

BERMUDA
PROCEEDINGS OF THE SENATE
SESSION OF 2022 - 2023

No. 1

FRIDAY, 4th NOVEMBER 2022

In accordance with the Proclamation published by Her Excellency the Governor and Commander-in-Chief in the Official Gazette on Friday, October 28th 2022, the 2022/2023 Session of the Legislature commenced at 10:00am on Friday, 4th November 2022, with the Senate and the House of Assembly due to meet on the lawn of the Cabinet Office for the reading of the 2022 Throne Speech.

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
- Senator Dr. E.G.V. PEETS, J.P.
- Senator Ms. A.J.L. HODGSON
- Senator Ms. L.K. SIMMONS
- Senator Rev. Dr. E.G.A. DILL
- Senator B.A. SMITH, J.P.
- Senator Mrs. R.S. TUCKER
- Senator Dr. D.S.J. DeCOUTO, J.P.

The following Message was forwarded to Senators from Her Excellency the Governor and Commander-in-Chief:-

(No. 1)

Ms. Rena Lalgie
Governor and Commander-in-Chief

Dear Senators,

I have authorised the Deputy Governor, Mr. Tom Oppenheim to read the Throne Speech on the occasion of the Convening of Parliament at 11:00a.m. today,

Friday, the 4th November, 2022 on the lawn of the Cabinet Office.

Government House,
4th November 2022.

10:07a.m.

Senator the Hon. O.K. Darrell moved that the Senate do now adjourn to 11:00a.m. and re-assemble on the lawn of the Cabinet Office for the reading of the Throne Speech - which was agreed to.

11:00a.m.

At 11:00a.m. the Deputy Governor arrived on the Cabinet Office Lawn, and Members of the Honourable House of Assembly having been summoned by Black Rod and being therefore in attendance, the Deputy Governor, on behalf of Her Excellency, was then pleased to open the Session with the following Speech:-

SPEECH FROM THE THRONE

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; Bermuda has been tested. Our families, systems, and institutions have been confronted with immense strains that have threatened to radically alter Bermuda’s and Bermudians’ way of life. In the face of these trials, the Government is determined to lead an economic recovery that is centred on restoring the hope of the people today and embracing the potential of the Island’s future.

In his work **“Meditations of the Heart”** Dr. Howard Thurman noted:

“Whatever may be the tensions and the stresses of a particular day, there is always lurking close at hand the trailing beauty of forgotten joy or unremembered peace.”

It is the Government’s responsibility to aid in easing **“the tensions and stresses”** of this unprecedented age. The cost-of-living relief package recently approved by the Legislature will continue to deliver that aid, bringing relief to the people in those areas where costs continue to rise. The Cost of Living (Essential Commodities) Regulations will be brought into

force this month, prescribing how the Cost-of-Living Commission will monitor the price of essential commodities and confirming those commodities previously outlined as essential and which attract a 0% rate of duty.

Deliberate action by the Government provided the economic bridge that assisted many Bermudians through the harshest days of the pandemic. As we dare to speak in postpandemic terms, the need for Government-led action remains very real. People still need help and the Government's legislative programme will help families to better meet their needs, supporting businesses to encourage growth and job-creation and modernizing those systems helping the Island's most vulnerable citizens.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; during this Session Honourable Members will be invited to approve amendments to the Child Day Care Allowance Act 2008 to increase the awards under the Act and to expand the pool of persons eligible for the benefit. The increasing cost of childcare has added to the economic stresses for parents and these amendments will allow more parents to receive this vital service which is fundamental to the economic activity the Island needs. Amendments to the Financial Assistance Act 2001 and the Regulations of 2004 will advance the next phases of financial assistance reform. Changes will be made to the Schedule of Allowable Expenses to better reflect realistic costs of goods and services for which assistance is provided. "Building Blocks", a phase of this reform, will assist households requiring immediate assistance with expenses for a short period. Sudden hardships occur in life, like redundancy or a change in household composition owing to some tragic circumstance. In these instances, financial assistance can be provided to meet these short-term needs.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; the workers of Bermuda form an economic foundation that drives the success of businesses and the delivery of a variety of key services. Workers must be protected and industrial relations within the economy will be enhanced by certainty and understanding of

the rights and responsibilities of all parties. The Government will advance a Bill to create a Department of Labour, giving statutory authority to posts within the Department to ensure workers' rights are protected and employers have certainty in the application of Bermuda's labour legislation.

