



**2025/26 SESSION
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BERMUDA SENATE
OFFICIAL HANSARD REPORT**

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*Sitting number 28 of the 2025/2026 Session
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**Sen. The Hon. Joan E. Dillas-Wright, MBE, JP
President**

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**BERMUDA SENATE
OFFICIAL HANSARD REPORT
JULY 22, 2026
10:03 AM**

Sitting Number 28 of the 2025/26 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 15 July 2026]

The President: Senator Tawana Tannock, I call on you.

Sen. Tawana Tannock: Good morning, Madam President.

The President: Good morning.

Sen. Tawana Tannock: I move that the Minutes of the meeting of Wednesday, the 15th of July 2026, be taken as read.

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

Sen. Tawana Tannock: Madam President, I move that the Minutes of Wednesday, the 15th of July 2026, be confirmed.

The President: Is there any objection to that motion?
No objection.
The Minutes are confirmed.
Thank you, Senator Tawana Tannock.

[Minutes of 15 July 2026 confirmed]

MESSAGES

The President: Mrs. Beale.

The Deputy Clerk: There are no messages, Madam President.

The President: Thank you, Mrs. Beale.

REPORTS OF COMMITTEES

The President: There are none.

ANNOUNCEMENTS

The President: Senators, we have one Announcement and that is in the name of Senator Lindsay K. Simmons, the Junior Minister of Home Affairs.

Senator Simmons, you have the floor.

ELECTRICITY (INTEGRATED RESOURCE PLANNING PROCESS SUSPENSION AND RECONSTITUTION) ORDER 2026

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, I hereby present for the information of Senate the [Electricity \(Integrated Resource Planning Process Suspension and Reconstitution\) Order 2026](#) made by the Minister responsible for Energy in exercise of the power conferred by section 13A and 45B of the Electricity Act 2016. Senators may access copies on their tablet and/or the Parliament website.

Thank you, Madam President.

The President: Thank you, Senator Lindsay Simmons.

NOTICES OF MOTIONS

The President: There are none.

PETITIONS

The President: There are none.

STATEMENTS

The President: We have one Statement this morning and that is in the name of the Honourable Minister Ryan Robinson Perinchief, JP, the Minister of National Security.

Minister Robinson Perinchief, you have the floor.

Sen. the Hon. Ryan Robinson Perinchief: Thank you Madam President and good morning.

The President: Good morning.

PUBLIC SAFETY ADVANCING ACROSS THE MINISTRY OF NATIONAL SECURITY

Sen. the Hon. Ryan Robinson Perinchief: Madam President, it has now been a little more than two weeks since I assumed responsibility for the Ministry of National Security. During that time, I have met with the Ministry's senior leadership and received briefings on the work of its departments, units and operational teams. These discussions have provided me with an initial understanding of the Ministry's responsibilities, the progress of its current work and the matters requiring immediate attention. They are also helping me determine its short-term priorities and strategic direction beyond the specific ministerial and legislative matters assigned to me.

While two weeks is a relatively short period, one point is already clear: A central responsibility of the Ministry is to ensure that the different elements of Bermuda's public-safety system work together. This means facilitating coordination across policing, border protection, emergency response, national defence, disaster preparedness, cybersecurity, violence reduction, and substance-use prevention and treatment, while strengthening collaboration across Government, the private sector and the community.

Madam President, the Ministry's departments and operational teams continue their day-to-day work to keep Bermuda safe while strengthening policing and border security, emergency and disaster response, maritime security, substance-use services, and the supporting technology and infrastructure. At the Ministry level, work is progressing on disaster preparedness, cybersecurity, legislative reform and the security and defence review. I will provide more detailed updates as these areas progress. Today, however, I wish to focus on the matters requiring my immediate attention.

Madam President, in assigning me responsibility for the Ministry of National Security, the Honourable Premier identified cannabis reform and the implementation of automated speed enforcement as immediate legislative priorities. During my initial briefings, I also reviewed the work undertaken towards an Adolescent Substance Use Treatment Programme and identified its advancement as a further immediate ministerial priority. These are priorities for focused ministerial attention and, where required, legislative advancement. They do not replace or diminish the Ministry's everyday responsibility to protect the public and support the operational work of its departments and teams.

My intention is to advance each matter with clear timelines and defined outcomes, with initial implementation targeted for the fourth quarter of 2026.

Madam President, I will begin with the Adolescent Substance Use Treatment Programme. The programme will provide structured treatment and support designed around the clinical, developmental and social needs of adolescents. It will also connect with the Government's wider prevention and early-intervention work, recognising that substance misuse can overlap with family instability, disengagement from education, exposure to violence and offending behaviour.

Following my initial briefing, I met with the Department for National Drug Control to discuss and brainstorm the proposed approach. That discussion identified opportunities to refine the programme so that it delivers the greatest possible benefit for young people and their families. My focus is on refining the work already under way and establishing a clear pathway towards commencement and implementation. I will provide a further update as this work progresses.

Madam President, the second immediate priority is automated traffic enforcement. I have been reviewing the work undertaken to date, including the completion and optimisation of the Island-wide CCTV network and its licence plate recognition cameras. However, speed cameras cannot be treated as a stand-alone intervention or a box-ticking exercise. They are not, by themselves, a cure for dangerous driving. The programme must support the wider objectives of changing driving behaviour, improving road safety, and reducing serious injuries and loss of life.

The Ministry will therefore work with the Ministry responsible for Transport, the Bermuda Police Service, the Transport Control Department, the courts and other agencies to integrate the programme into Bermuda's wider road-safety arrangements. It must also be supported by appropriate legislation, reliable evidence-management processes, safeguards for privacy and data, and clear arrangements for processing tickets or summonses. Implementation will be phased across the legislative, procurement, infrastructure and operational workstreams, with initial implementation targeted for the fourth quarter of 2026. Our objective is to deliver a programme that produces a meaningful public-safety benefit.

Madam President, the third priority is cannabis reform. The Ministry is reviewing Bermuda's cannabis-related guidance, regulations and oversight arrangements to balance the limitations of the United Kingdom framework with the Government's commitment to safe and responsible use within an appropriately regulated system. Policy development in this area is wide-ranging. When the public hears of any developments around cannabis, they may get excited about the prospect of a fuller conversation on recreational cannabis or the potential for a regulated legalisation framework. There are strong views and factions on full cannabis reform, and I want to provide clarity about the Government's established commitment at this time.

Madam President, this clarity is particularly important for me to note, because I aim to be transparent

with the general public, my peers, and colleagues—to maintain a high, accountable standard with people of Bermuda. With that, Madam President, Government's current commitment is to review and update cannabis-related guidance, regulations, and oversight, to strike a balance between the limitations of the United Kingdom framework and safe, responsible adult use. The public should be aware that the current commitment does not match public discourse, which may mean that expectations are misaligned.

Madam President, allow me to clarify the record, and it is my preference for the Senate and the public to hear the difference and direction of cannabis reform as it currently stands directly from me.

There are three parts to cannabis reform. The immediate focus is on the first two components of this work: (1) hemp and hemp-derived products; and (2) medical cannabis. The proposed hemp amendments will clarify the legal treatment of hemp and consumer products currently being sold without a sufficiently clear compliance framework. The medical cannabis framework will permit appropriate access while ensuring the appropriate safeguards patients and the wider community deserve.

Drafting instructions have been issued to the Attorney General's Chambers. The Ministry will work with Parliamentary Counsel and the relevant technical authorities to resolve the remaining matters and advance the legislation. Initial implementation of the hemp and medical cannabis reforms is targeted for the fourth quarter of 2026.

The third part, which captures public attention and discourse is a broader, regulated regime for adult use. Now, Madam President, as I described, at the risk of sounding repetitive, for clarity and transparency, this one will take longer. Let me tell you, Madam President and the public, the reason why.

Any proposed approach must be carefully considered in light of Bermuda's constitutional relationship with the United Kingdom and the need for effective regulation, oversight and appropriate safeguards. It requires bringing in various perspectives and coordination across our community, touching on national security, health, medicines regulation, Customs, and law enforcement so that whatever we ultimately land on has lasting support. I am erring on the side of transparency so that expectations are managed. So, when it comes to cannabis reform, two of the three parts are anticipated for initial implementation this year. The third, I want us to get right together, and that will be undertaken in due course with the appropriate information, confidence, and stakeholder engagement.

Madam President, beyond these immediate priorities, violence reduction and community safety will be my principal Ministry-wide policy priorities over the coming months.

During my initial briefings, I reviewed the National Violence Reduction Strategy and the current work and structure of the Violence Reduction Team,

formerly the Gang Violence Reduction Team. That review confirmed that the Team provides an important operational foundation through school-based prevention, community outreach, case management, family support, court advocacy, crisis response and workforce development opportunities.

The next phase of work will therefore focus on refining the Strategy and aligning the Team's structure and operations with the resulting priorities. This will provide a clearer framework for work across prevention, intervention, enforcement, youth justice, community engagement and rehabilitation. It will also help ensure that efforts across Government and the community are coordinated, responsive to identified needs and directed towards shared outcomes. This will require sustained collaboration with the police, schools, community organisations, families and individuals with lived experience.

Madam President, while these priorities require my immediate attention, important work continues across the Ministry's wider portfolio.

The Disaster Risk Reduction and Mitigation Team is developing Bermuda's National Risk Register, consolidating information from across Government and partner agencies to identify the hazards and threats facing Bermuda. New disaster management legislation will support this work by modernising the emergency management framework, clarifying responsibilities and strengthening coordinated action.

