

BERMUDA

PROCEEDINGS OF THE SENATE

SESSION OF 2023 - 2024

No. 5

MONDAY, 18th DECEMBER 2023

PRESENT:

Senator the Hon. Mrs. J.E. DILLAS-WRIGHT,
M.B.E., J.P. - PRESIDENT
Senator Ms. K.J. BELL, J.P. - VICE PRESIDENT
Senator R.J. WIGHT
Senator the Hon. O.K. DARRELL, J.P.
Senator Rev. Dr. E.G.A. DILL
Senator Ms. A.J.L. HODGSON
Senator Ms. L.L. ROBINSON, J.P.
Senator Ms. L.K. SIMMONS
Senator Mrs. R.S. TUCKER
Senator D.V. ROBINSON, J.P.
Senator Dr. D.S.J. DeCOUTO, J.P.

10:03a.m.

On the motion of Senator K.J. Bell, consideration of the minutes of the meeting of Wednesday, 13th December 2023 was deferred.

Messages

10:04a.m.

The following Message was received from the Honourable House of Assembly:-

(No. 6)

TO THE HONOURABLE THE PRESIDENT
AND MEMBERS OF THE SENATE:

The Members of the Honourable House of Assembly desire to extend to the President and Members of the Senate our greetings and best wishes for Christmas and the New Year.

Hon. Dennis P. Lister, JP, MP
SPEAKER

Report of Committees

10:05a.m.

Senator K.J. Bell presented a Report from the Parliamentary Joint Select Committee on Private Bills, dated 15th December 2023.

Announcements

10:06a.m.

Senator the Hon. O.K. Darrell presented for the information of Senate the "Trade Marks Regulations 2023" as made by the Minister responsible for intellectual property, in exercise of the power conferred by section 94 of the Trade Marks Act 2023.

10:06a.m.

Senator A.J.L. Hodgson presented for the information of Senate the "Bermuda Fiscal Responsibility Panel Annual Assessment 2023".

10:07a.m.

Senator A.J.L. Hodgson presented for the information of Senate the "Pre-Budget Report in Advance of Fiscal Year 2024-2025".

10:07a.m.

Senator Rev. Dr. E.G.A. Dill presented for the information of Senate the "Bermuda Airport Authority 2021-2022 Annual Report".

10:08a.m.

Madam President acknowledged the presence of Ms. Marva-Jean O'Brien, Permanent Secretary to the Ministry of Tourism, Culture and Sports, in the Chamber.

Notices of Motion

10:08a.m.

Senator the Hon. O.K. Darrell presented for the consideration of Senate the "Tourism Investment (Ariel Sands) Order 2023" proposed to be made by the Minister responsible for tourism, under section 3 of the Tourism Investment Act

2017, 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 gave notice that at a later point in the meeting, he would move that the said draft Order be approved.

Senator the Hon. O.K. Darrell presented for the consideration of Senate the “Tourism Investment (Bermudiana Beach Resort) Order 2023” proposed to be made by the Minister responsible for tourism, under section 3 of the Tourism Investment Act 2017, as applied by section 13B of the Bermuda Housing Act 1980, 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 gave notice that at a later point in the meeting, he would move that the said draft Order be approved.

10:10a.m

The following Public Bills were brought up from the Honourable House of Assembly, and given their First Reading in the Senate:-

“Corporate Income Tax Act 2023”;
 “Bermuda Monetary Authority Amendment Act 2023”.

First Reading of the Private Bill

The following Private Bill was brought up from the House and given its First Reading in the Senate:

“Meanwhile Insurance Bitcoin (Bermuda) Limited Act 2023”.

10:00a.m.

Senator K.J. Bell moved that it is the opinion of Senate that adequate public notice of the general nature and objects of the named Private Bill has been given in accordance with the requirements of Standing Order 45 – which was agreed to.

Question Period

10:11a.m.

