serves as a beacon to potential investors looking to participate in our local product.

Madam President, I am pleased to commend this [draft] Order for support for this Honourable Senate.

Thank you, Madam President.

## **ANNOUNCEMENT BY THE PRESIDENT**

### **APOLOGY**

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

And, Senators, before I open the floor to you all, I just want to announce that I have just been advised that OBA Senator Dr. Douglas De Couto is away on business and therefore is not with us this morning.

## **ORDERS OF THE DAY**

### **DRAFT ORDER**

#### **TOURISM INVESTMENT (ROSEDON HOTEL) ORDER 2024**

*[Continuation thereof]*

**The President:** Back to the [draft Order] now.

Would any Senator care to speak?  
Senator Dwayne Robinson, you have the floor.

**Sen. Dwayne Robinson:** Thank you, Madam President. And it is always good to start off the speech with the OBA's support. We do support this investment Order, and we support anything that will stimulate the economy and support the growth of our tourism product.

*[Inaudible interjections and laughter]*

**Sen. Dwayne Robinson:** It is on record; it is on record.

And we also do especially encourage the management training aspect of this particular [draft] Order (and the Orders that have preceded it) and think that it is an excellent way to entice Bermudians to return into hospitality and see it as a potential career path.

So naturally, we do have concerns about the full 15-year concessions granted and would just invite the Minister to provide a bit more clarity as to the full 15 being granted. We had stated that this may become the norm, and it does put extra strain on government coffers and government income. So naturally, we just want to hear just a little bit more about that.

There is also just a brief concern with the opening of the Fairmont, which we all celebrate and are all happy about, that that is on record as well. You may have a bit of a battle for workers, right, especially locals and Bermudians who will now have a massive hotel to work in. So, this 70 per cent hotel staff who are Bermudian, I agree with. But I just want to hear a little bit from the Minister as to how we may entice more Bermudians to get involved and the Government's plans to make sure that every hotel can meet that 70 per cent Bermudian threshold with the opening of Fairmont Southampton.

So, with that, we support this [draft Order] and congratulate the Minister on his investment Order.

Thank you, Madam President.

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

Would any other Senator care to speak on this?

Senator Tucker, OBA Leader in the Senator, you have the floor.

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

I was not going to speak. I actually just have a question because the promotion timelines and all that was talked about in terms of the training. And particularly that promotion timeline I think is fantastic. I think that it would be great if that could also be part of any future Orders, you know, any future pieces of legislation that are coming through, similar. And that obviously will ensure that Bermudians are not overlooked and that they are trained and promoted through the ranks as well because of that commitment.

My question is, When does the annual reporting period actually commence? So that is the only question I have.

Thank you, Madam President.

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

Would any other Senator care to speak?  
Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President. I will not add anything other than what my colleagues have already expressed, but I support this [draft Order] as well.

Thank you, Madam President.

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

Vice President Kiernan Bell, you have the floor.

**Sen. Kiernan Bell:** Thank you, Madam President.

Just to say yes, I do support the [draft Order].

My only question mark remains around the 70 per cent Bermudian employee requirement and whether or not the hotelier will be able to establish, if it is unable to meet that criteria, has it done everything it reasonably can to meet it?

Thank you.

**The President:** Thank you, Vice President Kiernan Bell.

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

Hearing none, back to you, Minister Darrell.

**Sen. the Hon. Owen Darrell:** Thank you. Thank you to the Senators from across the aisle as well as the Independent Senators for their support of this. I think we all understand how important this is, as we know the Bermuda Government's responsibility is to seek further hotel investment.

**The President:** Mm-hmm.

**Sen. the Hon. Owen Darrell:** And I would be remiss if I did not sit here, and everybody can see, the challenge that we have had with getting new hotels up and running. And some of that is due to global costs. And obviously when you are investing in a product of this magnitude, individuals who are investing are looking for returns. So, with the reopening of Fairmont Southampton, I think it is well documented, even when we brought this Tourism Investment Act into place in 2017, the economic benefit that investment in the tourism product and investing in hotels will have on the entire country.

We talk now even locally, outside of tourism, but locally as far as flights coming to Bermuda, they are so expensive because there are so few of them. And the reason there are so few flights is because there are a limited number of beds in Bermuda. So that alone has a knock-on effect to locals and their everyday lives.

There are individuals who are choosing not to go into hospitality because the hours and the time that they are going to be able to work fluctuate based on the availability of tourists at certain hotels. So, if we are investing in this . . . and that is why it is important.

I know the Senator asked about 15 years and why 15? And it has been documented when we discussed this in other times. We are competing globally with getting the attention of hotel investors worldwide. And I know we are here to debate matters relating to Bermuda. But when I travel to CTO [Caribbean Tourism Organization] conferences and I meet with other Ministers of Tourism around the Caribbean, it is competitive. And investors will choose to go to other jurisdictions that are offering, you know, 25- 20-year concessions for hotels to be built. Because they see the value that this will bring in their overall economic impact for their country.

So, this is something that the Government has stood by. It is something that the Government will continue to stand by. And as we have seen, with these come . . . there are hotel developments that are happening. There are very large-scale renovations that are happening. There are multiple hotels, and we have come here and we have named them, that are taking this relief and they are putting it to good use. And you see Bermudians who are moving back into the hospitality industry.

One of the questions and concerns was about the 70 per cent employment. And it was a good point made by the Senator regarding, once you do have more hotels, you are going to get more competitive amongst the hoteliers for local workers. And let us start with this. I mean, if you are a hard-working Bermudian in the hotel industry, you will get noticed. I do not have his last name, but I think most people know him, the young man whom I had the opportunity to teach many, many years ago. His name is Gary. Gary has been working in the hospitality industry up in Fairmont Southampton for years. And even throughout its closure, he was able to adapt and move and work in different areas of the hotel, the restaurant that is still open up there and the like.

So that bodes well for Bermudians like Gary who are looking to make a career out of it. And people will be bidding for the top talent in Bermuda. But what that also means is that there are opportunities for Bermudians to get into hospitality once again. Coming next year, if you have been following the education reform, I know a lot of people like all of the theatrics that come with it. But if you really are focusing on the plans and what is going on, there is a Signature School opening that will focus on hospitality management this next coming school year. And that is up at Sandys. And that answers the question as to what this Government is doing to bring along young people and show them that hospitality is once again going to be a viable option for . . . and I will say this. My son . . . I talk about my grandparents, how they made their living, all of them, in the

hospitality industry, whether it was my grandfather who was a bartender, whether it was my grandmother who was a chamber maid at one time and many of her sisters. Whether it be my other grandmother who was a taxi driver, whether it be my grandfather on my mom's side who opened a restaurant. That was how they made their living in this country. And it bodes very well for the signatures that are opening up.

Also, I have to give a shout-out to the Bermuda Tourism Authority. The Bermuda Tourism Authority, if you have seen, has been advertising their Anchor[BDA] programme. Their AnchorBDA programme gets into the community and gets people trained up as to what it would look like to be in the hospitality industry. And once you get that basic knowledge, you can then get into deeper courses to specialise in wherever you want to go. I have had the opportunity to partner along with the Bermuda Tourism Authority in schools to speak to middle school students about the importance of hospitality.

And in years gone by, the Director of Workforce Development—a little shout-out to her, Ms. Malika Cartwright—spent her time at the Bermuda Hospitality Institute of which I was a volunteer, where we used to go into schools. And we used to have a curriculum done by Ms. Karen Edwards (at the time) to teach primary school and middle school students the vast array and variety of jobs that are in there. So, once we open the signature and we get back to these programmes, I think once again tourism in Bermuda will be a viable option for young people. And I do not think that these hotels, which are mandated to find 70 per cent locals, will have problems. I do not think that they will have problems finding local talent to go back into the hospitality workforce.

So, I think the question was, When does the annual reporting period commence? I do not have an answer on that, but I can seek to get that and provide it at a later time, Madam President. This hotel has a great relationship with Government. And they will inform us if they are having difficulty meeting their goals. And their investment in training is testament to their efforts to achieve these targets. So, it is not just something that these hotels are doing to tick the box. It is something that actually improves their product. When you see Bermudians working and you get that *people feel* . . . Because if you do any survey about tourism in this country, they will tell you that the number-one feature of Bermuda is its people and the culture that comes with it.

So, Madam President, I hope I have answered most of the questions. I do once again appreciate the support. And I know the Kitsons and the principals over at the Rosedon are very eager, as are most hotels, for this process to be behind them so that they can then fully invest in improving the hotel product. And I know . . . not to get into our next debate, but it touches on the Tourism Investment Act as well and to show what we are doing and how serious we are about tourism in this country.

Thank you, Madam President.

**The President:** Thank you, Minister Darrell.  
Yes, Senator Tucker, you have—

**Sen. Robin Tucker:** —May I ask?

**The President:** —a follow-up question?

**Sen. Robin Tucker:** Yes, please. Thank you to the Minister for his response.

I guess what I really want to touch on is the fact that there is quite some confidence that was sort of promoted that the hotels will be able to find the 70 per cent of Bermudian employees. And while I think that the Signature School for Hospitality is great, that is also a little way down the road. They have got to get through school. Then they have got to be introduced to the workplace and all of those types of things. So, I just wondered whether there were any other types of initiatives that the Ministry was looking at to help to promote hospitality to Bermudians to try to make sure that the hospitality industry is adequately staffed (I will say)?

And I say that from my own personal experience. I spent five years of HR [Human Resources] at Mid Ocean. So, I know how difficult it is to actually attract Bermudians to the hospitality industry. And certainly not just attracting them but retaining them. So, my question is, Is anything else being done? I mean, are there plans for more hospitality fairs? Are there plans for more going out in the community and promoting hospitality in a more (I do not want to say *aggressive*, but for lack of a better term, a more aggressive) type of a way? Because once upon a time, that was a very attractive employment opportunity. But obviously things have shifted over the years.

And that is why the question that I asked about that reporting period is important. And Senator Bell had asked if the hoteliers are unable to meet that requirement, is there going to be any sort of update as to why that is? It is important, obviously to everybody in the room, that Bermudians are able to find employment and to make sure that we are able to promote our tourism product. I wondered because that is a very important piece, obviously, staffing the hotels.

Thank you, Madam President.

**The President:** Thank you, Senator Robin Tucker.  
Minister, yes, it is over to you.

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

I thought that I mentioned the very close relationship of the Director of Workforce Development, Ms. Malika Cartright, and the work that Workforce Development is also doing. And Workforce Development are dealing with adults in the community who are seeking employment. They are seeking training to get themselves in a better position for employment. And they are

doing a lot of great work. You know, as I know Senator Tucker does some canvassing, when people come looking for jobs, I know she sends them to Workforce Development, as we all should.

And I had a very nice message from a young man the other day who said to me, *Thank you very much for connecting me with Workforce Development*. They were able to assist him. They were able to sharpen some of his skills. And he is confident that he is able to get back into the workforce. So that was an example that I think I did mention. I think I mentioned the Anchor[BDA] programme as well that is being run by the Bermuda Tourism Authority.

And I know the Senator knows quite well that many of the human resource managers in these hotels . . . There is a young lady, and I am getting her name right now, but she is doing quite well down at the St. Regis. (Her name begins with an M. That is as far as I got right now.)

*[Inaudible interjections]*

**Sen. the Hon. Owen Darrell:** Thank you. Misha, yes. Thank you.

That young lady is doing quite well. The last time I was down at St. Regis earlier in the year, she was organising a career fair. And it was larger than she had expected. So, they are still having these. Workforce Development is still doing stuff. So, we are confident that we are getting Bermudians trained to go into what has proven to be in recent years a difficult industry.

Thank you, Madam President.

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

With no further questions, you can move your [draft Order].

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

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

May it please Your Excellency:

The Senate, having had under consideration the draft Order entitled the Tourism Investment (Rosedon Hotel) Order 2024, as made by the Minister responsible for Tourism under section 3 of the Tourism Investment Act 2017, together with the written agreement of the Minister of Finance in exercise of the power conferred by section 5 of the Tourism Investment Act 2017, has the honour to inform Your Excellency that the Senate has approved the said draft Order.

Thank you, Madam President.

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

[There is] no objection to the message being sent.

*[Motion carried: The Tourism Investment (Rosedon Hotel) Order 2024 was approved.]*

**The President:** Thank you, Senators, for your participation in that.

Moving on, the second Order of the Day is the consideration of the Tourism Investment (Swan Pyrotechnics Limited) Order 2024, and that is also in the name of the Honourable Owen Darrell, Minister of Tourism, Culture and Sport.

Minister, when you are ready you can present your [draft Order].

### SUSPENSION OF STANDING ORDER 71(2)

**Sen. the Hon. Owen Darrell:** Madam President, thank you.

I move that Standing Order 71(2) be suspended so the Senate may now proceed with the consideration of the Tourism Investment (Swan Pyrotechnics Limited) Order 2024.

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

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

**Sen. the Hon. Owen Darrell:** Madam President, I move that the Senate do now take under consideration the Tourism Investment (Swan Pyrotechnics Limited) Order 2024, proposed to be made by the Minister responsible for Tourism under section 3 of the Tourism Investment Act 2017, together with the written agreement of the Minister of Finance in exercise of the power conferred by section 5 of the Tourism Investment Act 2017.

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

## DRAFT ORDER

### TOURISM INVESTMENT (SWAN PYROTECHNICS LIMITED) ORDER 2024

**Sen. the Hon. Owen Darrell:** Madam President, the purpose of bringing this Tourism Investment (Swan Pyrotechnics Limited) Order 2024 before the Senate is to enable the grant of customs duty relief to the operators of Swan Pyrotechnics Limited, a Bermuda-incorporated company that provides pyrotechnic displays at local and tourism events. Swan Pyrotechnics Limited was deemed to be a tourism project that is in the national economic interest of Bermuda by the Minister responsible for Tourism and agreed in writing by the Minister of Finance under the Tourism Investment Act 2017. Madam President, I am pleased to invite Senators to take this draft Order under consideration.

Madam President, the application for a Tourism Investment Order was submitted by Swan Pyrotechnics Limited, which is described as a *tourist attraction*. Madam President, Swan Pyrotechnics Limited is a professional entertainment company specialising in safe and high-quality pyrotechnic displays for local and tourism events. Swan Pyrotechnics Limited is owned and managed by Mr. Kyle Swan and was incorporated on March 6, 2019. Madam President, Swan Pyrotechnics Limited's services range from traditional fireworks displays (as we saw on Sunday evening) to pyromusicals, which incorporate special effects, close proximity effects and advanced pyrotechnic features.

Kyle Swan brings a safety-minded and sensible approach to Swan Pyrotechnics Limited's operations. He has invested in the top-of-the-line industry-leading equipment, which guarantees the safest possible application of fireworks in any setting. An environmentally conscious approach includes a series of techniques and methods which vastly limit the environmental impact of the displays.

Madam President, additionally, Swan Pyrotechnics Limited has created memorable experiences for organisations, including the Bermuda Hotel Association, the Corporations of Hamilton and St. George's, and events such as the Christmas and Boat parades, Harbour Nights and the annual Heritage Day Parade.

Madam President, Swan Pyrotechnics Limited projects that the Bermuda market will provide sufficient opportunity for between 10 to 15 shows annually, charging a minimum of \$3,500 per minute. Madam President, Senators will note that Swan Pyrotechnics Limited is seeking to be granted full relief from customs duty for a period not exceeding five years from the operative date of the Tourism Investment Order in respect of any equipment, goods and supplies which are necessary for the operation of the tourist attraction.

Madam President, this is the first application for a Tourism Investment Order for an attraction, an attraction which will undoubtedly continue to enhance our tourism product here in Bermuda. I commend Mr. Swan, a Bermudian entrepreneur, for applying to become the first recipient, Madam President, of a tax concession for a tourist attraction.

Madam President, I am pleased to commend this [draft] Order for support of the Senate.

Thank you, Madam President.

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

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

Senator Robinson, you have the floor.

**Sen. Dwayne Robinson:** Thank you, Madam President. And I have to say the Honourable Minister is on a good wicket this session.

*[Laughter]*

**Sen. Dwayne Robinson:** These pyrotechnics and fireworks are something that many Bermudians have been asking for for some time. And it is a particular thing that many from the older generation remember fondly as being part of our tourism tapestry. So, to see that it is now coming back I think makes a lot of us very happy. And I think that Bermudians have also said that there is a need for more attractions in our local tourism product, more things for tourists to do, more things for locals to participate in.

I think that this is a good step in the right direction to provide more attractions, to provide more things and enhance Bermuda as a more attractive destination for different types of tourists. Because obviously we want to expand not just the tourism season to make it longer and hopefully year-round. But we want to provide many different recreational things for people to do. So, I think that this is a great initiative. And it has our support.

I would like to ask the Minister if there will be any potential for a bit of a . . . I want to say a media campaign or a bit of a community campaign to encourage a [few] more attractions to come up from our locals and encourage the entrepreneurial spirit now that this has been made available. Well, not made available, but now that someone has taken advantage of what was made available.

So that will probably be my only comment, and you have our support.

Thank you, Madam President.

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

Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

I often support Bills that provide tax relief for hotels, and other proposals that I believe are in the best interest of Bermuda's economy such as the Rosedon Hotel Order that the Senators just approved just a few minutes ago.

I will not oppose this [draft Order], but I have a hard time understanding how full relief is provided on the basis of the attraction, in this case pyrotechnics, in the national economic interest of Bermuda. This seems to be a stretch for me. I could see other like attractions in Bermuda wondering why or if they can in future be provided with similar relief. So again, I will not oppose it, but I just have a hard time seeing this being in the national economic interest of Bermuda.

Thank you, Madam President.

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

Would any other Senator care to speak on this Bill?

Senator Kiernan Bell, Vice President, you have the floor.

**Sen. Kiernan Bell:** Thank you, Madam President.

First of all, can I say I love fireworks. So, I support this. I do support this [draft Order] but not just because I support fireworks. And I do have a question for the Minister. The question really involves, only because I went and had a look. And I was struggling to find it, and maybe I just missed it. But is there any guidance that is issued for entrepreneurs who wish to create attractions in Bermuda as to how they go about it? I know there is information about . . . And it is mostly focused at restaurants and hotels, and businesses of that like. But clearly the Government's policy is to include attractions to make Bermuda more attractive as a tourism product for people to come. And I can see the public policy benefits that go along with that.

So, the question is, How, if you are a young entrepreneur or even an older entrepreneur in Bermuda and you wish to have a business which is going to invest in something which is going to be a clear tourism attraction . . . For example, I can think of dive shops, for example, who have to pay for equipment and boats and things like that in order to cater to that and provide that tourism product. And there is a host of others that one can imagine. How do they realise and follow this path and seek to have the benefit so that they can remove those barriers to entry in terms of cost and make that investment to create an attraction for Bermuda tourism?

So that is my question. But I do support this [draft] Order. Thank you.

**The President:** Thank you, Senator Kiernan Bell, Vice President.

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

Hearing none . . . Oh, sorry.

Senator Wilkerson, Attorney General, you have the floor.

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

I do want to signal my support. Clearly it is a Government [draft Order]; we support it. But particularly, and I believe Senator Wight has mentioned general support of these kinds of concessions when it is a hotel. And it clear to see, for example a restaurant, how that is in the national interest, so to speak. And I think that that has been something that Bermudian entrepreneurs have had an issue with. And when we say, *You may be a small business against a large business*, and people might recall that previously, prior to Mr. Swan's business, when you saw a fireworks display, it would normally be something that was promoted via a hotel.

**The President:** Mm-hmm.

**Sen. the Hon. Kim Wilkerson:** So, they were still getting the benefit of this in the context of their being a large business. And what the Government is striving to do here is to create some equity for smaller businesses

that also add to the tourism product. And I completely disagree that because it is an attraction and it is fireworks, it is not in the national interest. I think the point is that all of these small things add together to add to a rich experience for tourists and for Bermudians alike when it comes to attractions. And that is why I think this is very, very important.

I hear the Vice President's comment about, how is it clear that there is a path of availability for other entrepreneurs? And I think that is the beauty of highlighting this experience for Swan Pyrotechnics. It can show that this is available for other entrepreneurs and that this Government is serious about levelling the playing field and creating some equity around opportunity.

And let me say, personally I know Mr. Swan. His mother is a friend of mine. He is professional. He is a trained EMT. He has had lots of experience of building his practice around this business and safety while he worked and lived in the United States. And he is a Bermudian who has chosen to come home. And we hear in this Chamber very often about all of the Bermudians who go away. They build experience, and they do not return. And he has returned. And that is why he is a double example of what can happen when we support Bermudian entrepreneurs.

Thank you, Madam President.

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

Senator Hodgson, you have indicated you wanted to speak on this [draft Order]. You have the floor.

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

I did want to speak and contribute my support. Like Senator Bell, we are a family who loves fireworks. We are a family who loves a good holiday. We love the opportunity to gather, not just as a family, but as a community and to celebrate our unique culture and heritage. And when I think about it, the Christmas parade and the Boat parade, fireworks is something that is part of every one of those memories. And I know that for the years that there was not an option to have the fireworks as part of our experience, it was something I think that was sorely missed.

On Monday when I was rolled out, TNN's Trevor Lindsay had asked about young men and about what is there for them. And while this is not directly intended to benefit young men, I think it is an example of the opportunities that do exist and the opportunities that continue to [be provided to] us through this Government. And to Senator Tucker's point . . . no, Senator Bell's point. (Sorry.) I think we can see more examples of how we can collaborate better as a Government. You know, we are coming to the end of a fiscal year, and that means that we have to make sure that monies that were allocated are accounted for and have been spent appropriately. And in many instances, we recognise

that there are more opportunities to do more for our people, whether that is supporting them directly or their businesses and other ventures.

And so again I do support this [draft] Order. You know, I think about the fact that it is not just about big hotel developers who should be able to take advantage of these opportunities. Every day Bermudians should also have the know-how. I do like the idea of making sure that persons are better informed about how to take advantage of these opportunities. And I am sure that the Minister will start to have more of those conversations and get those wheels turning so that the public is better informed.

Again, yes, definitely happy to lend my support.

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

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

Hearing none, then, Minister Darrell, it is back to you.

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

And I would like to take this opportunity to thank the Senators.

Senator Robinson, thank you for your comments. And to that point, this is something that you are going to see us in the Ministry of Tourism, Culture and Sport promoting a lot more. This has been sitting in the Tourism Investment Act for quite some time.

And to the point of Senator Bell, many individuals, entrepreneurs who are currently operating have been eligible for this since it was put in there. And they just have not taken advantage of it. You know, in having a conversation with a young person recently, they took me to task and said, *Listen. The Government is doing amazing stuff. But we don't know about it. Where do I go to find it?* And that is a conversation, as Senator Hodgson did say, I will be taking internally. And we will be looking and saying, *Well, how do we amplify this?*

Because what Mr. Swan has done . . . and let us go back. Anybody who works in multiple pieces or levels of government has seen the correspondence from Mr. Swan as an entrepreneur and the struggles and difficulty that he had to go through to get his business legitimate and for people to take him seriously, because there were so many different hurdles. And we are happy that he has gone through the process of applying for this attraction and this Tourism Investment Order that comes under the Act, under the thing of attractions.

And we do. We are trying to encourage more individuals to apply for this. And I am not going to give away any entrepreneur's ideas, but there are a lot of individuals who come with ideas and people who have business plans that are sitting somewhere. And they say, *Well, how do I get this off the ground?* And the first step would be to contact the Ministry of Tourism,

Culture and Sport. And we have a whole Regulatory and Policy Unit that will walk you through the process.

And just like there are checks and balances with the other Tourism Investment Orders when it comes to hotels, [they] will walk you through the checks and the different benchmarks and approval processes. And then you will see a success story like this. I mean, Madam President, to see . . . I know Senator Wight was there as well. But to see the joy on Mr. Swan's face on Sunday evening when he actually had the gadget there and all of the children who were there at the parade were gathered around. And he said, *Let's . . . you press this button*. And it looks easy at that point. But the back-story is the [number] of hours and amount of time that he put in to planning this fireworks display.

And we sit there, and everybody has it on their Instagram, and they put it on their pictures and say, *Wow, this was an amazing night!* But that is the perseverance of what Mr. Swan has done and the Government for making these opportunities available. And yes, we want more! Because what people will say on the street is, *Oh, here we go, the Government giving another tax concession to large corporations to build hotels*. But it is a guy like Mr. Swan and others who can benefit just as much.

I want to speak directly to Senator Wight's point as to questioning the impact that this will have from a national importance [perspective]. One of the biggest events that the Bermuda Tourism Authority, through funding from the Bermuda Government, invests in is the golf tournament. The Butterfield Bermuda Championship has been here now in this format I think for seven years. And before that there was a different tournament, the PGA Grand Slam. You would have noticed that this year, probably about a month ago now, a couple of weeks ago, there was a big drone display. Mr. Swan was part of that as well! And I can tell you that there are reports that are done every single year that tell you about the economic impact of people coming to this Island for that particular event. And this was in addition to that event. And to see and hear the people talk about that display!

And there is another one coming. I am not sure if [Mr. Swan] is part of this one. But there is another one coming this weekend for the Boat parade. I think there will be a drone display. But this is an example, and we want to see more of this. And I will gladly accept more and more applications for Tourism Investment Orders under the category of attractions, Madam President. If people are hearing, individuals are hearing this debate and saying, *You know what? This is the push and this is the assistance that I have been looking for to get my business off the road to help boost tourism in this country*.

So, Madam President, I want to say thank you to the Senators who have put their support behind this. Thank you to the Senators who have given examples and real-life examples of how this not only is touching tourism but touching entrepreneurs in this country.

So, Madam President, with that said, I say thank you.

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

You can now move your [draft Order].

**Sen. the Hon. Owen Darrell:** Madam President, I move that the said draft Order be approved and that the following message be sent to Her Excellency the Governor:

May it please Your Excellency,

The Senate, having under consideration the draft Order entitled the Tourism Investment (Swan Pyrotechnics Limited) Order 2024, as made by the Minister responsible for Tourism under section 3 of the Tourism Investment Act 2017, together with the written agreement of the Minister of Finance in exercise of the power conferred by section 5 of the Tourism Investment Act 2017, has the honour to inform Your Excellency that the Senate has approved the said draft Order.

Thank you, Senators, and thank you, Madam President.

**The President:** The [message] will be sent, and thank you, Senators, for your support.

*[Motion carried: The Tourism Investment (Swan Pyrotechnics Limited) Order 2024 was approved.]*

**The President:** Moving on with our Orders of the Day, item number 3 [second reading of the Public Access to Information Amendment Act 2024], as I had indicated, will be carried over to our next day of meeting.

And item number 4, the second reading of the Payroll Tax Amendment (No. 2) Act 2024 will be undertaken now. And that is in the name of Senator Arianna Hodgson, the spokesperson for Finance.

Senator Hodgson, you have the floor.

## STANDING ORDER 25

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

Madam President, I would like to start by moving that the provisions of Standing Order 25 be granted so that I may proceed with the second reading of the Digital Asset Business Amendment Act . . . sorry—the Payroll Tax Amendment (No. 2) Act 2024.

*[Laughter]*

**Sen. Arianna Hodgson:** Going back to last week.

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

*[Motion carried: Leave granted for Payroll Tax Amendment (No. 2) Act 2024 to be read a second time on the same day as its first reading.]*

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

Then I move that the Bill entitled the Payroll Tax Amendment (No. 2) Act 2024 be now read a second time.

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

No objection.

## BILL

### SECOND READING

#### PAYROLL TAX AMENDMENT (NO. 2) ACT 2024

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

Madam President, the Bill presented today before the Senate is the [Payroll Tax Amendment \(No. 2\) Act 2024](#). The purpose of this Bill is to further harmonise and modernise the public service vehicle industry.

Madam President, it is very important that we embrace efficiency in government tax collection. In our relentless pursuit of excellence, we must never underestimate the transformative power of efficiency. Especially in the realm of government tax collection, streamlining processes can yield profound benefits for both administrators and taxpayers alike.

When we simplify and modernise our tax system, we create an environment that actually fosters transparency and fairness. By reducing complexity and eliminating unnecessary obstacles, we make it easier for individuals and businesses to comply with tax regulations, ultimately enhancing voluntary compliance.

The introduction of clear tiered structures and fixed tax rates is a shining example of how thoughtful reforms can lead to significant improvements. These measures not only reduce the administrative burden on taxpayers, but also allow our Government to allocate resources more effectively, ensuring that public services are well-funded and robust.

Madam President, this is what this Bill does. The Bill introduces a new payroll tax system specifically for minibuses owners. This revised system will feature a fixed payroll tax structure organised into three tiers based on the seating capacity of the minibus itself.

Under this new framework, owners will no longer be required to engage in complex calculations or reconciliations to determine their payroll tax liability. Also to streamline processes for the owners, the payment of the tax can be made simultaneously during the minibus licensing period.

The new system is structured as follows:

- Tier 1: Minibuses with a seating capacity of up to 15 passengers would incur an annual payroll tax of \$750.
- Tier 2: Minibuses with a seating capacity between 16 and 24 passengers will incur an annual payroll tax of \$1,000.
- Tier 3: Minibuses with a seating capacity of more than 24 passengers will incur an annual payroll tax of \$1,500.

All for a total of an approximate \$221,500 to be collected in revenue as compared to an approximate \$35,000, Madam President.

The introduction of this simplified payroll tax system represents a step forward in improving the efficiency and harmonisation of the tax process within the public service vehicle sector. By establishing a clear tiered structure based on seating capacity, the system removes the need for calculations, thereby facilitating easier compliance with tax regulations for minibus owners. This change not only brings tangible benefits to the operators by simplifying their tax obligation, but it also enhances the overall transparency within the industry.

The tiered approach ensures that the tax requirement is equitably distributed in line with the size of the vehicle, contributing to a more streamlined and efficient public service vehicle sector. This move will undoubtedly create greater compliance and provide clarity for owners whilst we continue to facilitate a more orderly and transparent operating environment across the industry.

Madam President, since we will be charging minibus payroll tax based on seats, we thought it was fair to review what taxi drivers paid, as they also had seat capacity. Madam President, under the previous One Bermuda Alliance Administration, taxi owners faced an average annual payroll tax of \$3,000. In 2019, the Progressive Labour Party took decisive action reducing this tax burden to \$1,000 per year. Now we have taken it a step further by reducing the payroll tax for taxi drivers from \$1,000 to \$600, representing an additional \$400 reduction. Madam President, it is an 80 per cent reduction in payroll tax that taxi drivers will have to pay.

Madam President, this reduction is designed to ease the financial burden on taxi operators and to help create a more balanced and equitable structure within the industry. This comprehensive approach not only improves the operational efficiency of the sector, but also generates a more inclusive and supportive environment for all operators. Ultimately it contributes to the overall enhancement of the public service vehicle industry.

Thank you, Madam President.

**The President:** Thank you, Senator Arianna Hodgson. Would any Senator care to speak on this Bill? Senator Dwayne Robinson, OBA, you have the floor.

**Sen. Dwayne Robinson:** Thank you, Madam President. And the Opposition does support any sort of tax relief or tax reform that not only lowers taxes for an entrepreneur such as a taxi operator, but also creates a tax regime for the minibuses.

My question is just along the lines of consultation. There has been a public strain of a relationship between the BTOA [Bermuda Taxi Owners and Operators Association] and the Government. And I just wanted to ask if they were consulted with this particular legislation, because it is a step in the right direction. I am sure taxi drivers will welcome a relief to their payroll tax. However, there have been mentioned other ways that this particular tax could be amended to service the industry a bit more. And I will not proceed anything or speak on behalf of an entire industry. But I do believe that it would be wise for Government to consult and speak with the BTOA as to how some of their recommendations that they have made public can be implemented to make this system (and transport as a whole) better.

With this Bill obviously not being under Transport, I would not expect the Junior Minister to weigh in on it. But I think that they intertwine in a way. So, I also would like to ask what . . . is this one of the steps taken to repair that relationship with the BTOA? Because my concern is that we see a lot of things happening in tourism. And this is a good thing for the Island. And our tourism product is experiencing a boost when it comes to the potential openings and the investments that we see. So, it is very crucial for us to have a transport system for tourists that really works.

So, it is a question of parity here as well. Because you have up to 15 seats for a minibus, and that is only 150 more than a taxi, right? It is just little things to make sure that you are providing equal opportunity for all of the entrepreneurs involved and not skewing in any way. So, I just would like to hear if any consultation was done on this particular Bill, and if anything is coming preceding it that will include some recommendations from the BTOA.

I would like to just also hear a little bit from the Junior Minister on some of the data that were consulted or used to determine that this was the best method to go, as far as the tiers and the particular amounts that are taxed when in comparison to taxi drivers. And also whether or not there are adequate and efficient TCD [Transport Control Department] data available and whether that system is being properly managed, which would be able to inform Government on the comings and the goings of the transport system—taxi drivers and minibuses—and whether or not that was used to inform this particular decision.

And the reason I am asking these particular questions is because there is a sentiment that has been stated publicly by some, and also by the BTOA and others in the industry, that this is an election season. And we have to be honest that it could potentially be perceived as a way to somewhat win back that particular

industry without doing the actual groundwork to really address and implement some of their concerns that they have to effectively enhance their industry and modernise it for the coming times. So, I just want to be sure and give the Junior Minister the opportunity to dissuade that particular idea by letting us know about the going-forward, the collaboration between the BTOA and the industry as a whole.

So, with that, I look forward to hearing the answers. And we support this Bill.

Thank you, Madam President.

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

Would any Senator—

Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

I fully support this Bill. I think it is fair and appropriate. So, I am in full support for it.