Cybersecurity also remains essential to national resilience. I acknowledge the recent tabling of the Joint Select Committee's report on the 2023 cyberattack. The Ministry will carefully consider the recommendations relevant to its remit as we reinforce Bermuda's cybersecurity framework.

To fully implement the Cybersecurity Act 2024, the Ministry is developing regulations and guidance, establishing the Cybersecurity Advisory Board and progressing the national Cybersecurity Unit. We are also conducting a National Cybersecurity Risk Assessment and developing national cyber-incident response capabilities. This work is being undertaken across Government and with critical infrastructure operators and private-sector partners to improve Bermuda's ability to prevent, withstand and recover from serious cyber incidents.

Madam President, none of this work can be achieved without the people who deliver it. Recruitment and retention remain challenging, and we are exploring new recruitment methods, improving access to training and professional development, and creating clearer pathways into public-safety careers. Our objective is to attract capable people, equip them to perform effectively and support their development throughout their careers.

Madam President, my first two weeks as Minister have reinforced both the breadth of the Ministry's responsibilities and the importance of approaching public safety as a shared endeavour. There is much to

do, but I have identified a strong foundation on which to build.

I wish to thank the Permanent Secretary, the Commissioner of Police, the Chief Fire Officer, the Commanding Officer of the Royal Bermuda Regiment, the Collector of Customs, the Director of the Department for National Drug Control, the Ministry's unit and team leads, and the officers and staff across the Ministry for their commitment, professionalism and candid engagement during my initial briefings. I also thank our colleagues across Government and the community partners whose work is essential to delivering Bermuda's public-safety objectives.

My immediate focus will be on advancing the three identified ministerial and legislative priorities while giving sustained attention to violence reduction and community safety as my principal Ministry-wide policy priority. Beyond any individual project, my central responsibility as Minister is clear: To ensure that the Ministry remains focused on protecting the public and that its work produces tangible results for the people of Bermuda.

I look forward to providing Senators and the public with further updates following the summer recess and the commencement of the new legislative session.

Thank you, Madam President.

The President: And thank you, Minister Ryan Robinson Perinchief, for your Statement.

Moving on with our Orders of Business.

INTRODUCTION OF BILLS

The President: There are none.

FIRST READING OF PUBLIC BILLS

**JUSTICE AND COMMUNITY
SAFETY REFORM ACT 2026**

**CORPORATE INCOME TAX
AMENDMENT ACT 2026**

TAX CREDITS AMENDMENT ACT 2026

HUMAN RIGHTS AMENDMENT ACT 2026

**COST OF LIVING COMMISSION
AMENDMENT (NO. 2) ACT 2026**

**BERMUDA HEALTH COUNCIL
(MISCELLANEOUS AMENDMENTS) ACT 2026**

HEALTH INSURANCE AMENDMENT ACT 2026

The President: The following Public Bills have been received from the Honourable House of Assembly and are read for the first time.

Their titles are Justice and Community Safety Reform Act 2026, Corporate Income Tax Amendment Act 2026, Tax Credits Amendment Act 2026, Human Rights Amendment Act 2026, the Cost of Living Commission Amendment (No. 2) Act 2026, the Bermuda Health Council (Miscellaneous Amendments) Act 2026, and the Health Insurance Amendment Act 2026.

And Senators, all Bills will be taken up during our Orders of the Day later in the meeting. However, I would just like to point out that we have changed the order in which they will be presented, and I will . . . you need to be advised that the Bermuda Health Council (Miscellaneous Amendments) Act [2026] will be first, the Health Insurance Amendment Act [2026] will be second, and the rest will follow. Justice and Community [Safety Reform Act 2026] third; Corporate Income Tax [Amendment Act 2026] fourth, and the Tax Credits Amendment Act [2026] will be fifth, the Human Rights Amendment Act [2026] will be the sixth one, and the Cost of Living [Commission Amendment (No. 2) Act 2026] will be the seventh one.

So that will be the order in which we will take them up in the Orders of the Day.

Moving on with our agenda.

FIRST READING OF PRIVATE BILLS

The President: There are none.

QUESTION PERIOD

The President: We will now undertake the questions which were presented for oral response today.

I will now call on the Honourable Minister [Robinson] Perinchief to provide the oral responses to a parliamentary question from Senator Victoria Cunningham, and I would ask Senator Cunningham to read her question at this time.

QUESTION 1: CONSOLIDATED FUND CASH BALANCES

Sen. Victoria Cunningham: Good morning, Madam President and colleagues in the Chamber and the listening audience.

This was for oral response from Senator the Honourable Ryan Robinson Perinchief, spokesperson for Finance. Can the spokesperson for Finance please confirm the current level of Government's consolidated cash balances as at 30 June 2026, and how this compares to the balance as at 1 January 2026.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President, and thank you to the Honourable Member for the question.

The Consolidated Fund cash balance as at 30 June 2026 was \$61.2 million, compared with a 2 January 2026 balance of \$26.6 million.

Thank you.

The President: Thank you. Senator Cunningham.

Sen. Victoria Cunningham: Thank you, Madam President. I have a follow-up question to that.

The President: Yes.

SUPPLEMENTARY

Sen. Victoria Cunningham: ¹Can the [spokesperson for Finance] confirm whether Government has drawn any overdraft facility, line of credit, or short-term borrowing to manage cash flows this year?

Sen. the Hon. Ryan Robinson Perinchief: Madam President, I will need to revert with an answer to that, if that's okay with the Honourable Member, if I could get back to her on that one.

The President: Mm-hmm.

Senator Cunningham, do you have a second question? He is going—

Sen. Victoria Cunningham: No, that would be it.

The President: That would be it.

Would any other Senator care to ask questions on this Statement *[sic]* . . . on this—

[Crosstalk]

The President: Okay, Senators, while we are waiting for a response, we will move on, then, to the next set of questions, and these are also from . . . Senator Victoria Cunningham—

QUESTION 1: NATIONAL ELECTRICITY SECTOR POLICY AND IRP PLANNING

Sen. Victoria Cunningham: Thank you, Madam President, and this is directed to the Junior Minister for Home Affairs, Senator Lindsay Simmons, to provide oral response.

Can the Junior Minister please confirm in what respects the National Electricity Sector Policy (the NESP) has been incorporated into the IRP planning process?

Sen. Lindsay Simmons: Thank you, Madam President.

Bermuda's current Integrated Resource Plan dates from 2019. Section 40 of the Electricity Act 2016 requires a Regulatory Authority to request a new plan proposal at least every five years. The new IRP was finalised on 3 July 2026, in advance of the release of the Government's updated National Electricity Sector

Policy. The development and direction of the policy were known to all parties in the sector and to the public.

The Minister issued a Ministerial Directive to the Regulatory Authority in April 2025, signalling the new policy direction. The consultative draft policy was published on 20 April 2026. Public consultation closed on 21 May 2026, and the Minister updated the [Legislature] on 15 May 2026.

The Electricity Act 2016 establishes the structure process through which Government policies enter Integrated Resource Planning. Section 44 permits the [Regulatory] Authority to approve a plan anywhere it considers the plan the best approach to meeting the proposal of the Act and complying with the ministerial direction.

The Electricity Amendment Act 2026 strengthens this framework. It makes consumer affordability an integrated part of the IRP and enables the planning process to be reconstructed to ensure consistency between government policy and the plan.

The finalised National Electricity Sector Policy following the current IRP pause must be . . . will therefore be incorporated into the IRP through the statutory route. The Government will publish the finalised policy once it reviews the consultation responses when complete . . . and experts in the planning process to give the policy full effect. The Ministry will keep the [Legislature] informed as the work advances.

(End.)

[Laughter]

The President: Senator Cunningham.

SUPPLEMENTARY

Sen. Victoria Cunningham: Thank you, Madam President, and thank you to the Junior Minister for that response.

As a supplementary question to that, the response mentioned consultation. And I was just wondering . . . I am assuming public and private consultation. I am just wondering which stakeholders were consulted specifically in that consultation.

Sen. Lindsay Simmons: I am sorry. Can you repeat the question one more time?

Sen. Victoria Cunningham: The Junior Minister mentioned consultation, and I was just wondering which specific stakeholders were consulted in that . . . the IRP planning process with the National Electricity Sector Policy.

[Pause]

¹ See [answer to question](#) at page 1153.

Sen. Lindsay Simmons: It was with the Regulatory Authority [RA] and all the RA . . . regulated entities.

Thank you . . . and also can you repeat the question for the Minister of National Security?

Sen. Victoria Cunningham: For the Minister of National Security, the question was, Has the Government drawn down on any overdraft facility, line of credit, or short-term borrowing to manage cash flow this year?

Sen. Lindsay Simmons: Thank you.

And you got my answer, correct? Thank you.

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

[Crosstalk]

The President: I believe you have a second question. Senator Cunningham, you have the floor.

QUESTION 2: NATIONAL ELECTRICITY SECTOR POLICY AND IRP PLANNING

Sen. Victoria Cunningham: Yes, my second question to the Junior Minister is: Can the Junior Minister please confirm what assessment Government and the Regulatory Authority made of the additional electricity demand expected from the reopening of the Southampton Princess in August this year?

Sen. Lindsay Simmons: Thank you. Forecasting the impact of individual developments including the reopening of Southampton Princess falls within BELCO's operational responsibilities as a transmission distribution and retail licensee. BELCO is responsible for assessing expected changes in electricity demand and for planning a system to meet that demand.