Having published a Position Paper entitled "Establishing a Minimum Wage in Bermuda" the Ministry of Economy and Labour has led a fulsome consultation on the implementation of a minimum wage for Bermuda. The Government will deliver on that promise with the tabling of an Order to prescribe a minimum hourly wage rate for Bermuda pursuant to section 11 of the Employment (Wage Commission) Act 2019.

The success of international business is owed, in some measure, to industry innovation, active public/private collaboration and a constantly evolving legislative and regulatory framework. This approach must be replicated in another pillar of the economy: tourism. The Government's role is to provide the legislation that will support a tourism recovery and as such, in this Session the Legislature will take under consideration amendments to the Tourism Investment Act 2017 to permit the Government greater discretion in the grant of relief under the Act to developers and those investing in attractions, restaurants and hotels.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; the Ministry of Health has been at the vanguard of the fight against the pandemic. This team and all those frontline healthcare workers have made great sacrifices to keep an already strained system delivering expert care for Bermuda.

The professional registration process for health professionals will be streamlined as the Bermuda Health Council transfers its systems to a blockchain-backed online platform. Virtual meetings will now verify electronic documents in a new process allowing healthcare professionals to store their documents in a secure electronic wallet with capabilities for payments. This technology will also enable greater transparency and opportunities for consumers to engage with businesses with real-time updates on services and

confirmation of licensure, as well as information on pricing and the collection of valued feedback from consumers and providers.

There are many aspects of healthcare reform that will take time to implement, however, during this Session legislation will be advanced to support data collection as a necessary first step for the introduction of controls around medical copayments required of the most vulnerable.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; the world has borne witness to the impact of climate change. Much of the biodiversity of the world's oceans exists within island communities like Bermuda. Small island states must continue to safeguard the environment and adopt measures to mitigate these impacts. To further address related environmental issues, during this Session the Government will introduce the following:

- A Bill to reduce single-use plastics,
- Amendments to the Clean Air Act to update air quality standards, make new provisions for odor control, and increase penalties for non-compliance;
- A Marine Development Act to provide the framework for the management of the Marine Spatial Plan and to introduce the governance structure of the Blue Economy Fund as well as the investment model for the Green Energy Fund,
- Amendments to the Electricity Act 2016 to create Community Solar, an investment opportunity for Bermudian entrepreneurs and solar installers, which through the Green Energy Fund will provide access to those families unable to afford the installation of this cheaper source of energy; and
- The Government will bring into full force the Pesticides Safety Act 2009 and introduce Regulations under the Act to establish guidelines for the importation, sale, use and disposal of pesticides in Bermuda.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House

of Assembly; Bermuda's children present the most precious opportunity for the continued success of our homeland. A child's earliest years, from gestation through to the age of 2 years, are the most formative and vulnerable periods of life. These years feature intense brain development, the formation of first relationships and the definition of the psyche. Experiences during this critical period can not only impact the health of the child but often set the trajectory for health and wellness for life. The Government will therefore introduce a First 1000 Days initiative, a pathway that will provide that foundation leading to a healthy life. This will be done by mapping all 'touch points', the needs, and drivers for services, documenting the gaps, disparities, and inequalities so that service integration is improved, leading to better outcomes, and an improved quality of life.

The pandemic magnified the unfortunate fact that economic stresses lead to increased social dysfunction and in some extreme cases, domestic abuse and family violence. Recent data suggests that there is underreporting of incidences of intimate partner violence and therefore many people who would benefit from supportive services or intervention are not. Adult victims and children must be safeguarded in these situations. In partnership with Safelives UK, the Government will introduce a Multi-Agency Risk Assessment conference model in which all necessary agencies are engaged in a more coordinated plan of action to manage the conduct of the perpetrator and provide protection for the victim.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; the author and activist James Baldwin said:

“The purpose of education is to create in a person the ability to look at the world for himself, to make his own decisions.”