Senator Dr. D.S.J. DeCouto asked Senator the Hon. O.K. Darrell about the follow up answers he had endeavoured to get in response to

Parliamentary Questions asked on 13th December 2023.

Senator the Hon. O.K. Darrell replied.

Orders of the Day

10:12a.m.

Senator the Hon. O.K. Darrell moved that Standing Order 71(2) be suspended so that Senate may now proceed with consideration of the “Tourism Investment (Ariel Sands) Order 2023” – which was agreed to.

Senate the Hon. O.K. Darrell moved that Senate do now take under consideration the “Tourism Investment (Ariel Sands) Order 2023” proposed to be made by the Minister responsible for tourism, under section 3 of the Tourism Investment Act 2017, with the written agreement of the Minister of Finance, in exercise of the power conferred by section 5 of the Tourism Investment Act 2017 – which was agreed to.

Senator the Hon. O.K. Darrell spoke on the Order.

10:18a.m. – Senator D.V. Robinson

10:21a.m. – Senator K.J. Bell

10:22a.m. – Senator Dr. D.S.J. DeCouto

10:23a.m. – Senator L.L. Robinson

10:25a.m.

Madam President acknowledged the presence of Mr. Scott Pearman, JP, MP and the Hon. Craig Cannonier, JP, MP, in the Public Gallery.

10:25a.m. – Senator the Hon. O.K. Darrell replied.

Senator the Hon. O.K. Darrell moved 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 (Ariel Sands) Order 2023” proposed to be made by the Minister responsible for tourism,

under section 3 of the Tourism Investment Act 2017, 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.”

— which was agreed to and ordered accordingly.

10:30a.m.

Senator the Hon. O.K. Darrell moved that Standing Order 71(2) be suspended so that Senate may now proceed with consideration of the “Tourism Investment (Bermudiana Beach Resort) Order 2023” – which was agreed to.

Senator the Hon. O.K. Darrell moved that Senate do now take under consideration the “Tourism Investment (Bermudiana Beach Resort) Order 2023” proposed to be made by the Minister responsible for tourism, under section 3 of the Tourism Investment Act 2017, as applied by section 13B of the Bermuda Housing Act 1980, with the written agreement of the Minister of Finance, in exercise of the power conferred by section 5 of the Tourism Investment Act 2017 -- which was agreed to.

Senator the Hon. O.K. Darrell spoke on the Order.

10:35a.m. – Senator D.V. Robinson

10:36a.m. – Senator Rev. Dr. E.G.A. Dill

10:41a.m. – Senator L.L. Robinson

10:45a.m. – Senator the Hon. O.K. Darrell replied.

Senator the Hon. O.K. Darrell moved 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 (Bermudiana Beach Resort) Order 2023” proposed to be made by the Minister responsible for tourism, under section 3 of the Tourism Investment Act 2017, as applied by section 13B of the Bermuda Housing Act 1980, 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.”

— which was agreed to and ordered accordingly.

10:48a.m.

Madam President announced that in response to a query from the Opposition Leader in the Senate prior to the meeting, she had advised the Opposition Leader that she would be obliged to rule that proposed amendments by the Opposition to the “Corporate Income Tax Act 2023” were out of Order under the provisions of Section 36(1) of the Constitution.

10:50a.m.

Madam President acknowledged the presence of Mr. Collin Anderson, Ministry of Finance Consultant and Ms. Cheryl Lister, Acting Financial Secretary, in the Chamber.

10:51a.m.

Senator A.J.L. Hodgson moved that the provisions of Standing Order 25 be granted so that Senate may proceed with the Second Reading of the Public Bill entitled “Corporate Income Tax Act 2023”, which was agreed to

Senator A.J.L. Hodgson moved that the Public Bill entitled the “Corporate Income Tax Act 2023” be now read the second time.

Senator A.J.L. Hodgson spoke on the Bill.

11:27a.m. – Senator Dr. D.SJ. DeCouto

11:49a.m.