Thank you, Madam President.

**The President:** Thank you.

Senator Kiernan Bell, Vice President, you have the floor.

**Sen. Kiernan Bell:** Madam President, I do have some questions on this Bill. My starting position really is that this is a payroll tax amendment Bill. So, it starts with, what is a payroll tax? And in Bermuda, as we know, payroll tax is levied on all employers, self-employed individuals and deemed employees based on remuneration. So, the reason I am struggling with this a little bit is that we are treating a certain portion of our self-employed community and some of our employee community completely differently if they are in the public driving, taxi driver industry. And I struggle with that because the tax system should be equitable and fair not based on what you do but based on the revenue that is derived from that. And we are creating this two-tiered system.

I listened carefully to my colleague, Senator Hodgson, when she was referring to the reasons behind this. And it appeared that the driver was efficiency in tax collections. And if I look back in time to 2018 . . . so this original difference created for taxi drivers was effective the 1<sup>st</sup> of April 2018, the \$1,000 prepayment (if you like) of payroll tax, which was only for taxi operators. It is not for taxi drivers. And at the time, it was indicated that the reason for that was because such a large portion of the taxi owner/operator/driver community was not actually contributing to the payroll tax system. There were only 411, I think, was the actual statistic that was recounted, if I am permitted to say, in another place by the then Premier, who is the now Premier, who were paying those payroll taxes.

So, this was at the time intended to make sure and fix that through a simplified process so that the taxi owners and operators would pay, prepay \$1,000 payroll tax annually as part of that licensing regime.

Now taking a step back for a moment, the rest of Bermuda pays payroll tax quarterly. Every other employer in Bermuda other than, I think, fishermen and farmers, who are exempted for other public policy reasons (so I will not touch on them for a moment) are required to pay that quarterly payroll tax on what payroll is actually paid. I am sure there are many other employers, self-employed employers in particular in Bermuda, who would appreciate very much the ability to prepay an amount, who might be similarly fixed in a similar type of an income bracket (if I can put it that way) as self-employed. And I can imagine people like self-employed general contractors who provide maintenance who have to pay for truck licences for their trucks (but, you know, they are not making huge sums of money) would very much appreciate to administratively streamline their own businesses and prepay \$600 and prepay all of their payroll taxes.

Similarly, you can imagine people who worked as housekeepers who were self-employed. And there is a host of other types of self-employed people in Bermuda who you can imagine would benefit enormously from having this type of a provision made for them so that they can prepay a capped sum—a capped sum.

So, at the moment, a taxi operator will be paying a capped payroll tax of \$600, if this passes (reduced from \$1,000), which means if any taxi operator makes more than \$52,000, using the payroll tax calculator on the government's website, they are ahead. They are ahead of every other person in Bermuda who earns a similar amount.

And I suppose my question is, Why? Why is that considered appropriate for one industry and not all? And is there any consideration being given to giving optionality to other employers in Bermuda who are in a similar scenario who can prepay and cap their payroll tax liability in this manner? And secondarily, why is it considered appropriate only for taxi drivers and now minibus drivers?

Thank you.

**The President:** Thank you, Vice President Kiernan Bell.

Would any other Senator care to speak on this Bill?

Senator Tucker, OBA Leader in the Senate, you have the floor.

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

I actually only have a point of clarification I am just looking for. I just want to be clear that the minibus operators will have to pay payroll tax on every vehicle that they own. So, if an operator owns five minibuses, [do] they have to pay payroll tax on each of those minibuses? Just as a point of clarification.

Thank you, Madam President.

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

**Sen. Arianna Hodgson:** Madam President, I just want to start by simply responding to Senator Tucker's question by saying yes. That would be per vehicle.

I also want to take a step back to Senator Robinson's question about consultation to say that of course we have been in constant contact with the Bermuda Taxi Owners and Operators Association. It is a relationship that obviously continues to evolve. We understand the touchpoints that have been contentious in some areas. But I think that as we have seen, we have been able to find some resolution for taxi drivers, taxi operators themselves in terms of increases and some (I guess) reform to what was currently existing.

I can also say that obviously before we bring a piece of legislation to this space, this Bill has gone through analysis. This Bill has gone through drafting and revisions. And so, before we get here of course there is a lot of consultation that takes place. So of course, it is not appropriate to say that this is a matter of an election promise. It is something that we are constantly thinking about as a Government. We have reduced payroll taxes for workers across the board. We have continued to have conversations about how we continued to expand that reduction in payroll tax for those who are warranted.

I would also comment that when we think about the difference in payroll taxes and the variations in different industries, I think it is worth highlighting the fact that there are a combination of economic, social and policy factors that obviously have to be considered as we consider the unique needs and circumstances of each industry. So I cannot speak on behalf of any Minister in terms of the final policy decisions that are made, but I can say that as a Progressive Labour Party Government, payroll taxes and relieving the burdens on workers is something we are always looking to do.

I am just making sure that I covered the points. I appreciated Senator Wight, who believed that bringing amendments was fair and appropriate. So, I want to thank him for his support.

I think that addresses the comments and questions that were made by my colleagues.

And so, Madam President, I would like to move that the Bill entitled the Payroll Tax Amendment (No. 2) Act 2024 be now read a second time.

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

No objection.

### SUSPENSION OF STANDING ORDER 26

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

I move that Standing Order 26 be suspended in respect of this Bill.

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

No objection.

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

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

I move that the Bill entitled the Payroll Tax Amendment (No. 2) Act 2024 be now read a third time.

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

No objection.

## BILL

### THIRD READING

#### PAYROLL TAX AMENDMENT (NO. 2) ACT 2024

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

Then I move that this Bill do now pass.

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

Is there any objection to the [passage] of the Bill?

No objection. The Bill is passed.

*[Motion carried: The Payroll Tax Amendment (No. 2) Act 2024 was read a third time and passed.]*

**The President:** Thank you, Senator Arianna Hodgson, and thank you, Senators, for your support of this Bill.

We will now move on then. And the next Order of the Day is the second reading of the Contributory Pensions (Amendment of Benefits and Validation) Act 2024. And that is also in the name of Senator Arianna Hodgson, the spokesperson for Finance.

Senator Hodgson, you can present your Bill when you are ready.

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

Madam President, I move that the Bill entitled the Contributory Pensions (Amendment of Benefits and Validation) Act 2024 be now read a second time.

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

No objection.

## BILL

### SECOND READING

#### CONTRIBUTORY PENSIONS (AMENDMENT OF BENEFITS AND VALIDATION) ACT 2024

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

Madam President, I am pleased to present the [Contributory Pensions \(Amendment of Benefits and Validation\) Act 2024](#) to this Honourable House. This Bill seeks to amend the Contributory Pensions Act 1970 to retroactively validate certain payments made which were calculated on the basis of certain increased rates during the period 16 August 2018 to 15 August 2019.

Madam President, this Bill also seeks to validate the payment of such increase in benefits during that period.

Madam President, the Government has put through six pension increases in its time in Government as part of its promise to put our seniors first and to institute annual cost-of-living increases for social insurance pensions linked to the rate of inflation to help lessen the hardships that too many of our seniors now endure.

Madam President, the House may recall that the Contributory Pensions (Amendment of Benefits) Order 2018 was approved in December of 2018, but was not subsequently published in the *Gazette* as is required under the Statutory Instruments Act 1977 and, therefore, did not complete the legislative process.

Madam President, the House should be advised that the Director of Social Insurance implemented the increased rates based on the calculations proposed in the Order. Madam President, you would appreciate our prudence in addressing this misstep to ensure continuity in the law. This amendment seeks to ensure that payments of benefits based on the increased amounts made by or on behalf of the director with respect to the relevant period shall be deemed to have been properly and validly paid.

Thank you, Madam President.

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

Would any Senator care to speak on this [Bill]? Senator Tucker, OBA Leader in the Senate, you have the floor.

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

We have no issue with this Bill. It is an administrative update really to correct an error, something that was overlooked some time ago. It causes me a bit of concern that we are correcting something that happened five years ago, and it took five years to actually accomplish that. So, as I said, it is a little concerning. But we are here now, and it has been corrected. So, there is no issue.

I would, though, like to ask. In September I asked about where the 2020 to 2023 actuarial reports were. And we still do not have those yet. So, if the Junior Minister could give an update on that, that would be fantastic.

Thank you, Madam President.

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

Would any other Senator care to speak?  
Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

I am in support of this Bill. As long as the House and the Senate have previously approved the rates in 2018 as the Junior Minister has just stated, then I am in support of it. I just see it as being administrative in nature. But five years is a long time to discover it. But that being what it may, I think the appropriate thing to do is to correct a mistake that was made.

So, thank you, Madam President.

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

Would any other Senator care to speak on this Bill?

Senator Wilkerson, Attorney General, you have the floor.

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

I just wanted to comment. I know there is support in the Chamber for the Bill, and I think just a couple of questions around why might it take so long to recognise an error from five years ago? I just want to say, certainly in my new role and becoming familiar with what happens in Chambers in the drafting section, there is a constant review of pieces of legislation. And sometimes it is in doing something new that there is a look-back to find out that something did not work that was previously done. And the view is, the minute that there is recognition that an error has been made, I think the protocol has been, in spite of the fact that someone might not have noticed, it has been a long time, we want to correct legislation as we go and as we find it. Because we know that other changes in subsequent pieces of legislation, this may be foundational to something else so that is the reason that it is important to make these changes at the time, notwithstanding how busy the drafters are doing other things.

Thank you.

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

I believe it is over to you, Senator Arianna Hodgson, to pass your Bill.

**Sen. Arianna Hodgson:** Thank you, Madam President. I would like to thank those in the Chamber who have lent their support.

Senator Tucker did have a question about the actual reports. And I can say that while they are done, they will be making their way to us very soon.

*[Inaudible interjection]*

**Sen. Arianna Hodgson:** Yes.

*[Laughter]*

**Sen. Arianna Hodgson:** Yes, and so I will make sure that you have all of the reports that you need, Senator Tucker.

And so, hearing no other questions, Madam President, I want to move that the Bill entitled the Contributory Pensions (Amendment of Benefits and Validation) Act 2024 be now read a second time.

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

No objection.

### SUSPENSION OF STANDING ORDER 26

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

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

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

No objection.

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

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

Then I move that the Bill entitled the Contributory Pensions (Amendment of Benefits and Validation) Act 2024 be now read a third time.

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

No objection.

## BILL

### THIRD READING

#### CONTRIBUTORY PENSIONS (AMENDMENT OF BENEFITS AND VALIDATION) ACT 2024

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

Then I move that the Bill do now pass.

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

No objection.

The Bill is passed.

*[Motion carried: The Contributory Pensions (Amendment of Benefits and Validation) Act 2024 was read a third time and passed.]*

**The President:** Thank you, Senator Arianna Hodgson, and Senators for your support of the Bill.

## MOTIONS

**The President:** There are none.

### CONGRATULATORY AND/OR OBITUARY SPEECHES

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

Minister Darrell, you have the floor.

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

I would like to take this opportunity to . . . (Hold one second. Sorry. Thank you, Madam President.)

I would like to take this opportunity to congratulate first and foremost two of the female Senators of this Chamber. First I would like to recognise and congratulate the Attorney General, the Minister of Justice, Senator the Honourable Kim Wilkerson (also my cousin) for her recognition by ABIR [Association of Bermuda Insurers and Reinsurers] this past Monday for all of the work that she has done in private business and, more importantly, the work that she is about to do in her role as Attorney General and Minister of Justice. It was good to see her celebrated in that space, Madam President. On Monday, unfortunately, I was unable to get there. I was invited. But I know that that organisation, as well as many Bermudians, are very excited and proud of the work that [Senator the Honourable Wilkerson] has done and will continue to do in that space.

And following on with that, congratulations on a successful Community Connect that the Attorney General had last evening up in Warwick at the Warwick Workmen's Club, at which she was joined by another female Senator, Senator Arianna Hodgson, who also, coming off of a recent announcement also on Monday that she will be the candidate up in constituency 25 in Warwick, where Warwick Workmen's is located. And I want to say thank you because it is very important that we get out in the community, and it is very important that the community is recognising the work that is happening not only by the Government, but also by well-educated and well-spoken females of this community. So, I am happy and privileged to be in the Senate with those two in particular in this particular space. And congratulations to them for being honoured and being recognised for the work that they are doing and will continue to do in the community.

And while we are talking about Warwick and constituency 25, which Senator Hodgson is going to be running in, I want to talk about Warwick Workmen's Club. I did have the opportunity following the event last night to interact and do further connection with the executive members of Warwick Workmen's Club. And I just want to congratulate them. Because sometimes you go to these establishments, and there will be people who will turn up their nose to these establishments

and say, *Well, you know, all it is is what they would they call a watering hole.* But that is not the case because the conversations and the dialogue that was had last night with the executive members . . . and I will call them out. We had Mr. Kian Butterfield there. I think he is the Secretary, I think, of Warwick Workmen's. We had Mr. LaDonja Bailey, who is the Vice President of Warwick Workmen's. We also had the President who was there (and I am drawing a blank on his name right now. And I do apologise.)

But it was really good dialogue with the executive and some of their members last evening. And you know, that is very important. Because those places, and I was also at the Leopard's Club before I went up to there. And I want to congratulate these clubs for the work that they are doing in even just providing a space where individuals can discuss, individuals can kind of have very healthy dialogue as to where their country is and where their country is going. And to further discuss amongst each other the opportunities of fairness that they see and are benefiting them.

So, I want to say congratulations in this case to the executive of Warwick Workmen's and also the executive of the Leopard's Club, where they hosted a very successful third annual Eggnog and Dialogue, which was put on by the Department of Culture.

So, as we move into further holiday celebrations, I am sure there will be more times to congratulate and highlight individuals and organisations in our community that are doing good work to bring people together and good work to highlight all things that are happening in Bermuda.

So, thank you, Madam President.

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

Would any other Senator care to speak?

Senator Tucker, OBA Leader in the Senate, you have the floor.

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

I will selfishly . . . since the Minister was talking about things going on in the community, I will selfishly say, *Thank you very much to everyone who attended my Seniors Tea on Sunday at St. Mark's.*

*[Inaudible interjections and laughter]*

**An Hon. Senator:** I wasn't invited!

**Sen. Robin Tucker:** You are not a senior yet, Minister.

*[Laughter]*

**Sen. Robin Tucker:** I want to say congratulations to . . . I do not have these two ladies' last names, but they started a group called Beyond Inclusion, Brianna and Rebecca. They invited a bunch of people to come and see a movie last night at the Media Lounge. And the movie was called *Out of My Mind*. And it was about a

young lady who has cerebral palsy. And it just sort of went through the challenges that she was having integrating into mainstream schooling and things like that. And it was a very, very insightful movie. Because it really just went through her day-to-day challenges. And certainly, you are left kind of being reminded that people, just because they have a disability, that they are still people and they still deserve to be treated accordingly. So if anyone has an opportunity to see that, [hosted by] Beyond Inclusion, I would certainly suggest it. It is very, very good.

I would like to also extend condolences first to my family, to the Butterfield family. My uncle Quinton Butterfield has passed away. He was 99 and would have celebrated his 100<sup>th</sup> birthday on January 27. So, I just want to again say to my family my condolences publicly.

And as well as I want to express condolences to the family of Kenneth Brangman. Kenneth Brangman was a constituent in constituency 7. I also know him as he worked as a caddie at Mid Ocean. He was ill, and when I did find out he was ill, I had called him up and I had promised to call him periodically just to check in on him. And we had some good conversations. And I am grateful to say that I did that. And we had some really good conversations. Good guy, nice guy, and it is very sad to know that he has passed away.

So with that, Madam President, thank you. And that is all I have today.

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

Would any other Senator care to speak on congratulatory or . . .

Oh, sorry, Arianna Hodgson. Senator Arianna Hodgson, you have the floor.

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

I wanted to, I guess, echo some of the comments made by our Senate Leader, Minister Darrell. I would like to celebrate our newest Attorney General, Senator Kim Wilkerson, who is also our Minister of Justice. Minister Darrell spoke to it briefly, but at ABIR's year-end reception, they actually honoured Pina Albo, who had been their first female chair, as she was making her way out. And they actually celebrated our Attorney General that same evening. So I thank them for their recognition.

I also wanted to celebrate Colin Rego and Carl Vincent on the soft launch of Pronto City Market. I actually met Carl years ago. We were both in BEDC's [Bermuda Economic Development Corporation] entrepreneurship programme. I was working on my baby food, and they were working on Droplt at the time. And then we met again at Ignite. We did that programme together. And he is always working on something. The both of them, they are not just innovative and visionary; they are persons who actually get out there. They do the work. If it does not work, they try something else.

And that is the type of innovation and creativity that drives our economy, that drives our community. So obviously, congratulations to them.

Then finally, the Progressive Labour Party just this morning announced their latest candidate in the upcoming election. He is actually Shomari Talbot-Woolridge. He is the Progressive Minds Chairman. He will be running in constituency 9, Smith's West. So I would like to congratulate him on today's announcement and wish him every success.

That is all, Madam President. Thank you.

**The President:** Thank you.

**Sen. Arianna Hodgson:** Oh, wait! Sorry. One more thing.

While I am there, I just want to thank those who have assisted me in the lead-up to my announcement and those who are getting ready to head out with me as we get out in constituency 25. Grateful for the support from all sides, all walks of life. I truly appreciate it.

*[Inaudible interjection]*

**Sen. Arianna Hodgson:** Yes. it has been all of them.

*[Laughter]*

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

Now, Senator Lindsay Simmons, you have the floor.

**Sen. Lindsay Simmons:** Thank you, Madam President. I am just going to be really fast.

I just want to congratulate MarketPlace and all of the participants in the parade. It was an amazing evening on Sunday. My nephew, who is two months old, was so excited. He was lighting up as the parade went by with all of their lights. Obviously, he does not understand what was going on at two months. But just to see him smiling when the lights came up. And honestly, all of the participants who participated in the parade . . . so, thank you, MarketPlace. And obviously a great fireworks display that we were able to watch.

And I do want to join my Senate colleague to my right and congratulate her and Shomari. They are some of the youngest in the room for the PLP. And I think they will be great MPs when they win their seats. So congratulations on your roll-out this week. And, Madam President, hopefully Senator Hodgson will be in another place next time. Thank you.

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

Would any other Senator care to speak?

No? Oh, I beg your pardon.

Minister Wilkerson, Attorney General, you have the floor.

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

I did not want the opportunity to miss me to join my colleagues in congratulating Senator Hodgson on her roll-out as an approved candidate for Warwick, constituency 25. It is where I grew up, so my roots are there. And I am very much looking forward to seeing what Senator Hodgson will do as she goes forward. As I believe I said to a group last night, she is the face of the go-forward PLP in engaging and supporting younger candidates who are connected with our community. So, I am wishing her every success and take this platform to join my colleagues in congratulating her.

Thank you, Madam President.

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

Would any other Senator care to speak at this time?

Hearing none, then we will move on.

## ADJOURNMENT

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

Madam President, I now ask that the Senate do adjourn until next week, Wednesday, December 11.

**The President:** Mm-hmm.

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

Senator Lindsay Simmons, you have the floor.

## ELIMINATION OF VIOLENCE AGAINST WOMEN

**Sen. Lindsay Simmons:** Madam President, I was not going to speak. But I just remembered, I was just sitting here thinking about the MPs in another place on Friday. Minister Hayward was speaking about domestic violence. And I had the opportunity to sit in a room last week with Senator Hodgson and the Attorney General, Kim Wilkerson, and Minister Furbert and some other people. And I am reflecting on Minister Hayward's speech. And I had someone who was sitting at the table, Linda Bogle-Mienzer, who was speaking as well at this roundtable. And she was speaking about men standing up. We need our men to stand up and speak about and speak against domestic violence against women.

So many times we hear about survivor stories. But we hardly hear from our men. We need men to stand up and say, *Enough is enough!* If you see somebody who you know is abusing, whether it is physical or financial, stand up and let them know that it is not right. We need more men to stand up like Minister Hayward and say that we are not going to allow our men to continue this abuse on women.

I believe that if we have more men who stand up, especially in politics, businessmen, police officers

. . . we have so many positive male role models who also turn a blind eye. I believe that men and women are doing a disservice to the community by seeing things and saying, *That is not our business*. Somebody in our meeting, I believe it was the Assistant Commissioner who said, *Before, everybody wanted to mind their own business and was told to mind their own business. But when we mind our own business and do not stand up for what is wrong, then we are just doing this country a disservice*.

So I do not want to be long. But I do want to say that, as a survivor, I thank my daddy for standing up for me. And I pray that more men will stand up for women like me who could not stand up for ourselves at the time. So I ask all men to stand up, speak on it, speak against it. Put up op-eds. If we are going to put up an op-ed, put up an op-ed from a man to say that we are not going to allow our women to be abused.

So thank you, Madam President. And again, stand up, men!

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

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

Minister Wilkerson, Attorney General, you have the floor.

## ELIMINATION OF VIOLENCE AGAINST WOMEN

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

Like my colleague, Lindsay Simmons, who just finished speaking, I also wanted to talk to the issue of domestic violence. Today, Madam President, is day 10 of the 16 Days of Activism in relation to domestic violence awareness. This has been promulgated by the United Nations Women organisation, the United Nations Population Fund, the International Labour Organization and of course here in Bermuda, my colleague referred to the roundtable conversation that we participated in last week, which marked day 1. So we are now in day 10 of the 16 Days of Activism.

And I thought it was important to use this forum, Madam President, to talk about it a little bit more. As my colleague just said, we heard a very impassioned speech from our colleague in another place, Minister Jason Hayward, last Friday as a man standing up. And what he was saying, as my colleague has said, *If you see something, say something*. And on the page for the UN Women organisation, they are hash-tagging the 16 Days of Activism with the slogan *No excuse*. And the idea is that there should be no excuse to allow domestic violence, violence against women and girls, to continue in the way that it has.

Madam President, if you will permit me, I would like to read just a little bit from the UN Women page, which talks about the 16 Days of Activism and why it is important.

**The President:** You certainly may.

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

So according to that organisation, “Without ending violence against women and girls, the world cannot reach the Sustainable Development Goals . . .” (which have been set out). “This violence remains a major barrier towards gender equality, a commitment made at the Fourth World Conference on Women . . .” So the hashtag #NoExcuse is something that I believe every community, and Bermuda included, should ponder. So taking steps to stop violence against women, there are three key points set out:

1. “End impunity by advocating for and establishing laws and policies that hold perpetrators accountable.” And that, Madam President, is something that we intend to do more of. Members of the community, those in the listening audience would have heard in the Progressive Labour Party’s Throne Speech that the domestic violence court programme is one of the things that will be rolled out in this legislative season (in the next 12 months it will be built upon) that will continue to advocate, establish laws and hold perpetrators accountable.
2. In addition, as the UN has set out, a step taken will be to adopt and implement plans, national plans to end violence against women and girls. And such plans should be definitive policies and also investing in decisions that make a difference. So there, government resources have to be brought to bear to bring this into fruition.
3. Invariably, to “Invest in prevention . . .” (programmes to ensure) “rights . . . and access to essential services for survivors.”

Madam President, my colleague, Minister Darrell, referred to a community conversation last night. And I was presenting . . . “Presenting” is probably too strong of a word. I was having a conversation with members of the community and Community Connect. And at the end of the night, a woman came up to me and she asked about getting assistance for a situation where she described a survivor of domestic abuse (and in this case, she did not mind my sharing), an incestuous situation, where the perpetrator had served time in prison here in Bermuda, has been released. They have finished serving their time. But the injustice that she described was that the victim must annually go to get her protection order renewed. Our current systems do not provide for an open-ended protection order. And this was something that was not known to me. I am learning on the job as fast as I can.

And it would seem to me that the obvious way that this should work in such a situation would be that you get a perpetual protection order. And that if the situation changes and that victim in the case somehow was able to forgive and make amends with that parent, that they can then ask for it to be lifted. But not the other

way around. And what happens in this situation is that that victim is victimised annually by our system because she is having to go through the process of getting that protection order. And we understand that, you know, family reunification may be a goal. But there are so many egregious circumstances where the rights and the protection ongoing for that victim have to be paramount.

So I use that example to say, Madam President, that there are things that we can, we must and we will do to strengthen protections for victims, to continue to advocate for reduction in domestic violence in our country. What I have learned, Madam President, is that according to the UN, governments can and certainly will pass laws. But those who do, they say countries that have powerful laws to stop domestic violence have on average lower rates of intimate partner violence than countries that do not attack it via laws. And that statistic is 9.5 per cent compared with 16.0 per cent in countries that do not have laws directly related to that issue.

As my colleague has said, we are in a period where if you see something, you must say something. There are no excuses and there are particularly no excuses to prevent us as a Government from continuing to build our laws to look at this issue very carefully and to stand up to reduce and stop domestic violence and violence in general against women and girls. So that is the mantra. We are at day 10. But this is something in the 16 Days of Activism that we should continue to keep in mind and [keep] at the front of our consciousness beyond the end of the 16 days.

Thank you, Madam President.

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

I see three hands.

Senator Dwayne Robinson, I will allow you to go first.

## ELIMINATION OF VIOLENCE AGAINST WOMEN

**Sen. Dwayne Robinson:** Thank you, Madam President.

I just wanted to be very brief in saying that I am extremely supportive of what has been said by my colleagues in the Progressive Labour Party in response to domestic violence. And as a man in the Chamber, I wanted to take this opportunity to speak out and to take the advice of my colleague and to say that we need to have zero tolerance for domestic violence. We need to have zero tolerance for violence in all forms, especially, though, against women and children. Because as we have seen, the statistics do not lie. And that is where the majority of these cases are. And unfortunately, they are on the rise. So as they get to the community, this is something that we need to pull together about. This is something that we need to speak to the young men about in our lives.

I frequently have this conversation with my little brother, who is 16 now, about how he needs to approach and respect the women in his life. And, you know, I do not want to hear even raising his voice an inkling to our mother at all, right? So, it is just our doing our little part in our society and using our platforms and our voices to speak against it.

So, I think Minister Hayward was right to highlight this issue. As a man, it was very crucial for him to speak out as a Member of Government. And I think that most of us in the Chamber will say we are always moved by Senator Lindsay [Simmons's] speeches on this topic, as somebody who has not only gone through it, but has come out, in my opinion, as a stronger person who contributes to this Chamber.

### CRACKING DOWN ON SUBSTANCE ABUSE

**Sen. Dwayne Robinson:** And I just wanted to make a segue a bit to substance abuse. Because I believe that a lot of these things tie in to the rise in violence across the board that was seen and the rise of offences. You know, we have a culture that has somewhat accepted . . . you know, Bermudians love to drink, blah-blah-blah. We all know the song. All of us have grown up, we know the Bermudian culture. And I think that this is something that across the board legislators need to have dialogue on.

Because as we have seen, the arrests of impaired drivers has increased to a three-year high. Right? And I believe that if we drill down on a lot of these cases of alcoholism, any sort of substance abuse, we will find mental health [disorders]. We will find domestic abusers. We will find violent offenders. Because a lot of that is tied to being in a substance abuse sort of situation. A lot of that has to do with how that manifests in the lives of people, whether it be speeding, driving under the influence or abusing your partner, abusing your spouse or whatever.

So I think that we need to have an equally strong stance on this culture that we have accepted, about cracking down a bit on our substance abuse and driving while under the influence, and also linking this for people. Because I feel like a lot of times, we address problems separately. And I think folks need to see the link between, you know, domestic violence and alcoholism or substance abuse. And how letting your friend get on their bike while they are intoxicated or letting your friend go home to his spouse intoxicated, you know.

And I do not want to seem as though I am just coming down on one gender in this regard when it comes to substance abuse. But I do think that we have to take collective responsibility of, yes, your friend has come out to drink with you. But what happens after? When they leave the bar and they are intoxicated or they are using any sort of drug, what happens after they leave you and you guys have had that good time? Do

they go home and take it out on their children? Do they take it out on their spouse?

So, we need to take a collective responsibility here as far as making sure your friends know their limit. Making sure your friends get home safely. Making sure that transport is laid out. And if you are aware of the negative consequences of that night out with you, then you unfortunately are part of the problem if you continue to bring that person out, knowing that they are going to go home and take it out on their loved one.

So I think that we need to highlight issues that thread together. We cannot simply make statements and then go back out and continue the same behaviour. I have always been one of the people who, in my friends' circle, is always considered to be a nagger in a sense. And I have always been told, because I am always the one tapping them on their shoulders and saying, *Excuse me. How many fingers do I have up?* or whatever it is. And it is always, *Eh, you know, I'm having fun.* But it is the responsibility, I find. If I care about my friend, if I care about my loved one, I want them to get home safe. But not only to get home safe, but I want them to live in a safe environment in their home.

And I think that this is something that, if we do really care about our loved ones, then this is something that I think the whole community can get behind. So I am very, I use the word "proud" of my colleagues today for highlighting this very crucial issue. And I just wanted to join my voice to highlight substance abuse in our community and that we need to be kind of treating those things hand in hand going forward.

With that, Madam President, that is it for me. Thank you.

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

Dr. John Wight, you have the floor.

### ELIMINATION OF VIOLENCE AGAINST WOMEN

**Sen. John Wight:** Thank you, Madam President.

It is usually much easier for me to talk about things like Tourism Investment Orders than it is the issue at hand. But I just want to lend my absolute 100 per cent support to all of my Senate colleagues in talking about the issues that are affecting so many families in not just Bermuda, but everywhere around the world. And I guess I was fortunate enough to be raised in a family where we learned to have great respect for all women, all children. And to see so many cases of abuse in Bermuda is troubling to everybody.

So as a male, I just want to thank all of the females, all of my Senate colleagues who have spoken so beautifully on this very important issue.

So thank you, Madam President.

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

Would any other Senator care to speak?

Senator Robin Tucker, OBA Leader in the Senate, you have the floor.

### ELIMINATION OF VIOLENCE AGAINST WOMEN AND MEN

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

There is not much that I can add. I just wanted to add support to what my Senate colleagues have already said.

I am just loving the love in the room today. I really am.

[Laughter]

**Sen. Robin Tucker:** Although I know we are talking specifically about women today, and the Attorney General has sort of set a foundation, I just feel obligated to also add, because our comments have mushroomed a little bit more broadly. Because I do not want to leave the men out who are also being abused. Because it is easy to do unintentionally because, obviously whenever we . . . I think as a community we have been conditioned to, as soon as we hear *domestic abuse*, *domestic violence*, because it has been largely women who have been the victims of abuse that it is easy to unintentionally discount the men who are also victims of abuse.

And it is a difficult thing for a man to admit that he is being abused. But there are some in this community who are in those situations. So I just wanted to add just that tiny little piece because it is a very important piece. And if there are any men who are listening who are in that situation, just know that there are some of us who are supporting you as well. And that you are not forgotten and that you are not left out. And I do know that from a more holistic point of view that resources are coming.

### DOG ATTACKS

**Sen. Robin Tucker:** If I may, I just want to just ever so briefly just mention something that is also a real concern of mine. I have not brought it up in a while, but I just feel compelled to now. And that is the issue of dog attacks. Fairly recently, there were several more dog attacks. And I mean, I do not know if I could use the word “angered” or “frustrated.” I do not know what the appropriate word is, but I was very, very, very upset at the fact that these . . . not just the dog attacks, that is an issue in itself. But a two-year-old child had been bitten in one of those dog attacks.

And so, I just want to remind that some of us in the public are waiting for some movement on this because it is a critical issue. And it is something that is not going to go away by osmosis. I can only imagine, and I am not saying that nothing is happening in the background. It is just stuff that is happening that the public is not aware of. I am not aware of [it], and the public is

not aware of [it]. We know that a report has gone to the Minister. But we have not heard anything since. And that was sometime in the summer.

So, as I said, I just wanted to highlight that because it is a very important thing. And it is a very important thing that we need to address. It is difficult because there are various components that make it somewhat of a contentious issue. However, it is one of those issues that we have to face, and we have to deal with it before someone else gets very, very, very seriously hurt. Thank you, Madam President.

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

Would any other Senator care to speak?

Senator Arianna Hodgson, you have the floor.

### ELIMINATION OF VIOLENCE AGAINST WOMEN AND MEN

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

I wanted to join the conversation that was initiated by my colleague on this side. And I wanted to lend my voice to the awareness that has been spread around the elimination of gender-based violence. And of course they tell you not to read the comments, but of course I always go and read the comments. And there were some men in the comments who spoke about the need for someone to speak up for men. I thought it was really important to recognise that generally, obviously there is abuse that is being experienced on both sides.

We also spoke about the conversation we were having with Minister Tinee Furbert at the roundtable. And what I had shared there was that I had an instance with a friend of mine. We were having a conversation. And she told me not that she was directly disappointed, but that she wished I would have been there for her in ways that I was not while she was being abused. And I told her that I did not even recognise that in that time she was being abused. But beyond the fact that I did not know, I would not have known how to intervene, how to step in, how to provide some type of support.

So, during the conversation, we talked about the fact that in many instances persons just do not even know that they are being abused. They do not understand abuse and all of its forms. They do not understand the elements and dynamics of power in abusive relationships and how that leads to unfortunate circumstances. So, I was doing some thinking, and I am always doing the talking piece. And so, I was like, *Well, what are five things that I can say to better inform the public, to better inform my peers and young persons around me?* And the first thing is that abuse can take many forms. There is financial abuse. There is emotional abuse. There is the physical. There are so many elements of abuse.