The reform of public education remains the Government's greatest priority. The progress to date has been realized despite the enormity of the task. In this Session, the Legislature will consider amendments to the Education Act 1996 to establish P7 and P8 classes to support the opening of parish primary schools at

Francis Patton Primary School and Purvis Primary School. The reform effort has seen design teams undertaking the work required to prepare each school and school family for their growth and establishment as parish primary schools.

With an Education Authority Working Group led by change and education professionals now consulting with education stakeholders to develop an entity to deliver the needs and future direction of the Public School System, the Government will advance a Bill to create an Education Authority. Once established, the Authority will continue to implement change and necessary reforms to meet the needs of young people in Bermuda.

During the work of reforming public education, the Government has noted the proud histories of institutions and education professionals which have been elevated into the public discourse. Having established a History and Legacy Working Group, the Government will adopt one of their key recommendations and advance a Bill to establish a History and Legacy Committee with statutory responsibilities to work with the community to preserve and honour the history and legacy of education in Bermuda. The Government will also advance legislation to codify the nomination process and qualifying criteria for the selection of national heroes. The men and women who have been recognized through this designation have rendered exceptional service and their lives have left an indelible imprint on Bermudian society.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; in this Session, the Government will continue to prioritize the improvement of Bermuda's infrastructure. The completion of Phase I of the Water and Sewage Infrastructure Master Plan in March 2023 will see the installation of a new sewage treatment system, water production facilities and the associated distribution system. These improvements will prevent the contamination of our inshore waters and treasured local beaches. Additionally, \$22m has been committed over the next three years to stabilize the critical systems at the Tynes Bay Waste-to-Energy Facility.

During this Session, the Legislature will take under consideration a Bill to cement the merger of the West End Development Corporation and the Bermuda Land Development Company. This merger will reduce operating costs and increase operational efficiency realizing greater value for money within the Public Service.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; successive Administrations have wrestled with the development of Morgan's Point. The complex web of affairs at the site has occupied a team of advisors for the last two years as the Government attempts to realize a return on the costly Guarantee called owing to the project's failure. To that end, the Morgan's Point Resort Act 2014 will be formally repealed and a new Act of the Legislature tabled to create a corporate entity, comprised of qualified directors, to oversee and direct the completion of the project.

Working women and men in families of all makeups are encountering a crisis of affordability in the housing market. Securing available and affordable rental units is increasingly difficult. Entering the housing market is challenging with high down payments and high interest rates. People who do all that society demands of them simply cannot meet their housing needs and the Government must take deliberate action to assist. The recently launched mortgage guaranty programme has been well subscribed and during this Session the Legislature will be advised of the next phases of that programme which will include the transfer of existing mortgages on certain qualifying criteria. Additionally, to mirror the success of the previous decade in locations such as Loughlands, Perimeter Lane, Ewing Street and Harbourview Village, the Bermuda Housing Corporation will increase its rental stock by an additional 77 units, affordably priced through the 'rent-geared-to-income' programme.

A comprehensive review of the Landlord and Tenant Act 1974 and the Rent Increases (Domestic Premises) Control Act 1978 will lead to a consolidation of the legislation and amendments to address abuses by landlords and tenants alike. A greater balance must be struck whereby tenants' rights are protected

and landlords will not fall prey to bad tenants whose actions serve to depreciate their hard-earned investment in their property.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; the mammoth overhaul of Bermuda's trademark, patent and intellectual property laws is nearing an end. The UK's IP Office has provided valuable insight and coordination on the development of all forms, fees, and Regulations. Therefore, in this Session the Legislature will consider a raft of Bills in this area which will provide a more attractive framework for those persons and companies wishing to register their intellectual property in Bermuda.

As the Government continues to review the Public Access to Information legislation, this Session will see a phased implementation of the Personal Information Protection (PIPA) Act 2016. Both Acts will be aligned to ensure greater efficiencies in public information. This work will be supported by a more robust cybersecurity framework, improving the protection of public information from the ever-increasing threat of cyber-attacks.