Madam President acknowledged the presence of the Hon. Jason P. Hayward, JP, MP, Minister of Economy and Labour and the Hon. Diallo V.S. Rabain, JP, MP, Minister for Education, in the Public Gallery.

11:49a.m. – Senator R.J. Wight

11:53a.m. – Senator K.J. Bell

11:58a.m. – Senator Rev. Dr. E.G.A. Dill

12:09p.m. – Madam President

12:09p.m. – Senator Rev. Dr. E.G.A. Dill

12:18p.m. – Senator L.K. Simmons

12:24p.m. – Senator A.J.L. Hodgson replied.

The Bill was accordingly read a second time.

Senator A.J.L. Hodgson moved that Standing Order 26 be suspended in respect of this Bill —which was agreed to.

Senator A.J.L. Hodgson moved that the Bill be now read a third time — which was agreed to.

The Bill was accordingly read a third time.

Senator A.J.L. Hodgson moved that the Bill entitled the “Corporate Income Tax Act 2023” do now pass — which was agreed to.

The Bill was accordingly passed and ordered to be laid before Her Excellency the Governor for Her Excellency’s assent.

12:27p.m.

Madam President acknowledged the presence of the Hon. Walter H. Roban, JP, MP, Deputy Premier and Minister for Home Affairs, in the Chamber.

12:28p.m.

Senator A.J.L. Hodgson moved that the provisions of Standing Order 25 be granted so that Senate may proceed with the Second Reading of the Public Bill entitled “Bermuda Monetary Authority Amendment Act 2023”, which was agreed to

Senator A.J.L. Hodgson moved that the Public Bill entitled the “Bermuda Monetary Authority Amendment Act 2023” be now read the second time.

Senator A.J.L. Hodgson spoke on the Bill.

12:39p.m. – Senator Dr. D.S.J. DeCouto

12:41p.m. – Senator R.J. Wight

12:42p.m. – Senator Rev. Dr. E.G.A. Dill

12:43p.m.

Madam President acknowledged the presence of two representatives from the Bermuda Monetary Authority in the Chamber.

12:44p.m. – Senator A.J.L. Hodgson replied.

The Bill was accordingly read a second time.

Senator A.J.L. Hodgson moved that Standing Order 26 be suspended in respect of this Bill —which was agreed to.

Senator A.J.L. Hodgson moved that the Bill be now read a third time — which was agreed to.

The Bill was accordingly read a third time.

Senator A.J.L. Hodgson moved that the Bill entitled the “Bermuda Monetary Authority Amendment Act 2023” do now pass — which was agreed to.

The Bill was accordingly passed and ordered to be laid before Her Excellency the Governor for Her Excellency’s assent.

12:44p.m.

Senator K.J. Bell moved that the Private Bill entitled the “Meanwhile Insurance Bitcoin (Bermuda) Limited Act 2023” be now read the second time.

The Bill was accordingly read a second time.

Senator K.J. Bell moved that Standing Order 26 be suspended in respect of this Bill — which was agreed to.

Senator K.J. Bell moved that the Bill be now read a third time — which was agreed to.

The Bill was accordingly read a third time.

Senator K.J. Bell moved that the Bill entitled the “Meanwhile Insurance Bitcoin (Bermuda) Limited Act 2023” do now pass — which was agreed to.

The Bill was accordingly passed and ordered to be laid before Her Excellency the Governor for Her Excellency's assent.

12:46p.m.

Senator the Hon. O.K. Darrell reverted to Senator Dr. D.S.J. DeCouto's question asked during Question Period.

Senator the Hon. O.K. Darrell reverted to the Parliamentary Questions asked by Senator R.S. Tucker on 13th December 2023.

Congratulations and/or Obituary Speeches

12:50p.m.

Senator Dr. D.S.J. DeCouto congratulated Mrs. Shirley Dill on her upcoming retirement and commended her on her work in the community as a real "Bermudian icon". He congratulated Campbell Patton on winning a bronze medal in the Sail Sydney regatta and wished good luck to Benn Smith and Sebastian Kempe who will be competing in Sydney early 2024. Senator DeCouto also congratulated Kaden Hopkins on winning the President's Cup cycling race.