And as I spoke to briefly last week, we are seeing the impacts of that abuse in so many different ways. It is impacting our young people, our middle-aged

persons, right up to our senior years. So, the second thing was that of course, like I said, it affects people of all ages, of all backgrounds, of all genders. So, when we think about that and the fact that I guess abuse also involves an element of power and control, I think it is important that we have to give our young people and our peers—because again age is no differentiator—the tools to say, *Hey. I recognise this as abuse.*

The fourth thing is that it is not the victim's fault, that it is never the victim's fault. I know that sometimes you try to rationalise, you try to have conversations around, you try to think about what behaviours perhaps would have resulted in the final abuse at the end. And we have to remind ourselves, our peers that it is never your fault, that there is never justification for abuse in any of its forms.

And then finally, help and support are available. So, I was sitting at a table where we had the Attorney General present. We had our Minister of Youth, Social Development and Seniors. We had Tammy [Richardson]-Augustus in the room. We had Juanae Crockwell, Women's Resource Centre and Laurie Shiell of the Centre Against Abuse. We had representatives from the Gender Affairs Council. And within our council, we have a male member who often reminds us that it is not just about women. You know, this problem is bigger.

And while I often say that women . . . we invest in women, you protect even more than just the woman, I think it is important that we all feel that there is a space that we can go to. And I think that we have to, just us as a Government, we have to do a better job of telling the story, of saying that, *Hey, this person is ready and prepared to help.* We had conversations with the police. And you know, sometimes the police have issues relating and humanising themselves in their interactions with the public. But we have heard about ways that they have changed their operations to ensure that victims feel better supported during different points in the process.

Again, I appreciate those men who join the conversation, who lend a voice. Linda Bogle-Mienzer, she spoke too. She said, *You know, we need men to stand up and they need to be the ones carrying the stories.* But Tammy [Richardson-Augustus] also spoke to the fact one of her methods is to spread awareness in the international business sector. I think that abuse is something we tend to relate with a particular colour of skin, or at least it is highlighted in certain segments. But abuse is something that touches all persons. It does not matter how much money you make. Abuse is abuse. And it is present. And it is prevalent. And I think we need to encourage more conversations about abuse, about its impact, about the economic cost of abuse on our government, on our communities, in our homes. There are so many things that stem from abuse.

And I was having another conversation, I was like, *Do you think, you know, that all of society's ills and issues can be traced back to some sort of abuse?* And

I am kind of thinking that that is the case. We have to think about the way we show up for ourselves, the way we show up for our young people, the tools that we give them to succeed in life. And I think that when we are more intentional about doing that, we can begin the work of healing. There are communities that desperately desire it. So that is it for me today.

Thank you for the time, Madam President.

**The President:** Thank you, Senator Arianna Hodgson. Does any other Senator want to speak?

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

**The President:** Minister Darrell.

### ELIMINATION OF VIOLENCE AGAINST WOMEN

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

I would like to just lend my voice to this conversation as well. And I know we did hear, thanks to my colleague, Senator Jason Hayward, for his very riveting speech on this topic that he gave on Friday evening. I would like to also congratulate all of the individuals who have been around roundtables, whether it be in small private discussions or public settings. Also, as a former educator, the work that is going on on a daily basis from educators, school teachers, counsellors to bring this to the fore and to warn young people at a young age how to navigate through this topic.

Also, Madam President, I would like to again highlight the Minister who is leading this charge, Minister Tinee Furbert, who has taken this on not just in these 16 days, but as a mantra for her Ministry and the work that they are doing, supported also by the Junior Minister, of course, with real-life accounts of sometimes horrific stories. But those stories are what bring awareness and will bring individuals to stand up and say, *You know what? Enough is enough.*

So, it is my hope that once these 16 days, once this campaign ends, Madam President, that the topic does not get lost or go into the abyss and people just fall back into what some people may have as their norm or their reality. But we will remember this and continue to push forward with remembering the horrible, horrible topic which is domestic violence.

So, thank you, Madam President.

### ELIMINATION OF VIOLENCE AGAINST WOMEN

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

I would just like to congratulate each of you who have spoken on the topic. Because I myself for years worked in the field of mental health and substance abuse, both in London . . . And I can tell you that even working with church groups in the London area, there were a number of society and well-off people who

. . . we talk about the social drift theory where you will have people who occupy high positions get into alcohol or substance abuse. And then they lose their jobs. And then there is the social drift issue.

Then I come back home, and I was working in St. Brendan's (when it was known as St. Brendan's at the time) in mental health, as well as alcoholism services and substance abuse. I have counselled men who have been abused, and I will tell you . . . the young men who have been abused.

So, this topic . . . what has struck me in my years now is that it is getting worse. The alcohol and the substance abuse seem to have increased. I have seen more violence, more reports. Or maybe it is that people are reporting more. But it has really, really shaken me to my foundation to find that in this small Island of Bermuda, we have such a high incidence of both abuse, physical abuse and sexual abuse.

So, I am really pleased to hear that there are a number of people, and I know the names of the people you have mentioned this morning who are heading up some of these services. And the word needs to get out there. There is nothing to be embarrassed or ashamed about. You need to come forward. Let somebody know. There are people who can help you.

I hope that there are a number of people who are listening to us and to you all today, that they realise that they are not alone. They do not have to suffer in silence. But there are people who can help.

So, I commend each of you who have spoken. And, you know, now in this . . . I am in my 80s now; I do not mind telling people. But—

*[Inaudible interjection]*

**The President:** Hey, listen! Listen. I own it.

But I want to say to you that the abuse is getting worse. So certainly, when I came here and when [Senator] Lindsay Simmons had talked about her experience, that struck a real chord in me. Because when people talk about what they have experienced, that brings it home. And it is very distressing. But I think it is important. Those people who have listened to you all this morning know that we as a Senate, just as has been stated that in another place there was some discussion about it as well. So, it is a topical issue now. And I think that people need to know that as Legislators in both Houses, we certainly want to see an end to . . . at least help those who are in such situations.

So, I thank each one of you who have spoken on this topic today. And I only hope that we can at least assure that Legislators do understand and support all of the services that are out there to help those who find themselves in such situations. So, thank you. And if there are . . . I don't know if there are any other comments anyone wants to make.

But if not, then . . . [Senator].

## ELIMINATION OF VIOLENCE AGAINST WOMEN

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

I just want to say thank you to everybody. And just the last couple of words are just to remember for all to just stand up. Thank you.

**The President:** Thank you.

With that said then, Senate stands adjourned until next week, Wednesday. And thank you all for your attendance and your comments today. Be well.

*[At 12:13 pm, the Senate stood adjourned until Wednesday, 11 December 2024.]*

**BERMUDA SENATE  
OFFICIAL HANSARD REPORT  
11 DECEMBER 2024  
10:02 AM**

*Sitting Number 4 of the 2024/2025 Session*

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

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

### PRAYERS

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

**The President:** Please be seated.

### CONFIRMATION OF MINUTES

*[Minutes of 4 December 2024]*

**The President:** Vice President Kiernan Bell, you have the floor.

**Sen. Kiernan Bell:** Thank you, Madam President.  
I move that the Minutes of the meeting of Wednesday, the 4<sup>th</sup> of December 2024, be taken as read.

**The President:** Is there any objection to that motion?  
Senator Tucker, OBA Leader in the Senate, you have the floor.

**Sen. Robin Tucker:** Thank you, Madam President, and good morning again to everyone.  
So, my only objection is that there is an amendment that is required. On the list of attendees on the cover page, Senator Dr. De Couto was listed as in attendance. And in the body, it says that he was not. So, I just wanted to point that out.  
Thank you, Madam President.

**The President:** Thank you, Senator Tucker. That will be noted.

**Sen. Kiernan Bell:** Thank you, Madam President.  
Subject to that amendment, I move that the Minutes of Wednesday, the 4<sup>th</sup> of December 2024, be confirmed.

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

*[Minutes of 4 December 2024 confirmed]*

**The President:** Thank you, Vice President Kiernan Bell.

### ANNOUNCEMENT BY THE PRESIDENT

#### SENATE VISITOR

**The President:** Senators, before I move on, I would just like to acknowledge the presence in the Chamber of Dr. Marisa Stones, the Senior Analyst for the PATI/PIPA unit and the Cabinet Office.  
Welcome to you.

### MESSAGES

**The President:** Mrs. Beale.

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

**The President:** Thank you.

### REPORTS OF COMMITTEES

**The President:** There are none.

### ANNOUNCEMENTS

**The President:** Senators, I have an announcement.

#### MINISTERS AND MEMBERS OF THE LEGISLATURE SALARIES REVIEW BOARD FINAL REPORT, AUGUST 2024

**The President:** I would like to announce that I have received for the information of Senate the Ministers and Members of the Legislature Salaries Review Board Final Report from August 2024, in accordance with section 1B(5) of the Ministers and Members (Salaries and Pensions) Act 1975.

Minister Owen Darrell, spokesperson for Education, I believe you have an announcement.

#### BERMUDA COLLEGE ANNUAL REPORT 2023/24

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

I hereby present for the information of the Senate the Bermuda College Annual Report 2023/24. Senators may access copies of the report on their tablets or on the parliamentary website.

**The President:** Thank you.

The third announcement is in the name of Senator Lindsay Simmons, Junior Minister for Youth, Social Development and Seniors.

#### **DEPARTMENT OF FINANCIAL ASSISTANCE 2023/24 ANNUAL REPORT**

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

I hereby present for the information of Senate the 2023/24 Annual Report of the Department of Financial Assistance. Senators may access copies of the report on their tablet and/or the parliamentary website.

Thank you.

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

#### **NOTICES OF MOTIONS**

**The President:** There are none.

#### **PETITIONS**

**The President:** There are none.

#### **STATEMENTS**

**The President:** The first Statement we have is in the name of the Honourable Owen Darrell, Minister of Tourism, Culture and Sport.

Minister Darrell, you have the floor.

#### **MAKERSPACE**

**Sen. the Hon. Owen Darrell:** Madam President, thank you very much.

Madam President, it is with great pride and excitement that I rise today to announce a major milestone in the ongoing work of the Department of Culture—one that directly fulfils an important initiative outlined in our 2023 Throne Speech. Last week we took an important step in realising a vision for creative empowerment and community enrichment as we soft-launched the Culture Department's MakerSpace.

Madam President, this project represents much more than the creation of a physical space. It is the manifestation of our commitment to providing artists, musicians, dancers and performers with the resources and environment that they need to flourish. It is an investment in the cultural fabric of our Island and in the immense talent that resides within our people.

Madam President, the MakerSpace is designed to meet the needs of our visual artists, musicians, dancers, graphic designers and actors. Located within CedarBridge Academy, this facility provides access to rooms where our creatives can practice and perfect their craft without the burden of additional costs.

Madam President, for our visual artists, we have outfitted a room with easels and worktables, creating an inspiring environment for painters, sculptors and all of those who work with their hands and imagination. We recognise that many artists lack the luxury of a private studio, and with the Department of Culture MakerSpace they will now have shared access to a place where they can explore new techniques, collaborate with peers or simply focus on their craft. During the soft launch, this vision came to life as renowned Bermudian artist Carlos Santana Dill conducted a live art installation, joined spontaneously by Chyna Talbot in creating visual art in the MakerSpace together. One attendee was so inspired that they bought Ms. Talbot's sketch directly from her easel!

Madam President, musicians will have access to dedicated spaces for rehearsals and practice, equipped with essentials like a drum kit and keyboards. These spaces will allow artists to refine their sound, prepare for performances and develop new compositions without the burden of costly studio rentals. The MakerSpace aims to bridge this gap and nurture our Island's musical talent. During the soft launch, Gombey Festival honouree and drum teacher, Mr. Dennis Parsons, shared, "This is what I've been waiting for. I've needed this for years and can't wait to elevate drumming in this space!" During the launch, attendees were treated to a performance by the newly formed Pink Sand band, led by the gifted Quinn Outerbridge. Their mellow tunes made it easy to picture a band using the MakerSpace for jamming and rehearsing.

Madam President, this space provides dancers, actors and performers with access to a studio for auditions, rehearsals and creative development. Whether crafting a new dance routine or preparing for a theatrical role, the studio fosters artistic expression and experimentation. Troika has already used this space for rehearsals, and during the launch event, Rated E! practiced in the dance studio, demonstrating its potential.

Madam President, the MakerSpace will be available Monday to Friday from 4:30 pm to 8:30 pm, with additional access available on the weekends by appointment. In the spirit of inclusivity, the MakerSpace will be open to all interested creatives. Creatives are invited to register as a MakerSpace user, after which they will go through a brief vetting process. Once approved, each individual will be assigned a unique PIN number, allowing secure and controlled access to the rooms. And most importantly, the use of MakerSpace, as said before, Madam President, will be free of charge. Upon learning this, Tawana Lee, a former classmate of mine, also the Director of PHC [Pembroke Hamilton

Club] Majorettes and Drum Corps shared, “This is what Bermudian creatives have desperately needed—thank you!”

Madam President, we know that artists and musicians often struggle with financial barriers in pursuit of their passions, and we wanted to ensure that this space remains accessible to all, regardless of income level or professional status. Whether you are an aspiring musician practicing for your first gig or an established artist preparing for an exhibition, this MakerSpace, Madam President, is for you.

Madam President, this marks the start of the first phase of the MakerSpace project. As we move forward, the Department of Culture is committed to listening closely to feedback from those who use the space. We want MakerSpace to grow, evolve and adapt to the challenging and changing needs of our creative community. The voices of users and creators will guide future phases of this initiative. Our long-term vision is to ensure that the Department of Culture MakerSpace continues to meet the diverse and expanding needs of our artists, musicians, dancers and performers—transforming it into a thriving cultural hub. The legendary Bermudian singer, Ms. Sia Spence, who is back on the Island, was in attendance during the soft launch event and put it very well, saying, “It’s great to know that the Ministry of Tourism, Culture and Sport thought of the Island’s creatives, providing them a space to network and create. It can only evolve from here!”

Madam President, make no mistake—the value of this space extends beyond the individuals who use it. As we provide creatives with the environment they need to produce their best work, we are also enriching the broader community. The art, music, performances and ideas born in this space will have a ripple effect through our society. Our local art scene will grow more vibrant, our musicians will inspire us with new sounds, and our performances will breathe life into our culture. When we give space for creativity to flourish, we uplift the entire community.

Madam President, of course none of this would have been possible without the help of many dedicated individuals and institutions. I would like to extend my deepest thanks to CedarBridge Academy, whose partnership in sharing their facility has been vital in making this vision a reality. And I would like to add here, Madam President, that the Chair of CedarBridge Academy is none other than Senator Lindsay Simmons.

Your commitment to education and community support goes beyond the classroom and speaks volumes about the importance that you place on nurturing creativity in both young people as well as the community at large.

Madam President, I would also like to thank the Ministry of Public Works for their support in preparing and outfitting these spaces. Their expertise and hard work have ensured that the MakerSpace is not only functional but also an inspiring environment for all who use it.

And thanks also to the numerous expert musicians and artists who brainstormed with the Department of Culture on what was needed to ensure that MakerSpace would be as useful as possible to the people in our creative community, including the following:

- Michael Walsh;
- Dr. Edwin Smith;
- Jonari Smith;
- Patricia Nesbitt;
- Richard Lathan;
- Derek Simmons Jr.;
- Keamon Woolaston;
- Rikkai Scott;
- Shanna Hollis (who is the Chair of the Arts Council);
- [Lieutenant] Sheldon Fox;
- Major Dwight Robinson;
- James Van-Lowe;
- Stephan Johnstone; and
- the numerous others who responded to our public calls for feedback with detailed and thoughtful notes about their artistic practice.

Madam President, in opening the doors to the Culture Department’s MakerSpace, we celebrate the creative future of our Island. We are investing in our artists, our musicians and our performers, and in so doing we are investing in the soul of this community. I encourage all creatives, whether established or aspiring, to take full advantage of this resource. This is your space—built for you and ready for you to shape it into something extraordinary.

Madam President, I look forward to seeing the incredible work that will emerge from the MakerSpace. Let us create, let us collaborate and let us uplift our community through the power of the arts.

Thank you, Madam President.

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

The next Statement is in the name of Senator Lindsay Simmons.

Senator Simmons, you have the floor.

**CLIMATE CHANGE STUDY ENTITLED  
“BERMUDA AND CLIMATE CHANGE:  
IMPACTS FROM SEA LEVEL RISE AND  
CHANGING STORM ACTIVITY” RELEASE OF**

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

Madam President, I rise today to share with this honourable body a significant step forward in Bermuda’s commitment to addressing one of the most crucial challenges of our time: the [impacts of climate change](#).

Madam President, the world is changing faster than many anticipated. While future generations—our children and grandchildren—will bear . . .

(Sorry, Madam President).

[Pause]

**Sen. Lindsay Simmons:** (Sorry.) [While future generations] will bear the brunt of climate-related impacts, we already see clear signs of this change here in Bermuda. Recent events have highlighted the unprecedented shifts in our weather patterns and seasonal conditions. For example:

- September saw the second-wettest day on record, contributing to 2023 being the wettest year on record.
- We are experiencing increased flooding in low-lying areas.
- The frequency of major storms impacting our region continues to rise, as evidenced by Hurricane Ernesto this summer, Bermuda's eighth direct hit this century.
- Ocean temperatures and sea levels continue to increase year on year.

Madam President, although Bermuda's contribution to global greenhouse gas emissions is minimal, our vulnerability to the impacts of climate change is significant. As a small island state, our geographic isolation, limited resources, and reliance on critical coastal infrastructure such as the L. F. Wade International Airport, key roadways and power systems place us at heightened risk. Issues such as seawater intrusion, coastal erosion and storm damage jeopardise our homes, businesses and economy.

Climate change is no longer a distant threat—it is affecting Bermuda today. And it is projected to continue with potentially far-reaching consequences for all who call Bermuda home. We stand at a critical juncture and must act decisively to protect and preserve our Island for future generations.

Madam President, in March 2022, the Government commissioned a comprehensive study, *Bermuda and Climate Change: Impacts from Sea Level Rise and Changing Storm Activity*, which was to be conducted in collaboration with Smith Warner International (SWI) and funded by the UK Foreign, Commonwealth and Development Office (FCDO). The purpose of which was to assess Bermuda's vulnerabilities to rising sea levels and intensified storm activity.

And secondly, the Ministry of Home Affairs had formed an interministerial Climate Change Task Force (CCTF) to provide oversight to SWI as they undertook this study. This Task Force comprised representatives from key ministries and departments, including : the Ministry of Home Affairs which oversees the Department of Energy, and the Department of Environment and Natural Resources; the Ministry of Public Works; the Ministry of Finance; the Ministry of Transport; the Cabinet Office which oversees the Department of Planning; and the Bermuda Weather Service's then Director, Dr. Mark Guishard. Dr. Guishard is now the Chief Operating Officer of the Bermuda Institute of Ocean Sciences (BIOS), but he has remained committed to

the Task Force in his new role. And for this we are truly grateful for his expertise.

Madam President, at the outset of this initiative, the Government recognised the importance of a coordinated and strategic approach to effectively tackling climate change. By unifying efforts, we aimed to reduce duplication across ministries and other organisations, enhance understanding of ongoing initiatives and leverage the extensive expertise available across various sectors.

I will take a moment to thank the ministries involved, their technical officers, along with Ms. Rozy Azhar, the former Permanent Secretary for the Ministry of Home Affairs, for their dedication to this critical project.

Madam President, I am pleased to announce that the resulting report, and related resources, have been shared with the public and are now available on the Government portal at [gov.bm/climatechange](http://gov.bm/climatechange). I urge all members of the entire Bermuda public to review the findings of this comprehensive study. There are four extensive technical parts to the study, but there is a shorter, more easily readable Executive Summary of the report that is also available. This is a wide-ranging study—the first of its scale undertaken by the Bermuda Government—and one that, thanks to the UK Government's commitment to Bermuda as an Overseas Territory, has not been a drain on our public purse.

Madam President, SWI, who are based in Jamaica, have extensive experience working in other small island jurisdictions including other British Overseas Territories such as the British Virgin Islands, the Cayman Islands, and Turks and Caicos. They have also previously undertaken similar work in Bermuda, for the Department of Planning in 2004 with their report on coastal erosion, making them an ideal choice to undertake this important work. The SWI reports provide in-depth analysis, assessment and understanding of the potential effects of climate change on Bermuda, using the latest data available from the United Nations Intergovernmental Panel on Climate (UNIPCC) and through their own local assessments to do the following:

- Produce a vulnerability index for major infrastructure such as the airport, ports, public highways, the electricity generation plant, subterranean utility cabling, the Tyne's Bay incinerator and sewage management systems.
- Identify the likely effects of sea level rise from an ecological perspective on Bermuda's waterways, inshore ponds and marshes.
- Map projections for inundation, identifying both low-lying coastal areas that will be periodically or permanently inundated by seawater, and low-lying freshwater resources that could be impacted by saltwater intrusion.

- Identify Government infrastructure and facilities located at or close to the shoreline that are at risk from erosion or inundation.
- Identify agricultural areas vulnerable to saltwater inundation and to soil salinisation, within the context of food security and continued ability to cultivate fields.
- Update coastal erosion and flood inundation projections for the offshore islands, bays, beaches and dunes, especially during storms and hurricanes.
- Understand the effects that coastal erosion and sea level rise will have and their potential impacts on waterfront development.
- Identify coastal areas prone to hydraulic erosion and/or destabilisation of the cliff faces for the Island's shoreline areas.
- Identify critical infrastructure that will be at risk over the near-, medium- and long-term time frames.

Additionally, the report identifies significant risks for Bermuda's existing built and natural environment including:

- Some 2,130 of Bermuda's buildings, some 6 per cent, face some level of risk, with 326 classified as highly exposed.
- Critical areas, including major roadways, the BELCO plant and the airport, are at risk.
- A staggering 96 per cent of our coastal reserves require protection.

Finally, the report recommends adaptive measures such as shoreline advancement, submerged breakwaters and land reclamation, which are available and which will need to be undertaken. Whatever of these strategies we undertake, they must of course balance protection with the preservation of environmental integrity.

Madam President, to address these risks we will be establishing an expanded Multi-sectoral Climate Change Task Force. Given the serious threat that climate change poses to every single person in Bermuda, this Task Force will include members of the public, private and third sector. It will be tasked with [the following]:

1. Assisting in the creation of a National Action Plan for Bermuda and prioritising recommendations for action.
2. Public Education and Outreach, by launching an awareness campaign to foster community understanding and engagement. This will include meetings with stakeholder groups such as the Chamber of Commerce, the construction industry, engineers, surveyors and environmental groups.
3. Legislative and Policy Adaptation, ensuring both the Bermuda Plan and Bermuda

Building Codes are amended to include considerations for climate resilience.

4. Instituting Nature-Based Solutions, with continuing investments in ecosystem restoration such as mangrove and coral reef rehabilitation which reduce storm surges and erosion whilst also preserving biodiversity.

These efforts will be coordinated by a dedicated project manager to provide support and strategic guidance to our inter-related initiatives.

Bermuda, Madam President, has an opportunity to lead by example. As a global hub for climate risk and insurance expertise, we can model resilience and innovation for other small island states. Collaboration at every level will be essential as we work to secure resources and solutions.

Madam President, I again urge all members of this honourable body and the entire Bermuda public to read the report. It is available at [gov.bm/climatechange](http://gov.bm/climatechange). There is also a dedicated email at [climatechange@gov.bm](mailto:climatechange@gov.bm) for questions and comments.

Climate change is the defining issue of our time. By acting now, we can safeguard Bermuda's natural beauty, economy and way of life for generations to come. Thank you, Madam President.

**The President:** Thank you, Senator Lindsay Simmons. I believe you have a second Statement. When you are ready, you can proceed with that.

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

#### DEPARTMENT OF FINANCIAL ASSISTANCE 2023/24 ANNUAL REPORT

**Sen. Lindsay Simmons:** Madam President, I rise today to share with the Senate the 2023/24 Annual Report of the Department of Financial Assistance [DFA, or Department] which presents the financial activities of the Department during the past financial year.

Madam President, the Annual Report highlights some meaningful results achieved during this reporting period, which include

1. a 5 per cent decrease in the number of persons receiving financial assistance;
2. an increase in the number of child day care recipients because of Financial Assistance reform measures put in place in October 2023;
3. a reduction in the number of appeals to the Department of Financial Assistance Review Board;
4. enhanced monitoring and control of expenditure;
5. improved governance and management of client case files; and
6. continued activities to advance Financial Assistance reform initiatives.

Madam President, the report illustrates a one-year performance trend for the Department of Financial Assistance. It remains the case that the categories from the highest participants in Financial Assistance to the lowest participants are pensioners, disabled persons, those with low earnings and abled-bodied unemployed persons, year on year. For the fiscal year 2023/24, the average number of recipients on Financial Assistance (FA) services was [1,991], a decrease from the average of 2,095 recorded in the previous year. The recipient categories are 1,031 pensioners and seniors, 737 persons with disabilities, 122 persons with low earnings and 101 abled-bodied but unemployed persons. The monthly average number of children who comprised the Child Day Care Allowance programme in 2023/24 was 264, compared to 118 from the prior reporting period. This increase was attributable to the Financial Assistance reform measures put in place in October 2023.

Madam President, the actual programme expenditure for grants directly to support FA [Financial Assistance] recipients totalled \$49.26 million. The highest expenditures are rent, nursing homes, food and health insurance [including] HIP and FutureCare.

Madam President, work continues in earnest to improve good governance by sustaining monthly compliance activities, with a specific focus on the use of data analytics to aid in compliance with Financial Instructions, the Financial Assistance Act and Regulations, and the Child Day Care Allowance Act and Regulations. This enables the department to effectively demonstrate proficiency in consistently providing services that meet customer and regulatory requirements while demonstrating continuous improvement and minimising risk.

Madam President, during the period 2023/24, transactions monitoring was performed on seventy-five 444-line transactions. The Department of Financial Assistance team continue to make strides on transforming service delivery to ensure that the customer experiences professional and high-quality assistance. During this reporting period, the team participated in the Bermuda Government's *Service Standards* training to further improve service delivery to Financial Assistance clients.

Madam President, the report provides information that demonstrates ongoing work being performed to maintain fiscal responsibility by enhancing the monitoring of expenditures and reducing the risk of fraud. Stringent procedures are constantly being reviewed to ensure that the investigative officers use compliance guidelines in addition to the services of the Attorney General's Chambers to standardise Payment Agreements to reduce receivables.

Madam President, phase one of the Financial Assistance reform began in 2022/23, and the Department of Financial Assistance continues to move forward with the amendments being made to our legislation in accordance with the legislative process. Key amendments were made to the Financial Assistance

Act 2001, the Financial Assistance Regulations 2004, the Child Day Care Allowance Act 2008 and the Child Day Care Allowance Regulations 2008. These amendments have supported our continued Financial Assistance reform.

Madam President, the Ministry of Youth, Social Development and Seniors would like to take this opportunity to thank the Department of Financial Assistance team, together with all of the partners who collaborated to support the work that is being carried out. These efforts will ensure that Bermudians gain access to services that will assist them in maintaining a respectable standard of living. It is the goal of the Ministry to go a step further in supporting Bermudians so that they can achieve gainful and respectful employment opportunities. Initiatives will continue in earnest by utilising services provided by the Department of Workforce Development to enable recipients to be better positioned for employment opportunities in the local workforce. This benefits the participants as well as the Bermuda community. The Financial Assistance Annual Report is online at [www.gov.bm](http://www.gov.bm), and hard copies are available from the [Ministry] of Youth, Social Development and Seniors.

Thank you, Madam President.

**The President:** Thank you, Senator Simmons. Moving on with our order of business.

## INTRODUCTION OF BILLS

**The President:** There are none.

## FIRST READING OF PUBLIC BILLS

### EMPLOYMENT AMENDMENT ACT 2024

**The President:** The following public Bill has been received from the Honourable House of Assembly and is hereby read for the first time. Its title is the Employment Amendment Act 2024.

## FIRST READING OF PRIVATE BILLS

**The President:** There are none.

## QUESTION PERIOD

**The President:** Senators, we will now entertain questions on the Statements that have been read this morning, the first one being the Statement that was provided by Minister Darrell on MakerSpace.

Would any Senator care to ask questions on this Statement?

Senator Robinson, you have the floor.

## QUESTION 1: MAKERSPACE

**Sen. Dwayne Robinson:** Thank you, Madam President.

Just first of all, I want to say that this is a very good initiative for creatives in Bermuda. My questions are along the lines of, Is this space completely managed or looked after by the creatives?

I heard about the system of people signing up and being able to swipe in and get limited access. But is there actually anybody there to kind of mediate or adjudicate if there are any sort of conflicting times, any conflicting practice sessions, anything that may lead into each other or—you know, space respect and also time respect?

As you know, obviously every single artist I have met believes that they are hyper-focused on producing what they are working on. And it may not always create a conducive environment for collaboration if you have multiple people staying there for two hours or you have one specific group or clique that is monopolising the space. So, I just want to get some clarity on how it is going to be managed, and also conflict resolution. But other than that, I think it is a good initiative.

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

Would any other Senator care to speak?

Senator Tucker, OBA Leader in the Senate, you have the floor.

#### QUESTION 1: MAKERSPACE

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

I join with my Senate colleague. I do think that this is a good initiative. My questions are just very basic. I wanted to know, because there is a registration process and also a vetting process, I would like to know what outcome of the vetting process can see an applicant's registration be denied? So, what would that look like?

#### QUESTION 2: MAKERSPACE

**Sen. Robin Tucker:** I would also like to know (very similar to Senator Robinson's question, because people will have their PIN number and they can go ahead and have access to things) what happens if there is a clash? Is there a further scheduling process that is going to be available for everyone to see so they know who is going to be in the space and when and that type of thing?

So those are my two very basic questions.

Thank you, Madam President.

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

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

None.

Then it is over to you, Minister Darrell.

**Sen. the Hon. Owen Darrell:** Madam President, thank you.

I am struggling. I am struggling with the questions that I just heard. In a Statement that took about five minutes, Madam President, for us to highlight and really celebrate the creatives and to demonstrate that we have actually delivered on something that the creatives came to us and asked for directly, to focus on what-if's—what if there is conflict? And do we need to have a mediator at MakerSpace to babysit creatives, adults? And vetting? And how can someone be denied? It is definitely not the spirit with which this Statement was given. And it definitely was not the spirit of the wonderful opening that we had last week, Madam President.

And I would extend the invitation to the One Bermuda Alliance to please go and look at the releases that have gone out and look at the pictures that were taken of this release last week. Have a conversation with Senator Lindsay Simmons about just the vibrant attitude that was displayed at MakerSpace last week. Many creatives came. They came to check it out. What was disappointing, Madam President, was that after some commentary about MakerSpace from one of their colleagues a couple of weeks ago, a couple of days before we opened this, not one showed up. Not one showed up to check it out for themselves! That was the whole point of having the launch. Come in. Ask questions when you are in. Right?

So that is the most disappointing part about the questions. But nonetheless, we will answer them. There was a schedule—

**Sen. Dwayne Robinson:** A point of order real fast, Madam President.

#### POINT OF ORDER

*[Imputing improper motive]*

**Sen. Dwayne Robinson:** I just want to be clear on the record that the Minister has completely impugned the integrity and motive behind these questions. And I think that that just needs to be on record. The One Bermuda Alliance, literally both Senators, just said and spoke that we support the initiative. And I think that it is disingenuous, and I cannot allow it to continue on record, to say that we did not support it or that we are asking questions in a spirit that is not collaborative.

**Sen. the Hon. Owen Darrell:** Madam President—

**Sen. Dwayne Robinson:** I would rather he just answered the questions, the Honourable Minister, today.

**Sen. the Hon. Owen Darrell:** Aha! Aha! Aha!

**Sen. Dwayne Robinson:** Thank you, Madam President.

**The President:** Minister Darrell, I think—

**Sen. the Hon. Owen Darrell:** I tell you this, Madam President. Support comes in many different ways. And I say this all the time. When I support local events all around this country, support does not just come in giving a one-line *We support this initiative* in the Senate Chamber, Madam President. Support comes when you show up. Support comes when you actually see for yourself. Support comes when you actually can stand there and watch artist Carlos Santana [Dill] put his display up and the young lady who was doing a charcoal display. And watch Quinn Outerbridge as she sings beautiful tunes. That, Madam President, is what support looks like.

So, while the Senator may come and say, *Well, we gave you two lines of "very good,"* that is not what support looks like. And this MakerSpace—

**Sen. Dwayne Robinson:** Point of order. Point of order, Madam President.

#### POINT OF ORDER

*[Imputing improper motive]*

**Sen. Dwayne Robinson:** Once again, the Minister is completely imputing improper motive and is completely false in his assertion. He has no clue what support any Senator on this side has for the creatives. Just because we do not necessarily show up for every photo op we can get like the Honourable Minister does, does not mean that we do not support creatives or support any creative venture.

So, I would like to just put that on record as well and hope that he sticks to just the questions.

Thank you, Madam President.

**The President:** Minister Darrell, continue.

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

As we discussed, there will be a schedule that artists will be able to book time slots in.

**The President:** Yes.

**Sen. the Hon. Owen Darrell:** And there will be restrictions on how many slots per week they can book. Conflicts—we do not anticipate any conflicts, Madam President. Not at all. There will be an online scheduling tool that will be rolled out within the next week.

The vetting process looks at the artistic process that the artist is going to undertake. As an example, artists who work with hot tools will not be able to use the space, as it is a fire hazard. So, I said in my Statement there was phase one. And we are speaking to creatives. We are talking to them. We are asking them, *What can we do to evolve this space?* We are not looking at the negatives, Madam President. This is

a positive thing for many young people, people whom the Senator on the other side claims to support.