The Companies Act 1981 is perhaps the most intricate of Bermuda's legislation and is subject to regular amendments to meet the changing needs of corporate operations and regulation. During this Session the Act and related legislation will be amended to streamline the regime of ministerial consent and permissions for basic operational matters in company formation and changes in ownership structure. The amendments will reduce the cost of doing business in Bermuda and remove a layer of ministerial oversight that is incongruous with the pace at which business affairs should be conducted in the 21st century.

The state of the Island's pension funds must be sensitively and prudently addressed. Unfunded liabilities must be confronted, and social insurance contributions made progressive. For too long Bermuda has been an international outlier and our social insurance system must be made to conform to ideals of equity. Therefore, the Government will introduce amendments to the Contributory Pensions Act 1970 to make provision for a

sliding scale in contributions, based on salary earned and not a uniform contribution irrespective of income.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; The Bermuda Fire & Rescue Service are Bermuda's "1st Responders", covering the Island with EMT expertise, firefighter capability and specialist operations in support of critical infrastructure. To ensure the freshest approach to fitness for role His Majesty's Inspectorate of Constabulary and Fire & Rescue Services will be invited to conduct a review of the Service, the first since 2010. The Legislature will be invited to take note of that review and its recommendations.

In this Session the Government will amend the Fire Safety Act 2014 to clarify that the adoption of the National Fire Protection Agency Codes applies only in relation to premises within the scope of the Act and not to the operation of air crash and fire rescue services. This will ensure that there is certainty around the appropriate minimum staffing levels and other operations for the LF Wade International Airport.

The number one complaint of visitors to Bermuda is our transport system's inability to effectively move people around the island. Therefore, the Government continues to implement various recommendations from the 2019 Transport Green Paper. Consultation is ongoing on the harmonization of public service vehicles and the Government looks forward to receiving the views of existing permit holders as this much-needed modernization is achieved.

The successful integration of electric buses into the Public Transport fleet has shown that these vehicles can transform how we move on the roads in quieter, more environmentally friendly ways. Therefore, during this Session, the Legislature will be invited to consider a National Electric Vehicle Policy and Strategy for Bermuda which will set out a plan to phase out the sale and importation of internal combustion engine vehicles by 2035.

Safe driving habits must be ingrained in motorists at the earliest opportunity. Project Ride has provided instruction to thousands of young people but lacks an on-road training

component which owing to current road traffic conditions must be remedied. Therefore, amendments will be made to the Auxiliary Bicycles Act 1954 to create a learner’s permit and to provide for on-road instructions and examinations for those seeking a bike license.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; in a display of unrivalled pageantry, the United Kingdom marked the end of its second Elizabethan Era. Her Late Majesty Queen Elizabeth II proved a lasting symbol of the monarchy and the mystery of the institution. However, the complexity of the legacy of colonialism has been manifested in recent pronouncements by Commonwealth countries now seeking to transcend independence and sever the final ties that bind their nations to the United Kingdom. As an Overseas Territory, Bermuda is not among them. Discussions on self-determination do not provoke the same well-trod arguments in London as they do here in Bermuda. The UK Government approaches the issue maturely and encourages Territories to do likewise. Accordingly, in keeping with that mature approach the Government commissioned and has now received a report entitled **Assessment of Self-Governance Sufficiency in conformity with internationally-recognised standards** prepared by Dr. Carlyle G. Corbin, International Advisor on Governance. This Assessment explores the minimum standards and the full range of self-government options for Bermuda. This is a first step and will be the basis of the necessary wide-ranging community discussion and education that must accompany any future action in this area.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; in addition to those Bills set out herein, the Legislature will also take under consideration:

- Trade Marks Amendment Bill
- Intellectual Property Reform Bill
- Digital Asset Business Amendment Bill
- Registrar General (Recording of Documents) Omnibus Bill

- Health Insurance Amendment Bill
- Vacation Rentals Amendment Bill

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; another vestige of the British colonial influence is the Westminster System and its core adversarial nature. This model sees Honourable Members ‘facing off’ against one another, divided by an aisle and embeds “Opposition” in name and in practice to a Government’s programme in spite of its mandate. References to this style of Government as a “healthy democracy” seem not to reflect the developments in those areas where this system endures.