Senator R.S. Tucker offered condolences to the family of the late Mrs. Donna Lorigene Johnson. She also offered condolences to the family of Mr. Steven Parkes. Senator Tucker associated herself with the congratulations extended to Mrs. Shirley Dill on her upcoming retirement.

Senator D.V. Robinson congratulated the captain of the Salvation Army in the West End on their phenomenal work feeding those who need help.

Senator Rev. Dr. E.G.A. Dill offered condolences to the family of the late Ms. Cynthia Stovell. She congratulated the West End community on so many wonderful holiday events: Lighting of Somerset Bridge, Willowbank Winter Wonderland, Friends of Sandys 5K road race and caroling with the dolphins. She also congratulated all of the West End schools on their wonderful Christmas concerts that have been put on, hearing very high accolades for all. Senator Dill offered best wishes to the upcoming 'Open Your Heart' Boxing Day event. St. James Church She congratulated the youth leaders at Allen Temple AME Church on their

work with young people and the hosting of their Sunday school Christmas concert and caroling with the young people. She thanked St. Paul AME Church on holding their annual Christmas programme. Senator Dill offered birthday wishes to Mrs. Izola Harvey on celebrating her 99th birthday.

Senator the Hon. O.K. Darrell associated himself with the congratulations and thanks extended to St. Paul AME Church on the hosting of their annual Christmas programme and he associated Madam President as well.

Senator L.L. Robinson associated herself with the condolences offered to the family of the late Ms. Cynthia Stovell. She also associated herself with the congratulations extended to the various schools and churches who have put on wonderful Christmas shows, including Bethel AME.

Madam President associated herself with the condolences extended to the family of Ms. Cynthia Stovell. She also associated herself with the birthday greeting sent to Mrs. Izola Harvey on celebrating her 99th birthday as well as associating with the congratulations offered to Mrs. Shirley Dill on her retirement. Madam President also associated herself with the congratulations extended to St. Paul AME Church on their Christmas programme. Madam President also acknowledged Christ Anglican Church in Devonshire on their candlelight service. She congratulated distinguished patron at the event, Mr. Chris Famous, MP, as he was recognized for the establishment of the Parish Pride volunteers.

1:08p.m.

Madam President read out the following message to be sent to the House of Assembly:-

"TO HIS HONOUR THE SPEAKER AND MEMBERS OF THE HONOURABLE HOUSE OF ASSEMBLY:

The Senate has much pleasure in extending to your Honourable House sincere greetings for a Very Happy Christmas and a Prosperous New Year."

Senator the Hon. Joan E. Dillas-Wright, M.B.E., J.P.
PRESIDENT

Madam President read out the following message to be sent to Her Excellency the Governor:-

“MAY IT PLEASE YOUR EXCELLENCY:

The Senate has the honour to present its compliments to Your Excellency, and respectfully extends its Greetings for a Very Happy Christmas and a Prosperous New Year.”

Senator the Hon. Joan Dillas-Wright, M.B.E., J.P.
PRESIDENT

Madam President extended thanks and best wishes for Christmas to the Senators and the listening public.

1:10p.m.

Senator the Hon. O.K. Darrell moved that, at its rising, the Senate adjourn to Wednesday, 21st February 2024 – which was agreed to.

Senator the Hon. O.K. Darrell moved that the Senate do now adjourn – which was agreed to.

1:10p.m. – Senator Dr. D.S.J. DeCouto

1:14p.m. – Senator the Hon. O.K. Darrell

1:24p.m.

Adjourned until Wednesday, February 21, 2024.

PRESIDENT

ORDERS OF THE DAY

Wednesday – 21st February 2024

NIL

[Subsequent to the meeting, the adjournment date was changed to Wednesday, 14th February 2024.]