**Sen. Robin Tucker:** Madam President, point of order, please.

#### POINT OF ORDER

**Sen. Robin Tucker:** This is supposed to be questions and answers.

**Sen. the Hon. Owen Darrell:** And I am answering the questions, Madam President.

**Sen. Robin Tucker:** This seems to be a platform for the Minister to be able to say whatever he wants.

**Sen. the Hon. Owen Darrell:** A platform for me to answer your question.

**Sen. Robin Tucker:** And so, Madam President, I would ask you if you could please . . . Thank you.

**The President:** The Minister will answer the questions.

**Sen. the Hon. Owen Darrell:** Thank you very much, Madam President.

And to follow on, the young lady who was there probably would have loved to have had the support. And Senator Robinson, as he says "photo ops," could have come and tweeted about it. It would have been a lovely opportunity to get the creatives and what they are doing out there. Or he could have sent someone else.

And anyone who is interested in booking, Madam President, prior to this tool being rolled out, can email [makerspace@gov.bm](mailto:makerspace@gov.bm). So, Madam President, I would like to reiterate in answer to [the Senators'] questions that the Department of Culture has worked tirelessly to get this up. We have pivoted from a few ideas based on all of these names that I gave. And I brought this Statement here, Madam President, for it to be celebrated by the public.

Thank you.

**The President:** Thank you, Minister Darrell. Senators, we will now move—

**Sen. Robin Tucker:** Sorry, Madam President.

**The President:** Senator Tucker.

#### QUESTION 3: MAKERSPACE

**Sen. Robin Tucker:** Yes. I just have one last question. That is all.

I just want to know if there is any planned collaboration for the persons who are in the MakerSpace to share any of their knowledge in any kind of forum with the students who will be at CedarBridge? I

recognise it is after-school hours, but I am just wondering if there any plan or thought to do anything like that.

Thank you, Madam President.

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

**Sen. the Hon. Owen Darrell:** Yes. In subsequent phases. Thank you, Madam President.

#### QUESTION: CLIMATE CHANGE STUDY

*[answer postponed]*

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

Senators, we will now move on to the second Statement, which was given by Senator Lindsay Simmons. And that is on the second Statement, which she read, which was the Climate Change Study.

Would any Senator care to ask questions on this Statement?

**Sen. Lindsay Simmons:** Excuse me, Madam President. I do not have technical officers here today. I am just wondering . . . if there are any questions, if they could get emailed to me and I will get the answers and read the responses next Wednesday?

**The President:** Fine. Is that for both Statements or just this first one?

**Sen. Lindsay Simmons:** Just the first one.

**The President:** Senator De Couto.

**Sen. Dr. Douglas De Couto:** Thank you, Madam President.

I just wanted to commend the Government on bringing this study forward. It is obviously of very high importance for us on our little Island. And I would urge as many of those as possible to whom it pertains to study it and read it. And I am sure all of the relevant professionals will be taking it on. It seems like we have a lot of work to do to protect ourselves going forward.

Thank you, Madam President, and thank you, Senator, for the Statement.

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

That leads us then to the second Statement on the Annual Report of the Department of Financial Assistance.

Would any Senator care to ask questions on this Statement?

Senator Tucker, OBA Leader in the Senate, you have the floor.

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

So, I actually have three questions. May I just go ahead and ask all three at the same time?

**The President:** Yes.

#### QUESTION 1: DEPARTMENT OF FINANCIAL ASSISTANCE 2023/24 ANNUAL REPORT

**Sen. Robin Tucker:** Okay. My first question is, just looking back at the 2022/23 report, which shared that there were \$328,000 in overpayments due to fraud and abuse, I am just curious to know how much of that debt has been recovered to date? That is the first question.

#### QUESTION 2: DEPARTMENT OF FINANCIAL ASSISTANCE 2023/24 ANNUAL REPORT

**Sen. Robin Tucker:** The second question is, again comparing the details in the report to the 2022/23 report, which showed that there were . . . Sorry. The current report, point number 7 on page 2 indicates that currently there are 39 active cases that are undergoing . . . I beg your pardon. Number 7 reads, an increase in the outstanding debt due to overpayment because of a rigorous investigation regime, currently there are 39 active cases of which 31 have been referred to the Attorney General's Chambers.

Again, my question is, when comparing to the 2022/23 report, it showed that there were 26 cases with the Attorney General's Chambers for legal restitution. So, I just wanted to know, What measures are being put in place to reduce the amount of overpayment?

#### QUESTION 3: DEPARTMENT OF FINANCIAL ASSISTANCE 2023/24 ANNUAL REPORT

**Sen. Robin Tucker:** Then my third question is again from page 2, looking at the breakdown, the average number of recipients of Finance Assistance. I noted that while most numbers did go down, pensioners went up by 8 persons. So, I just wanted to know if I could get some information about how many new Financial Assistance applicants have been submitted since the last reporting period? Because that would give us some information about what those trends might be, particularly for that group.

Thank you, Madam President.

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

Would any other Senator care to ask questions?

Senator Dwayne Robinson, you have the floor.

#### QUESTION 1: DEPARTMENT OF FINANCIAL ASSISTANCE 2023/24 ANNUAL REPORT

**Sen. Dwayne Robinson:** Thank you, Madam President.

Just one quick question. Regarding on page 2, there is a 5 per cent decrease in the numbers of persons. I just wanted to ask how that number correlates with any potential emigration numbers and whether or

not that is due to fewer people requiring financial assistance or whether it is just fewer people on Island who have gone overseas to the UK or wherever to receive benefits or pursue a different course of survival?

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

Vice President Kiernan Bell, you have the floor.

### QUESTION 1: DEPARTMENT OF FINANCIAL ASSISTANCE 2023/24 ANNUAL REPORT

**Sen. Kiernan Bell:** Thank you, Madam President.

I did have a number of questions. Some flow from the questions of others but are a little bit more detailed.

When I saw that the number of recipients of Financial Assistance decreased (and this is on page 2 of the report) to 1,991 from the average of 2,095 recorded the year prior, I went and looked at the substance of the data and the actual report which was lodged to see if there was any clarity there. And the graph, graph 8 (I believe) in the report shows that the number of applications, pre-screened applications (and it seems to have been done on a combined basis of Financial Assistance and for the child care support) have increased over the year).

I wondered if it would be possible to provide an actual breakdown of the number of applications by reference to those two categories instead of lumping them both together. It is very difficult to see how many actual applications for Financial Assistance were made. So that is number one.

### QUESTION 2: DEPARTMENT OF FINANCIAL ASSISTANCE 2023/24 ANNUAL REPORT

**Sen. Kiernan Bell:** Number two, the report refers to a pre-screening of these applications. And I do not understand what that means. Is pre-screening looking at an application before it is lodged? Is it an actually fully completed application? Is "pre-screening" a word meaning some sort of preliminary approval process? I just do not know what "pre-screening" means. And that is referred to in the report. So, can some clarity be given on that?

Secondly, of those number of applications or pre-screened applications which were made, how many were rejected? That would be useful to know.

### QUESTION 3: DEPARTMENT OF FINANCIAL ASSISTANCE 2023/24 ANNUAL REPORT

**Sen. Kiernan Bell:** Then finally, to the extent that there are any data on people who have come off of Financial Assistance, is that because they have become gainfully employed? There was some indication given in the Statement that there was a decrease in able-bodied people who were able to get back into the workforce. It

would be great to have a little bit more granular data on that. And how many other people perhaps emigrated or went elsewhere and are still needing financial assistance but just not getting it here?

So that is the substance of the questions on the applications. With your permission, I did have a number of other questions in a different part of the report, if I may, which go to the complaint issue. Part of the objectives of the Department of Financial Assistance is to, of course, reduce the number of complaints which are made. And the reference is made to *legitimate* complaints. The reference was made in the Statement by the Junior Minister to the fact that the number of complaints has reduced. But there are no data in the actual report of year-on-year what number of complaints have been made so that one can actually measure how much those complaints have reduced by. So how many actual complaints were made against the Department of Financial Assistance officers to the Ombudsman or elsewhere that would be considered legitimate complaints? That is that question.

And then my final question concerned a reference to the fraud side, to one of the investigations being referred to the Attorney General's Chambers with a concern about micro-structuring. And micro-structuring, for the listening audience, as I understand it, is a form of money laundering where you reduce the amount, say, from \$10,000 to smaller amounts to get under the profile of suspicious cash transactions with banking and other financial institutions.

I am puzzled as to how the Department of Financial Assistance funding has been able to be used or potentially may have been able to be used for micro-structuring. So, I would be grateful to have an answer to that question as well.

Thank you.

**The President:** Thank you, Vice President Kiernan Bell.

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

Hearing none, then we will await a response from Senator Simmons.

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

Madam President, I have noted 10 questions I was asked today. I have written them down. Most of these questions I am going to have to get the answers because they are asking for specific numbers that I do not have in front of me. So, what I think is best is if I take all of the questions and get the answers. And I will give the answers next Wednesday as well with the correct numbers.

Thank you, Madam President.

**The President:** With that response, then, Senators, Senator Simmons has agreed to provide these

answers, but not at this time. And she does not have a technical officer here to provide the responses.

Vice President Kiernan Bell.

**Sen. Kiernan Bell:** Thank you, Madam President.

And appreciating that that is the position that has been taken, I wonder then if I could anticipate a follow-up question. So perhaps I can get an answer to that question as well.

One of the amendments which was made to the Financial Assistance Act in the last legislative session essentially created the risk of prosecution and jail time for people who applied for Financial Assistance. And of course, this body has heard me refer to a concern about the criminalisation of poverty as a result of that.

So, I would actually like to know whether there was any decrease in the number of applications for Financial Assistance following that legislative change.

Thank you.

**The President:** Thank you, Vice President Kiernan Bell.

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

I would also say if it is questions that they want to ask, they can also email those and I will get the answers as well, any other questions.

**The President:** Senator Tucker.

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

Again, appreciating Senator Simmons's position, I just want to know if, when she gets her responses, she can give them orally and we be given leave to be able to ask supplemental questions once she gives those answers next week?

Thank you, Madam President.

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

Madam President, I will definitely give oral answers to the questions. And I will also get a technical officer to come and answer. Any question obviously, if it [involves] finding different numbers that they may not have readily available, I will also get the answers. But yes.

Thank you, Madam President.

**The President:** Thank you for that suggestion because it was one that I was considering to ask you to do so for next week.

With that said, Senators, we have completed the questions on the Statements that have been given. We will now move on.

## ORDERS OF THE DAY

**The President:** The [first] Order of the Day is the second reading of the Public Access to Information Amendment Act 2024. And that is in the name of Senator Fubler, the Junior Minister for the Cabinet Office.

## ANNOUNCEMENT BY THE PRESIDENT

### SENATE VISITOR

**The President:** And before you begin, I would just like to acknowledge the presence of the Permanent Secretary, Ms. Aideen Ratteray Pryse, who is in the Chamber this morning, from the Ministry of Economy and Labour.

**The President:** Senator Fubler, when you are ready, you can proceed.

**Sen. Mischa Fubler:** Madam President, I move that the Bill entitled the Public Access to Information Amendment Act 2024 be now read a second time.

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

## BILL

### SECOND READING

#### PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2024

**Sen. Mischa Fubler:** Madam President, the [Public Access to Information Amendment Act 2024](#) provides amendments to the Public Access to Information Act 2010, known as PATI, and the Public Access to Information Regulations 2014, known as PATI Regulations, by implementing appropriate limits on the time spent by public authorities responding to requests, providing for the payment of charges in respect of certain requests, providing an exception for the records relating to the Legal Aid Office and making minor procedural and consequential amendments.

Madam President, public access to information, or freedom of information as it is known in a number of other jurisdictions, provides important rights of access to information held by governments. PATI gives the public the right to request access to records and information held by public authorities. Around the world, governments have embraced the principles of transparency and accountability that underpin PATI.

Madam President, PATI is part of a robust information rights framework for Bermuda. In essence, the Government has established a framework that creates transparency and accountability with respect to information held by public authorities and provides rights of access for government-held records. In addition,

PATI helps people to know about government activities and encourages more information to be placed in the public domain as a matter of course.

Madam President, over the past nine years, there have been more than 1,200 PATI requests. Last year in 2023, a total of 49 out of 190 (or 26 per cent) of public authorities received 189 PATI requests. Several public authorities, about 20 [per cent] to 26 per cent, frequently receive more than their share of PATI requests in any given year. This can place an onus on these authorities in addition to their regular business functions.

Madam President, over the past nine years that PATI has been in force, public authorities have raised a number of issues. Many of these challenges relate to the management of voluminous and sometimes complex requests, given limited resources. The most frequently expressed concern by public officers involved in responding to PATI requests is the unreasonable burden on stretched resources and the ability to balance regular business duties with responding to PATI requests. They have found that responding to PATI requests requires significant time and effort to first conduct an appropriate search and then produce those records in response to the request.

Some requesters often make very broad-ranging and ill-defined requests for any and all correspondence regarding an issue over extended time periods, often years. Without [there being] a willingness to refine the search criteria, these requests often result in hundreds, sometimes thousands of pages of records that information officers must meticulously review. These requests have often exhausted the public authorities' resources and detracted from their day-to-day business functions.

Next, Madam President, the implementation of the appropriate limit in the PATI Act and regulations will help to alleviate this burden on public authorities in responding to extensive PATI requests, provide a more reasonable approach to processing responsive records and require requesters to focus or narrow their request to the exact records they need.

Madam President, the PATI Amendment Act 2024 inserts limits on the time spent by public authorities in responding to requests and provides for the payment of charges in respect of requests that exceed the appropriate limit. Madam President, this appropriate limit is set at 16 hours for public authorities to process and respond to PATI requests.

If a public authority estimates that it will take 16 hours or less to process a request, then they will go ahead and do so. If it is estimated that a request will take longer than 16 working hours to process, the authority can either ask the requester to narrow their request or they can invite the requester to pay a fee for the extra hours required to fulfil that request. The choice will depend on the capacity of the public authority to process a request in excess of 16 hours.

At this time, a flat rate of \$60 per hour is included for those hours of processing and responding that are above and beyond the appropriate limit of 16 hours. An upper limit of 100 hours is also included in the legislation. If processing and responding to a request should take more than 100 hours, the request will be denied.

Madam President, even with these changes, Bermudians and residents will continue to be able to request access to government records. The requests must now be refined and targeted to the records required. This will enable more efficient responses to the requests from the public.

Granting access to the records will continue to follow the existing legislation, providing that one of the following does not apply: In section 4, the Act does not apply to the functional records of the named public authority; or at section 16 there is a refusal of the request on administrative grounds; or an exemption applies to the information or record in whole or in part, which is Part 4 of the Act.

Madam President, a number of jurisdictions around the world such as the UK, Ireland and Australia use fees to cover a component of the cost for the actions and functions required to respond to PATI, or freedom of information requests, along with charges for production costs—as an example, photocopying or scanning records, which are already provided for under PATI.

#### Exception to the Functional Records of the Legal Aid Office

**Sen. Mischa Fubler:** Madam President, [clause 3 of] the PATI Amendment Act 2024 includes the addition of the Legal Aid Office in section 4 application of the principal PATI Act. In this case, the Act will not apply to records created or obtained in the course of carrying out the functions of the Legal Aid Office. This is to protect the provision of legal advice and representations made by both in-house and external counsel, which contain extremely sensitive and personal information.

The Act will still apply to records of general administration of the Legal Aid Office. This aligns the application of PATI to the Legal Aid Office with the application to the Department of Public Prosecutions [DPP] and the Attorney General's Chambers.

#### Minor Procedural and Consequential Amendments

**Sen. Mischa Fubler:** Madam President, since implementation in 2015, it has become clear that the PATI Act and Regulations require revisions and alignment in a number of areas. Changes include ensuring consistency of language, changes to the transfer process to engage the desire of the requester along with a better explanation of the third-party process where records contain information relating to a person other than the

requester. The minor procedural and consequential amendments proposed streamlining components of the Act and Regulations that required clarity and alignment for better cohesion and implementation by information officers. There are several other updates as well, such as

- clarifying and reassigning certain responsibilities of the head of the public authority;
- providing clarity of the third-party process and timelines;
- establishing timelines for Information Commissioner reviews, including provisions for a vacancy of the Information Commissioner in line with the Personal Information Protection Act 2016; and
- allowing the Information Commissioner to delegate powers to staff also in line with the Personal Information Protection Act 2016.

Madam President, the PATI/PIPA Unit has had extensive consultation with and agreement from the Information Commissioner on the minor, procedural and consequential amendments. The Unit has also worked with and sought input from the Commissioner on the application of the appropriate limit.

Madam President, if passed by the Legislature, specific sections of the PATI Amendment Act will come into effect on the 1<sup>st</sup> of January 2025. These sections include

- section 1, the citation and interpretation of the principal Act and principal Regulations;
- section 3, addition of the Legal Aid Office to the list of public authorities to which the Act does not apply to functional records;
- section 10, provisions for a vacancy of the Information Commissioner;
- section 11, allowing the Information Commissioner to delegate powers;
- section 16, provisions of dates for commencement along with the ability of the Minister to make transitional provisions by Regulations through the negative resolution procedure;
- paragraph (1)(a) of the Schedule defining the Minister to whom responsibilities under the Act are assigned;
- section 15 so far as it relates to this paragraph;
- paragraph 11 of the Schedule, addition of the Privacy Commissioner to the Schedule of the Act; and
- section 15 so far as it relates to this paragraph.

Madam President, these sections will align with (a) the commencement of the remainder of the Personal Information Protection Act (or PIPA) 2016, and (b) the commencement of the Personal Information Protection Amendment Act 2023. The 2023 Act harmonises with the PATI Act, removing those sections that

had conflicting or overlapping personal information provisions between the two. Requests for one's own information will be governed by the Personal Information Protection Act 2016 once the remaining portions are enacted on the 1<sup>st</sup> of January 2025.

Madam President, a later date of commencement will be provided for the remaining sections and Schedules of this PATI Amendment Act 2024, as guidance and transitional provisions are established along with training materials and templates for ease of implementation.

Madam President, PATI has played a beneficial role in providing access to records held by public authorities and at the same time has encouraged the routine publication of information by authorities to help the public understand how the Government operates and how decisions are made. Both of these contribute to the very purpose of the legislation—that is, to provide access to government records, to increase transparency and eliminate unnecessary secrecy, to increase accountability of public authorities and to inform the public about the activities of the Government. These amendments serve to strengthen the PATI regime within public authorities while balancing the management of requests with existing resources. Guidance and related information on these amendments will be published by the Government as procedures evolve.

Thank you, Madam President.

**The President:** And thank you, Senator Mischa Fubler, the Junior Minister for the Cabinet Office.

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

**Sen. Dr. Douglas De Couto:** Thank you, Madam President, and thank you to Senator Fubler for that presentation.

In thinking about this Bill, this amendment, I tried to think about it in a couple of different ways. So the first thing is, you know, we have heard in the [brief], What does Government say the problem is? The second thing is, What do their actions and other words indicate the problem is that they really want to solve for themselves? And the third thing I would put to you is, Madam President, What is the actual problem that should be solved? And in an ideal world, we would like to say that all of those things align. Unfortunately, sometimes when we come to the Senate and we actually dig into the legislation and listen to the [briefs], and we see the actual facts and figures of what is going on, we can see where they do not always align.

To me, this amendment Bill is a prime example of that. So we heard earlier in the [brief] about the unreasonable burden on stressed resources. And I get it. We cannot have the civil service overwhelmed. We can admit that. But we also know from extensive discussion from the Senator's colleagues in another place the concern of most of the Government MPs seems to be

about articles in *The Royal Gazette*. That is not what this Bill is about.

And the real problem, I would put to you, Madam President, is when I hear about unreasonable burden on stressed resources or hear in the [brief] that certain departments are getting more than their fair share. The real [question] we should ask is, Why are we not properly resourcing those departments? Why are the records not being stored efficiently? Why, Madam President, do some departments get (quote—unquote) *more than their fair share*? And I would put to you, Madam President, those are the questions that we should be asking. And the Bill does not answer any of those questions. The Bill does not provide more resources.

In fact, I would say [the reason why] the departments that are getting more than their fair share is probably something that is going on there that people need to hear about and want to hear about. A couple of great examples that we heard . . . And I think everybody (quote—unquote), *all right-thinking people* would agree that PATI is good. Transparency is good. And that these examples that I am going to give you are examples that were indeed in the public's interest.

We learned about the details of how much money has been spent on the Gaming Commission. I believe \$16.5 million. People are pretty concerned and glad that they learned about that. We learned about the details of Gencom not being able to make its severance payments and how the Government had to step in and make those severance payments for them to the tune of \$11 million. I think that was also in the public interest, and most people are glad that they learned about that. We learned about the details of the BELCO emissions and how they are affecting people in Pembroke, Madam President. Those people were glad for PATI to get those details. We learned about issues with the historical land losses, Commission of Inquiry and why things were not going so well there.

And I would put it to you, Madam President, that the department and any government departments (I think we can probably put it out there) where the general rule is that they are under-resourced and do not have enough people to do their thing . . . (Excuse me. I lost my train of thought.)

I have used PATI, Madam President. I used PATI to get detailed records of the budget data in electronic format so you could work on them as a professional might work with that information. That information would not have been provided without PATI. I have used PATI to get information about the entrustment between the Bermuda Government and the British Government that outlined how relative power or capabilities are shared there. I am pretty sure if I just sent an email, they would not respond to that. So you have to use this legal tool to get that.

But PATI is not just for Senators, and it is not just for journalists. It is for Mr. and Mrs. Smith, right? It is a tool that people could say, *I want to find out more*

*what the Government did in this situation that impacted me*. We have seen things in the uniformed services where PATI was used for people to understand how cases were handled or not handled.

So sometimes those things take a long time. And I would put to you that this Government in general—some departments are really good to work with, and some departments are not. And you find out. When you get the answer, you find out why they were not. They work very hard to hide the information, delay the information, redact the information.

In the [brief] we heard that often people ask very broad questions. Well, if you are not given enough information to even know how to narrow the question, what other kind of question can you ask? If a government department or a quango or a board does not publish minutes, does not publish meeting schedules, does not publish financials, it is pretty tough. Your first question has to be, *Hey, supply me all of that stuff*.

There was a statement in the [brief] that this has encouraged routine publications of records from the government. You know, yes, in some areas. But I would say in many important areas, we have seen things like the BTA [Bermuda Tourism Authority], the Gaming Commission, some areas of some hot public interest where they have gone over and above trying to hide that information. So I say, thank goodness that we have PATI!

So I really do not like this Bill. And I think this Government is passing this Bill to solve a problem that is not the problem that should be solved. The problem that should be solved is resourcing. We have heard about the \$25 million surplus, but nothing in here about resourcing, training. Perhaps we could pass laws that require all quangos, committees, boards, ministries to make publicly available a wide swathe of information.

I know one thing from the Government was, *Oh, this Bill is just like they have in other jurisdictions*. Maybe certain details or certain qualities in the Bill are. But the overall picture is not. Because in those other jurisdictions, they give more resource to this problem. They require bodies to make certain records public by default. You do not even need a PATI request to get them, for example.

We heard reference to the consultation with the Information Commissioner. I would say that consultation was perhaps not particularly fulsome or I would suggest that her feedback was not taken on. If you permit me, Madam President, I would like to quote from her statement regarding this amendment, just a few brief sentences.

**The President:** You may.

**Sen. Dr. Douglas De Couto:** I quote: “The current amendments lack important safeguards for the provisions to be administered fairly and effectively.” (And I quote a second sentence:) “These amendments are not accompanied by robust commitment by the

Government to ensure appropriate training and resources are available to the public officers who must process PATI requests.” (And the third one I will quote:) “Proper application of the existing PATI provisions could more effectively solve the challenges identified by the Government.”

So when I hear those, it takes me back to many other topics that have come to the Senate where we heard about consultation, and then we heard from the people who were supposed to have been consulted, and you get a very different message. And if the Information Commissioner is not our national expert on this, I do not know who is.

Now, let me make a couple of detailed comments and I will conclude with my specific questions, Madam President. I do have a concern here that if you are in a department that has perhaps hot-topic information, you are in fact de-incentivised through this Bill to improve your record-keeping or to invest in your systems. In fact, you will be incentivised to say, *Take all your meeting Minutes and put them in a file folder and stick them somewhere that is hard to find* and so forth. Perhaps these limits could have been fine-tuned. I do not like them at all, but they could have been fine-tuned. Perhaps a department that has manual record processing, paper-based processes could have a longer limit than a department that has a digital set of processes and data. Do you see what I am saying, Madam President? Thereby they get credit for investing in their record-keeping.

**The President:** Senator De Couto, do you have specific questions?

**Sen. Dr. Douglas De Couto:** Yes.

I am concerned, Madam President, What provisions will there be for people in financial hardship who cannot pay the PATI fees? So that is one question.

I am concerned, Madam President, that the way I read the Bill, it does seem to just be a hard cut-off at 16 hours. And I am not a lawyer, so I cannot understand how the mechanics work that actually require a department to go over the 16 hours when they do not want to. So I would like an explanation for that, Madam President.

I am concerned that there is not language around topics of national interest or public interest types of extensions.

And then I think I would close, Madam President, with asking. We had some statistics about the PATI requests. But how many, if they pick the last nine months or however the statistics are grouped, how many of them would actually have been subject to these limits? And how much money would have had to have been charged if this amendment had been in effect?

Then I will close with a comment, Madam President. If you look in the OBA Platform, we have actually made a commitment about transparency that would

actually, some of these comments I made, that would require certain bodies, departments, boards to make certain sets of financial, meeting Minutes and so forth available to the public by default. And that would be the stance that we would take.

But I think I had my three questions and my comments. And I appreciate the time, Madam President.

**The President:** Thank you, Senator De Couto. Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

As you know from having heard me speak in the Senate over several years, I am a staunch supporter of good governance. It does not matter whether it be a private or public company, a non-profit or government, any organisation of any kind works more effectively if strong governance, transparency and best practices are adopted.

The Government of Bermuda website says quite clearly when you read it public access to information lets you ask a public authority for records to help you understand the work that goes on in the public authority and how it makes decisions. This makes the entire government more accountable and also removes unnecessary secrecy.

When PATI was approved into law in 2010, I viewed this as a great step in the right direction for Bermuda. Unfortunately, I do not see the intention of PATI being executed since its adoption as it was intended to. In my view, too often the public gets denied information that they are entitled to and should have. Also in my view, the outgoing Information Commissioner and her team have done a very good job, albeit under unnecessarily difficult conditions.

To better understand best practices in public access to information, I read with interest a document prepared in 2021 in Canada called *Observations and Recommendations on the Government of Canada's Review of the Access to Information Regime*. It reads— if you will allow me to quote, Madam President?

**The President:** You may.

**Sen. John Wight:** “For the access regime to work properly, senior government leaders and heads of government institutions will have to show strong leadership and make a clear commitment to promoting transparency and the disclosure of information. This leadership is essential in bringing about a cultural shift within the government and requires the following:

- Take every necessary measure to ensure that government institutions respect the existing legislation . . .
- Be transparent from the outset and disclose more information voluntarily and independently of the legal obligation . . .

- Ensure that institutions immediately take the measures needed to review and improve their access to information process in order to reduce response times.”

All of what I have just read, Madam President, resonates with me. It aligns with my views of strong governance for progressive jurisdictions. When I read this Bill line by line, which I did, I found myself disagreeing with the reasons provided for why this legislation is better, more effective and more efficient for our jurisdiction.

I am disappointed with the Bill being proposed today, Madam President, as it contradicts good practices. Madam President, that is all I have to say on this matter.

Thank you.

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

Would any other Senator care to speak on this Bill?

Vice President Kiernan Bell, you have the floor.

**Sen. Kiernan Bell:** Thank you, Madam President.

One of the concerns that I had reading this Bill, and it is a question, I suppose, that needs to be posed, is, Will the recourse for a pre-emptively refused request for information . . . So the Information Officer determines that the request for information that has been made is going to take more than 16 hours. The next step is for that decision to be reviewed, assuming that that request cannot be further narrowed to make it more concise or gather more information.

So my question is, How is that additional layer of, or additional step been taken into account in making this amendment? Bearing in mind that in other jurisdictions where there is a similar approach in terms of assigning a cost or a fee if a PATI request (or a Freedom of Information Act request in other jurisdictions) is being made, that trigger is reached, a fee notice (in other jurisdictions) is sent out. If you want to continue with this Freedom of Information request, it is now on the clock, if I can put it that way, and it is going to incur a fee because the information is taking considerable time to find.

In Bermuda it seems we are taking a slightly different step. And we are defining that appropriate limit as 16 hours. And the question is, What then is the recourse for someone whose request is refused because an information officer determines pre-emptively, presumably before they have logged the request because that gets the clock going, that this request is going to take more than 16 hours? What then happens? Does that then get reviewed by the Information Commissioner? Is there then going to be a judicial review proceeding in the Supreme Court? Is this going to create an additional layer of cost and delay for requests? And has that been taken into account by the Government in proposing this particular amendment?

Thank you.

**The President:** Thank you, Vice President Kiernan Bell.

Would any other Senator care to speak on this Bill?

Senator Dwayne Robinson, you have the floor.

**Sen. Dwayne Robinson:** Thank you, Madam President.

My colleague really covered the main concerns. But I just also want to highlight that we have to be cognisant of the message that we send out with legislation. We need to make sure that we are addressing the issues that are being listed.

And to me, I think the way that the Government is approaching this is not a method in which it is promoting transparency. I believe it is the opposite. And in this case, I think it would have been more plausible for the Government to lead with a bit more solution-based measures when it comes to PATI and transparency. Because again, on one hand the community is told that the fiscal position of the Government is good, the economy is great and therefore we have excess funds that we did not originally have. But on the flip side, it then says, *But you have to pay for anything exceeding a 16-hour PATI request.* And I think that it is a conflicting message there because this is something that I think most of the public would appreciate the Government placing more funds into to ensure that transparency is of maximum importance.

So my question goes to the other side of what Senator Bell was mentioning. We have now seen legislation come forward, an amendment that stipulates 16 hours. And then after 16 hours you receive a bill. My question is, If you have received notice that this particular PATI request that you put in will not exceed 16 hours, and then something happens on the government's end, am I now on the hook for something that originally I was told would not cost me anything, and now if I want to complete it, I get a fee? So will the respective Ministry commit that, if they communicate to this person that this is a free PATI request because it will not exceed 16 hours, they will stick to that regardless of whatever drawbacks they may encounter on their side?

Many of us who have worked with government departments understand that there are hangups. And civil servants are forced to extend their lines for things that are sometimes outside of their control. If that is the case, will this legislation protect the person who has submitted their PATI request who should be under 16 hours so that they will not be subject to a fee for any inconvenience on the other side of this?

Also, I just would like to ask the Junior Minister, How does this particular fee assist government with what seems to be staffing issues when you have people doing two jobs in a sense, where they have to do their own responsibilities and take on something with PATI? So if you are increasing the fee on something going over 16 hours and the Ministry intends to either

deny every single PATI request exceeding 16 hours or take it on, the additional payment only seems to benefit the government coffers. It does not seem to benefit the civil servant in any way. They are still doing the same amount of heavy lifting on top of their responsibilities.

It does not really address the problems of efficiency and staffing and needing more support and resources. This legislation only seeks to really line government's coffers in a sense because it does not address the staffing issues that are occurring. That will still occur after this Bill if this Bill should pass. And I think that this is something that Government needs to address. And I would like to hear from the Junior Minister if there is any forward thinking on how efficiencies and staffing can be handled to support the civil service. We want to promote PATI; we do not want to stifle it. And we do not want to pass legislation meant to deter people from utilising it.

If we see that there are certain ministries that are getting increased requests, instead of looking at dis-incentivising our community from making requests, we need to look at making those particular ministries more transparent, as my colleague spoke of.

Also, I would like to pose another question to the Junior Minister as well. Would not this legislation potentially just create more, smaller, targeted, under-16-hour PATI requests that will compound into the same amount of work for the civil service if, instead of asking one big broad question that takes me 24 hours or 38 hours, I ask six smaller PATI requests of things that I believe are more targeted under 16 hours? It still equates to the same amount of work on the civil service. They will still be doing PATI requests longer than 16 hours. It will just be broken into smaller, potentially more targeted PATI requests that stay underneath that radar. For me, it does not seem to address the issue.

So, I just wonder what the Junior Minister's thoughts are on that because in my opinion, if I wanted to . . . One thing about Bermuda and Bermudians, if we can avoid a fee, we will! We will find a way to avoid a fee. Because we have been conditioned in our high-cost-of-living society that we know how to make sure that we stay within the free zone. So does this really help the civil servants if they are now going to be inundated with, instead of six large PATI requests they can have 10 smaller ones (if you get what I mean, Madam President)?

So, with that, I would just like to hear the Junior Minister's thoughts on those particular questions. And with that I will conclude. Thank you.

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

Would any other Senator care to speak on this Bill?

Minister Wilkerson, Attorney General, you have the floor.

**Sen. the Hon. Kim Wilkerson:** Thank you very much, Madam President. And good morning to the listening audience.

This has been an interesting conversation, hearing the comments from across the aisle. And let me start by saying, Madam President, people would recognise that a Bill of this nature at the drafting stage would come before me, or it is called legislative counsel, and with the Ministry. And we sit around the table to go through the Bill and see if it meets the needs that were set out.