The Regulatory Authority reviews the information and [analysis] submitted by BELCO through the regulatory process established under the Electricity Act and associated licence obligations. Expected demand also anchors the Integrated Resource Planning process. Section 40 of the Electricity Act 2016 requires the resource plan to state the expected demand for the planning period and how the licensee will meet it.

Government expects the additional demand from the reopening of Southampton Princess to be reflected in that planning.

Thank you, Madam President.

The President: Senator Cunningham.

SUPPLEMENTARIES

Sen. Victoria Cunningham: And I get that it's BELCO's responsibility, but has BELCO indicated that it can meet the additional demand without impact to

other customers or its reliability? And a follow-up to that one, if I may.

Sen. Lindsay Simmons: Yes, I answered the question. BELCO will cover it. In my answer I covered that.

Sen. Victoria Cunningham: Okay a follow-up question to that supplementary.

What engagement has taken place between Government, the Regulatory Authority and the hotel's developers on power requirements?

[Pause]

Sen. Lindsay Simmons: Madam President, that's not a supplemental to the question that was given to me.

The President: Senator Cunningham, your second supplementary was not . . .

[Inaudible interjection]

Sen. Lindsay Simmons: Thank you, Madam President.

The President: Thank you.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITOR

The President: Before I move on, I would just like to acknowledge and recognise former Senator [Maurice] Foley in the Gallery.

Welcome to you, sir.

[Question period, continuing]

The President: Moving on then with our questions for oral responses, we have Senator Tarik J. D. Smith who will be presenting oral questions to the Honourable Minister Ryan Perinchief.

Sen. Tarik Smith: Thank you, Madam President.

The President: Ask your question.

QUESTION 1: NATIONAL SECURITY PRIORITIES

Sen. Tarik Smith: Yes, thank you Madam President. Good morning to my Senate colleagues and listening audience.

I will say this. The Minister and his brief absolutely answered any question as far as his three priorities. I want to thank the Minister for that brief earlier.

SUPPLEMENTARY

Sen. Tarik Smith: And yes, I just . . . one supplementary to the question would be, with the change in the Minister, have any of the policy directions changed from previous initiatives? That would be all I have on that one.

Thank you in advance, Minister.
Thank you, Madam President.

The President: Did you hear the question?

Sen. the Hon. Ryan Robinson Perinchief: Yes, thank you Madam President.

I would refer the Honourable Member to my Statement. I thank him for his question, but I am just prepared to speak to what was in the Statement regarding any potential refinements to what the . . . the work that is currently ongoing.

Sen. Tarik Smith: Thank you, sir.

Sen. the Hon. Ryan Robinson Perinchief: Thank you.

The President: Senator Tawana Tannock, you have a supplementary.

SUPPLEMENTARY

Sen. Tawana Tannock: Yes, thank you Madam President. I do have a supplementary to Senator Minister Perinchief's response to Senator Smith.

With regard to the speed cameras which were mentioned in the Statement, what stage are we at? Are the speed cameras fully operational? And how many speed cameras are there? And where are they?

Thank you.

Sen. Lindsay Simmons: Madam President, that wasn't the question that was . . . that was previously . . . We already finished that question in Question Period for that part . . . that section.

[Crosstalk]

The President: Senator Tannock, your question can be when we get to the Statement. All right? We are finishing right now. We are dealing with the questions that have been presented for response this morning.

[Crosstalk]

The President: We are now moving on then to the . . . Senator Tarik Smith your questions to Senator Mischa Fubler.

Sen. Tarik Smith: Thanks again, Madam President.

The President: Would you like to read your question, your first question?

QUESTION 1: SEARCH AND RESCUE TUG VESSEL

Sen. Tarik Smith: Sorry my apologies for cutting you off, Madam President.

Thank you, Madam President. This is for the Junior Minister, Senator Mischa Fubler.

Can the Junior Minister please confirm whether the Government has procured a new or replacement search and rescue tug or vessel for Marine and Ports and, if so, where is it intended to be positioned?

Thank you.

Sen. Mischa Fubler: Thank you, Madam President.

I guess the "new" may be relative. I don't think we had any parameters around that, but in direct response to your question, no, we have not procured a new or replacement search and rescue tug vessel.

QUESTION 2: VESSEL TRANSPORT MANAGEMENT SYSTEM

Sen. Tarik Smith: I have a second question.

Can the Junior Minister please confirm the age and expected service life of the vessel transport management system [VTMS] currently in use and whether it will be reached, whether . . . sorry, it has reached its end of operation or warranty of life?

Sen. Mischa Fubler: Thank you, Madam President. I thank my colleague for the question.

The current VTMS does not have an end of life as it is comprised of specialist software that operates on off-the-shelf computer service. So, in short, the vendor is providing regular updates. It would not have an end of life as in historical systems that may have been purpose-built to run on proprietary hardware.

The President: No further questions. That completes those questions that were presented for oral response. We will now entertain questions on the Statement that was delivered by the Honourable Ryan Robinson Perinchief this morning on National Security.

Senator Tawana Tannock, you have the floor.

QUESTION 1: PUBLIC SAFETY ADVANCING ACROSS THE MINISTRY OF NATIONAL SECURITY

Sen. Tawana Tannock: Yes, thank you, Madam President. Yes, thank you, Senator Minister Perinchief for your Statement.

So, my question is regarding the speed cameras and what stage of implementation are we at. Are the cameras installed? How many cameras are there and in which parishes are they located?

QUESTION 2: PUBLIC SAFETY ADVANCING ACROSS THE MINISTRY OF NATIONAL SECURITY

Sen. Tawana Tannock: And my second question is regarding cameras, and those will be the CCTV footage cameras. How many CCTV footage cameras are currently up and running and operational?

Thank you.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President, and thank you to the Honourable Member for her question.

In relation to the question on speed cameras, speed cameras have not yet been installed and therefore they are not operational. We are at the testing phase and are looking to run a test or pilot of the programme later this year.

So, we are in the implementation phase. There are currently 28 proposed enforcement locations, but I would add that that number could increase or decrease based on operational needs.

The President: Senator John, sorry, Vice President John Wight.

QUESTION 1: PUBLIC SAFETY ADVANCING ACROSS THE MINISTRY OF NATIONAL SECURITY

Sen. John Wight: Thank you, Madam President.

So, this is a question I asked probably about nine months ago here. I was concerned about the lack of time in adopting these cameras, and the reason that was given to me at the time was because of PIPA concerns. That was what we were told in the Senate was the cause of delay. And the expectation we were told was that it was going to be adopted in the first quarter of 2026.

Well, obviously we are far beyond that. So, I am just wondering whether it's testing or PIPA, this just seems to be going on forever. I am just wondering why . . . for something that is so important to the community to prevent serious road traffic accidents, why is it taking so long for this to be put into place?

Thank you, Madam President.

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

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President, and thank you to the Honourable Member for the question.

Just to clarify, I think . . . just to avoid any confusion, there are two separate but related projects. You have CCTV cameras and then you have the automated traffic enforcement programme which is the speed cameras.

So, I am not certain as to what the Honourable Member was advised regarding the delays around speed cameras. That project is progressing quite well in terms of planning and implementation. But I can certainly follow up and check whether the concern

mentioned in regard to PIPA is one related to CCTV or speed cameras.

What I can say in terms of the current stage of the speed cameras is, it is progressing quite well. There are a number of workflows or work streams in relation to that programme. There's legislative change that is needed. There's the operational side in terms of identifying, for example, the correct infrastructure, what type of pole the camera will be placed on, the locations and how they might affect the neighbouring areas. There's the actual technical equipment. These cameras are different from CCTV cameras, per se, because they have to capture speed, et cetera. They also have to recognise licence plates.

So, there are various projects underneath this speed camera automated enforcement initiative, and I would say the project is on track for quarter four testing and implementation, at least early implementation.

I hope that addresses the Honourable Member's question.

I also want to add, because I note that the Honourable Member, Senator Tannock, asked a question around CCTV cameras specifically, we have currently 234 operational cameras providing 458 views across 148 locations.

Thank you, Madam President.

The President: Thank you, Minister.

Senator Tawanna . . . sorry, Cunningham. I thought you were putting your hand up.

Senator Cunningham, you have the floor.

QUESTION 1: PUBLIC SAFETY ADVANCING ACROSS THE MINISTRY OF NATIONAL SECURITY

Sen. Victoria Cunningham: Thank you, Madam President, and thank you to the Honourable Minister for his Statement. And I will start by wishing him well on his endeavours. It sounds like he is going to have a fairly busy summer.

I want to focus in on the adolescent substance abuse treatment, which I think is greatly needed.

Firstly, can he confirm the age range of the adolescent, the projected, I guess targeted age range of this programme, because I think . . . this sounds like it's going to be a substance abuse treatment programme. I am more kind of worried about getting to it at the crux before it starts rather than treating, you know, trying to cure what has happened. So, just wondering how that will likely look.

Thank you.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President. If the Honourable Member would bear with me one moment just to confirm that.

The President: Yes, Minister.

Sen. the Hon. Ryan Robinson Perinchief: Give me just a minute.

Thanks.

[Pause]

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

[Crosstalk]

The President: Yes. Well, you can have it. Yes, certainly. You may raise your supplement.

[Pause]

Sen. the Hon. Ryan Robinson Perinchief: Madam President, I thank the Honourable Member for her question and her well wishes.

In relation to the adolescent substance abuse treatment programme, the age range anticipated is ages 14- to 19-years-old. But I do note the point around prevention. And that is the general work of the National Drug Control Department. They have a variety of programmes and initiatives focused on prevention in addition to treatment. And so, this programme is intended to focus on treatment for substance abuse, and that programme is being refined. But it is not the only work that that department does. Thank you.