On August 1st 1620, Governor Butler addressed the first sitting of this Legislature and, in words that apply to the women and men elected and appointed to serve even today, said:

“Coming hither, we must bring equal minds with us; that is to say, without having our minds so pre-occupied and taken up before, as no room is left for justice and right...”

Bermuda’s recovery and its path to continued success depends on all our minds having **“...room left for justice and right”** and her Legislators providing the leadership and example necessary to see the Island through this period of global challenge.

Traditionally, at this point the Governor is invited to add some words of her own:

There is no doubting that significant challenges lie ahead. As the cost of living rises, it is critical that, as a society, we support the disadvantaged and those most vulnerable to global economic shocks.

Bermuda’s uniformed services have continued to access support and training opportunities through the UK on policing, defence and disaster preparedness. As the Government delivers its strategies on health and the environment, we will continue to leverage UK resources to support wherever appropriate.

World events in the last year demonstrate the importance of transparent, legitimate and

inclusive governments and institutions. The ability of the judiciary, legislature and executive to fulfil their respective constitutional responsibilities will be essential to retaining Bermuda's hard-earned reputation for good governance, stability, respect for the rule of law and compliance with international standards.

Madame President and Members of the Senate; Mr. Deputy Speaker and Members of the House of Assembly; I declare this Session open, and may God guide you in your deliberations.

Tom Oppenheim
Deputy Governor
 Hamilton
 Bermuda
 4 November 2022

The Deputy Governor then withdrew.

11:33a.m.

The Senate resumed.

11:33a.m.

On the motion of Senator K.J. Bell, the minutes of the meeting of Wednesday, 12th October 2022 were taken as read and confirmed.

Announcements

11:34a.m.

Madam President announced that Senator K.J. Bell has been appointed to the Joint Select Committee on Private Bills.

Madam President announced that Senator R.S. Tucker has been appointed to the Joint Select Committee on Register of Members' Interest.

Notice of Motion

11:35a.m.

Senator the Hon. O.K. Darrell gave notice that at the next day of meeting, it would be moved that the following Message be sent to Her Excellency the Governor:-

"MAY IT PLEASE YOUR EXCELLENCY:

The Senate has the honour to thank Your Excellency for the most gracious Speech with which the Deputy Governor, acting on your behalf, was pleased to open the present Session of Parliament."

Petitions

11:36a.m.

Senator A.J.L. Hodgson hereby presented the following petitions:-

The petition of Appleby (Bermuda) Limited, a company incorporated on the 10th February 2011 in Bermuda pursuant to provisions of The Companies Act 1981, requesting the enactment of provisions to reflect changes in the structure and operations of The Standard Club Ltd., as more particularly set out in the draft Private Bill entitled "The Standard Club Ltd. Consolidation and Amendment Act 2022", which accompanies the petition;

and

The petition of Appleby (Bermuda) Limited, a company incorporated on the 10th February 2011 in Bermuda pursuant to provisions of The Companies Act 1981, requesting the enactment of provisions to provide the Standard Crypto Insurance - Bitcoin (Bermuda) Limited with flexibility in certain respects when structuring its long-term insurance policies, as more particularly set out in the draft Private Bill entitled "Standard Crypto Insurance - Bitcoin (Bermuda) Limited Act 2022", which accompanies the petition.

Senator A.J.L. Hodgson moved that the said petitions, together with the draft Private Bills and related particulars, be referred to the Parliamentary Joint Select Committee on Private Bills for consideration and report - which was agreed to.

11:38a.m.

Senator the Hon. O.K. Darrell moved that, at its rising, the Senate adjourn to Monday, 21st November 2022 – which was agreed to.

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

11:39a.m.

Adjourned until Monday, 21st November 2022.

PRESIDENT

ORDERS OF THE DAY

Monday – 21st November, 2022

(1) Consideration of the Throne Speech with which Her Excellency the Governor was pleased to open the present Session of Parliament.