And some of the concerns that I have heard raised from across the floor, I too raised, I will admit. Having a concern for, as Senator De Couto points out, Mrs. Smith and a concern [as to] are we limiting the opportunity for access to Mrs. Smith with a fee structure? Which I believe is what most of the concern about the fee structure is, that it might force her to perhaps reconsider her request. And I am confident, Madam President, that that is not the intention of the Government here.

I understand that a balance absolutely has to be had. I have had the experience of being in the position (in my role in a previous place, as the chairman of the board of an authority) of having to answer PATI requests, understanding the complete amount of time that would be taken by an entire staff answering requests that were not specific in nature or that were designed for a purpose other than to arm Mrs. Smith with information that would enable her to exercise her rights as a citizen.

Sometimes—oftentimes, Madam President, these requests are coming from another place perhaps designed to embarrass a public authority to launder, hang dirty laundry, as you might say, and not for a good purpose. And I believe that as I said earlier, it is the idea of striking a balance between the needs of the average citizen (and I think the requests of average citizens are generally met) versus other kinds of needs.

I heard my colleague across the floor, Senator De Couto, create a long list of the benefits that we have seen from the regime already around things that are in the public interest that the average citizen would have wanted to know. And this regime has given them the ability to get that information and hear it through *The Royal Gazette* or through other means. But, Madam President, there is, as I have said, a balance to be met. And we look very carefully as to how that balance could be met.

I certainly pushed back on the idea of a fee. And I asked, you know, *What does this look like against other jurisdictions? Are we doing something that is out of step?* And in fact, we pushed back and got more information. We asked the technical officers and the Ministry of Cabinet Office to come back to the table to give confidence that we were not out of step in how we were looking at amending the legislation for the purpose.

I have heard the comments about, you know, perhaps a way to do this is to simply revise how we

store information. Having come from international business into this role a few months ago, I agree. We need to revise the way that we store information in government. But I will remind my colleagues across the floor that, if they should win the next election, they will inherit these same paper files that we are trying to deal with right now. We will not suddenly be a digitised civil service as a result of a new election or the election of a new Government if that is what will happen. So they will be faced with the same problems that we have, your important functioning civil service being completely diverted sometimes to deal with requests that are not made within the spirit of PATI.

And I would remind members of the listening public that it was the Progressive Labour Party that brought the PATI legislation because we are stewards of transparency. We recognised that this was important for the people of Bermuda. That is why we brought the legislation in the first place. So, I think it is difficult now to hear the intent of PATI, I believe, being undermined in a way. While I do at the same time understand the concerns that we continue forward in a way that guarantees the transparency, that we deal with this legislation and request it sensitively in a way that is in line with the spirit of why PATI was instituted in the first place, Madam President.

So, for all of those reasons, I understand some of the concerns raised because, as I said, I had them too. I am satisfied on balance that what the Government is doing at this point is in the best interest of the people of Bermuda so that we can continue to have a thriving ethos where information is shared and where transparency is promoted.

I have heard the conversation and the call perhaps for information. And I agree. There needs to be more education for requesters. And this is something that I have raised, more education for requesters. I have raised this with the Minister for the Office of the Cabinet around requests so that people understand the nature of making a request: How to make a request specific; how not to go on a fishing expedition. And I accept that that must be part and parcel of how we roll out to 2025 the spirit of this legislation.

So, thank you, Madam President.

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

Senator Hodgson, Arianna Hodgson, you have the floor.

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

I did just want to speak briefly in support of the Bill today. Like my colleagues in the room, I am too of the notion that we should do all that we can to do a better job at sharing the information that the government holds, the various public authorities hold. And as [Minister] Wilkerson spoke to, we were the Government that moved to ensure that this type of transparency and accountability is a function of our government. So as

always, I have been doing a bit of thinking. And like my colleague mentioned, we all in the room had the same question: Is a fee necessary? Is the fee appropriate? And we went through the exercise of weighing the pros and cons of implementing such legislation.

And I myself had asked a question of a public authority recently. And I was not intending to make a PATI request. However, the fact that I had asked for this information, they determined that it could be or should be treated as a PATI request. It was interesting, because I actually had a member of a public authority reach out to say, *Hey. Let me have a conversation with you. Let's get some clarity around the information you're looking for. What is the intended goal of reach of the information you are looking for? And let's make sure we can both get on the same page, that we can ensure that the time is being used efficiently.* And there was an instance where she said, *You know, this might take a bit longer perhaps.* And then we would be able to set another timeline that let me know that she was still working toward collecting that information.

So, when I think about our role as the Government and our management of such a framework, it is important that we consider things like resource management. Who is responsible for the work? What additional work are they responsible for already in their day-to-day work? I remember when the legislation was rolled out, I had signed up for my PIPA and PATI training. And I went through all of those exercises. So now to be on the other side, I am able to think a bit differently about the execution of such a framework.

Senator Robinson spoke to, I guess, our limiting one's ability to ask a full question. But I think it is important that in going through this exercise we recognise that we want persons to be clear on what it is that they are asking for. I know that we have some teachers in this space, and sometimes just figuring out the question and then answering it is a task in itself. So I want to actually encourage . . . and I think the point of this exercise is to encourage making our requests more specific. And when I think about precision, more targeted information requests, I think that we will get to a place where we are more efficiently processing and addressing the requests that the public have.

But at the same time, we cannot discount the fact that we are constantly looking for ways as a Government to share more information, to make sure that the public is better informed, to make sure that Mr. and Mrs. Smith understand the works that we are doing.

It is interesting because I was also watching a video on YouTube. And it was the journalist's point of view. And it was the American journalists talking about how they kind of manipulated the US system to work for them in some instances. And I get the goal of journalism. But essentially, as a public authority, there is work that must be done. I think that I would love to be part of the conversations that say, *Hey! How can we do more to get the information out there?* And I think about board meeting Minutes and all of the rest. I think that

we can envision a future that makes all of these things more accessible.

I was having a conversation yesterday and we were talking about the fact that in the future there will be fewer big companies and more small companies because fewer persons will be able to do more with less. And it changes the way that we operate. It changes the way that we provide systems and services as a government. And so while we could sit and talk about whether or not it is fair or whether or not it was intended to limit a person's option to access public records, I think this is more about just being reasonable.

And I think that it is reasonable to introduce a fee that says that after 16 hours of research and efforts to provide a response to your request, then perhaps a fee is suitable. And as has been discussed here and in other spaces, we are not moving in unison. This is something that other jurisdictions have already explored. There were some who have lower amounts and some who have significantly higher amounts. And so, I think that we do find ourselves somewhere in the middle.

I think that concludes my comments on this one, Madam President.

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

Would any other Senator care to speak on this Bill?

Senator Tucker, you have the floor.

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

I will just be just a few probably seconds because I think that everything that I would want to say has already been said by my Senate colleagues clearly on this side of the aisle.

But I just wanted to highlight something. The Junior Minister just a second ago said that the Government is always looking for ways to share more information with the public. And so one of the things, one of the ways I think that the Government could actually do that is with the information that is extracted or provided by PATI requests. Where there are consistent themes or multiple themes or what have you, then why could not that information be made public on the public website somewhere? That reduces the number of requests that are made because that information is already readily available. So that is just one way that they could increase transparency, increase accountability and also hopefully reduce the number of requests that are made.

People are asking questions because they obviously want answers. So, if certain answers are things that are of national public interest, for instance, when people ask those types of questions, then they should be made public. Right?

I do have one question in particular. (The others that I had have already been asked.) But I do have a question as it relates to refusal of a request, and that is the ability to refuse in connection with the opinion of the public officer if they deem it to be vexatious or

repetitive or what have you. So my question is . . . I do not know in the regulations or where will there be any guidelines for that, because that is quite subjective and quite broad. If it is in your opinion or my opinion or what have you, we could have different opinions. So is there fairness across the board to ensure that when those opinions are determined that they are within certain parameters, so that it is not just a very easy and general thing because that particular official who has received that request is just dismissing it because they do not want to deal with it?

So as my colleagues have already said . . . and if I have not been clear, I have some concerns as well. And so I look forward to hearing the answers to the questions that have already been asked.

Thank you, Madam President.

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

Would any other Senator care to speak?  
Minister Darrell, you have the floor.

**Sen. the Hon. Owen Darrell:** Thank you, Madam President. And while we know that this is a very important Bill, and I want to thank the Junior Minister for bringing his first Bill to this Chamber, I am struggling. Madam President, I am struggling because in the three Senators who have spoken from the other side of the aisle, I have yet to hear a clear indication of whether they support this or they do not. Yes, we all have questions. And even on this side of the aisle, we have sat with the technical officers. We have sat with the Minister of the Cabinet Office, and we have asked those questions.

We have said, *Oh, okay, great. Wonderful.* And we say, *You know what? We're going to support this.* But I heard from one particular speaker from the other side a lot of vague references to "they." And I take exception to that, Madam President. I really do because I can only assume that the "they" that that Senator was referring to is the hard-working technical officers whom we have working for this Bermuda Government who support us as Ministers and serve the people of this country every single day.

And when we talk about "they" and we refer to them as "they," I struggle. Because "they" whom we are referring to—

**Sen. Dr. Douglas De Couto:** Point of order, Madam President.

#### POINT OF ORDER

*[Imputing improper motive and Misleading]*

**Sen. Dr. Douglas De Couto:** The Senator is imputing motive and also misleading the Senate.

So thank you, Madam President.

**The President:** Carry on.

**Sen. the Hon. Owen Darrell:** Madam President, thank you.

The “they”—I will repeat—strikes me as odd. And I can only imagine the technical officers who are listening to this debate who work hard to support us and to support the research that Senator De Couto may have a lot of time to do . . . they also have substantive jobs that they have to do, Madam President. And we happen to have public officers, technical officers in the Chamber with us today. So I will tell them right here right now, *Thank you* for the work that they do.

But just imagine. Just imagine, Madam President, if someone asked you—“they”—to find all communications that have been put on record on a particular topic for the last 10 years. Follow this now, Madam President. Imagine if “they” in those departments had very little administrative staff, meaning that technical staff had to be the ones conducting searches and processing these requests. Imagine that. These are people whom we are talking about, Madam President. And I will go as far as to say *proud* workers of the civil service.

And then we would get up here, certain people, certain individuals, and question the Government as to, Why are substantive tasks not being completed? I understand, as we have seen previously today, that maybe the job of the Opposition is just to nitpick and complain. Maybe; I do not know. But you cannot have it both ways, Madam President. Because for these public officers, I can attest that much of their work that they do goes unseen, Madam President. They put their heads down, they work hard, they serve the people of this country. They support the ministers, and they go home to their families. They are people. They are not “they.”

And if I have not already, I want to take this opportunity to commend the hard-working public servants for their work, including the team of technical experts who are sitting here who put this Bill together. These technical officers have been tied up trying to answer every single question. Believe it or not, the fee which we have spent most of this time discussing today, Madam President, is directly connected to the hourly rates that it would take these public officers to respond to all of these requests. And as was said by Senator Wight in his contribution, this aligns with international best practices.

So to go on, I want to echo the comments of the Attorney General, Senator the Hon. Kim Wilkerson. And part of the reason that we are excited for the Junior Minister, Senator Mischa Fubler, to join us in this Chamber and to join us when he walked into the Progressive Labour Party is the technical experience that he has. It is the passion that he has to digitise the government and to really dig in, as the Senator said, to the years of data, the years of files. And he can look at it and put it in digital format and assist with that in ways that will make sense to the general public.

I am pleased, Madam President, to support this Bill, if I did not say it already, if it was not obvious. I support this Bill. And I am pleased that the person to usher this amendment through this upper House is Senator and Junior Minister Mischa Fubler.

Thank you, Madam President.

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

It is then over to you, Senator Mischa Fubler, to respond.

**Sen. Mischa Fubler:** All right. Thanks, Madam President.

There were several questions relayed throughout the Senators’ responses, and so I am going to endeavour to touch on all of them. And I just wanted to start with, you know, I have joined this process nearing the end of it, right, as the Bill is being brought to the Senate. I myself needed to conduct some research to get a feel for whether what was being proposed was appropriate. So, I took some time to look around at other jurisdictions. And I just want to highlight a few of them that I came across that I found interesting.

Starting with Sweden, who feels so strongly about freedom of information that there are four core laws which kind of constitute their Constitution, including their Freedom of Information Act. And it is notable that even with their prioritisation, the Act explicitly mentions that they are under no obligation to provide electronic copies of the documents. Citizens are welcome to attend the relevant public agency to review them. They have a nominal fee, so they are definitely on the lower end for receiving copies. They still mention faxing in their Bill, so maybe it is time for some updates there. But that is on the one scale.

If we look at places like Australia, they have the Freedom of Information Act 1982, where the fee is not explicit in the Act, and it is at the discretion of the agency or minister. And so again it is good that we are setting something that is commensurate with the cost of a policy analyst, on average, and that is typically who would be reviewing and responding to the request.

Several of the Opposition Senators mentioned concerns around, *Well, you know, poor record-keeping, and how long is it going to take to find this?* It is important to note that the search and retrieval is not included in this estimation of time, and that it is intended for this to be a collaborative process.

I think Senator Robinson asked about surprise billing. The information officer is mandated to offer guidance on how to reduce the request such that it falls under the 16-hour limit. So, I do not really know if there is any kind of substantive concern around the surprise now; it is more than 16 hours. Although to be fair, you know, it is an estimate. They are doing some sampling on the records and basing an estimate on that sample. So there may be some unforeseen additional work required. But as I mentioned, that will be collaboration. (Just going back through my notes here.)

On the electronic format, I just made that notice for Senator De Couto. I doubt those requests take more than 16 hours, so they will still be provided as requested.

And I also wanted to ask . . . I do not know if I can ask questions of the questioners, but was there an information request submitted? My understanding through being briefed by the technical officers is that it is possible to submit an information request which [does not need] to conform to the Regulations of PATI. And some departments are more than happy to provide information through that method.

And also in this, any and all to go fishing, as a fellow computer scientist I would like to think that when you first interrogate a new data structure, maybe thousands, millions of records, you do not select all from the table. You do some sampling to get a feel for where would be more effective to request additional data. I think in this case breaking it down into 16-hour increments, even if submitting several, will serve as kind of a rate limiter to help balance the service delivery of that public authority and the need to access the information. I have some support as well from my technical officer here that I will pull up.

Questions around affordability . . . there is no waiver provision in the legislation. However, there are several options if the processing of the request exceeds the appropriate limit. The first we have mentioned a few times now wherein the information officer can recommend refinement of the request being more specific, such that it is under the 16 hours, an agreement of the requester to have the authority process the request as an information request, which I just touched on, rather than a PATI request. The public authority can also consider publishing the records if it is thought that the release of those records is in the public interest, in response to Senator Tucker's question.

Continuing on . . . right. So there was a question raised around training. We should note again that the implementation dates of the various sections of the Bill are such that it is staggered so that the information officers will have time to accommodate training specifically around the sections that have the fee involved.

To Senator Bell's questions around pre-emptive denial because the estimate is over 16 hours, the legislation still lays out opportunities for requesting review of the decision. And then also that review is to the internal review first, and then to the Information Commissioner's office and subsequent to that even to the judiciary if needed. So I think there is still adequate opportunity there if someone feels that their request is unduly denied.

And to multiple requests being submitted, there is also [clause] 16(3) around repetitive requests for the same or similar information, it is that rate-limiting of three months. So, that serves to help reduce the risk of still seeing that overwhelming of the service delivery of that public authority. And I think that Mr. and Mrs. Smith, if they just want to be informed, will be okay with

its taking longer to receive the information as opposed to having thousands of documents retrieved and reviewed and provided to make headlines; or, as some of the other Senators mentioned, attempting to embarrass the Government.

There was a question around how many requests exceeded the 16 hours. I had a similar question for the technical officers when I joined the team. Unfortunately, it is not monitored. There is no requirement to monitor the time other than to prove administrative burden. And the Information Commissioner's Office [ICO] does not include that statistic. I recommend that, if you are so inclined, we should recommend to the ICO that they start to capture that detail. I will be doing so as well. I am keen to see how many are refused by exceeding the maximum limit and how many are not processed once being informed that it exceeds the appropriate limit.

There were some other questions. We touched on the mid-year review, the \$25 million. I challenge Senators to make the argument that it is more important to provide historical records than to provide assistance to national security and mental health. Maybe there is a better balance that could be struck, but to try and highlight that as a failing and not diverting that resource to the public authorities for record retrieval just feels callous.

And the statement around the \$60 an hour having no impact on resourcing, I think those of us in leadership or managerial positions understand that all of the work that your team undertakes has a cost. So if we have these kinds of consistent requests, that \$60 an hour being commensurate with a policy analyst, you can then project, *You know what, I'm going to see this many requests over here. I can then budget for a policy analyst whose task is then to do the record processing and supply to those making PATI requests.*

What else do we have? We did the smaller requests. I think I captured responses there to all of the requests.

I just want to end with, you know, I did some research first to inform myself on the situation. And one of our frequently referenced comparable jurisdictions is Cayman. They have a Freedom of Information [Law] (2020 Revision). Section 9(c) states "A public authority is not required to comply with a request where—(a) the request is vexatious; (b) the public authority has recently complied with a substantially similar request from the same person; (c) compliance with the request would unreasonably divert its resources; or (d) the information requested is already in the public domain."

This reads almost verbatim to what we are proposing for the amendment, or what is already part of the Act. It is also important to note, for their costs, section 13(1), "The communication of information may be made conditional upon the payment by the person making the request of a reasonable fee which shall not exceed the actual cost of searching for, reproducing, preparing and communicating the information."

So it is important to note there that they are charging for the search and reproduction as well, whereas the search and retrieval in our amendment is exempt from that 16-hour appropriate limit.

On that note, unless I missed anything, Madam President, I will conclude my response.

**The President:** Certainly you may and you can move your Bill.

**Sen. Mischa Fubler:** I move that the Bill entitled Public Access to Information Amendment Act 2024 be read a second time.

**The President:** Is there any object to the second reading?

No objection.

**Sen. Mischa Fubler:** I move that the Senate do now resolve itself into a Committee . . . no? I do not?

**The President:** No.

### SUSPENSION OF STANDING ORDER 26

**Sen. Mischa Fubler:** Okay. I move that [Standing Order] 26 be suspended.

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

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

**Sen. Mischa Fubler:** I now move that the Bill [entitled] Public Access to Information Amendment Act 2024 be read a third time.

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

## BILL

### THIRD READING

#### PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2024

**Sen. Mischa Fubler:** Madam President, I move that the Bill pass.

**The President:** Senator De Couto.

**Sen. Dr. Douglas De Couto:** I have an objection, Madam President.

**The President:** You object to the third reading?

**Sen. Dr. Douglas De Couto:** To the motion that the Bill do pass. Thank you, Madam President.

**The President:** Would any other Senator like to speak?

Senator Robinson.

**Sen. Dwayne Robinson:** Madam President, I second that. Thank you.

**The President:** We have three—  
Senator Tucker.

**Sen. Robin Tucker:** Yes, thank you, Madam President.

I object as well.

**The President:** It appears we have three objections and therefore we will take a vote.

*[Pause]*

**The President:** Senators, we are going to take a vote on the passage of the Bill.  
Mrs. Beale will conduct.

**The Deputy Clerk:** The vote is on the passage of the Public Access to Information Amendment Act 2024, the passage of it.

All of those in favour of passing it say Aye. All of those against say Nay.

### DIVISION

*[Public Access to Information Amendment Act 2024,  
third reading and passage]*

#### Ayes: 8

Sen. the Hon. O. Darrell  
Sen. Arianna Hodgson  
Sen. Mischa Fubler  
Sen. Lindsay Simmons  
Sen. the Hon. Kim Wilkerson  
Sen. Kiernan Bell  
Sen. John Wight  
Sen. the Hon. J. Dillas-Wright

#### Nays: 3

Sen. Dr. D. De Couto  
Sen. D. Robinson  
Sen. Robin Tucker

**The Deputy Clerk:** So, with a vote of eight to three, the Bill passes.

**The President:** Yes. And I will repeat that.

The vote is eight to three on the passage of the Bill. Therefore, the Bill is passed.

*[Motion carried by a majority on division: The Public Access to Information Amendment Act 2024 was read a third time and passed.]*

**The President:** Thank you, Senators. And thank you, Senator Mischa Fubler, for presenting your Bill.

With that, Senators, we will now move on to the second item on our Orders of the Day. And that is the second reading of the Employment Amendment Act 2024. That is in the name of Senator Arianna Hodgson, the spokesperson for Economy and Labour.

Senator Hodgson, when you are ready you can present your Bill.

### STANDING ORDER 25

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

I do want to move that the provisions of Standing Order 25 be granted so that we can proceed with the second readings of both this Bill and the Bill that was just previously passed.

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

*[Motion carried: Leave granted for Employment Amendment Act 2024 and the Public Access to Information Amendment Act 2024 to be read a second time on the same day as its first reading.]*

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

I move that the Bill entitled the Employment Amendment Act 2024, be now read a second time.

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

## BILL

### SECOND READING

#### EMPLOYMENT AMENDMENT ACT 2024

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

I am pleased to present the Bill entitled the [Employment Amendment Act 2024](#), which seeks to amend the Employment Act 2000 to increase the maximum severance allowance payment from 26 weeks wages to 32 weeks wages.

Madam President, severance allowance is designed to provide employees with a level of financial stability and to assist with covering essential expenses when they lose their employment prematurely and through no fault of their own. Madam President, job loss can be a significant source of stress and disquiet, especially for persons who have been employed by one employer for a significant period of time. Increasing the severance allowance payable can help alleviate the fears associated with sudden job loss, provide a sense of financial security and avert the need for persons to rely on financial assistance.

Madam President, increasing the severance allowance payable to employees gives employees the time and resources needed to seek new employment. This may result in better job opportunities as employees will no longer feel compelled out of financial necessity to accept the first opportunity that arises. Madam President, with this in mind, the Ministry of Economy and Labour laid before the House of Assembly the Consultation on Retaining Local Workforce Position Paper 2024 in March of this year, which highlighted the challenges of Bermuda's shrinking working population. It sought, among other initiatives, to put in place targeted measures to encourage and motivate working-age Bermudians to remain in Bermuda, among other measures.

Madam President, one of the initiatives initially proposed in the position paper was an increase in severance allowance from a maximum of 26 weeks wages to a maximum of 52 weeks wages. However, consensus received from industry and our union partners during the public consultation period was that, while an increase was necessary, the Ministry must take into consideration certain factors. These factors include the rising cost of doing business in Bermuda, coupled with the fact that the purpose of this Act is to set a minimum standard and not to include provisions that may be progressing beyond a minimum standard. As a result, support was received for an increase in severance allowance from a maximum of 26 weeks wages to a maximum of 32 weeks wages.

Madam President, the principal Act puts a cap on severance allowance of 26 weeks wages, which reflects payment for a maximum of 12 continuous years of employment. The Bill proposes to increase this benefit to a maximum of 32 weeks wages, benefiting those who have been in continuous employment with an employer for 13 or more years. Madam President, pursuant to the Bill, the severance allowance for an employee with 13 years of continuous employment will equate to 29 weeks wages. And the severance allowance for an employee with 14 or more years of continuous employment will equate to 32 weeks wages.

Madam President, not only will this Bill strengthen labour policies that protect the rights of workers in Bermuda and encourage employers to engage in fair and responsible employment practices, it will assist in persons being able to meet their basic needs which is foundational to building a healthy and thriving community.

Thank you, Madam President.

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

Would any Senator care to speak on this Bill?

Senator Tucker, OBA Leader in the Senate, you have the floor.

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

I will say that we have no issue with this Bill. I will say that as someone who works in Human

Resources who has had the unpleasant experience of having to have these types of conversations with employees, and certainly understanding how difficult it is for some people once they have been told that their positions are no longer required, I think that providing additional support is a good thing. I just want to reiterate again that the additional period to a maximum of 32 weeks is not going to be for everyone. It will be for people with 13-plus years of continuous employment. Just reiterating that.

I also want to balance that with an appreciation for the additional—I am hesitant to use the word “burden,” but that is the most appropriate word I can think of at the moment—that may befall some employers, particularly small and mid-size businesses. So I would like to know if the removal of payroll tax in conditions of redundancy will be just for employees only or if it will be for both employee and employer?

Otherwise, I have no other questions on this Bill. Thank you, Madam President.

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

Would any other Senator care to speak on this Bill?

Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

Obviously, this Bill will increase the cost of doing business marginally for those companies that have an employee situation that we are looking at through the wording of this Bill. I think that is in some ways cause for slight concern. But if there is no payroll tax that gets paid by the employee, and certainly by the employer, that would ease some of that additional burden. Under those circumstances I would be supportive of the Bill.

Thank you, Madam President.

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

Would any other Senator care to speak on this Bill?

Hearing none, it is over to you, Senator Arianna Hodgson. It seems you have support.

*[Pause]*

**Sen. Arianna Hodgson:** Apologies, Madam President. I always want to make sure that I have the correct information.

So, I did just want to confirm that today the intent is to provide the relief for the employee portion of payroll tax for severance payment. I did just want to speak to something briefly that Senator Tucker mentioned. As HR professionals and as leaders of companies, that means we are going to have to change the way we think about the employee life cycle. It means changing in terms of planning and making sure that we have the amounts to facilitate such a move. I think it is also worth highlighting, and we spoke to it in the other

House, that the issue of severance is not always a negative thing. So, we must consider those as well.

It is also worth noting that as the world of work changes, the labour force as it exists is going to continue to change. That means that employers are going to have to be ready to pivot when the time comes. We are going to continue to make sure that persons have the protections they need in the workplace. And I thank those in the room for their support around this matter.

It is also interesting because I was having a conversation about older persons receiving severance payment in some instances and then being able to have the means to perhaps explore entrepreneurship. So, one of an entrepreneur’s biggest challenges in Bermuda right now is the lack of cash and access to cash to be able to advance these businesses and the plans that they have. And so I am excited that we are having more conversations about what the future world of work looks like. We are having conversations about encouraging employers to employ older members of their workforce for longer periods of time. So of course we are having a lot of conversations about what that means for changes in term of pension. That means we are having conversations about upscaling within the work space.

*So yes, I am 50, and I thought I was leaving the workplace, but perhaps I do not have to. What is my employer doing to ensure that my contribution to the organisation is one that is welcomed by the employer?*

So, given the support on both sides, Madam President, I would like to move that the Bill entitled the Employment Amendment Act 2024 be now read a second time.

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

No objection.

## SUSPENSION OF STANDING ORDER 26

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

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

**The President:** Is there any objection?

No objection.

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

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

I move that the Bill entitled the Employment Amendment Act 2024 be now read a third time.

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

No objection.

**BILL****THIRD READING****EMPLOYMENT AMENDMENT ACT 2024**

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

Then I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Employment Amendment Act 2024 do now pass.

Is there any objection?

No objection. The Bill is passed.

*[Motion carried: The Employment Amendment Act 2024 was read a third time and passed.]*

**The President:** Thank you, Senator Hodgson. And thank you, all Senators, for your support of the Bill.

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

**The President:** We are moving on then.

**MOTIONS**

**The President:** There are none.

**CONGRATULATORY AND/OR  
OBITUARY SPEECHES**

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

Senator De Couto, you have the floor.

**Sen. Dr. Douglas De Couto:** Thank you, Madam President.

First, I just want to send out my condolences to the family of Keith Tacklyn, who has recently passed away. I worked with Keith for many years at Renaissance Reinsurance. He was a gentleman who always had a smile, was friendly. I really enjoyed chatting with him. Even though he may have had some various health issues, whatever, he had the sun shining through. I am pretty sad to hear the news, and obviously my deepest condolences to his family.

With congratulations, the Bermuda Optimist [Dinghy Association] sailing team is competing at the 2024 Optimist World Championships in Argentina. They are down there in their shorts and T-shirts. So, I want to wish them great success, all five of them.

And I would like to congratulate some promotions at the Bermuda Regiment: Second Lieutenants [S. C.] Helberg and [T. N.] Lowe on their recent promotions, and Captains [C. S.] Matvey and [S. E.] Fox III on

their recent promotions. I would like to congratulate on those well-earned promotions.

Thank you, Madam President.

**The President:** Thank you, Senator De Couto. Would any other Senator care to speak? Senator Tucker, you have the floor.

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

I just want to offer condolences to the family of Noel Browne. Noel went to my church. I know both him and his wife. He, like Doug just mentioned about the individual whom he knows, anybody who knew Noel can attest to the fact that he was always smiling, always pleasant. I have never heard him say . . . I have travelled with Noel and his wife, and I have never heard him say an unkind word about anyone. He passed away suddenly. A very, very sad day. So I just wanted to offer condolences to his wife Angela, and to his daughter Semora, and to his son Tyahn.

Thank you, Madam President.

**The President:** Thank you, Senator Tucker. Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

I would like to provide condolences to the family of Albert Dale. Albert's daughter Brenda worked with [me] for many years at BF&M. She still works there as an Assistant Vice President. She has been involved in the Bermuda Olympic Association for many, many years. So I just want to provide condolences to her family.

Thank you, Madam President.

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

Would any other Senator care to speak?

Senator Arianna Hodgson, you have the floor.

**Sen. Arianna Hodgson:** Madam President, I just wanted to speak briefly. The Progressive Labour Party Warwick Branch actually held a Christmas celebration. And it was well attended. We had the PHC Majorettes and Drum Corps. We had Ms. [Nikia] Manders' dance group, the Bermuda Dance Academy. And we also had, of course, the Gombey Warriors, the Gombeys. And it was just a nice time to come together. Every year the event has grown. And I would like to see the continued growth in this next year.

As persons would know, I am the newly adopted candidate for constituency 25. And so I have already been able to get out there and start talking to persons. And I am looking forward to connecting with more members particularly over the holiday season. So I just want to celebrate the Warwick Branch's efforts to bring some Christmas cheer.

I also thought of the work celebrating ACCOR. They had their Christmas party, and it was well attended. So it was nice to see a roomful of Black

Bermudian professionals. And I was glad to be a part of the celebration.

**The President:** Thank you, Senator Arianna Hodgson. Senator Lindsay Simmons, you have the floor.

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

Madam President, I was not able to attend the City Christmas Boat Parade on Saturday. But I was able to see it through the eyes of my daughter and my three-month-old nephew. It was spectacular just seeing the pictures and seeing the children and everybody enjoying the boat parade. It was amazing. So thank you to the City of Hamilton for putting that on. And thank you for people participating. I know that they did have a shout-out for people to come out and join. So, thank you for everybody who participated in the boat parade this year.

Thank you, Madam President.

**The President:** Thank you, Senator Lindsay Simmons. Would any other Senator care to speak? Hearing none, then we move on. Minister Darrell.

## ADJOURNMENT

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

Madam President, I now do ask that the Senate do adjourn until next week, Wednesday, December 18.

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

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

Yes, Senator Mischa Fubler. You have the floor.

## MAIDEN SPEECH

### SUCCESS AND SUCCESSION: TRAVELLING THE PATH TO PROGRESS

**Sen. Mischa Fubler:** Thank you, Madam President. And hello again to my Senate colleagues and the people of Bermuda. I think this is going to go down as my maiden speech. So it is with great anticipation and some trepidation that I commence my navigation of the halls of our Legislature.

So, as we are moving to adjourn, and in light of the recent rollouts of political candidates including our colleagues, Senator Arianna Hodgson and Shomari Talbot-Woolridge, I thought I would take my time to share my thoughts on success, the importance of succession planning and progress. So the title of this speech is Success and Succession: Travelling the Path to Progress.

And to begin I want to pose a question to my Senate colleagues and the listening public at large: What is success? What does it look like to you when you have attained it? How do you visualise success on a personal level? What does it look like to you when someone is successful?

Madam President, I would like to offer a definition from the *Cambridge Dictionary*. They offer a few, and two of them include (1) “the achieving of the results wanted or hoped for”; and (2) “something that achieves positive results.” And so today I would like us to contemplate how these definitions manifest in our inner vision and as we successively increase the applied scope. And just for some greater detail there, I want you to picture your camera zoomed in to the maximum level. Just you. If you would draw a circle around yourself, and then we will successively zoom out to encompass your family, your neighbourhood and your nation.

So, on a personal level, if you would draw a small circle around yourself, what does success at that scale look like? Just for you inside that circle? How would you describe it? Do you have a comfortable temperature? Not being too hungry or tired, being situated in a safe place or space, experiencing excellent health, not having to worry about how the bills will be paid today? Are we retirement-funded tomorrow? Does your imagery change at all as you expand the scale of the circle to also enclose your family? And in this case, by “family” I am referring to genetic groupings as well as groupings of social happenstance, you know, the friends and adopted family made along the way. And in this case, success is being a good companion, protector or provider, enjoying meaningful connections while both providing and receiving support to and from others. What about the opportunity for communal recreational activity?

Finally, I want to elevate the scale of our circles of success to encompass successively larger swathes of our tiny Island home. Kind of observe in your mind’s eye how the attributes and objects of your definition of success change. Start at your neighbourhood or your parish or the country as a whole. And while we are all individuals and thus we certainly have variations in our visualisations of success, we hopefully also share many similar characteristics, too. I am sure all of us describe some combination of attributes and objects that can be categorised within Maslow’s Hierarchy of Needs.

Even if your envisioning of success makes no mention of attributes like sound health, meaningful and rewarding work, et cetera, or objects like housing and wealth and other status symbols directly tied to Maslow’s model, their existence is undoubtedly implied in your visualisation, I am sure. Interestingly enough, while I was researching for this piece, I came across a claim published by *Scientific American* that neither the author’s . . . neither Maslow’s original article, entitled “A Theory of Human Motivation,” nor the subsequent 1954 book, *Motivation and Personality*, coined the pyramid

that is now synonymous with Maslow's hierarchy of needs and motivational guide. I make note of this anomaly only to highlight that commonly held beliefs may actually be divorced from the truth or at best represent a distorted re-creation of it.