I will also add that if there are young people in need of treatment, they will be assessed and, if necessary, included in the programme.

Sen. Victoria Cunningham: Thank you, Madam President.

The President: Senator Cunningham.

SUPPLEMENTARIES

Sen. Victoria Cunningham: And a supplementary to that, and kind of bringing in then your cannabis reform is if we are saying 14 to 19, I believe Bermuda's laws are 18 for alcohol and 16 for cigarettes. That could be 18, I am not entirely sure. But considering we are looking at treatment programme from 14 to 19, have there been studies on the percentage or numbers of our adolescents who have drug abuse issues? And do they drop below the age of 14?

Sen. the Hon. Ryan Robinson Perinchief: Madam President, I am not sure if the Honourable Member is asking for the specific data at this time. I am sure there have been . . . there certainly have been studies. I know we have the [Bermuda] Drug Information Network [BerDIN], and the Department of National Drug Control [NDC] undertakes this type of work and review regularly. So, I can't speak to the specific data.

But we definitely know that there are young people, unfortunately, that will be engaging in substance abuse below that age. Hence, with the work of this adolescent treatment programme, if there are persons below that age, they will be assessed and, if necessary, they will be included.

But in terms of the age range spoken to, that's sort of the target age range for the programme once implemented.

Sen. Victoria Cunningham: Do I still have a supplementary on that? Yes.

So, my supplementary on that is, you know, if we want to get a baseline to see whether any programme is working (on this side of the Chamber we do like our results and outcomes), I am just making sure that when anything is put forward that those outcomes that show the tangible results are actually clarified for us. Thank you.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President. I will just say that studies are regularly done by the NDC, and that will have informed the creation of the programme.

Sen. the Hon. Kim Wilkerson: Madam President, if I might just supplement Minister Perinchief's response in that regard. He referenced the BerDIN data.

The President: Mm-hmm.

Sen. the Hon. Kim Wilkerson: It is publicly available. It's published data. You can go to the Department of National Drug Control's website. There is a school study which gives details on the age of first use. And what I would say is that is in the remit of the Department of National Drug Control. Some of the programming is carried out through partner agencies and through the third sector. So, you will now see Mirrors running the . . . Promoting Alternative Thinking programme, which is really aimed at prevention for school-age children.

There is Als Pals, which is a linked prevention education programme for children younger than the age of five. So, that would be a preschool programme. And then Life Skills is operating at the middle and high school levels.

These programmes generally run across both public and private schools.

The President: Thank you, Madam Attorney General, for your response.

If there are no further questions on that Statement . . . oh, sorry. I didn't see your hand, so . . .

Senator David Rogers, you have the floor.

QUESTION 1: PUBLIC SAFETY ADVANCING ACROSS THE MINISTRY OF NATIONAL SECURITY

Sen. David Rogers: Quick question. Have there been any projections made on the potential . . . well, the volume increase of cannabis after the reforms have been made regarding medical cannabis? Because I am assuming it would be an increase in availability of cannabis on Island. Have there been any sort of estimates made?

Sen. the Hon. Ryan Robinson Perinchief: Just for clarity, Madam President, is the Honourable Member asking [if] there have been any projections in terms of . . . if we are talking about medical cannabis prescriptions from, for example, pharmacies or physicians?

Sen. David Rogers: That would be interesting data to have as well. The projected prescriptions, yes, that would be interesting to know. I was actually talking more of substance itself, but that is also a good metric to understand.

Sen. the Hon. Ryan Robinson Perinchief: Thank you. If you could just allow me one moment.

The President: Mm-hmm. Yes, Minister.

[Pause]

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President, and to the Honourable Member for the question.

In relation to medical cannabis, it is far too early to speculate around the numbers of prescriptions. We are still in the research phase, and so it would be premature to offer any guesstimate.

The President: Thank you.

Thank you, Senators, for your questions on that Statement, and thank you, Minister Robinson Perinchief, for your responses.

Senators, we will now move on to the next item on our agenda, and that is the Public Bills that were implemented this morning.

ORDERS OF THE DAY

The President: And as indicated, we will start with Item No. 1, the second reading of the Bermuda Health Council (Miscellaneous Amendments) Act 2026. And that is in the name of Senator Lauren Bell, the Junior Minister for Health.

Senator Bell, you have the floor.

STANDING ORDER 25

Sen. Lauren Bell: Thank you, Madam President, and good morning to the listening audience and my Senate colleagues.

I move that the provisions of Standing Order 25 be granted so the Senate may now proceed with the

second reading of the Bill entitled Bermuda Health Council (Miscellaneous Amendments) Act 2026.

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

[Motion carried: Leave granted for the Bermuda Health Council (Miscellaneous Amendments) Act 2026 to be read a second time on the same day as its first reading.]

Sen. Lauren Bell: Thank you, Madam President.

I move that the Bill entitled Bermuda Health Council (Miscellaneous Amendments) Act 2026 be now read a second time.

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

BILL

SECOND READING

BERMUDA HEALTH COUNCIL (MISCELLANEOUS AMENDMENTS) ACT 2026

Sen. Lauren Bell: Thank you, Madam President.

I rise today to introduce the [Bermuda Health Council \(Miscellaneous Amendments\) Act 2026](#).

This Bill seeks to remove the duplication in the regulation of health service providers, businesses and high-risk health technology that resulted following the enactment of the Bermuda Health Council Amendment (No. 2) Act 2024.

Madam President, for background, the 2024 Amendment Act was introduced in response to long-standing concerns regarding the operation of health service providers without an appropriate regulatory framework, together with inadequate oversight and maintenance requirements for high-risk health technology. Prior to the enactment of the 2024 Amendment Act, the regulation of health service providers was fragmented across several pieces of legislation. Pharmacies were regulated under the Pharmacy and Poisons Act 1979, while hospitals, clinical laboratories, and diagnostic imaging facilities were regulated under the Public Health Act 1949.

Similarly, the regulation of high-risk health technology was primarily limited to equipment falling within the scope of the Radiation Act 1972. While these Acts established important regulatory controls within their respective areas, they did not provide a comprehensive or consistent framework for regulating health service providers and high-risk health technology. This resulted in gaps in regulatory oversight, limitations in enforcement, and inconsistencies between legislative intent and operational practice.

Madam President, the 2024 Amendment Act addressed these shortcomings by establishing a modern regulatory framework for health service providers

and high-risk health technology, founded on the principles of safety, quality, and sustainability in the delivery of health services. However, while the 2024 Amendment Act introduced this new framework, it did not include all the consequential amendments necessary to align existing legislation where regulatory responsibilities overlapped.

Madam President, the 2026 Amendment Act addresses those outstanding consequential amendments by removing the unnecessary duplication, clarifying the application of the legislative framework to health service providers, and ensuring that owners and operators of health service providers and high-risk health technology are subject to an efficient and coherent regulatory regime.

The proposed amendments will improve legislative clarity, support effective regulation, and reduce unnecessary administrative burden while maintaining a robust oversight in the interest of public health and patient safety.

Thank you, Madam President.

The President: And thank you, Senator Lauren Bell, Junior Minister of Health.

Would any Senator care to speak on this Bill?

Yes, Senator David Rogers, you have the floor.

Sen. David Rogers: Thank you. Thank you so much, Madam President, and thank you so much to the Senator for bringing this to the floor. I have some comments. They may turn into a question.

This is actually really good, the changes to the pharmacy regulation, clinical labs, hospitals, diagnostic imaging, radiation. This stuff has been outstanding for a number of years, so it's really wonderful to see (how to say?) . . . consistency, conciseness being put into the Act.

I don't see any changes to how insurers are regulated by the Council. So I think that's kind of a missed opportunity in the cleanup. Additionally, there are a number of statutory bodies that the Health Council has administrative function for, and they really should have all of them. So that would have been a good addition to the Bill.

But it does bring the wording of the legislation in line with what the Health Council has been doing, so that's fantastic.

I am assuming this is a cleanup for Universal Health [Coverage], so I am expecting to see some regulation on health providers and health professionals to come before October. So, thank you very much.

The President: Thank you.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITOR

The President: Before we move on, I would just like to acknowledge the presence of the Honourable Craig Cannonier, the Opposition Whip, in the Gallery.

Welcome to you, sir.

[Second reading debate, Bermuda Health Council (Miscellaneous Amendments) Act 2026, continuing]

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

Senator Tawana Tannock, you have the floor.

Sen. Tawana Tannock: Yes, thank you, Madam President.

I would just like to echo Senator Rogers and say that I, as a member, well, I guess member of the Bermuda Medical Council who sees firsthand a lot of the issues that come before the Medical Council that oftentimes are supposed to be before the Health Council and people aren't sure where to go, I also welcome this change and this amendment and commend the Government for doing so.

Thank you.

The President: Thank you.

Vice President John Wight, you have the floor.

Sen. John Wight: Thank you, Madam President.

Yes, just to echo comments made by Senator Tannock, I am fully supportive of these changes.

Thank you, Madam President.

The President: Thank you.

Senator Lauren Bell, it appears you have full support.

Sen. Lauren Bell: Thank you, Madam President. Thank you to my Senate colleagues for their support.

Madam President, I move that the Bill entitled the Bermuda Health Council (Miscellaneous Amendments) Act 2026 be now read a second time.

The President: Is there any objection to that motion?

No objection.

SUSPENSION OF STANDING ORDER 26

Sen. Lauren Bell: 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. Lauren Bell: Madam President, I move that the Bill entitled the Bermuda Health Council (Miscellaneous Amendments) Act 2026 be now read a third time.