So back to Maslow's hierarchy and the ultimate destination of my speech today. I think it is imperative that we continue to expand the scope of our definition of "success" and strive to facilitate the opportunity of the highest stratum of Maslow's hierarchy of needs to be realised by the widest feasible collection of our residents. National self-actualisation should be the goal, the act of pursuing positive things that enhance and esteem our sense of love and belonging for us as a nation. As a nation that is the size of many small townships, with the GDP rivalling in both real and relative terms, nation states many times our own, we have the rather rare opportunity to implement national-level policy changes [with] effects we can begin to see within a single political term or two. This is contrasted of course with much larger, more complex government structures being able to accurately measure the effects of policy, let alone implement it, can take decades. We can realise our success on the timescale of decades, not generations.

For me, success is not having to worry about realising Maslow's first three levels of his needs hierarchy—the psychological, safety, love and belonging. Pulling some more quotes here, according to Pele, my internationally renowned footballer, "Success is no accident. It is hard work, perseverance, learning, studying, sacrifice and most of all, love of what you are doing or learning to do." We must be intentional in engendering these tenets of success not just on a personal level, but within our family, neighbourhood and nation.

We can do this by participating in society via contributing our unique skills and experience to our community. This is one of the driving forces behind my decision to join the political discourse of our country. It is why I am intentional in my mentorship and engagement with my community. It is why we should all be intentional about our work to ensure the perseverance of our community organisations, specifically through conscientious succession planning, by selflessly contributing to ensure that a successive generation is being prepared to carry on the work. Our institutions that need to remain must be deliberate in the preparation of and for our future.

This persistence must not extend to the systems and processes of the organisation, but instead only the mission and vision. How the goals are attained will need to change over time as circumstances change. But the "why" we do those things must be the guiding light. Real and sustained success is predicated on a relentless pursuit of progress, its success via living the mantra of continuous improvement.

That which remains stagnant is doomed to wither away. Following the path to progress requires a change in our desire for things the way they were. We

experience time linearly. There is no going back. While we may in certain situations [have to] reference and synthesise from what has historically been something that achieves positive results, we will never be able to replicate the conditions that resulted in success the last time and must adapt to our current circumstances.

We must acknowledge that progress is a journey, not the destination, and engage wholeheartedly in it if we want to make it a reality. We are presented with several opportunities for pursuing progress over the next three to five years, including implementing tax reform such as the corporate income tax, physical presence of global tech staples like Google joining the commercial space of our Island and the integrated resource plan goals that target a significant shift into renewable energy. Positively trending economic indicators notwithstanding, out on the doorsteps are still too many of us sharing how the future appears bleak to them and that the progress that we as a nation are currently experiencing is leaving them behind.

The GDP growth and increasing international business jobs are definitely promising measures of success. But I propose that we expand our methodologies to better measure how far we have come and how much further we have to go to ensure that success is realised by more of us. To that end, I will be advocating for the PLP to adopt this change as a platform position: the OECD's [Organisation for Economic Co-operation and Development] better life index presents one option of measures that better capture our well-being.

Just to quote, the OECD has identified 11 topics as essential to well-being in terms of material living conditions, as follows:

1. housing;
2. income;
3. jobs;
4. quality of life [encompassed by] community;
5. education;
6. environment;
7. [civic engagement characterised as] government;
8. health;
9. life satisfaction;
10. safety; and
11. work–life balance.

I particularly like how the index's rankings are dependent on how we prioritise the various characteristics. And I recommend investigating the index for yourself. OECD has a website. It is interactive; you can move the slide as is to get a feel for how you would best prioritise those 11 topics in their Better Life Index. And achieving success for ourselves and others is attainable if we commit to collaborating to move our jewel of the ocean along the path to progress, capturing success along the way.

And with that, thank you, Madam President.

**The President:** Thank you very much for your Maiden Speech.

Would any other . . .  
Oh, who is that? (I beg your pardon.)

## ANNOUNCEMENT BY THE PRESIDENT

### SENATE VISITOR

**The President:** I would just like to acknowledge MP Jason Wade in the Gallery.

(Sorry, I did not recognise you.)

## ADJOURNMENT

*[Continuation thereof]*

**The President:** Would any other Senator care to speak?

Senator Robinson, you have the floor.

### NATIONAL VIOLENCE REDUCTION STRATEGY GOAL NUMBER 4

**Sen. Dwayne Robinson:** Thank you, Madam President.

And before I start, I just would like to take this opportunity to congratulate my new colleague and future polling station buddy on his Maiden Speech. And I agree with the need for succession planning and his call for more young people to enter the political arena and to just be more politically involved in general.

So really briefly, I wanted to bring to the attention [of Senators] the fact that we have had a violence reduction plan that has come out. And I wanted to not only share my support for it, but also to lend just one concern that I have with it, constructively hopefully, as taken on board. There is a portion of that plan that I am very happy to see in there, and it is goal 4, which is to promote re-integration and restoration. I think this is a very important goal, and I am happy to see it listed in the Government's plan, because a lot of times we look at the cycle of violence as simply somebody does a crime or what-not, they go to prison and that is it. And I think a lot of times we miss the part [where] this person serves their time and they re-enter society. How does that work? How do we crack down on folks who are in positions where they almost . . . some people re-offend, not necessarily because they want to, but because they cannot escape their surroundings? I do think it is very crucial and very lofty for Government to include this. And I support it and what is stated inside of it.

But my concern was piqued when recently we saw from the union of prison officers that they are 110 officers short. And this is something that is concerning for many of us in the community, but for me specifically when it comes to this crucial part of the crime reduction strategy and also a crucial pillar of our society. You have heard in another place that several of my colleagues have raised (and I did in the Budget [Debate] as well) the inconsistency with programmes offered in

the prison for inmates, and also the accessibility issues and staffing issues, and also overall infrastructure of the prison being raised. And often it is pushback from Government Members in another place on this particular issue.

And now that we have a head of a union coming out and basically confirming that they are indeed short and have issues with programmes, I just wanted to highlight that this is something that I hope is on the very top of Government's agenda to address. Because it is not enough for us to simply look to prevent violence. It is not enough for us to simply hope to crack down on existing people who may be doing antisocial behaviour. But it is also about, How do we reform them? How do we give them options to change, to leave?

I think on the goal part, the Opposition the Government and most of the community align. I see it in their goals listed in their strategy that most of us agree with. I would say almost all of us actually agree with these goals. But if we are not careful to take into account the actual state of the entities and various organisations that are going to be completing these goals, then we are setting ourselves up for failure. Right? So I do see that a recruitment drive has been posted. And I look forward to seeing the results of that. But I believe that there is a lot more that needs to be done to support our prisons. And I look forward to seeing . . .

I just wanted to highlight my concern and hope that Government is looking to address this very serious thing and has taken into account the shortages. Because we are not going to be able to rehabilitate or provide proper services to folks who are looking to change their circumstances and also to re-integrate the society after serving their time if our prison officers are not fully staffed, safe and able to work effectively.

Thank you, Madam President.

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

Would any other Senator—

Senator Tucker, OBA Leader in the Senate, you have the floor.

### CONCERN OVER GROWING NUMBER OF STAFF SHORTAGES

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

Interestingly, I am going to be very much in a similar vein as Senator Robinson. But I will be more seedy than he was.

*[Laughter]*

**Sen. Robin Tucker:** I actually just wanted to highlight something that is causing me quite a bit of concern. And that is as it relates to general staff shortages. I think it was put in the media on Sunday that the Urgent Care Centre was closed for services because they did not have sufficient staff. We already know that the police service does not have sufficient numbers. Senator

Robinson just mentioned Corrections does not have sufficient numbers. We saw earlier this year, around May or so, that there was an issue with substitute teachers, not sufficient numbers. And then of course around the same time, I believe, there were reports about insufficient numbers of lifeguards. So that concerns me. Because the growing number of staff shortages is a problem for all of us.

Now, one of the things that we have to be mindful of is the fact that, although people are working short, a lot of people are doing a lot of overtime. They are making some pretty good money. I know that there are some who are happy to do so. But I also know there are some who are happy to do so [but] not for long and extended and never-ending periods of time.

Now, one of the other things that we also have to consider is the impact on the services that are provided by these very critical groups that are functioning short. And so it is the services. Are we seeing a reduction of services? Yes, we are. Are we considering the impact that these staff shortages are having on the workers who are in these places who have to cover additional shifts? They have to cover additional roles. I mean, we have heard it. You know, the teachers are saying that the substitutes who would have provided certain services because there are not enough so the teachers are having to cover and things like that.

And we also have to consider the impact that this is having, these shortages are having, on those particular workers, so on the morale within these places because that impacts what happens to everybody else whom they work with. The mental health, the stress that is caused by having to overwork and all of the things that go along with that. The quality of care. I mean, in health care, diminishing quality of care. Because everyone has a limit and everyone can only produce up to that certain limit that they are able to do.

And so the alarm bells have already been rung. But I just do not want us to lose sight of the fact that we have these critical shortages, and I want to sort of understand, Why are we experiencing this? So we have these shortages, but yet we also have decreased unemployment rates. So is there no overlap between those two so that those two things sort of balance out?

So I simply wanted to take my few moments, just a few moments. And I am not pointing blame at anybody. I am not doing any of that. All I am saying is that we need to be very watchful of how these shortages are impacting everyone in this community and what is being done to make sure that those numbers are increased going forward. Because again the impacts of the community are great, and not only to the community but the workers as well. And we have to be very mindful of that.

So thank you, Madam President.

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

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

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

#### **NATIONAL VIOLENCE REDUCTION STRATEGY GOAL NUMBER 4**

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

I will take just a few moments on the motion to adjourn. I think we agreed that once our colleague had his maiden speech, we would be quiet. But I believe my colleague across the aisle, Senator Robinson, raised some questions which are directly in my bailiwick. So, I thought I would take the opportunity to very briefly answer them.

First, he referred to the National Violence Reduction Strategy and goal number 4. I would like to posit, Madam President, having spoken with the Senate Leader, that the National Violence Reduction Strategy, which was laid in another place, will be laid here. And we would eventually debate it, in the new year perhaps. Not yet. That is the intention. That is the intention. So there will be an opportunity for a more fulsome conversation about the strategy, which I believe is in the works. My colleague suggests it should happen.

But I wanted to answer this specific question in relation to Corrections and Corrections officers and the drive (I should say) and recognition that certainly there are vacancies. I arrived in my role, and my first budget meeting I recognised the significant amount of overtime in that line item. And it is because it is very difficult to attract Bermudians to the prison service as a career.

So what I will say is, to that end, the question was, *What efforts are being made?* And I take this opportunity, I did it earlier this morning in a radio interview. But for those in the listening public, to know you could encourage people in your families to attend an information session tomorrow evening at 6:00 pm at the Bermuda College where the Department of Corrections will be highlighting the career opportunities in the field as part of our recruitment drive. So there is an overall recruitment drive around uniformed services, but this session will be specific to Corrections opportunities for careers in the prison.

And people should recognise that it could be a very good career. But at the same time, I have met with the Prison Officers Association, the leadership team, with the management teams from Corrections. And we have had very recently conversations around the challenges there. And this recruitment drive arises from those conversations. We recognise that if people are, to Senator Tucker's point, although talking about different professions, but if people are working overtime on a consistent basis, that is indeed a recipe for disaster. People cannot be as alert as they could be. People will be tired. There are mental health challenges around that, physical challenges. We recognise that, and we are having those conversations at the very moment with the Prison Officers Association and with the

management of Corrections to try to bring resolution to those issues.

But as I have said before, Madam President, the way that you eat an elephant is one bite at a time. And we have started on dicing the elephant in order to resolve this problem. So members of the public should stay tuned. And if there are questions, they certainly can put them to the Commissioner of Corrections, Keeva Joell-Benjamin. But people should come out tomorrow night, are encouraged. Parents who have college-aged children or even high school graduates who are unemployed, there will be opportunities to hear how they could convert to a career in the prisons.

Thank you, Madam President.

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

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

Hearing none, Senators, the Senate stands adjourned until next week, the 18<sup>th</sup> of December. Thank you all.

*[At 12:57 pm, the Senate stood adjourned until 10:00 am, Wednesday, 18 December 2024.]*

**BERMUDA SENATE****HANSARD  
(SENATORS' PROOF)  
18 DECEMBER 2024  
10:00 AM***Sitting Number 5 of the 2024/2025 Session*

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

*[No audio.]*

**QUESTION PERIOD****QUESTION 1: EMPOWERING JUSTICE –  
INTRODUCING A DOMESTIC VIOLENCE COURT  
PROGRAMME TO BERMUDA**

**Sen. the Hon. Kim Wilkerson:** . . . seem to be looking at as a working group to deliver on some of the consultation. And clearly, you know, I have debates within my own policy team about what consultation should look like in this area. And I have certainly said, *Well, we can't expect to create a forum.* This is not a topic where you have a public forum at St. Paul's because people . . . this is the most valuable and intimate kind of hurt. There are not going to share in a public forum.

**The President:** Uh-uh.

**Sen. the Hon. Kim Wilkerson:** So, we have to think really sensitively about ways to get information to find out how people are affected in ways that we might not be thinking about. So clearly we will be aligning with and relying on partners such as the Centre Against Abuse (who have already made submissions to me), the Women's Resource Centre, Tammy Richardson-Augustus; Tawana Tannock; Liz Christopher, and there was a clear understanding that there is a victim perspective and those who are advocating for victims but there is also [a] perpetrator perspective where I think defence attorneys will have a different view that must be considered in the mix.

So how long each phase is going to take, I don't know. But we will be going about it collaboratively and understanding that we need that stakeholder input before the legislative changes land.

I will go on to Senator Robinson's question about Clare's Law. I can understand . . . I knew that that was a question that would be asked. Particularly when we are in a heightened environment going into PIPA coming on board in January, an environment where there needs to be a lot of education around protecting personal information. And at the same time,

we are looking at something where there could be a divulging of personal information. But we do understand that when perpetrators have been to court and there is a resolution, that is not necessarily public information. So, what Clare's Law would be aiming to do is create a streamline way for an individual to access information. So not . . . it is not a public registry of, you know, people who beat their wives. That is not where we are going. So, it would be a private way access that information and on application. But the idea is to not make these processes overly complicated so that if a person has an intuition, a fear, things have arisen and they say, *You know, I just want to know more. I want to know if I am on safe ground.* That there is a way to go that clearly respects the privacy of the partner but also arms the other partner with information that they need that might be absolutely valuable. And again, it is a law change so it will not come without consultation.

I think that covers the questions, Madam President.

**The President:** Yes, it appears.

Senator Tucker, is this an additional question or . . .

**Sen. Robin Tucker:** No, this is a supplemental question.

**The President:** A supplemental question.

**SUPPLEMENTARIES**

**Sen. Robin Tucker:** If the Attorney General can just kind of give some information about how men who are being abused is factored into the [equation]. Thank you.

**Sen. the Hon. Kim Wilkerson:** It would work in the exact same way. And I did note that I mentioned protection for men and women. And the written Statement refers to women.

But we know that abuse is a pervasive problem. And especially when we understand that often abuse arises from multi-generational trauma sometimes. And so, we know that that affects men and women, and it plays out in a way that it affects men and women. So, I don't see there being any difference

gender wise. It is a court that will streamline the procedure in the interest of the victim no matter what their gender is.

**The President:** Thank you, Senators. And thank you very much, Madam Attorney General, for that fulsome response to the questions.

And Senators, what we will do now is to . . . Senator Lindsay Simmons did produce a report last week, which was the Annual Report of the Department of Financial Assistance. And she gave an undertaking that she would answer questions today. And so, I will now hand over to Senator Lindsay Simmons to respond to the questions that were asked last week.

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

I will read out the questions and give the response.

**The President:** Thank you.

#### **<sup>1</sup>QUESTION 1: DEPARTMENT OF FINANCIAL ASSISTANCE 2023/24 ANNUAL REPORT**

**Sen. Lindsay Simmons:** Thank you. The first question was:

1. *How much of the \$328,000, fiscal year 2022/23, in overpayments have been recovered to date?*

The Department of Financial Assistance has recovered approximately \$60,000 to date.

2. *What measures have been put in place to reduce overpayments?*

Measures that are in place to reduce overpayments are: (1) Continuous learning and development of the investigation officers. IOS investigates techniques and skill sets. This can improve the detection and monitoring of fraud which can potentially lead to overpayments. (2) Development of typologies reports. This will assist investigation officers and all other financial assistance officers to identify patterns and trends of clients' behaviours, red flags, when adopting a proactive approach in identifying fraud and abuse and reduce overpayments. (3) Legal enforcement. In October 2023 the department included new wording in their Financial [Assistance] Act 2001 which now provides the director and investigative officers with legal authority to proceed in a court of law against persons who commit fraud and abuse of financial assistance, and which can lead to overpayments. This wording did not exist prior to October 2023 and such individuals

used this non-inclusive as a legal loophole. Note: The Department of Financial Assistance will not be able to completely prevent overpayments due to clients committing fraud and abuse of the financial assistance system.

3. *How many new applicants have been supported to date?*

There was an average of 47 new applicants submitted to the department for consideration of financial assistance and child day care allowance each month during the period of April 2024 to date. That is, there is a monthly average of nine new applicants out of the 47 new applicants that become eligible for receipt of financial assistance and day care allowance each month. However, even though new persons may become eligible for receipt of financial assistance and child day care allowance, this new increase will be offset by clients who come off of financial assistance due to death, non-submission of reassessment documentation and ineligibility due to changes in clients' circumstances such as attaining employment. Therefore, in some cases in a given month there may be a net decrease rather than a net increase in persons on financial assistance.

4. *How [does] the 5 per cent reduction [of] persons on financial assistance correlate with the number of migration off the Island?*

The Department of Financial Assistance has not compiled this data. In general, clients come off of financial assistance due to death, non-submission of reassessment, documentation and ineligibility due to changes in clients' circumstances such as attaining employment.

5. *What does pre-screening mean?*

The pre-screening process involves (1) the number of applicants received for consideration of financial assistance and child day care allowance. That is the number of persons who walked through the doors seeking assistance only and does not represent those persons who eventually become eligible to receive financial assistance and/or child [day] care allowance; and (2) once applications are received, each application is pre-screened, or vetted, for eligibility of financial assistance and child [day] care allowance in accordance with legislation.

6. *Could the DFA [Department of Financial Assistance] provide a breakdown of monthly pre-screened numbers between financial assistance and child day care allowance?*

Each month an average of 33 applicants are received and pre-screened for financial assistance

<sup>1</sup> Also see Question Period in the *Official Hansard Report* 11 December 2024

whilst 14 applicants are received and pre-screened for child day care allowance. In other words, 70 per cent of new applications received and pre-screened each month pertain to financial assistance and 30 per cent of new applications received and pre-screened each month pertain to child day care allowance.

7. *How many pre-screened applications were rejected?*

No applications are rejected by the department. All applications received are pre-screened to consider eligibility for financial assistance or child day care allowance. On average, 80 per cent of total applicants received each month are deemed not eligible.

8. *How many actual legitimate complaints were made against the department to the Ombudsman?*

There were none in the fiscal year 2023/24.

9. *How many financial assistance funding [IN-AUDIBLE] for purposes of micro-structuring?*

The department investigates and compliance units cooperate with Bermuda law enforcement agencies (by extension, other jurisdictions) for mutual legal assistance when analysing an investigation, suspicious transactions or money-laundering crimes. Payments made on behalf of financial assistance clients are paid directly to vendors via direct deposit. In this example of micro-structuring an eligible financial assistance client was flagged and detained before exiting the Island whilst carrying an undisclosed amount of foreign cash which had no relationship to the financial assistance funding programme to the client. An investigation into the client's travel activities determined the client travelled regularly, and on multiple occasions, thereby going against financial assistance legislation. Suspicion of micro-structuring, a method of money laundering, is currently being investigated by Bermuda law enforcement agencies regarding this matter.

Thank you, Madam President.

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

Vice President Kiernan Bell, you have the floor.

### SUPPLEMENTARY

**Sen. Kiernan Bell:** Thank you, Madam President.

I did my best to follow all of that, but it was challenging. It was quite quick.

If I can take a step back, one of the questions that was asked, and if you will permit me, I just want to I think correct what I heard Senator Simmons say. There was a reference to the amending Act passed

last year in October 2023, and I think the statement was that that amendment was specific to occasions of fraud, for example. That amending Act made it a statutory offence for an applicant for financial assistance to fail to provide information to a financial assistance officer. In other words, simply failing to produce the documents. Which is not, in and of itself, any form of fraud. So, I did want to correct the record because that was that particular piece of legislation and that is what it provided.

And the question, one of the questions that I asked was whether or not there had been any referral for prosecution of anybody for breach of that Act. It doesn't appear that that information is available today, so I will leave it there. But I would put this request in, which is that in future annual reports that data be included. I think it should be included. So, I will leave that point there.

In terms of the pre-screening, and perhaps this is a clarification request, did I hear it correctly that 80 per cent of pre-screened applications are not found to be eligible? Was that what was said?

**Sen. Lindsay Simmons:** Yes, that was what I said. That is correct.

**Sen. Kiernan Bell:** That is correct. So, in the financial assistance report, in graph 8, where it says *the number of applications pre-screened*, it may be helpful to actually include a graph which indicates how many applicants were approved. Because it is not that helpful to see the number of applications pre-screened when 80 per cent of those are found not to be eligible.

There are no doubt other questions, but I am going to have to go back to my desk. That was hard to follow. Thank you.

**The President:** Thank you, Vice President Kiernan Bell.

Senator Simmons.

[Pause]

**The President:** While she is . . . I understand Senator Tucker you have a follow-up?

[Inaudible interjections]

**The President:** You can ask your follow-up question at this time.

### SUPPLEMENTARIES

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

My question is, there was mention of the Financial Assistance Department not, sort of, tracking people who have moved overseas. So, what I would like to know is, how, if they are not tracking that information, then how can they be sure that they are not

paying people financial assistance benefits who are no longer living on the Island? That is the first question.

**Sen. Robin Tucker:** The second question is, the Junior Minister mentioned that of the \$328,000 that was yet to be recovered, that \$60,000 of that had been recovered. So, leaving a balance of—

*[Audio ended abruptly.]*

*[Audio resumed mid-sentence.]*

**Sen. Robin Tucker:** —concerted effort to make sure that we are not paying out money for people who no longer live here. Thank you, Madam President.

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

*[Pause]*

*[Crosstalk]*

**Sen. Lindsay Simmons:** Madam President, if we give regard to the micro-structure. Yes, that is . . . Yes, the understanding is correct. Bermuda law enforcement would involve the Department of Financial Assistance to provide additional data and evidence as in this case.

*[No audio]*

**Sen. Lindsay Simmons:** Madam President, yes, we have investigative officers who follow-up on overpayments to clients and conduct inquiries on individuals who have not submitted reassessment documentation.

**The President:** Thank you, Senator Simmons. And if that is your final answer to the question that has been raised—

**Sen. Lindsay Simmons:** Yes.

## ANNOUNCEMENT BY THE PRESIDENT

**The President:** —[INAUDIBLE] . . . I would like to inform you that we have a technical problem at the moment, and we need to take a 15-minute recess so that the Parliamentary information officer can correct it. We have no Internet at the moment, so we will take a 15-minute recess and hopefully the problem can be rectified.

So, it is now 11:05, so we will resume then at 11:20.

**Proceedings suspended at 11:05 am**

**Proceedings resumed at 11:20 am**

**The President:** Well, good morning, again, Senators and the listening audience.

Senators, I want to thank you for allowing us a 20-minute recess so that we could address the technical problem that we were experiencing. We think it has been corrected. And so, we will now resume with our agenda. And the next item on our agenda is the Orders of the Day.

## ORDERS OF THE DAY

**The President:** And the first Order of the Day is the second reading of the Corporate Entities (Miscellaneous) Amendment Act 2024. And that is in the name of Senator Arianna Hodgson, spokesperson for Finance.

Senator Hodgson, when you are ready you can present your Bill.

### STANDING ORDER 25

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

Madam President, I would like to move that the provisions of Standing Order 25 be granted so that the Senate may now proceed with the second reading of the Bills entitled the Corporate Entities (Miscellaneous) Amendment Act 2024, the Clean Air Amendment Act 2024, the Companies Amendment Act 2024, the Customs Department Amendment Act 2024, and the Bermuda Monetary Authority Amendment Act 2024.

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

*[Motion carried: Leave granted for the Corporate Entities (Miscellaneous) Amendment Act 2024, the Clean Air Amendment Act 2024, the Companies Amendment Act 2024, the Customs Department Amendment Act 2024, and the Bermuda Monetary Authority Amendment Act 2024 to be read a second time on the same day as their first reading.]*

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

I move that the Bill entitled the Corporate Entities (Miscellaneous) Amendment Act 2024 be now read a second time.

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

## BILL

### SECOND READING

#### CORPORATE ENTITIES (MISCELLANEOUS) AMENDMENT ACT 2024

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

Madam President, I am pleased to present the [Corporate Entities \(Miscellaneous\) Amendment Act 2024](#) to this Honourable House. This Bill proposes amendments to several corporate laws, [namely,] the Companies Act 1981, the Limited Liability Company Act 2016, the Exempted Partnerships Act 1992 and the Overseas Partnership Act 1995, as these changes are necessary to support the implementation of Bermuda's new corporate income tax [CIT] regime which begins January 2025.

Madam President, last year Bermuda introduced the Corporate Income Tax Act 2023 following global efforts by the OECD and G20 to address tax fairness. Specifically, these organisations set a minimum corporate tax rate of 15 per cent for large multinational groups to prevent tax avoidance. Bermuda's corporate income tax regime is designed to meet these international standards ensuring we remain compliant with evolving global tax expectations.

Madam President, to effectively enforce and manage the corporate income tax system, the Corporate Income Tax Agency was established in June of this year. The agency will handle all aspects of the tax process including filing tax returns, ensuring compliance and collecting taxes. In preparation for this, the Ministry of Finance conducted a public consultation in August 2024 where stakeholders made it clear that they wanted a simple and efficient system that minimises administrative burdens.

Madam President, the proposed amendments will streamline compliance for businesses within the scope of the corporate income tax by aligning CIT related requirements with existing corporate filing processes. Put simply, these businesses are already required to submit annual filings to the Registrar of Companies. So, to avoid duplication, this amendment proposes to include the corporate income tax registration process as part of their already required annual filings. Companies and partnerships will need to indicate whether they are subject to the corporate income tax, known as Bermuda constituent entities (or BCEs) and provide relevant details such as the name and contact information of their representative.

Madam President, the Registrar will securely share this information with the Corporate Income Tax Agency to ensure compliance. But the data will remain confidential and will not be made available to the public. Importantly, these changes do not require updates to company IT systems, as existing reporting platforms will remain in use. However, the annual filing forms will be revised to accommodate the new requirements.

Madam President, the integration of the CIT process with existing filings will make compliance more efficient and reduce administrative burdens. This streamlined approach responds directly to feedback from stakeholders, and by implementing these changes

Bermuda continues its work to ensure compliance with international standards while maintaining a business-friendly environment that prioritises efficiency and transparency.

To prepare businesses for these changes, the Ministry issued a communication in November outlining—

*[No audio.]*

**The President:** —in the name of Senator Lindsay Simmons, the Junior Minister of Home Affairs.

Senator Simmons, you have the floor.

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

Madam President, I move that the Bill entitled the Clean Air Amendment Act 2024 be now read a second time.

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

No objection.

## BILL

### SECOND READING

#### CLEAN AIR AMENDMENT ACT 2024

**Sen. Lindsay Simmons:** Madam President, I rise today to introduce the Bill entitled the [Clean Air Amendment Act 2024](#). The Bill seeks to amend the Clean Air Act 1991 to ensure that Bermuda maintains the highest quality of ambient air.

Madam President, clean air is the foundation of a healthy society and a thriving natural environment. However, maintaining it requires proactive and adaptive measures, especially as we confront evolving environmental [challenges] and the proximity of industrial facilities to residential neighbourhoods. Scientific studies and health data increasingly highlight the harmful effects of even low-level exposure to pollutants such as fine [particulates], nitrogen oxide, sulphur dioxide and volatile organic compounds.

To provide context, fine particulates are microscopic, particulates that are invisible to the naked eye, but can be inhaled deep into the lungs. In contrast, the larger particulates, such as visible soot, consist of particles of incomplete combustion. These pollutants which can originate from industrial emissions, transportation and waste management facilities not only compromise air quality but also contribute to respiratory illness, cardiovascular diseases and reduced overall life expectancy.

Madam President, through the Environmental Authority, the Pollution Control section of the Department of Environment and Natural Resources (known as DENR) plays a critical role in regulating environ-

mentally significant operations. Each year, DENR issues 629 land-based operating licences for a wide range of control plants. These include

- 29 aerated sewage treatment plants;
- 43 spray-paint facilities;
- 13 electrical generators operated by BELCO;
- 429 backup emergency electrical generators;
- five incinerators including the Tynes Bay Waste-to-Energy Facility;
- the MediWaste clinical waste incinerator and crematoria;
- 32 fuel storage facilities including retail fuel stations;
- three dry cleaners; as well as
- fuel-powered rock crushers, sand sifters, stone cutters and concrete plants.

The DENR also regulates activities offshore. Each year, the department licenses 135 types of control plants that operate on cruise ships making regular visits to Bermuda.

Madam President, as you can appreciate, the scope of the Act is broad and encompasses a very diverse range of operations within its mandate. Madam President, in addition to its in-house monitoring [efforts], the Pollution Control section of DENR ensures effective ambient air quality monitoring by entering into annual contracts with BIOS [Bermuda Institute of Ocean Sciences]. BIOS manages large air monitoring stations and pole-mounted air quality sensors which are strategically located downwind of various control plants that emit contaminants—for example, the traffic emissions monitoring station and sensor located on Crow Lane, opposite the Johnny Barnes statue. This year, air quality sensors have been installed at Prospect for Tynes Bay and two other sites. In the coming year there will be new air quality sensors installed at Whitney Avenue for BELCO, Waller's Point Road [for the] clinical waste incinerator and crematoria, and Cedar Aviation for private jet emissions.

Madam President, recognising the need to stay at the forefront of environmental protection, the DENR undertook a comprehensive review of the Island's outdoor air quality standards. This review aimed to better align our standards with those of larger and more developed jurisdictions. As part of this process, a thorough evaluation of air quality limited values and target value levels were conducted. It is important to note that limited values are enforceable regulations, while the aspirational target values are more stringent but are not enforceable in these jurisdictions.

Based on this review, a range of ambient air quality limited values was proposed for fine particulates, nitrogen oxide, sulphur dioxide and volatile organic compounds, and other pollutants. These proposed air quality limited values align with [predominantly] the UK air quality objective target [values] and with one US National Ambient Air Quality Standard.

The proposed limited values for Bermuda, which are based on targets set by other jurisdictions, will be [enforceable] under the revised regulations. Full details will be provided in forthcoming amendments to the Clean Air Regulation 1993, which I intend to present shortly, as they are approved through the affirmative resolution process.

Madam President, in addition to its health implications, air pollution creates significant nuisances that disrupt daily life, such as persistent unpleasant odours. It makes people reluctant to spend time outside or even breathe the air [itself], preventing children from playing outdoors and disrupting otherwise enjoyable daily routines. These issues detract from the appeal of neighbourhoods, affecting both residents and visitors. Over time, such conditions erode community well-being and diminish the desirability of places where we live, work and visit.

Madam President, to address these nuisance odours, specifically emanating from control plants as defined under the Act, the DENR reviewed best practices for many jurisdictions while taking into consideration Bermuda's remote location and relatively small population size.

The chosen monitoring solution is based on dynamic olfactometry. Using this method, an odorous sample air is diluted with odourless air to the dilution-to-threshold point that the odour cannot be detected by trained inspectors. Based on other jurisdictions, a dilution-to-threshold limit of five parts of odourless air [and] one part odorous air has been selected as an appropriate limit to apply at the boundaries of residential neighbourhoods to sites operating control plants. If a trained inspector can still detect the odour after a greater dilution than five to one, then it will be considered a nuisance odour. Exceeding two periods of nuisance odour in one year would necessitate an emissions control order being served on the [licensee].

Madam President, the DENR has procured the equipment necessary to monitor for nuisance odours, and three Bermuda government employees have recently been trained and certified in the UK as odour inspectors.

Madam President, proposed amendments to the definitions of control plants have been made to include (1) facilities for the treatment or disposal of manure. This will extend to proposed odour regulations to include [aerated] manure pits alongside the already regulated aerated sewage treatment plants; and (2) open-air and inflatable spray-paint facilities of vehicles and machinery that are operated on a commercial basis or as a business enterprise. This will ensure that such operations appearing in residential neighbourhoods can be suitably policed.

Madam President, in addition to odour, other nuisances can also impact the enjoyment of one's property and garden, such as the build-up of grime or other deposits on buildings, services and vehicles. These nuisances can cause physical damage through

corrosion and unsightly effects leading to costly maintenance and repairs. Additionally, they create the inconvenience of having to complain to the offending facility to coordinate remediation of the impacts.