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

No objection.

BILL

THIRD READING

BERMUDA HEALTH COUNCIL (MISCELLANEOUS AMENDMENTS) ACT 2026

Sen. Lauren Bell: Thank you, 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 is passed.

[Motion carried: The Bermuda Health Council (Miscellaneous Amendments) Act 2026 was read a third time and passed.]

The President: Thank you, Senator Lauren Bell, and thank you all Senators.

We will now move on to the next item, and that is the second reading of the Health Insurance Amendment Act 2026. That is also in the name of Senator Lauren F. Bell, the Junior Minister for Health.

Senator Bell, you can move your second Bill.

STANDING ORDER 25

Sen. Lauren Bell: Thank you, Madam President.

Madam President, I move that the provision of Standing Order 25 be granted so the Senate may now proceed with the second reading of the Bill entitled Health Insurance Amendment Act 2026.

The President: Is there any objection to that motion?

No objection.

[Motion carried: Leave granted for the Health Insurance Amendment Act 2026 to be read a second time on the same day as its first reading.]

Sen. Lauren Bell: Thank you, Madam President.

I move that the Bill entitled [Health Insurance Amendment Act 2026](#) be now read a second time.

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

No objection.

BILL

SECOND READING

HEALTH INSURANCE AMENDMENT ACT 2026

Sen. Lauren Bell: Thank you, Madam President.

End-stage renal disease has a profound impact on a person's health, quality of life and ability to participate fully in our community. Because local health insurance finances the majority of care in Bermuda, the level of coverage available to an individual largely determines which renal replacement therapy they are able to access.

Madam President, the Mutual Re-insurance Fund [MRF] currently mandates coverage for three renal replacement therapies. They include peritoneal dialysis, haemodialysis, and kidney transplantation. Peritoneal dialysis and haemodialysis are available on the Island and fully covered by the MRF. Kidney transplantation, however, must be performed overseas, and the MRF benefit is presently capped at \$150,000 towards the total cost.

Madam President, peritoneal dialysis costs approximately \$112,000 per year, or about \$1.1 million over a 10-year period, and is clinically appropriate for only a limited number of patients. Haemodialysis, which is the most commonly used therapy, costs approximately \$135,000 annually, or \$1.4 million over 10 years.

Madam President, by comparison, kidney transplantation costs approximately \$387,000, inclusive of surgery and associated care. With an average graft survival of 10 years, this equates to an annualised cost of roughly \$38,700 and represents a savings of more than \$1 million per patient over a 10-year period, when compared with long-term haemodialysis. For suitable candidates, transplantation is both the clinical preferred option, as well as the most cost-effective therapy over the long run.

Madam President, despite these clear advantages, the current mandated benefit of \$150,000, combined with the supplemental insurance coverage that typically provides only an additional \$50,000 to \$100,000 leaves many patients facing substantial out-of-pocket costs. These costs create a significant barrier to transplantation and result in continued reliance on dialysis therapies that are fully insured but considerably more expensive.

Madam President, there are presently 91 patients who are clinically eligible for transplant assessment. Many have indicated that anticipated out-of-pocket expenses are a major factor influencing their willingness or ability to proceed. Increasing the legislative level of coverage would remove this barrier, improve access to the most clinically appropriate treatment, enhancing quality of life and reduce long-term costs to the health system.

Madam President, claims data shows that the average cost of transplantation is approximately \$387,000. However, actual costs may vary depending on case management needs, patient health status, hospital market conditions, the international location of

the transplant centre and whether the donor is living or deceased. The proposed amendments therefore include flexibility to adjust the prescribed coverage amount through subordinate legislation, ensuring that coverage remains aligned with real-world costs without requiring further amendments to the Act.

Thank you, Madam President.

The President: Thank you, Senator Bell.

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

Sen. David Rogers: Once again, thank you, Madam President, and thank you to the Senator.

So, lightning has struck twice. It must be the colours you are wearing—

[Laughter]

Sen. David Rogers: —because this is a fantastic Bill as well. So, you will have the support of the Opposition with this Bill.

We have known that transplant has been the key intervention for years. When the initial funds were granted out of MRF, we really expected a larger pickup in transplantation. We did not foresee the unintended barriers that would be placed in people's way. And so, it was a journey to get the allocation increase. So, I applaud the Government for recognising the difficulty that people have faced.

This Bill increases the maximum. It gives the Minister some flexibility in adjusting the cap through consultation and negative resolution, which I really appreciate because it is not just granting powers. The check and balance is nice.

My main concern with the Bill, however, is that not every transplant goes well. So, if the transplant doesn't go well, there is a potential for an overspend. So, the question is: What additional resources are given to patient selection, clinical outcome management, and the post-transplant care to go to sort of safeguard the Mutual Re-insurance Fund? Because with this increase in benefit, you will have an increase in transplantation and an increase in risk.

The President: Would any other Senator care to speak?

Vice President John Wight, you have the floor.

Sen. John Wight: Thank you, Madam President. I would like to thank the Junior Minister for bringing this Bill to the floor and for the reasons that she has given, I am in full support of it.

So, thank you.

The President: Thank you.

Senator Cunningham.

Sen. Victoria Cunningham: Thank you, Madam President. And again, I will echo the comments of my colleague.

I guess my question is around the \$400,000. If we are saying, I think it was mentioned in your remarks that \$387,000 is kind of the average. Madam President, \$387,000 to \$400,000 does not seem like a very big amount of leeway. And I just think, you know, I would assume we are talking a handful of cases per year for kidney transplants, but I just wonder the additional work that might have to go through getting the different consultations and whether or not that \$400,000 was deemed appropriate, or whether it may end up being increased in the future, as we see increasing medical costs everywhere.

The President: Senator Tawana Tannock, you have the floor.

Sen. Tawana Tannock: Yes, thank you. And I thank the Junior Minister for bringing this much-needed amendment.

However, one thing I will point out is that I don't think perhaps it may go far enough, because we also have in (2G) of that same section [3A] that the cap per day for persons undergoing treatment . . . is this the per day or per month?

[No audible response]

Sen. Tawana Tannock: The cap per month for persons undergoing treatment is \$12,532.

Now, if that was set at the same time that the \$150,000 was set, then I would assume that that was based on what the cost would be per month at that time.

Does the Junior Minister know, for this amount of \$12,532 per month, what the monthly cost is at this current time, and if that amount remains sufficient? And if not, why wasn't that also amended?

Thank you.

The President: Senator Rogers.

Sen. David Rogers: While we wait for the answers to the questions, I would just like to commend the kidney transplant team. They are literally the unsung heroes in this health sector for that sector. So, they are doing fantastic work.

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

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

I did want to, given the broad support on the other side of the aisle, commend certainly our Minister of Health, but commend the spirit of collaboration in another place last Friday, which permitted this Bill to come

and be read, all three readings, in one sitting. We are grateful.

And there was a question of whether this Bill could have waited to be taken up in September. And the answer was absolutely not. I think there was reference to perhaps not many people are kind of in a queue. Our understanding is that there are a number of people in a queue. There are a number of people in Bermuda with acute health issues . . . and on a wait-list.

So, this . . . while I hear comments questioning whether \$400[,000] is not enough, we have moved from \$150,000 to \$400,000. So, it is an incredible move in a single time, recognising the needs in our community that must be met. So, I do want to say that we are grateful, the Government on this side, for the collaboration of the OBA in agreeing and recognising the urgency of getting this Bill passed today in the Senate.

Thank you, Madam President.

The President: And thank you, Madam Attorney General, Minister of Justice.

Sen. Lauren Bell: Thank you, Madam President.

I also would like to echo my colleague's sentiment in expression of appreciation for both the Independent and the Opposition Senators in their expression of support for this Bill. It is very much appreciated.

Just to provide some clarity to the question that was posed by the Opposition Senator Rogers, for clarity, any other expenses will be covered under the MRF. So, the \$400[,000] cost is for the transplant only. Okay? So, any other . . . all other associated post-transplant care will be covered under the MRF.

There was a question by Senator Cunningham about whether we were anticipating a need to increase this amount in the future. Just for her understanding, the dialysis rates are set by the Health Council and are paid from the MRF. So, if it is so ordered that there needs to be an increase, then we'll go by that guidance.

And, Madam President, can I just ask for Senator Tannock to repeat her question, please?

The President: Senator Tannock.

Sen. Tawana Tannock: Yes, thank you, Senator Bell. I have actually just restarted my computer, but my question was with regard to, I believe it's section [3A](2G). So, that would come right under the \$150,000 amount. And, it says that the month, the amount per month, the cap per month for a patient undergoing kidney transplant treatment is \$12,532.

So, my question was, if that amount cap was set at the same time that we capped the \$150,000, is that still the current amount for a patient undergoing kidney transplant? And, if it is not, what is the current amount? And, if it is more, why wasn't that amount also increased?

Sen. Lauren Bell: Thank you. Just give me a minute to get the support from our technical team.

Thank you.

[Pause]

Sen. the Hon. Kim Wilkerson: Madam President, if I may.

The President: Madam Attorney General, yes, absolutely.

Sen. the Hon. Kim Wilkerson: Another indulgence while my colleague is waiting for answers to that question. I want to go back to the Orders of the Day with a request for yet another shift.

I am waiting . . . as a result of some collaboration with the Opposition early this morning for the wording of a floor amendment to the Justice and Community Safety Reform Act. We are looking at it. And, I recognise, with the broad agreement on health matters, I think the Justice and Community Safety Reform Bill would have been third.