Madam President, large particulate soot is periodically emitted from the BELCO North Power Station engine exhaust stacks, typically twice per month with emissions lasting several minutes. This large particulate soot does not pose an inhalation risk like fine particulate soot, which is emitted during the normal operation of all combustion-based processes. Analysis of over 60 water tanks from properties in the vicinity of BELCO has yet to show any failure to meet primary drinking water standards or guidelines due to the presence of large particulate soot. However, despite these air and water quality findings, large particulate soot can still have a significant impact on society, diminishing the quality of life and discouraging outdoor activities.

Madam President, following further consultations with the Attorney General's Chambers, it was determined that issues involving nuisance dust, soot or deposits would be better addressed through a new statutory nuisance order rather than relying on existing powers to manage damage to property. Consequently, it was proposed to incorporate statutory nuisance under the new Schedule of the Act, enabling the Minister to issue statutory nuisance orders as appropriate. This new statutory nuisance provision will balance public health, environmental protection and community welfare while offering legal tools to resolve conflicts and promote a safer, healthier living environment. These provisions establish a legal framework and mechanisms to address the subjective impacts of pollutants such as dust, soot and other deposits that may settle on nearby properties.

Madam President, other proposed amendments to the Act include the following:

1. Increasing fines for noncompliance with operating licence conditions from \$5,000 to \$20,000. A [new] fine of up to \$20,000 will be introduced for failing to comply with a statutory nuisance order in addition to a daily fine of \$5,000 for each day the default continues.
2. Introducing the requirement for an air quality action plan for licences issued with an emissions control order. These plans will require licensees to hold public consultation meetings and provide details of all pollution reduction measures considered, as well as a schedule for implementing remediation measures to address the nuisance.
3. Reducing the opacity limit for smoke emitted from exhaust stacks of control plants from 20 per cent to 15 per cent.
4. Expanding the list of controlled chemicals which require import permits, to support the global transition away from chemicals with

environmental impacts and health risks in favour of less polluting alternatives.

Madam President, provisions have been added to the Act to differentiate the different grades of ambient air monitoring methods, including US Federal Reference, or equivalent, monitoring stations with their stringent [citing] requirements, in addition to smaller pole-mounted [indicative] ambient air monitoring sensors. I am happy to report that these pole-mounted sensors are being rolled out to seven locations and will serve as a method to screen different sites for consideration of larger monitoring stations.

Madam President, given the importance of these amendments, I invited the public to comment on the proposed legislative changes during the initial three-week period commencing on June 19, 2024. This period was subsequently extended to August 31, providing a total consultation period of 10 weeks.

During this time, the DENR also initiated consultations with a number of stakeholders. Of those who responded, DENR held consultation meetings with BELCO, AIRCARE LTD and the Ministry of Public Works. DENR received a total of 40 comments and questions which were considered in the amendments. Details of the proposed regulatory changes along with information on air quality monitoring and other functions of the Pollution Control section were made available on the online government public forum. This forum received 44 comments and questions, which DENR responded to by the end of August.

Additionally, 43 comments and questions were received directly by the Pollution Control section from entities such as Bermuda Environmental Sustainability Task Force (BESTF), the Bermuda National Trust (BNT), MediWaste Ltd., Skyport and WEDCO. Submissions received after August 31, 2024, from the Bermuda Clean Air Coalition (BCAC) were also considered in the review process.

Madam President, as a result of these consultations, I can confirm amendments were made to the Bill and incorporated in the proposed amendments to the regulations. For example, (1) aerated manure pits were added to the list of controlled plants; (2) the Statutory Nuisance Order process was introduced; (3) protocols for the numbers of trained inspectors to assess and determine a nuisance odour were added; (4) revision to the definition of "spray-paint facilities" to account for lesser-controlled activities appearing in residential neighbourhoods.

Madam President, the Government's commitment to protecting Bermuda's ambient air quality is unwavering. These proposed amendments and the coming regulations are vital steps toward a cleaner, healthier environment for all.

Thank you, Madam President.

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

## ANNOUNCEMENT BY THE PRESIDENT

### SENATE VISITOR

**The President:** And Senators, before I open the floor for questions, I would just like to acknowledge and welcome the following persons in the Senate Chambers: Dr. Geoffrey Smith, the Acting Director of the Department of Energy and Natural Resources; as well as the Parliamentary Counsel, Ms. Lovette Tannock.

Welcome to you both.

*[Clean Air Amendment Act 2024, second reading debate, continuing]*

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

Senator Tucker, OBA Leader in the Senate, you have the floor.

**Sen. Robin Tucker:** Thank you, Madam President. And thanks to the Junior Minister for her [brief.]

We know that improvements to the Clean Air Act 1991 are needed to ensure that the best safeguards are in place to protect the public and our environment from pollutants. We are also all aware of the impacts of vehicle emissions, the BELCO power station emissions, smells from the jets at the airport, odours from the farms—certain farms I should say—and other entities. I mean, it has all been in the public domain and we are all very much aware of the issues that have arisen which make this legislation and updates necessary.

Having read the Bill and concerns expressed publicly by certain interest groups such as the Bermuda Clean Air Coalition [BCAC] . . . actually, let me just rewind that. That is the one that has been in the public. What I found interesting is that at the core of this Clean Air Amendment Bill, the Government and the BCAC seemingly have the same goal. And that is to ensure that residents have clean air to breathe, and that the modernisation of existing clean air legislation is achieved. It is, and it has been long overdue, that the public, particularly the residents who are impacted by the BELCO power station, and I mentioned already jet fuels . . . I was canvassing one area, and the place was actually down in St. George's. I was canvassing with someone else. And the families said that they can actually smell the jet fuels when they are out in the back of their houses. And obviously they are not alone.

Some have taken action to protect their properties, schools, and the like from pollutants. The Government taking steps to modernise the clean air legislation is the right thing to do. But the legislation should not be passed that appears not to have considered all available insights to assure that the best laws are put in place to guide us and not take the approach that we can press on with what we have and then fix anything,

any errors or omissions, at a later date. People's health and property and our environmental health are at stake. And I am concerned because of the importance, particularly because of the importance of this Bill.

It feels very much, and it seems very much, like we are rushing this Bill through. We have seen Government steamroll through legislation to pass with consultation processes being called into question. The issue was raised not too long ago. In fact, with the [Bermuda] Medical Doctors Association [BMDA] as an example. This is a very important Bill that was tabled for debate in another place just over a week ago.

And it is public knowledge, as I mentioned already, that the Bermuda Clean Air Coalition, a very large and respected group, have requested a report which they submitted. And my understanding was that it was submitted in September, albeit the consultation deadline was extended due to public pressure. You know, the second time due to public pressure. They submitted their 89-page report from a group called Earth Forward Group. And as I understand it, by December last week they still had not received a response.

We have seen far too many protests, concerns raised publicly about the Government's seeming failure to listen. If the Government is actually trying to address this problem, and I believe they are, and solve the air quality problem perhaps the Junior Minister can tell us why they will not delay the passing of this Bill until at least they have met and fully considered the Clean Air Coalition's report and made any necessary modifications to the Bill to ensure that we have and that Bermuda deserves a first-class Bill from the outset. This is, as I mentioned, what the people of this country directly and indirectly impacted deserve.

The regulations are missing. Regulations give teeth to the Bill, but we do not have them. And I understand that there is no . . . My understanding is there is no requirement to present them. But again, given the gravity of the impact of this Bill it would be great to know what the regulations specifically are, so we know what we are actually deciding here today. So maybe the Junior Minister can tell us why, specifically why there were not available, as I said, given the gravity of this Bill.

The Cabinet Minister in another place last week said that the Bill was not a solution to all the problems, to BELCO's problems. Is he right or is he wrong? And if he right then why would the Government then steamroll past despite this, you know, their colleague's expressed concerns?

Madam President, I would say again that as we all can agree, we all want to breathe healthy, clean air. And we want to have a thriving natural environment. And I think that taking a step back may go a long way in helping to achieve that goal, not just now, but also for the future as well.

So, one key question, I should say another key question that I do have for the Junior Minister is, How was the \$20,000 fine determined to be suitable for statutory nuisances? And my concern is that we want to send a very clear, clear message. I appreciate that it is \$20,000 and if you don't correct the issue then it is \$5,000 a day, but depending on what entities you are dealing with, \$20,000 is a drop in the bucket. So, I am wondering why we are . . . I am wondering how we arrived at that figure and if that is a strong enough message to send to the public, that the Government is very serious about ensuring that they hold people to account.

Thank you, Madam President.

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

Would any other Senator care to speak?

Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

There has been no shortage of information in the media on this Bill over the past several days. I have two issues I would like to raise this morning. One has to do with the process and the second one with the Bill itself.

In the past Senators have sometimes been offered by Government an information session to better understand contentious and complex Bills to allow us to ask questions and better understand the Bill. In fact, it was just about a year ago now that we were speaking with the Permanent Secretary of Finance to better understand the Corporate Income Tax Bill which I found a very helpful process to go through. So, I find myself in a similar position with this Bill. I find it very complex. And having read through it a couple of times, I just think I certainly would have benefited from an educational session similar to what has been offered in the past. So, I would just put it out there that for these types of Bills going forward, you know, I would just ask if Government can offer educational sessions so that we have an opportunity to ask questions to better understand what we are being asked to pass.

Just as an example, when I read through the Bill, Government insists that the Bill will ensure the use of appropriate monitoring equipment. The Bermuda Clean Air Coalition disputes this. I don't have the expertise to point on this as to who is right, but I certainly would have benefited from being able to ask questions of the experts on this topic before today.

I did reach out to the Bermuda Clean Air Coalition, and they were very helpful in assisting me to better understand the issues that concern them. As a self-formed group, they push for clean air legislation and raise public awareness about the issues that affect all of us, which is a very noble mission in my view.

So having read the Bill and forming my own opinions based all of the information I had in front of

me, these are my high-level comments. For starters, I am sometimes leery of passing Bills without having had the opportunity to read the regulations alongside. Because in my view the regulations provide the detail as to how the execution of the Bill will work. So, this Bill provides a pretty high-level framework, but it is short on details on elements that are important such as the air quality standards, enforcement mechanisms, and monitoring protocols. So, you know, the important wording for me on how exactly the legislation will improve the air and water quality will ultimately be included in those guidelines or not. And we do not have an opportunity to review them, so I just don't know ultimately whether this would benefit Bermuda or not.

I understand that sometimes it is difficult to have the regulations or guidelines prepared alongside the Bill but I just find in this case the latitude for what gets included and what doesn't get included by those who will be preparing the guidelines is so extreme that I find myself wondering if I will be sharing the same concerns post enactment as those expressed by the Bermuda Clean Air Coalition. But at that point it will be too late for me to do anything about it.

So, to give you an example, I am going to refer to the Island's power plant because, you know, it is topical and concerns, impacts a lot of people. In fact, my daughter and son-in-law and their two preschoolers live within a couple of hundred yards of the power plant, and they constantly get soot on their roof and my daughter and son-in-law refuse to accept the quality of the water, so they have to purchase water, as many do in the area.

So, for starters, I do not quite understand why Bermuda's current laws allow this to go on and risk the health of our citizens and, in particular, our children in our community. And I ask myself, *Will this Bill improve their air and water quality and provide the appropriate enforcement penalties for offenders and ensure that this is properly monitored in the future?* And having read through the Bill, I just don't know. So, I don't have the added comfort from this Bill that would allow me to say that I believe this is good for Bermuda.

The larger issue, Madam President, that I see that concerns me a bit is that whether it be this issue about our clean air issue and in my view sort of the watchdogs of Bermuda like the Bermuda Clean Air Coalition, in this case [INAUDIBLE] clean air legislation, or last week was the Information Commissioner providing her opinion on PATI, or previously I have been concerned about the Auditor General raising strong concerns regarding unacceptable practices. You know, if we intentionally ignore these . . . I will call them *community watchdogs*, I think we, Bermuda, are worse off.

So, to conclude and recap, Madam President, I just find this Bill difficult to understand based on what we have yet to see, which are the guidelines that real-

ly are the devil in the details. So, those are my comments.

Thank you, Madam President.

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

Would any other Senator care to speak on this Bill?

Vice President Kiernan Bell, you have the floor.

**Sen. Kiernan Bell:** Thank you, Madam President.

I won't repeat what other Senators have said here today. It is safe to say that on a Bill this complex it is better from a consultation perspective to have both the Bill and the draft regulations done at the same time. This mirrors, I think, some of the comments made by Senator Tucker today and perhaps as well, Senator John Wight. But this is a refrain that has been made in connection with other legislation that has been presented to this Chamber as well which is complex. And it is just a better form of consultation. It gives everybody sufficient time, which has been short, in this particular instance, for all stakeholders who may be affected by it: the community groups, the utility, members of the public and any other interested parties.

And so, I would just exhort the Government when passing legislation like this to consider doing it, as is consistent in other jurisdictions, with the draft regulations so everyone can look at the whole as opposed to the piecemeal.

Thank you.

**The President:** Thank you, Vice President Kiernan Bell.

Would any other Senator care to speak on this Bill?

Senator Douglas De Couto, you have the floor.

**Sen. Dr. Douglas De Couto:** Thank you, Madam President.

I would like to acknowledge that, yes, as the Government says, this Bill will make some things better, but I have to agree with my OBA colleague, Senator Tucker, as well as with the concerns from the Independents that I think a lot was left on the table in how we got here in terms of process, information, consultation of these Bills, this area especially. You know, this is a huge impact on the community. It has been an incredibly longstanding issue. And there are many, many well-meaning informed people working hard in the community to help improve the situation and it just feels like they weren't listened to. And we have heard about the patterns and that from this Government and I find it very disappointing. So, really, I want to add my agreement with many of those concerns.

And then with respect to some of the fines, I would have liked to see some proportionality there. Let's say you are a small entrepreneur and you run a spray paint shop and you receive a fine of \$5,000 or \$20,000, depending on the various circumstances. That is one thing. But if you are BELCO, that is another thing. I would suggest that it would have been far better to have seen a different magnitude of fines applied to organisations that operates in a different magnitude. So, I put that as a question as to how the amount of the fines was determined and if any consideration was given to some kind of proportionality to the size of the outfit, the offending outfit, with respect to the air quality.

Thank you, Madam President.

**The President:** Thank you, Dr. De Couto, Senator De Couto.

Would any other Senator care to speak on this Bill?

Senator Arianna Hodgson, you have the floor.

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

I just wanted to speak in support of this Bill today. There is a quote that says, *The best time to plant a tree was 20 years ago, the second best time is now*. And the truth is that we require some changes in the legislation to be able to solve the problems that many of our citizens are facing. As the Attorney General spoke to earlier, as it relates to the Domestic Violence Court, it is not going to be its final iteration. But we must start the work now. And so, this is a first step of many steps to ensure that our citizens are better protected from a multitude of pollution and elements that just make life a bit tougher and harder.

I think that the residents across the Island, the ones down there on St. John's Road, along with those in St. David's and at various spots throughout the Island, they recognise that the Government is taking a step. It is going to result in a better quality of life for them. So, again, I just want to speak today to lend my support.

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

Yes, Senator Fubler, you have the floor.

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

And so, I want to speak in support of the Bill. In response to some of the concerns for my fellow Senators, I would like to offer the idiom, you know, *Perfection is the enemy of good*. And that there are still gaps in the legislation that you can argue. I think that it is important that we continue to progress towards tougher regulation around pollution, air quality and odours and particulate. A lot of the focus has been around the BELCO plant, which is a difficult situation to legislate. It is the sole energy provider on the Island and so taking measures that would align with

my own world view on what is right in the situation for the residents immediately around the plant will not be the best option for the Island as a whole. And so, we need to ensure we are striking balance in things like fines. I do like that idea of proportionality though around the fining.

My understanding as well is that the regulations are being drafted and so as long as we are operating from a position of not mistrust of the dedicated technical officers who are doing this work, I think we should take some assurance that the people of Bermuda will be held at heart when they are drafting the regulations. And I think if we continue to delay, that is additional time that people who are suffering from the odours and particulate in the air will continue to do so while we await the completion of the regulations, which is what I am hearing the Opposition wants us to await before approving the Bill. And so, with those arguments, I will end my contribution.

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

Would any other Senator care to speak on this Bill?

Senator Dwayne Robinson, OBA representative, you have the floor.

**Sen. Dwayne Robinson:** Thank you, Madam President.

And I just wanted to speak in support of my OBA colleagues and their concerns, along with the Independents. And the main thing I wanted to caution us is, we all want a proactive and active Government. That is something that Bermudians and everybody at large are looking for. But I would like to offer an adage, *Measure twice; cut once*. Right? I mean, we . . . if everything is urgent, if everything is ruled to be an exception, then there are no exceptions. Right? I mean, you have to draw line somewhere and I think that where we are at, at this point of governance with this particular Government, is that you have to draw a line.

And all of us are concerned with the air quality and all of us support the initiative and the intent behind this Bill. But there has to be a point where we are certain that what we are passing in this Chamber is actually addressing the issues that it is intending to address. And at this point there is not enough reference for us, who are not particular subject matter experts on this particular field, to make that decision to lend our vote to the legislation. We can always sit here and vote on intention. We can always sit here and vote on what we hope. But I mean, as the old saying goes, *The path to where is paved by good intentions*. Right? So, we have to be moderate and make sure that if we are bringing something that is so monumental that there is no question in the community that, you know . . . Certain things obviously will need to be changed but we cannot continue to pass legislation and then come back with such large

amendments every single time. I mean, it comes to a point now where it is becoming a bit irresponsible. Right?

So, with that I just wanted to lend my voice to this and just to say that this needs to be a learning moment where you have people who are constantly, *constantly* repeating that there needs to be an improvement in consultation. There needs to be an improvement on how Bills are tabled, on how legislation is passed. We have had so many instances where legislation is brought, tabled and passed. You know, there has to be some stance for democracy and proper collaboration and proper input and proper debate in this Chamber. And a lot of times we see legislation, or we get legislation, and we cannot do that. Therefore, we are not fulfilling our function.

So, I think it is a bit deeper than wanting to deny anybody or wanting to delay legislation. It is wanting to set a standard of how we operate in this Chamber and how we handle the people's business.

Thank you, Madam President.

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

Would any other Senator care to speak on this Bill?

Attorney General Wilkerson, you have the floor.

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

This has been an interesting exchange, and I feel it is incumbent that I raise my voice here. Clearly, the drafting happens in my Chambers under my authority, and it has not been an easy task. Our lawyer, Ms. Tannock, parliamentary drafter, is here in the Chamber. She has done monumental work in bringing this piece of legislation to the place where we could consider it. And I think, you know, drafting is a very specialised art. It is no small matter. So, I do take exception. Certainly, I briefly read . . . I was traveling. I briefly read the article that was featured in the *Royal Gazette* last Friday with some of the comments from the Bermuda Clean Air Coalition. And I think somewhere there was a suggestion that my colleague, Minister Roban, in another place, *suddenly* laid this piece of legislation. And I just have to say, Madam President, there has been nothing sudden about this piece of legislation. It certainly has been on the legislative agenda since I took this seat. And constantly there has been a refrain from my colleagues in Cabinet to get this piece of legislation done.

So, I have heard a few adages around the room today. I think it was . . . what was it? *Measure twice; cut once*. Here is another one. *Can't win for losing*. If this piece of legislation wasn't brought, I believe we would be hearing from the other side, *What has happened with the Clean Air amendments that have been promised?* Here they are. We cannot do

everything at once. And I completely disagree that the process of bringing legislation cannot be iterative. We have to go. We cannot be here. If you live, like some of my relatives do, within feet of BELCO, they are not the people who are saying, *You know, wait. Let's have another six months of consultation and get this right.* They want to see action right now because they are affected by it. I understand that, you know, the Bermuda Clean Air Coalition may not have had the consultation the way they would have liked it, but it is completely incorrect to say that there wasn't any. And there is always the thing of how much is enough? How well do we do it?

The point that I will take on board however is Senator Wight's that a piece of legislation as complex as this could have benefited from an education session. And I would take that on board for future pieces of legislation. And it is my absolute commitment to create a forum where we can have that. It took some time for me sitting down with representatives from DENR and our drafters to understand what we were trying to accomplish here, and to also understand why the regulations are not here at the same time. They are forthcoming. I understand it would be ideal to see everything in a package. But sometimes that just isn't the case.

But I want it to be said without doubt that best efforts have been taken. Our drafters have worked, literally worked around the clock, overnight, to try to make sure that this piece of legislation could be brought before Parliament in a timely manner. And they have done so. And I am proud of the work that has been done. Everything will not be perfect, but it is our best effort. And that is our obligation, Madam President, as a Government, to put our best effort at things in the time that we have.

Thank you, Madam President.

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

Would any other Senator care to speak on this Bill?

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

**The President:** Senator Simmons.

**Sen. Lindsay Simmons:** Madam President, Senator Tucker's question, amendments should not proceed if not all consultation was considered. And the claim was that we are rushing.

Madam President, I want to say that the BCAC [gave] an 89-page consultation report [which] was received after the deadline on the 31<sup>st</sup> of August 2024. The DENR has considered all aspects of that said report in the amendments. Many of the points raised related to fines, manure legislation, et cetera,

by the BCAC, were already addressed by feedback from other entities that came forward.

Another question was, Why were regulations not debated with the Act? The legal process for legislation requires the Act to be laid . . . the Act to first be amended to create a regulatory-making powers before regulations can be laid. The Clean Air Amendment regulations will be tabled and debated early in the new year through the affirmative resolution process.

Another question from Senator Tucker was [regarding] the statutory nuisance fines. The fines are being issued[under a] statutory nuisance order under the Clean Air Act [and] will be much greater (i.e., than it is now): \$20,000 plus \$5,000 for each day thereafter, [as] compared to the Public Health Act 1949 which is \$420 plus \$336 for each day thereafter. And Senator De Couto pretty much asked the same question.

And Senator Wight's question was on water quality in the BELCO area. DENR has required an independent organisation [INAUDIBLE] to monitor water quality in over 60 water tanks. These results were compared to UK drinking water standards and the World Health Organization (WHO). We have yet to see figures of any primary drinking water standards or WHO guidelines due to the BELCO soot.

I believe that was all the questions that were asked, Madam President, of me.

**The President:** Yes, it would appear so. You have addressed the questions that were asked.

**Sen. Lindsay Simmons:** So, with that, Madam President, I move that the Bill entitled the Clean Air Amendment Act 2024 be now read a second time.

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

No objection.

#### SUSPENSION OF STANDING ORDER 26

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

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

No objection.

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

**Sen. Lindsay Simmons:** Madam President, I move that the Bill entitled Clean Air Amendment Act 2024 be now read a third time.

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

**Sen. Robin Tucker:** Yes, Madam President, I object.

**The President:** We have one objection.

Are there any other . . . It appears we have three objections.

**An Hon. Senator:** Second it.

**The President:** That is Senator Tucker, Senator Robinson and Senator De Couto.

**An Hon. Senator:** I do object.

**The President:** We will therefore have a vote.

*[Pause]*

**The President:** Senators, I am reminded that if there are objections on the third reading we have to carry it over to the next day of meeting unless there is a move to suspend . . . On the third reading, we should carry it over to the next day of meeting. However, if there is a rejection of the third reading then we can . . .

*[Inaudible interjection]*

**The President:** Or suspension, I should say.  
So, it is [Standing Order] 35—

**Sen. Lindsay Simmons:** Madam President—

**The President:** Yes.

**Sen. Lindsay Simmons:** I move that we suspend [Standing Order] 35 in respect to the third reading.

**The President:** Is there any objection to the suspension?

**Sen. Robin Tucker:** Yes, Madam President.

**The President:** Senators, do you understand what we are . . .

*[Crosstalk]*

**The President:** We want to have the—

*[Crosstalk]*

**The President:** Yes. If there is a motion to suspend—

**An Hon. Senator:** Then we would—

**The President:** —the third reading.

So, if you suspend that, then we will vote today.

#### SUSPENSION OF STANDING ORDER 35

**Sen. Lindsay Simmons:** Yes, I put a motion on to suspend [Standing Order] 35 in respect to the third reading, Madam President.

**The President:** Is there an objection to the suspension of [Standing Order] 35?

**Sen. Robin Tucker:** Yes, Madam President.

**The President:** Well, we have to take a vote on the suspension now.

*[Crosstalk]*

**The President:** In our regulations, any [Standing Order] can be suspended if there is a vote. [Standing Order] 35 allows a suspension of it being carried over.

So, we are going to take a vote on the suspension of [Standing Order] 35.

**The Assistant Clerk:** The Junior Minister has moved that Standing Order 35 be suspended in order to allow for the third reading of the Clean Air Amendment Act 2024.

If you agree with suspending [Standing Order] 35, so we can move the passage of the Bill, vote Aye. If you are in objection to the suspension of [Standing Order] 35, [vote] Nay.

### DIVISION

*[Suspension of Standing Order 35]*

#### Ayes: 7

Sen. the Hon. O. Darrell  
Sen. A. Hodgson  
Sen. M. Fubler  
Sen. Lindsay Simmons  
Sen. the Hon. K. Wilkerson  
Sen. Kiernan Bell  
Sen. Hon. J. Dillas-Wright

#### Nays: 4

Sen. Dr. D. De Couto  
Sen. Dwayne Robinson  
Sen. Robin Tucker  
Sen. John Wight

**The Assistant Clerk:** With a vote of seven to four, the motion to suspend passes. It is affirmed.

*[Motion to suspend Standing Order 35 passed by majority on division.]*

*[Standing Order 35 suspended.]*

### BILL

### THIRD READING

#### CLEAN AIR AMENDMENT ACT 2024

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

Madam President, I move that the Bill do now pass.

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

*[Pause]*

**The President:** No? There is no objection, so the Bill is passed.

*[Motion carried: The Clean Air Amendment Act 2024 was read a third time and passed.]*

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

**The President:** Thank you, Senator Lindsay Simmons and thank you all, Senators.

We will now move on to our third order of the day and that is the second reading of the Companies Amendment Act 2024. And that is in the name of Senator Arianna Hodgson, the spokesperson for Finance.

Senator Hodgson, you may present your Bill when you are ready.

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

Madam President, I would like to move that the Bill entitled the Companies Amendment Act 2024 be now read a second time.

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

No objection.

## BILL

### SECOND READING

#### COMPANIES AMENDMENT ACT 2024

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

Madam President, the Bill before the Senate is the [Companies Amendment Act 2024](#). This Bill amends the Companies Act 1981 to remove the unintended exemption from annual corporate regulatory fees for certain classes of exempted companies and thereby ensures that these fees apply to all entities on Bermuda's corporate register over which the Registrar of Companies [ROC] has regulatory supervisory and compliance oversight as was intended and communicated since the announcement of these fees.

Madam President, Senators will recall that on 8 March 2024, the Registrar of Companies (Annual Corporate Regulatory Fees) Act 2024 and the Registrar of Companies (Annual Corporate Regulatory Fees) (No. 2) Act 2024 were passed by the Legisla-

ture. In order to include corporate regulatory fee revenue in the 2023/24 Budget as forecast, the 2024 Acts took effect from the first reading in the House of Assembly on 9 February 2024, with the written consent of the Governor pursuant to section 2(1) of the Provisional Collection of Revenue Act 1975.

Madam President, Senators will recall that on the 28 June 2024 the Registrar of Companies Annual Corporate Regulatory Fees Amendment Act 2024 was passed to amend the commencement date of the 2024 Acts to 1 January 2024 and to allow for an exceptional payment deadline for 2024 only.

Madam President, subsequent to the passing of the 2024 Acts and the Amendment Act, an unintended exemption from corporate regulatory fees for certain classes of exempted companies was identified under section 131(2B) of the Companies Act 1981. The original intent of this section was to immune certain classes of exempted companies from the standard annual fee based on accessible capital found in section 131 of the Companies Act 1981 in order to apply specified annual fee rates. As the corporate regulatory fee was added to section 131 of the Companies Act 1981, through the 2024 Acts, an unintended exemption from corporate regulatory fees was thus created.

Madam President, since the announcement of the annual corporate regulatory fees in the 2023/24 Budget Statement, the intention to apply these fees to all entities listed on Bermuda's corporate register, has been clearly articulated through statements made in the House of Assembly, in the Senate and through industry notices distributed directly through the corporate register. This Bill simply achieves this aim by remedying the unintended exemption and ensuring that all entities are subject to corporate regulatory fees.

Madam President, this Bill amends the Companies Act 1981 to require that annual corporate regulatory fees be paid by the specified classes of exempted companies previously unintentionally excused from these fees. Further, the Bill validates any corporate regulatory fees collected by the Registrar of Companies from the specified classes of the exempted companies prior to the passing of this Bill and sets the commencement date for the Bill at 1 January 2024 in line with the 2024 Acts.

Madam President, the driving force behind the introduction of these new regulatory fees is the expansion of the role performed by the Registrar of Companies in recent years which has resulted in the need to hire significant numbers of additional skilled personnel and enhance infrastructure. The introduction of these regulatory fees was expected to add approximately \$6 million to the public purse each year.

Madam President, as of 15 November [2024] approximately \$5.5 million of the projected \$6 million in the corporate regulatory fee revenue [from] 2024 had been collected. A breakdown of what proportion

of this total has been collected from entities subject to the unintended exemption is unavailable at this time. However, given that the exclusion applies to approximately 2,000 exempted companies on the corporate register, this figure will be significant.

Madam President, in summary, this Bill is a housekeeping one necessary to ensure that all exempted companies are subject to the corporate regulatory fee and to validate any payments received from exempted entities prior to the passing of this Bill.

Madam President, with those brief introductory remarks I now present the Bill entitled the Companies Amendment Act 2024 and I welcome *positive* comments from other Members of the Senate.

*[Laughter]*

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

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

## ANNOUNCEMENT BY THE PRESIDENT

### SENATE VISITOR

**The President:** And before I open the floor, I would just like to acknowledge that we did have the presence of the Deputy Premier, Mr. Walter Roban, who has just stepped out. So, I do thank him for his presence.

And now the Deputy Premier has returned.  
Welcome to you, sir.

*[Companies Amendment Act 2024, second reading debate, continuing]*

**The President:** And as an FYI [For Your Information] I just want to inform Senators that the streaming has not been improved but that the—

*[Inaudible interjection]*

**The President:** Pardon?

*[Crosstalk]*

**The President:** The Internet. The Internet is on but the streaming, unfortunately is not up yet.

Would any Senator like to speak to this Bill that has just been presented, the Companies Amendment Act 2024?

Yes, Senator De Couto, you have the floor.

**Sen. Dr. Douglas De Couto:** Thank you, Madam President.

We are supportive of the tidying-up that is in this Bill and correcting the oversights. As you know

from our previous debates on things around the Registrar of Companies, we are also supportive of the work that it is doing and the changes in the legislation and the fees to enable it to carry out its increasing regulatory functions, some of which, for example, we touched on earlier with respect to the CIT information.

So, in short, we are supportive. Thank you, Madam President.

**The President:** Thank you, Senator De Couto. Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

I am fully supportive of the Senator's Bill. So, thank you, Madam President.

**The President:** Thank you.

Would any other Senator care to speak on this Bill?

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

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

I tend to get support on my Finance Bills—

*[Laughter]*

**Sen. Arianna Hodgson:** —from Senator White and Senator De Couto, so I appreciate that support again this morning.

Given that there were no questions asked, Madam President, I would like to move that the Bill entitled the Companies Amendment Act 2024 be now read a second time.

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

### SUSPENSION OF STANDING ORDER 26

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

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

**The President:** Is there an objection to that Motion?  
No objection.

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

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

I move that the Bill entitled the Companies Amendment Act 2024 be now read a third time.

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

No objection.

**BILL****THIRD READING****COMPANIES AMENDMENT ACT 2024**

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

I move that the Bill do now pass.

**The President:** It has been moved that the Bill entitled the Companies Amendment Act 2024 do now pass.

Is there any objection to that Motion?

No objection. The Bill is passed.

*[Motion carried: The Companies Amendment Act 2024 was read a third time and passed.]*

**The President:** Thank you, Senator Arianna Hodgson. And thank you all, Senators.

We will now move on to the fourth item on the Orders of the Day and that is the second reading of the Customs Department Amendment Act 2024. And that is in the name of the Attorney General, Minister Kim Wilkerson, spokesperson for National Security.

You have the floor.

**BILL****SECOND READING****CUSTOMS DEPARTMENT AMENDMENT ACT 2024**

**Sen. the Hon. Kim Wilkerson:** Thank you, Madam President. This Bill is the [Customs Department Amendment Act 2024](#).

Madam President, Honourable Senators are requested to now give consideration to the Bill entitled Customs Department Amendment Act 2024.

Madam President, the Bill proposes to amend the Customs Department Act of 1952, which is the principal Act, to empower the Collector of Customs to cooperate with domestic authorities and international counterparts and address specific deficiencies as identified by the Caribbean Financial Action Task Force (CFATF), assessors in Bermuda's 2020 Mutual Evaluation Report. These deficiencies identified by CFATF assessors relate to the retention, use and safeguarding of custom's declaration information and other information obtained from custom's operations.

Madam President, the proposed changes form a vital part of Government's continuing efforts to align Bermuda's anti-money laundering and anti-terrorist financing (AML/ATF) legislative framework within the requirements stipulated by the Financial Action Task Force international standards on combat-

ing money laundering and the financing of terrorism and proliferation.

Madam President, Honourable Senators will recall that in January 2020 the Caribbean Financial Action Task Force, of which Bermuda is a member, published Bermuda's Mutual Evaluation Report. In that report it recognised Bermuda's high degree of compliance with the FATF standards and the effectiveness of our system for combatting money laundering and terrorist financing. Nevertheless, Bermuda received only a partial compliant rating for FATF Recommendation 32.