So, can I ask that we move that to sixth? It would give us time to get the floor amendment prepared. And so, just if the listening public have this Order Paper, then we would be going—

The President: So, we will go to [Item] No. 4, the second reading of the Corporate Income Tax?

Sen. the Hon. Kim Wilkerson: Yes.

The President: Yes. Okay. Yes.

Senators, are you following?

An Hon. Senator: Yes.

Sen. the Hon. Kim Wilkerson: Thank you. Much obliged.

The President: Thank you.

[Pause]

Sen. Lauren Bell: Madam President, I have received a response from my technical team in response to Senator Tannock's question.

So, what she was referring to was the kidney dialysis treatment, which is different than what this amendment is about, where . . . are specific changes related to the transplant. So, we want to be encouraging transplants to a better quality of life. So, the anticipation would be that those dialysis patients would be moving to be doing transplants.

The President: Senator Tannock.

Sen. Tawana Tannock: Yes. So, thank you, Junior Minister Bell.

I am aware of the difference between the two, and I was actually asking why one was changed and not the other. But, if I understand it, your response is that because you are capping the dialysis at \$12,000, \$12,523, or . . . \$12,532 a month, and not increasing it, because the thought is that dialysis patients will now move into kidney transplant. So, you don't need to increase the amount allocated for dialysis. Is that it?

Sen. Lauren Bell: Right. Those patients who are receiving dialysis care now, their costs are covered under that part of the Act. And no, we were not looking to increase it. Okay? Thank you.

Madam President, I believe that was the last of the questions. I have managed to answer all the questions from my colleagues, and again, I want to thank them for their support for this.

And to that end, Madam President, I move that the Bill entitled Health Insurance Amendment Act 2026 be now read a second time.

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

No objection.

SUSPENSION OF STANDING ORDER 26

Sen. Lauren Bell: Thank you, Madam President.

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

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

[Motion carried: Standing Order 26 suspended]

Sen. Lauren Bell: Thank you, Madam President.

I move that the Bill entitled Health Insurance Amendment Act 2026 be now read a third time.

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

No objection.

BILL

THIRD READING

HEALTH INSURANCE AMENDMENT ACT 2026

Sen. Lauren Bell: Thank you, Madam President. I move that the Bill do now pass.

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

Is there any objection to the passage of the Bill?

The Bill is passed. There's no objection.

[Motion carried: The Health Insurance Amendment Act 2026 was read a third time and passed.]

The President: Thank you, Senator—

Sen. Lauren Bell: Thank you, Madam President.

The President: —Bell, Junior Minister of Health, and thank you all Senators.

We will now move on to Item No. . . . the second reading of the Corporate Income Tax Amendment Act [2026], and that's in the name of Senator the Honourable Ryan Robinson Perinchief, spokesperson for Finance.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

The President: You have the floor.

Sen. the Hon. Ryan Robinson Perinchief: Thank you.

Prior to doing that, if you might indulge me, Madam President.

The President: Absolutely.

QUESTION PERIOD

[Recommitted]

Sen. the Hon. Ryan Robinson Perinchief: The Honourable Member Senator Cunningham asked a supplementary question in relation to the oral response regarding the Consolidated Fund.

If I may answer that question as I have received a response from the Finance team.

The President: Yes, that would be appreciated.

QUESTION 1: CONSOLIDATED FUND CASH BALANCES

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

The question was whether the Government has drawn down on any overdraft facility, line of credit, or short-term borrowing to manage cash flow this year.

The answer to that question is no.

The President: Thank you for that response.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

If I may now move on to the Corporate Income Tax Amendment.

The President: Yes, indeed you can.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

STANDING ORDER 25

Sen. the Hon. Ryan Robinson Perinchief: I move that the provisions of Standing Order 25 be granted so that the Senate may now proceed with the second reading of the Bill entitled Corporate Income Tax Amendment Act 2026.

The President: Is there any objection to that motion?
No objection. Minister, you can continue.

[Motion carried: Leave granted for the Corporate Income Tax Amendment Act 2026 to be read a second time on the same day as its first reading.]

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

I move that the Bill entitled Corporate Income Tax Amendment Act 2026 be now read a second time.

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

BILL

SECOND READING

CORPORATE INCOME TAX AMENDMENT ACT 2026

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

It is my distinct honour and privilege on behalf of the Government to rise this morning in this Honourable [Senate] to debate the Bill entitled [Corporate Income Tax Amendment Act 2026](#).

Madam President, this Bill proposes amendments to the Corporate Income Tax Act 2023 to provide miscellaneous updates to enhance Bermuda's corporate income tax regime and to better facilitate the filing of tax returns and proposes to make consequential amendments to the Corporate Income Tax Agency Act 2024.

Madam President, by way of background, the Corporate Income Tax Act has been in force since December 2023, with most of the Act operational from January 2025. And Bermuda has now entered the full operative phase of the corporate income tax. As the regime has moved forward, several components have required refinement to ensure the framework remains aligned with international standards, reflects practical implementation needs, and provides clarity for both taxpayers and administrators.

Madam President, the Corporate Income Tax Agency continued with its standard practice of public

consultation on proposed amendments to the CIT Act, accompanied by the publication of an illustrative Bill. We have taken the time to review all the valuable feedback received to support the development of robust and practical legislation as we continue to evolve our framework.

Madam President, these proposed amendments relate to providing for the better administration of the corporate income tax regime and to better facilitate the filing of tax returns. The Government finds that there is a need to ensure that the administration of the corporate income tax is founded upon clear legal principles. Therefore, the purposes of these amendments is to clarify and refine the existing provisions to ensure that the Corporate Income Tax Agency is given the administrative and operational mechanisms to effectively oversee and administer the corporate income tax regime.

Madam President, further to these changes, consequential amendments were proposed to the Corporate Income Tax Agency Act 2024. To ensure the legislation remains aligned with the updated corporate income tax framework, the consequential amendment clarifies the enforcement regime to be applied to the Corporate Income Tax Agency.

Madam President, in closing, I wish to emphasise the Government remains confident that Bermuda's corporate tax framework upholds Bermuda's strong commitment to global compliance and transparency while maintaining the Island's respected reputation internationally. The progress achieved thus far has been made possible through the invaluable contributions of the International Tax [Working] Group, whose expertise and dedication continue to play a central role in advancing this important initiative.

I would like to sincerely thank everyone in the Ministry of Finance and the Corporate Income Tax Agency, along with our dedicated advisors, for the time, effort, and expertise they have contributed to this work. I also extend my appreciation to the drafting team at the Attorney General's Chambers for their valued support throughout this process.

Thank you, Madam President.

The President: And thank you, Senator Ryan [Robinson] Perinchief, spokesperson for Finance.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITOR

The President: And before I open the floor to the Senators to respond to . . . I would just like to acknowledge and welcome in this Chamber the technical advisor from the Ministry of Finance, and that is Ms. Genesis Iris.

Welcome to you.

[Second reading debate, Corporate Income Tax Amendment Act 2026, continuing]

[Pause]

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

Senator Cunningham, you have the floor.

Sen. Victoria Cunningham: Thank you, Madam President, and thank you to the Minister for providing the brief. I also want to thank the Ministry and CITA. I believe they offered the Opposition the opportunity for a brief in advance of this Bill, so that was much appreciated.

But I think how we see it is exactly how you said it, various miscellaneous updates, more kind of housekeeping in nature. But having spent 22 years in international business, I think I can say that regulatory clarity that we get and the confidence in that is what strengthens our jurisdiction. So, you know, people ultimately know what they are signing up for.

We don't see many major changes. I think it is just refining the administration of what we would see to be a still quite young regime and continues.

So, I think this kind of clarity is exactly what we need in the collaboration, so we support this Bill.

The President: Thank you, Senator Cunningham.

Would any other Senator care to speak on this Bill?

Senator John Wight, Vice President, you have the floor.

Sen. John Wight: Thank you, Madam President. As this is just routine, administrative in nature, it has my full support.

Thank you, Madam President.

The President: Thank you, Vice President John Wight. Senator Tawana Tannock, you have the floor.

Sen. Tawana Tannock: Yes, thank you, Madam President.

I don't have any objection to this Bill. However (and I know that we have stated this in the Senate previously), there have been so many amendments to this Bill and to the one that will be coming next that we have requested that there be some type of guidance to the business community who are impacted which allows them to track the amendments.

And if that has not been produced, and I haven't seen one in my form . . . in my company or as Deputy Chairperson of ABIC, if there has not been one produced, I would urge the Minister or Senator representing Finance to please issue guidance tracking all of the changes and what they mean. And if there is no substantive change, then to indicate that.

Thank you.

The President: Thank you, Senator Tannock.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

The President: Yes, Minister.

Sen. the Hon. Ryan Robinson Perinchief: I appreciate the comments by my Honourable Members, Senator Cunningham and Wight. And regarding Senator Tannock's comments, the concern and the recommendation is noted and will be communicated to the Finance team for their consideration.

Madam President, I now move that the Bill entitled the . . .

[Crosstalk]

Sen. the Hon. Ryan Robinson Perinchief: Madam President, I move . . . sorry, I move that the Bill entitled the Corporate Income Tax Amendment Act 2026 be now read a second time.

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

SUSPENSION OF STANDING ORDER 26

Sen. the Hon. Ryan Robinson Perinchief: 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. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

I move that the Bill entitled the Corporate Income Tax Amendment Act 2026 be now read a third time.

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

BILL

THIRD READING

CORPORATE INCOME TAX AMENDMENT ACT 2026

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

I move that the Bill do now pass.

The President: It has been moved that the Bill entitled Corporate Income Tax Amendment Act [2026] do now pass.

Is there any objection to that motion?

No objection. The Bill is passed.

[Motion carried: The Corporate Income Tax Amendment Act 2026 was read a third time and passed.]

The President: Thank you, Senator the Honourable Ryan [Robinson] Perinchief, spokesperson for Finance.

We will now move on to the next item on our agenda, and that is the second reading of the Tax Credits Amendment Act 2026. And that is also in the name of Senator Ryan [Robinson] Perinchief, the spokesperson for Finance.

STANDING ORDER 25

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

I move that the provisions of Standing Order 25 be granted so that the Senate may now proceed with the second reading of the Bill entitled Tax Credits Amendment Act 2026.

The President: Is there any objection to that motion?

No objection.

[Motion carried: Leave granted for Tax Credits Amendment Act 2026 to be read a second time on the same day as its first reading.]

Sen. the Hon. Ryan Robinson Perinchief: Thank you Madam President.

I move that the Bill entitled Tax Credits Amendment Act 2026 be now read a second time.

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

No objection. Carry on, Minister.

BILL

SECOND READING

TAX CREDITS AMENDMENT ACT 2026

Sen. the Hon. Ryan Robinson Perinchief: Thank you Madam President.

It is my distinct honour and privilege on behalf of the Government to rise this morning in this Honourable [Senate] to debate the Bill entitled the [Tax Credits Amendment Act 2026](#).

Madam President, this Bill proposes amendments to the Tax Credits Act 2025 to provide for the better administration of Bermuda's tax credits regime and to better facilitate the filing of tax credit claims. The Government finds there is a need to ensure that

administration of the tax credits regime operates within well-defined rules, criteria, and transparency.

Madam President, by way of background, the Tax Credits Act has been in force since December 2025, with effect from 1 January 2025 *[sic]*. The Tax Credits Act establishes several qualified tax credits: (1) a substance-based tax credit, (2) a community development tax credit benefit, and (3) a utilities infrastructure tax credit benefit.

Madam President, the Tax Credits Act provides tax credits to incentivise industries that are instrumental in the growth and development of the Bermuda economy to invest in their on Island operations to encourage such investment that results in increased employment in Bermuda and increased job opportunities for Bermudians, to further encourage such investment where it results in increased expenditure on domestic goods and services and thereby benefits the wider local Bermuda economy. And lastly, to recognise and encourage charitable contributions where such charitable contributions represent a meaningful contribution to the community.

Madam President, the Corporate Income Tax Agency held a public consultation on the proposed amendments to the Act in June 2026 which included an illustrative Bill. The feedback received during the consultation process has been thoroughly reviewed and thoughtfully considered. Where appropriate, revisions have been incorporated into legislation to address the concerns and suggestions raised by stakeholders. This approach ensures that the legislation is both practical in its application and reflective of the input from those whom it will affect.

Madam President, the proposed amendments relate to the following matters and that are put forward for consideration:

- a. to provide a more accurate calculation of the number of eligible employees in regard to the calculation of tax credit benefits awarded under the substance-based tax credit;
- b. to provide greater clarity in the calculation of expense-based tax credit benefits; and
- c. to reduce administrative complexity where there are changes in a corporate group to ensure such changes do not impact the calculation of a group's tax credit benefits.

Madam President, further to these changes, consequential amendments are proposed the Public Treasury (Administration and Payments) Act 1969. To ensure the legislation remains aligned with the updated tax credit framework, the consequential amendment reflects the ordering of tax credit payments from the tax refund reserve fund before the consolidated fund for all tax credit recipients and not just recipients who are within the charge to corporate income tax.

Madam President, in closing I wish to emphasise that the Government remains confident that Bermuda's corporate tax framework upholds Bermuda's strong commitment to global compliance and

transparency while maintaining the Island's respected reputation internationally. The progress achieved thus far has been made possible through the invaluable contributions of the international tax [working] group, whose expertise and dedication continue to play a central role in advancing this important initiative.

I would like to sincerely thank everyone in the Ministry of Finance and the Corporate Income Tax Agency, along with our dedicated advisors for the time, effort and expertise they have contributed to this work. I also extend my appreciation to the drafting team at the Attorney General's Chambers for their invaluable support throughout this process.

Thank you, Madam President.

The President: And thank you, Minister Ryan [Robinson] Perinchief, the spokesperson for Finance in the Senate.

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

Sen. Victoria Cunningham: Thank you, Madam President. And again, thank you for the delivery.

The Opposition supports this Bill. We obviously see that these are largely technical corrections, much like the one previous. And obviously, this is a relatively new tax regime, so there's the administrative cleanups that are required, especially given the complexity, and since it has only been enforced since . . . fairly recently.

I will speak . . . and actually, from a comment raised by my colleague . . . with these tax credits, obviously we are seeing difference in the payers of the corporate income tax versus the receivers of the potential credits. And I think we need to say thank you [for] the patience from our international business community. But I just wondered when more guidance will be provided to those companies about the qualifying employee numbers, charitable contributions, and the like. And similarly, when guidance will be given to charitable organisations as to how we are supposed to be confirming donations being made. I believe there was going to be some kind of acknowledgement required.

But ultimately, I think the . . . overwhelming issue from our side is the transparency around those companies that are receiving some of these substantial tax credits and whether those credits are being used consistently with policy intent, I guess. So, reinvestment on the Island, job creation, rather than simply flowing into shareholder returns.

But ultimately, I think they have got the public confidence. It is obviously something that we have been mandated to do. It is not a Government mandate. So, I think we are supportive of anything that makes the regime more secure and more robust.

Thank you.

The President: Thank you, Senator Cunningham.

Would any other Senator care to ask questions on this?

Senator Tawana Tannock, you have the floor.

Sen. Tawana Tannock: Yes, thank you, Madam President. And thank you, Minister, Senator [Robinson] Perinchief. My comments for this Bill are the same as they were for the one previously.

There are so many nuances and so many different considerations for the tax credits. It would just be . . . again, I have not seen any update or proviso on what this would mean for the international business community, either in my position as somebody who works in IB or as Deputy Chairperson of ABIC.

So, my . . . again, my urging is that we produce some type of guidance that includes these updated amendments to say, *This is what the change is. This is what it means. And this is how it may or may not impact you.*

Thank you.

The President: Senator . . . sorry, Vice President John Wight, you have the floor.

Sen. John Wight: Thank you, Madam President.

I will make this unanimous and provide my full support for this Bill.

Thank you, Madam President.

The President: Thank you.
Minister—

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

The President: —Perinchief.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President. And the comments and feedback by the Honourable Members of the Senate are noted and will be transmitted to the Ministry of Finance for their consideration.

Madam President, I now move that the Bill entitled Tax Credits Amendment Act 2026 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. Ryan Robinson Perinchief: 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. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

I move that the Bill entitled Tax Credits Amendment Act 2026 be now read a third time.

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

No objection.

BILL

THIRD READING

TAX CREDITS AMENDMENT 2026

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President. I move that the Bill do now pass.

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

Is there any objection to the passage of the Bill?

No objection. The Bill is passed.

[Motion carried: The Tax Credits Amendment Act 2026 was read a third time and passed.]

The President: Thank you, Minister Robinson Perinchief, and thank you all Senators who participated.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

The President: We will now move on to the next item on our Orders of the Day, and that is the second reading of the, sorry . . . I beg your pardon. The Human Rights . . . sorry. We have had a change in our order.

So, the next item is the second reading of the Human Rights Amendment Act 2026, and that is in the name of Senator Lindsay K. Simmons, the Junior Minister for Youth, Social Development, and Seniors.

Senator Simmons, you have the floor.

STANDING ORDER 25

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, I move that the provisions of Standing Order 25 be granted so that the Senate may now proceed with the second reading of the Bill entitled Human Rights Amendment Act 2026.

The President: Is there any objection to that motion?

No objection.

[Motion carried: Leave granted for the Human Rights Amendment Act 2026 to be read a second time on the same day as its first reading.]

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, I move that the Bill entitled Human Rights Amendment Act 2026 be now read a second time.

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

No objection.

BILL

SECOND READING

HUMAN RIGHTS AMENDMENT ACT 2026

Sen. Lindsay Simmons: Thank you.

Madam President, I am pleased to introduce in the Senate today a Bill entitled the Human Rights Amendment Act 2026. I would like to start by sharing with the Senate and the listening public this meaningful quote by Barbra Streisand: "How I wish we lived in a time when laws were not necessary to safeguard us from discrimination." This quote reinforces our reality and the importance of this Bill.

Madam President, the Bill amends the Human Rights Act 1981 (HRA), on the recommendation of the Human Rights Commission (HRC), to close gaps in Bermuda's anti-discrimination protections, particularly in housing, and the provision of goods, facilities, and services. It protects people who rely on government financial support from being refused housing or services on that basis, and a landlord's exception that currently permits discrimination in certain residential buildings and prohibits discrimination against a person because of their association with someone who has a protected characteristic.

Madam President, this Bill aims to strengthen and improve the Government's social protections for persons within the community by closing identified gaps in Bermuda's current human rights legislation. These proposed amendments ensure the public have further human rights protections on specific matters, and the HRC maintains international standards.

Madam President, despite the existing protections with the Human Rights Act 1981 (HRA) against discrimination regarding accommodations, an exception set out in section 4(4)(a) allows landlords to discriminate in relation to letting one or two independent units in the building in which they or their family resides, a familiar arrangement in Bermuda. It is evident from the feedback provided that members in our community are being discriminated against while residing in such accommodations and/or seeking to rent these properties in Bermuda. Ultimately, this frustrates the fundamental human right recognised in international law, the right to housing, at a time when the Island is facing a housing crisis.