Madam President, Recommendation 32 requires countries to have effective systems in place to detect and prevent the movement across borders of illicit proceeds of crime in the form of cash and negotiable instruments. Countries are also required to have in place adequate measures to enable effective cross-border cooperation between counterpart border protection authorities in different countries.

Madam President, through the provisions of this Bill Government seeks to achieve full compliance with Recommendation 32 during CFATF's 5<sup>th</sup> Round of Mutual Evaluation of Bermuda which will be in 2026. All submissions to outline how Bermuda has addressed the technical requirement in any recommendation must be submitted by Bermuda to the Caribbean Financial Action Task Force [CFATF] Secretariat beginning in September 2026.

Madam President, the Bill proposes to amend the principal Act with new provisions giving the Customs Department legal authority to cooperate with counterpart customs authorities and, where appropriate, other overseas law enforcement authorities, including the authority to enter into arrangements with counterparts or with regional or global customs organisations and law enforcement authorities for the purposes of cooperation.

This authority will also empower customs officers in the discharge of their statutory functions to use information obtained from the counterpart customs authorities or other overseas law enforcement authorities. Under the Bill the Customs Department is required to exercise such powers with foreign parties only where there is a treaty or agreement that provides us to enable the exercise of such powers.

Madam President, the Bill also proposes to amend the principal Act to provide the Customs Department with legal authority to cooperate with domestic competent authorities, such as the Financial Intelligence Agency and the Bermuda Police Service, and to enter into arrangements for cooperation with them or with any other specified domestic authorities as provided in the Bill. This authority will empower customs officers in the exercise of their customs functions to use information obtained from domestic authorities in the discharge of their statutory functions.

Madam President, the Bill further proposes to amend the principal Act to provide the Customs Department with authority to

- share information and intelligence with counterpart custom authorities, other overseas law enforcement authorities and with appropriate domestic authorities;
- require the Customs Department to retain the records and other information obtained from customs operations for a minimum period of six years;
- specify data protection and confidentiality requirements in relation to information collected by the Customs Department;
- allow the Customs Department to charge an administrative fee for the sharing of customs information;
- empower the Minister to make regulations; and
- provide savings of extant agreements for national and international cooperation.

Madam President, finally, the Bill makes consequential amendments to the Revenue Act making explicit provision that the Collector of Customs declaration notices do not require parliamentary scrutiny and adding the principal Act to the list of outlying enactments in the Revenue Act.

In addition, the opportunity has been taken to do a little housekeeping, clarifying the application of the charge for the manual input of [Bermuda] Customs Declaration[s] as provided in the Government Fees Regulations 1976.

Thank you, Madam President.

**The President:** Thank you, Minister and Attorney General, Kim Wilkerson.

Would any Senator care to speak on this Bill?

Senator Dwayne Robinson, you have the floor.

**Sen. Dwayne Robinson:** Thank you, Madam President.

We support this particular legislation, especially when it comes to strengthening our anti-money laundering and terrorism financing which is extremely important to not only our reputation globally but also our reputation domestically in making sure that we can align ourselves and integrate ourselves with our allies and other ports of entrance that we are working with. So, I think that is a great step in the right direction.

I also support not settling for partially compliant and that we are gunning for a full compliance in 2026. That is always where we want to sit as a jurisdiction and as a people. So, I think that that is a very straightforward and admirable goal right there.

I just wanted to get one question. If I could get a bit of insight from the Attorney General on the capabilities of Customs as it stands right now to kind of

maintain, assess and utilise or keep up with this sort of information that they will be required now to participate in, and just whether or not she feels confident in their current abilities as far as information storing and safety of that information and whether or not anything needs to be improved in order for us to get there to properly work with and support this initiative.

But I also wanted to say as well that the domestic housekeeping as well is very appreciated because I myself have always advocated for a bit more integration with our uniform services. So, I welcome hearing that this amendment also allows for the Customs to work a bit more closely with our police and other services here on the Island.

So, with that, Madam President, we support this amendment. Thank you.

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

Senator John Wight, you have the floor.

**Sen. John Wight:** Thank you, Madam President.

I would like to thank Senator Wilkerson for presenting this and I am fully supportive of it.

Thank you, Madam President.

**The President:** Thank you.

Vice President Kiernan Bell, you have the floor.

**Sen. Kiernan Bell:** Thank you, Madam President.

Like my Senate colleagues, I do support this Bill. I think it is important for Bermuda to continue to guard its reputation as buttoned-up financial centre which combats financial crime. This Bill is on all fours with that agenda, and it enhances the Customs Department's ability to control and monitor significant cross border cash and provides a sensible and robust legal framework for information sharing amongst both local and international law enforcement.

So, I too thank the Attorney General for bringing this Bill. Thank you.

**The President:** Thank you, Senator Vice President Kiernan Bell.

Would any other Senator care to speak on this Bill?

Hearing none, then it is over to you, Attorney General and Minister, Kim Wilkerson.

**Sen. the Hon. Kim Wilkerson:** Madam President, I move that the Bill entitled the Customs Department Amendment Act 2024 be now read a second time.

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

No objection.

## SUSPENSION OF STANDING ORDER 26

**Sen. the Hon. Kim Wilkerson:** 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

#### CUSTOMS DEPARTMENT AMENDMENT ACT 2024

**Sen. the Hon. Kim Wilkerson:** Madam President, I move that the Bill entitled Customs Department Amendment Act 2024 be now read a third time.

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

No objection.

**Sen. the Hon. Kim Wilkerson:** Madam President, I move that the Bill do now pass.

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

No objection. The Bill has passed.

*[Motion carried: The Customs Department Amendment Act 2024 was read a third time and passed.]*

**The President:** Thank you, Minister Wilkerson, Attorney General. And thank you, all Senators.

We will now move on to the last item on our Orders of the Day and that is the second reading of the Bermuda Monetary Authority Amendment Act 2024. And that is in the name of Senator Arianna Hodgson, spokesperson for Finance.

Senator Hodgson, you can present your Bill when you are ready.

**Sen. Arianna Hodgson:** Thank you, Madam President, I would like to move that the Bill entitled the Bermuda Monetary Authority Amendment Act 2024 be now read a second time.

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

No objection.

## BILL

### SECOND READING

#### BERMUDA MONETARY AUTHORITY AMENDMENT ACT 2024

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

Madam President, I am pleased to present to the [Senate] the Bill entitled the [Bermuda Monetary Authority Amendment Act 2024](#).

The Bill amends the Bermuda Monetary Authority Act 1969 to clarify the securities that the Bermuda Monetary Authority is permitted to invest in to provide for a waiver or reduction of fees payable in relation to the innovation hub and to amend the Fourth and Fifth Schedules of the Act with respect to fees.

Madam President, Bermuda's financial services sector is subject to the regulation and supervision of the Authority. The Authority was established under the Act. The Authority operates pursuant to the Act which provides it with a number of principal objects including supervision, regulation and inspection of financial institutions operating in or from within Bermuda.

Madam President, the Authority is mandated to act as advisor to the Minister of Finance on policy matters related to any financial institution. Accordingly, the Authority proposes laws where it can do so appropriately and consistently with its function under the Act.

Madam President, the key highlights of the Bill before us are as follows: Amending the definition of "specified securities."

Section 19 of the Act requires the Authority to maintain a reserve of external and local assets that shall be in value not less than an amount equivalent to 50 per cent of the total liabilities of the Authority in relation to the face value of currency notes and coins in circulation. Senators are advised that as a matter of practice the Authority has been keeping a reserve of external assets above 100 per cent for the past five years. Accordingly, the Authority maintains reserve of external and local assets and ensures that they are invested prudently in accordance with the requirements of the Act.

Madam President, the reserve of external and local assets requirements ensures that the Authority maintains sufficient liquidity in case of significant currency redemption due to various factors such as economic crisis or the Bermuda dollar losing its value.

Madam President, in 2022, the Act was amended to update the range of permitted securities in which such reserves could be held. This change allowed the Authority's board of directors through its investment committee to adjust such securities as required to react to future market conditions in accordance with the Act.

Madam President, the Authority proposes to further refine the types of securities that the Authority may purchase and hold by expressly precluding investments in firms that the Authority regulates.

Senators are advised that as a practical matter the Authority's current investment guidelines preclude the Authority from investing in shares of any company that it regulates. To avoid any doubt, the Authority has never traded in equities, currently has no appetite to do so, and has never sought to invest in firms that it regulates.

Madam President, it has not, nor has it ever been the Authority's intention to run the risk of having conflicts of interest regarding its investments. This change will clarify that the Authority will not invest in any entity that it regulates.

Provision for waiver or reduction of fees payable in relation to the innovation hub: Madam President, the Authority recognises the importance of innovation in the financial services industry and the critical role that innovation plays in promoting efficiency and enhancing competitiveness in the market. The innovation hub was set up to foster such innovation as an option for companies looking to test new technologies or business models.

Madam President, the Authority generally has the power to reduce or waive fees in the sectors that it regulates. However, this is not currently the case with the innovation hub. Madam President, the Authority believes it is appropriate that such a power exist within the innovation hub so that it may be exercised at the discretion of the Authority upon request from the applicant. Madam President, in addition to the benefits for the marketplace and Bermuda, the Authority also benefits from the innovation hub by learning about potential new products and business models including how to regulate them effectively. These innovations often come from startups where funding can be limited. And the Authority would not wish to see innovations stifled where it may otherwise have been possible. Therefore, in certain circumstances it would be beneficial for the Authority to have the power to reduce or waive fees in this realm.

And finally, proposed changes to the Fourth and Fifth Fee Schedules of the Act: It is important that the fees charged by the Authority reflect and align with the cost of appropriately overseeing regulated financial institutions and enable the efficient facilitation of supervisory activities.

Madam President, the key highlights of the fee-related amendments are as follows:

The Authority proposes to introduce a \$2,840 fee in respect of an application for a recognition certificate and a \$10,000 annual business fee for recognised bodies payable following the commencement of the Investment Business Amendment Act 2024.

Madam President, the proposed fees consider the existing fees for investment providers under the Investment Business Act 2003, and the nature of regulated activities of recognised bodies. Madam President, there is currently one recognised body in Bermuda; namely, the Bermuda Stock Exchange which has been kept up to date on these fees.

In 2022, the Authority signalled to the market that the fees applicable to certain investment providers would be kept under review given the nature and complexity of the products and service offerings of an in-scope entity. In line with this, the Authority proposes to increase the application and annual fees for investment provider's licence pursuant to the IBA, offering over-the-counter [OTC] leverage products to retail clients to \$25,000 and \$100,000, respectively. Currently, the application fee and the annual business fees are \$2,840 and \$13,560, respectively.

Madam President, there are several reasons for these proposed targeted IBA fee increases. Most notably consistency with comparable fees and other regulatory sectors and to better align the fees in question with the associated regulatory and supervisory activities required of the Authority.

Madam President, the current IBA annual fee applicable to investment providers offering OTC leverage products to retail clients is not aligned with comparable annual fee under the Digital Asset Business Act 2018 [DABA] framework where the activities are the same under both regimes but relates to digital assets and investments. For example, Madam President, an investment provider offering OTC leverage products to retail clients licenced both under the IBA and Digital Asset Business Act would be subject to an annual fee of \$13,560 under the IBA and a minimum fee of \$100,000 under the DABA framework.

Madam President, the current fee does not sufficiently account for supervisory efforts in respect of providers of OTC leverage products to retail clients given the inherently high risk associated with this activity. Recent updates to the IBA include enhanced requirements for providers of OTC leverage products with retail clients. Madam President, these enhanced requirements have contributed to the elevation and the nature and the extent to supervisory activities relating to these firms, including the expertise required to ensure effective supervision.

Given the retail client profile and the complexity of the products offered, there is a need for more frequent supervisory reviews relative to licensees whose investment activities do not relate to derivatives.

Madam President, the proposed annual business fee more accurately reflects the supervisory efforts in this area and brings it in line with that charge under the DABA regime for similar activities.

Madam President, as an administrative measure, the Fourth Schedule under the heading Investment Funds Act 2006, is proposed to be amended in paragraph 10. Madam President, currently this paragraph applies to transaction fees for section 25, changes and notifications, as well as section 6 notifications. The notification of exclusion under section 6 was repealed some time ago. Therefore, this reference should be removed, and the inclusion of section 8(A)(8) changes should be added in its place. Madam

President, section 8(A)(8) changes pertain to the requirements for registered professional Class B funds to obtain prior approval for changes to the director or service provider.

Madam President, this is not a new provision. However, not including the fee on the Schedule was an oversight and this amendment will align this section with similar provisions in the Investment Funds Act 2006 that incur a processing fee in relation to notification of changes. The transaction fee itself remains unchanged at \$310.

Madam President, the Authority proposes to revise these fees to more accurately reflect the actual cost of supervision. The fees for non-licensed persons will be amended to a registration fee of \$150 and an annual fee of \$1,000. Currently the application fee and the annual fee are \$108 and \$850, respectively. The increase is very modest, reflecting current economic conditions and the fact that these fees have not been modified for several years.

Madam President, in addition to the changes described previously in relation to the innovation hub the Authority intends to reduce the application and extension fees for the innovation hub to \$1,000 to reduce any possible barriers to innovation. Currently, the application fee is \$3,000 and the 12-month extension fee is \$1,500.

Madam President, the Authority is making some clarificatory changes to the wording used in the metrics for fee calculations for Class 3A, 3B, and 4 insurers and designated insurers registered to carry run-off general business on behalf of an insurance group in accordance with section 27B of the Insurance Act 1978. Specifically, a note has been added to clarify that the higher fee amount would apply when a registrant falls into more than one tier. The proposed changes should avoid any inconsistencies or uncertainty in determining the correct tier and the associated fee.

Madam President, the respective fee amounts themselves remain unchanged. The fees range from \$24,550 to \$446,800, depending on the class of the insurer and the level of their gross reserves and assets. The proposed changes codify the approach that has been followed in practice.

Madam President, the Authority has corresponded directly with BILTR [Bermuda International Long Term Insurers and Reinsurers] and ABIR [Association of Bermuda Insurers and Reinsurers] to inform them of these changes. The Authority also proposes to make some administrative changes to the Fifth Schedule relating to the addition of Classes IIGB and IILT, where applicable, and to clarify the Note pertaining to which supplementary annual fees under [paragraph] 7A and 7B of the Schedule are payable by non-resident insurance undertakings.

Madam President, the proposals in this Act were consulted on via Consultation Paper issued by the Authority on 10 July 2024 which was accompanied

by an illustrative draft Bill. No objections were received in relation to this consultation nor were any informal representations made to the Authority—

*[Audio ended abruptly.]*

**BERMUDA SENATE**  
**2024/2025 SESSION**  
**OFFICIAL HANSARD REPORT**  
**INDEX**

**November – December 2024**

*This Index is arranged alphabetically with “Order of Business” headings and Senators’ names in **bold**. “Bills” are arranged both alphabetically and procedurally (i.e., First Reading, Second Reading, Third Reading).*

---

**A**

**Adjournment, motions thereon**

- Dog attacks
  - Tucker, Sen. Robin, 66
- Maiden Speech
  - Fubler, Sen. Mischa, 94–95
- National Violence Reduction Strategy Goal 4
  - Robinson, Sen. Dwayne, 96
  - Wilkerson, Sen. the Hon. Kim, 97–98
- Staff shortages, concern over growing number of
  - Tucker, Sen. Robin, 96–97
- Substance abuse, cracking down on
  - Robinson, Sen. Dwayne, 65
- Violence against women and men, elimination of
  - Hodgson, Sen. Arianna, 66–67
  - Tucker, Sen. Robin, 66
- Violence against women, elimination of
  - Darrell, Sen. the Hon Owen, 67
  - Dillas-Wright, Sen. the Hon. Joan E., 67–68
  - Robinson, Sen. Dwayne, 64–65
  - Simmons, Sen. Lindsay, 63
  - Wight, Sen. John, 65
  - Wilkerson, Sen. the Hon. Kim, 63–64

**Announcements**

- Bermuda College
  - Annual Report 2023/24, 69
  - Audited Financial Statement year ended 31 March 2024, 46
- Bermuda Tourism Authority, 2023 year in review, 2
- Department of Financial Assistance Annual Report 2023/24, 70
- Education
  - (Closure of Schools) Order 2024, 46
  - (Primary Schools) (Implementation of Reforms) Order 2024, 46
- Joint World Heritage Centre (ICOMOS) Advisory Mission to Historic Town of St. George's, 46
- Labour Force Survey Report November 2023, 2
- Ministers and Members of the Legislature Salaries Review Board Final Report August 2024, 69
- National Violence Reduction Strategy, 2

## **Announcements by the President**

- Auditor General's Follow-up of Previously Issued Recommendations from Selected Government-related Entities, November 2024, 1–2
- Auditor General's Follow-up of Previously Issued Recommendations from Selected Government-related Entities, November 2024 (See Announcements by the President)

## **B**

### **Bell, Sen. Kiernan**

- Clean Air Amendment Act 2024, 108
- Congratulatory and/or Obituary Speeches, 40, 42
- Digital Asset Business Amendment Act 2024, 7
- Payroll Tax Amendment (No. 2) Act 2024, 57–58
- Public Access to Information Amendment Act 2024, 84
- Question Period
  - Department of Financial Assistance Annual Report 2023/24, 78, 79, 101
- Throne Speech and Reply 2024, debate thereon, 18
- Tourism Investment
  - (Roseton Hotel) Order 2024, 49
  - (Swan Pyrotechnics Limited) Order 2024, 53
- Bermuda College
  - Annual Report 2023/24 (See Announcements)
  - Audited Financial Statement year ended 31 March 2024 (See Announcements)
- Bermuda Monetary Authority Amendment Act 2024 (See Bills)
- Bermuda Tourism Authority, 2023 year in review (See Announcements)

### **Bills**

#### Bermuda Monetary Authority Amendment Act 2024

##### Second Reading

Hodgson, Sen. Arianna, 116–118

#### Clean Air Amendment Act 2024

##### Second Reading

Bell, Sen. Kiernan, 108

DeCouto, Sen. Dr. Douglas, 108

Fubler, Sen. Micha, 108–109

Hodgson, Sen. Arianna, 108

Robinson, Sen. Dwayne, 109

Simmons, Sen. Lindsay, 103–105, 110

Tucker, Sen. Robin, 106–107

Wight, Sen. John, 107–108

Wilkerson, Sen. the Hon. Kim, 109–110

##### Third Reading, 112

Division, 111

#### Companies Amendment Act 2024

##### Second Reading

DeCouto, Sen. Dr. Douglas, 113

Hodgson, Sen. Arianna, 112–113

Wight, Sen. John, 113

##### Third Reading, 114

## **Bills (continued)**

### Contributory Pensions (Amendment of Benefits and Validation) Act 2024

First Reading, 47

Second Reading

Hodgson, Sen. Arianna, 59, 60

Tucker, Sen. Robin, 59

Wight, Sen. John, 60

Wilkerson, Sen. the Hon. Kim, 60

Third Reading, 60

### Corporate Entities (Miscellaneous) Amendment Act 2024

Second Reading

Hodgson, Sen. Arianna, 103

### Customs Department Amendment Act 2024

Second Reading

Robinson, Sen. Dwayne, 115

Wight, Sen. John, 115

Wilkerson, Sen. the Hon. Kim, 114–115

Third Reading, 116

### Digital Asset Business Amendment Act 2024

First Reading, 4

Second Reading

Bell, Sen. Kiernan, 7

DeCouto, Sen. Dr. Douglas, 6–7

Hodgson, Sen. Arianna, 6, 7

Wight, Sen. John, 7

Third Reading, 7

### Employment Amendment Act 2024

First Reading, 74

Second Reading

Hodgson, Sen. Arianna, 91, 92

Tucker, Sen. Robin, 91–92

Wight, Sen. John, 92

Third Reading, 93

### Payroll Tax Amendment (No. 2) Act 2024

First Reading, 47

Second Reading

Bell, Sen. Kiernan, 57–58

Hodgson, Sen. Arianna, 56, 58

Robinson, Sen. Dwayne, 57

Tucker, Sen. Robin, 58

Wight, Sen. John, 57

Third Reading, 59

### Public Access to Information Amendment Act 2024

First Reading, 47

Second Reading

Bell, Sen. Kiernan, 84

Darrell, Sen. the Hon Owen, 87–88

DeCouto, Sen. Dr. Douglas, 81–83

Fubler, Sen. Mischa, 79–81, 88–90

Hodgson, Sen. Arianna, 86–87

Robinson, Sen. Dwayne, 84–85

## **Bills (continued)**

Public Access to Information Amendment Act 2024 (continued)

Second Reading (continued)

Tucker, Sen. Robin, 87

Wight, Sen. John, 83–84

Wilkerson, Sen. the Hon. Kim, 85–86

Third Reading, 90

Division, 90

## **C**

Clean Air Amendment Act 2024 (See Bills)

Climate Change Study: Release of "Bermuda and Climate Change: Impacts from Sea Level Rise and Changing Storm Activity" (See Statements)

Companies Amendment Act 2024 (See Bills)

### **Confirmation of Minutes**

8 November 2024, 1

27 November 2024, 45

4 December 2024, 69

### **Congratulatory and/or Obituary Speeches**

Bell, Sen. Kiernan, 40, 42

Darrell, Sen. the Hon Owen, 42–43, 61

DeCouto, Sen. Dr. Douglas, 40, 93

Dillas-Wright, Sen. the Hon. Joan E., 43–44

Hodgson, Sen. Arianna, 62, 93–94

Robinson, Sen. Dwayne, 42

Simmons, Sen. Lindsay, 40–41, 62, 94

Tucker, Sen. Robin, 61–62, 93

Wight, Sen. John, 41

Wilkerson, Sen. the Hon. Kim, 41–42, 63

Contributory Pensions (Amendment of Benefits and Validation) Act 2024 (See Bills)

Corporate Entities (Miscellaneous) Amendment Act 2024 (See Bills)

Customs Department Amendment Act 2024 (See Bills)

## **D**

### **Darrell, Sen. the Hon Owen**

Adjournment, motions thereon

Violence against women, elimination of, 67

Bermuda College

Annual Report 2023/24, 69–70

Audited Financial Statement year ended 31 March 2024, 46

Bermuda Tourism Authority, 2023 year in review, 2

Congratulatory and/or Obituary Speeches, 42–43, 61

Education

(Closure of Schools) Order 2024, 46

(Primary Schools) (Implementation of Reforms) Order 2024, 46

Joint World Heritage Centre (ICOMOS) Advisory Mission to Historic Town of St. George's, 46

Labour Force Survey Report November 2023, 2

Makerspace, 70–71

Public Access to Information Amendment Act 2024, 87–88

**Darrell, Sen. the Hon Owen (continued)**

Sports Policy Update, 2–4

Throne Speech and Reply 2024, debate thereon, 8–10, 36–39

Tourism Investment

(Rosodon Hotel) Order 2024, 46 (Notice), 48–49, 50–51

(Swan Pyrotechnics Limited) Order 2024, 46 (Notice), 52, 54–55

**DeCouto, Sen. Dr. Douglas**

Clean Air Amendment Act 2024, 108

Companies Amendment Act 2024, 113

Congratulatory and/or Obituary Speeches, 40, 93

Digital Asset Business Amendment Act 2024, 6–7

Public Access to Information Amendment Act 2024, 81–83

Question Period

Climate Change Study: Release of "Bermuda and Climate Change: Impacts from Sea Level Rise and Changing Storm Activity," 77

Throne Speech and Reply 2024, debate thereon, 28–33

Department of Financial Assistance Annual Report 2023/24 (See Announcements; Statements)

Digital Asset Business Amendment Act 2024 (See Bills)

**Dillas-Wright, Sen. the Hon. Joan E.**

Adjournment, motions thereon

Violence against women, elimination of, 67–68

Congratulatory and/or Obituary Speeches, 43–44

**Divisions**

Clean Air Amendment Act 2024, Third Reading, 111

Public Access to Information Amendment Act 2024, Third Reading, 90

Dog attacks (See Adjournment, motions thereon)

**E**

Education

(Closure of Schools) Order 2024 (See Announcements)

(Primary Schools) (Implementation of Reforms) Order 2024 (See Announcements)

Employment Amendment Act 2024 (See Bills)

**F****Fubler, Sen. Mischa**

Adjournment, motions thereon

Maiden Speech, 94–95

Clean Air Amendment Act 2024, 108–109

Oath or Affirmation

Fubler, Mr. Mischa, 1

Public Access to Information Amendment Act 2024, 79–81, 88–90

**H****Hodgson, Sen. Arianna**

Adjournment, motions thereon

Violence against women and men, elimination of, 66–67

Bermuda Monetary Authority Amendment Act 2024, 116–118

Clean Air Amendment Act 2024, 108

Companies Amendment Act 2024, 112–113

## **Hodgson, Sen. Arianna (continued)**

Congratulatory and/or Obituary Speeches, 62, 93–94  
Contributory Pensions (Amendment of Benefits and Validation) Act 2024, 59, 60  
Corporate Entities (Miscellaneous) Amendment Act 2024, 103  
Digital Asset Business Amendment Act 2024, 6, 7  
Employment Amendment Act 2024, 91, 92  
Payroll Tax Amendment (No. 2) Act 2024, 56, 58  
Public Access to Information Amendment Act 2024, 86–87  
Throne Speech and Reply 2024, debate thereon, 23–28  
Tourism Investment (Swan Pyrotechnics Limited) Order 2024, 54

## **J**

Joint World Heritage Centre (ICOMOS) Advisory Mission to Historic Town of St. George's  
(See Announcements)

## **L**

Labour Force Survey Report November 2023 (See Announcements)

## **M**

Maiden Speech (See Adjournment, motions thereon)

Makerspace (See Statements)

### **Message to the Governor**

Throne Speech, 39

Ministers and Members of the Legislature Salaries Review Board Final Report August 2024  
(See Announcements)

### **Moment of Silence**

Johnson, former Senator Joseph Charles Henry, 1

Robinson, Senator Leslie (Laurean Clarke), 1

## **N**

National Violence Reduction Strategy (See Announcements)

Goal 4 (See Adjournment, motions thereon)

## **O**

**Oath or Affirmation**, Fubler, Mr. Mischa, 1

### **Orders**

Tourism Investment (Rosedon Hotel) Order 2024, 46 (Notice)

Bell, Sen. Kiernan, 49

Darrell, Sen. the Hon Owen, 46 (Notice), 48–49, 50–51

Robinson, Sen. Dwayne, 49

Tucker, Sen. Robin, 49, 51

Wight, Sen. John, 49

Tourism Investment (Swan Pyrotechnics Limited) Order 2024, 46 (Notice)

Bell, Sen. Kiernan, 53

Darrell, Sen. the Hon Owen, 46 (Notice), 52, 54–55

Hodgson, Sen. Arianna, 54

Robinson, Sen. Dwayne, 52–53

Wight, Sen. John, 53

Wilkerson, Sen. the Hon. Kim, 53–54

## **P**

Parliamentary Questions (See Question Period)  
Payroll Tax Amendment (No. 2) Act 2024 (See Bills)  
Public Access to Information Amendment Act 2024 (See Bills)

## **Q**

### **Question Period**

Climate Change Study: Release of "Bermuda and Climate Change: Impacts from Sea Level Rise and Changing Storm Activity"  
DeCouto, Sen. Dr. Douglas, 77  
Department of Financial Assistance Annual Report 2023/24  
Bell, Sen. Kiernan, 78, 79, 101  
Robinson, Sen. Dwayne, 77, 79  
Simmons, Sen. Lindsay, 100–101  
Tucker, Sen. Robin, 77, 79, 101–102  
Empowering Justice - Introducing a Domestic Violence Court Programme to Bermuda  
Tucker, Sen. Robin, 99  
Wilkerson, Sen. the Hon. Kim, 99  
Makerspace  
Robinson, Sen. Dwayne, 75  
Tucker, Sen. Robin, 75, 76  
Sports Policy Update  
Tucker, Sen. Robin, 5

## **R**

### **Robinson, Sen. Dwayne**

Adjournment, motions thereon  
National Violence Reduction Strategy Goal 4, 96  
Substance abuse, cracking down on, 65  
Violence against women, elimination of, 64–65  
Clean Air Amendment Act 2024, 109  
Congratulatory and/or Obituary Speeches, 42  
Customs Department Amendment Act 2024, 115  
Payroll Tax Amendment (No. 2) Act 2024, 57  
Public Access to Information Amendment Act 2024, 84–85  
Question Period  
Department of Financial Assistance Annual Report 2023/24, 77, 79  
Makerspace, 75  
Throne Speech and Reply 2024, debate thereon, 19–23  
Tourism Investment  
(Rosedon Hotel) Order 2024, 49  
(Swan Pyrotechnics Limited) Order 2024, 52–53

## **S**

### **Simmons, Sen. Lindsay**

Adjournment, motions thereon  
Violence against women, elimination of, 63  
Clean Air Amendment Act 2024, 103–105, 110  
Climate Change Study: Release of "Bermuda and Climate Change: Impacts from Sea Level Rise and Changing Storm Activity," 71–73

**Simmons, Sen. Lindsay (continued)**

Congratulatory and/or Obituary Speeches, 40–41, 62, 94

Department of Financial Assistance Annual Report 2023/24, 70, 73–74

Throne Speech and Reply 2024, debate thereon, 16–18

Sports Policy Update (See Statements)

St. George's

Joint World Heritage Centre (ICOMOS) Advisory Mission to Historic Town of St. George's  
(See Announcements)

Staff shortages, concern over growing number of (See Adjournment, motions thereon)

**Statements**

Climate Change Study: Release of "Bermuda and Climate Change: Impacts from Sea Level Rise and Changing Storm Activity," 71–73 (See also Question Period)

Department of Financial Assistance Annual Report 2023/24, 73–74 (See also Question Period)

Makerspace, 70–71 (See also Question Period)

Sports Policy Update, 2–4 (See also Question Period)

Substance abuse, cracking down on (See Adjournment, motions thereon)

**T****Throne Speech and Reply 2024, debate thereon**

Bell, Sen. Kiernan, 18

Darrell, Sen. the Hon Owen, 8–10, 36–39

DeCouto, Sen. Dr. Douglas, 28–33

Hodgson, Sen. Arianna, 23–28

Robinson, Sen. Dwayne, 19–23

Simmons, Sen. Lindsay, 16–18

Tucker, Sen. Robin, 10–14

Wight, Sen. John, 14–16

Wilkerson, Sen. the Hon. Kim, 33–36

Tourism Investment

(Rosedon Hotel) Order 2024 (See Orders)

(Swan Pyrotechnics Limited) Order 2024 (See Orders)

**Tucker, Sen. Robin**

Adjournment, motions thereon

Dog attacks, 66

Staff shortages, concern over growing number of, 96–97

Violence against women and men, elimination of, 66

Clean Air Amendment Act 2024, 106–107

Congratulatory and/or Obituary Speeches, 61–62, 93

Contributory Pensions (Amendment of Benefits and Validation) Act 2024, 59

Employment Amendment Act 2024, 91–92

Payroll Tax Amendment (No. 2) Act 2024, 58

Public Access to Information Amendment Act 2024, 87

Question Period

Department of Financial Assistance Annual Report 2023/24, 77, 79, 101–102

Empowering Justice - Introducing a Domestic Violence Court Programme to Bermuda, 99

Makerspace, 75, 76

Sports Policy Update, 5

Throne Speech and Reply 2024, debate thereon, 10–14

Tourism Investment (Rosedon Hotel) Order 2024, 49, 51

## V

### Violence

- against women and men, elimination of (See Adjournment, motions thereon)
- National Violence Reduction Strategy (See Announcements)
  - Goal 4 (See Adjournment, motions thereon)

## W

### Wight, Sen. John

- Adjournment, motions thereon
  - Violence against women, elimination of, 65
- Clean Air Amendment Act 2024, 107–108
- Companies Amendment Act 2024, 113
- Congratulatory and/or Obituary Speeches, 41
- Contributory Pensions (Amendment of Benefits and Validation) Act 2024, 60
- Customs Department Amendment Act 2024, 115
- Digital Asset Business Amendment Act 2024, 7
- Employment Amendment Act 2024, 92
- Payroll Tax Amendment (No. 2) Act 2024, 57
- Public Access to Information Amendment Act 2024, 83–84
- Throne Speech and Reply 2024, debate thereon, 14–16
- Tourism Investment
  - (Rosedon Hotel) Order 2024, 49
  - (Swan Pyrotechnics Limited) Order 2024, 53

### Wilkerson, Sen. the Hon. Kim

- Adjournment, motions thereon
    - National Violence Reduction Strategy Goal 4, 97–98
    - Violence against women, elimination of, 63–64
  - Clean Air Amendment Act 2024, 109–110
  - Congratulatory and/or Obituary Speeches, 41–42, 63
  - Contributory Pensions (Amendment of Benefits and Validation) Act 2024, 60
  - Customs Department Amendment Act 2024, 114–115
  - National Violence Reduction Strategy, 2
  - Public Access to Information Amendment Act 2024, 85–86
  - Throne Speech and Reply 2024, debate thereon, 33–36
  - Tourism Investment (Swan Pyrotechnics Limited) Order 2024, 53–54
- ~~~~~

### **Dates of Senate Sitings \*2 – 4:**

### **Pages in Hansard:**

27 November 2024	1–44
04 December 2024	45–68
11 December 2024	69–98
**18 December 2024	99–118

\* *There is no Hansard for the first sitting*

\*\**This Hansard report is incomplete due to Internet and audio disruptions*