Also, it prevents the HRA aligning with human rights legislation in similar jurisdictions, such as Turks and Caicos, and the Cayman Islands, who have not included a similar exception.

Madam President, currently under the HRA, it is unlawful to discriminate against, harass, or victimise individuals based on the following protected characteristics: race, colour, place of origin, ethnic or national origin, sex, sexual orientation, family status, marital status or domestic partnership status, disability, religion or belief, political opinions, criminal record, and in certain circumstances, age.

However, there is no [protected] characteristic that prohibits discrimination on the basis of a person receiving government funding, which was introduced under specific legislation, such as the Financial Assistance Act 2001 and the Child Day Care Allowance Act 2008, to ensure an individual can maintain a basic standard of living.

Madam President, although members of the community are protected from discrimination based on their own protected characteristics, as outlined in the HRA, at present, these protected characteristics do not extend to persons who associate with them. As a result, the HRA fails to provide protection from discrimination by association when a person is denied an employment opportunity due to the political opinions of an individual that they are associated with. This is not discriminatory under the law. Or a landlord refuses to rent an apartment to an individual because their cousin has a criminal record or their business partner is from the Philippines. Both examples are not deemed discriminatory under the current law.

Madam President, the HRC held several consultations with stakeholders representing various sectors of the community, such as members of the public, government units and departments, advisory and regulatory bodies, i.e., Ageing and Disability Services, Age Concern and the Disability Advisory Council. Participants had the opportunity to provide information about:

- a. challenges they experienced or experiences they were aware of other people experiencing when seeking, occupying or purchasing housing;
- b. discriminatory practices against persons receiving financial assistance and child day care allowance, which are financially supported, governed by legislation, to ensure an individual can maintain a basic standard of living; and
- c. discrimination experienced because of a person's association with another, based on, for example, the race, colour, or political opinions [associated] with individuals.

The amendments, Madam President, are grounded in the HRC's consultation process. A stakeholder's consultation from 4 November through 31 December 2022 . . . 37 stakeholders invited, 6 provided feedback, and an Island-wide public consultation from

23 March to 14 April 2023, [with] 44 anonymous public responses.

These serve as [concrete] discrimination with no recourse under the current HRA, including landlords refusing tenants who receive financial assistance, rental advertisements labelled "no financial assistance," and complaints to the HRC, where section 4(4)(a) stripped the complainant of any remedy under section 4(1).

Madam President, we have listened to our stakeholders, and this Bill is part of our response in addressing their concerns. This Bill's purpose is to amend the HRA by

1. removing provisions in legislation that currently allow landlords to discriminate against persons in relation to the letting of one or two independent units in the building in which they or their family reside,
2. introducing protections against discrimination based on an individual being in receipt of government funding, specifically financial assistance, financial assistance short-term relief benefit, and the child day care allowance; and
3. include provisions that prohibit discrimination because of a person's association with another person.

Madam President, the protections available under the Human Rights Act were based on the foundation of freedom, justice, and peace in the world in accordance with the Universal Declaration of Human Rights as proclaimed under the United Nations. The proposed amendments set out in the Bill uphold these foundations and increase the effectiveness of the HRA. The Bill expressly guarantees [that] legal protections are introduced into the Human Rights Act to ensure persons in the community seeking housing, or residing in rental accommodations, are treated equally and their rights are protected from discrimination and harassment.

Persons who are in receipt of a financial assistance award and a child day care allowance are protected against discrimination based on being in receipt of government funding. And persons who are experiencing discrimination because they are associated with another person, their rights are protected from discrimination, harassment, victimisation and marginalisation.

Madam President, the HRC will exercise their authority under section 14B of the Act to prepare and publish public guidelines on the meaning of family status and on what may be considered valid reasons relevant to the nature of a particular offence in section 2(2)(a)(vii). To ensure vulnerable persons in a landlord's family, for example, children, persons with disabilities and seniors, where a person convicted of certain offences seeks accommodations in a unit adjacent to such a family.

Madam President, the strengthening of our human rights legislation removes limitations on person's human dignity, respect and the right to equal treatment

that is owed to all members of our community. This Government supports the empowerment and protection of our people through this Bill. These amendments are intended as phase one of a multi-stage review of the HRA to address protections needed within Bermuda's human rights legislation.

Madam President, I would like for us to be reminded of the words of Malcolm X, "I believe in human beings, and that all human beings should be respected as such, regardless of their colour."

In closing, I would like to add I believe in human beings and that human beings should be respected as such, regardless of any characteristics such as their race, place of origin, colour, ethnic or national origin, sex, sexual orientation, marital or domestic partnership status, disability, family status, religion, political opinions or criminal record.

Thank you, Madam President.

The President: And thank you, Senator Lindsay Simmons, the Junior Minister for Youth, Social Development, and Seniors.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITORS

The President: And Senators, before I open the floor for anyone to ask questions, I would just like to acknowledge and welcome to the Chamber, Permanent Secretary Ms. Pandora Glasford; and Kleita Pitcher from the Ministry of [Youth], Social Development and Seniors. She's the policy analyst.

Welcome to you both.

[Second reading debate, Human Rights Amendment Act 2026, continuing]

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

Senator Tarik Dunbar Smith, you have the floor.

Sen. Tarik Smith: Thank you, Madam President. And again, good morning to my Senate colleagues and listening audience. I have a few questions.

But firstly, I would like to say that the OBA has always supported Bermudians and protection of Bermudians from discrimination, especially when it comes to housing, for years. Human rights protections are fundamental to a fair and just society. No one on this side, our side of the aisle, disputes that at all.

However, good legislation is not judged solely by intentions. It must also be judged by the impact it has in the real world. My concern [about] this Bill centres around Government's decision to remove the long-standing exemption for homeowner-occupied properties containing two or more family units.

Many of these are not large commercial landlords with extensive property portfolios. They are ordinary Bermudians who rent apartments attached to their homes—a cottage in the backyard, a unit, a duplex to help maybe pay their mortgage, support the families who may be overseas in school, or overseas period, or supplement their retirement income. These owners are not simply providing accommodation. They are sharing their property, their surroundings, and in many cases their day-to-day living environments with tenants. That reality is very different from a large commercial landlord renting apartments in a larger complex.

Madam President, at a time when Bermuda continues to face housing challenges, we should be very careful introducing measures that may [un]intentionally discourage small property owners from making rental units available. That is the last thing this Island needs—fewer rental accommodations for the people looking for housing.

While I do understand the intent behind the legislation, I believe the Government must demonstrate that it has properly balanced the rights of prospective tenants with legitimate concerns of homeowners. It must also demonstrate that there is . . . that they must also demonstrate there is evidence supporting these changes and their potential impact on housing availability has been fully considered.

My first question to the Junior Minister is, can the Junior Minister . . . sorry, Can the Junior Minister explain what evidence the Government relied upon to justify removing the long-standing exemption for owner-occupied two-or-more unit properties and why it was believed this protection for small homeowners is no longer a necessity?

Do you want me to do all three questions, Lindsay . . . I am sorry, Junior Minister?

[Laughter]

Sen. Tarik Smith: Listening audience please, and Madam President, forgive me, Lindsay and I have been friends for years and sometimes . . . sorry, Senator Simmons and I have been friends for so long that sometimes, we forget . . . I forget it's not a personal conversation.

[Laughter]

Sen. Tarik Smith: And I apologise.

Junior Minister, at the time when many Bermudians are struggling to find affordable housing, what assurances can the Junior Minister give that this legislation will not drive small landlords out of the rental market and further reduce housing options?

And finally, what safeguards exist for the homeowner who rejects a prospective tenant for legitimate, non-discriminatory reasons to ensure they are not accused of discrimination simply because the

unsuccessful applicant is dissatisfied with the outcome of the interview for the apartment or home?

Thank you.

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

Senator Tawana Tannock, you have the floor.

Sen. Tawana Tannock: Yes, thank you, Madam President, and spending six years on the Human Rights Commission, three as Chairperson, and also being a former prosecutor and a probation officer, this Amendment Act speaks to several issues that are really core to things that I am very concerned about.

And so, I will say from the outset, I am in complete agreement with the amendment to section 2[(1)] which says, “after the definition of ‘Executive Officer’ insert—‘government funding’ means any of the following—.” I agree that persons should not be discriminated against because they receive any type of government funding. That is a non-starter for me, and I am glad to see its inclusion and commend the Government for doing so.

However, I am extremely concerned about the amendment of section 2[(1)], “in the definition of ‘class of persons,’ delete ‘sub-paragraphs (i) to (vi)’ and substitute ‘sub-paragraphs (i) to (vii).’” What that does is that put persons with a criminal record squarely into a protected class.

So, what we have now is we have protected classes, race, sex, gender, et cetera. And we also have a provision that persons with criminal records should not be discriminated against because they have a criminal record, and that certainly is correct and just.

However, nowhere else, no other legislation puts people with criminal records as a protected class who should be shielded, or who should not be persecuted because of their criminal record. They should not be subject to discrimination, but that does not mean that they are a protected class. A protected class is because of something that is an inherent trait, belief, normally something you have been born with. We have seen this extrapolated to marital status.

However, criminal records nowhere else make somebody, a protected person. It makes you . . . you should be free from discrimination unless it is justifiable. But to be a protected class is something completely different. And that is why our legislation was drafted the way that it was. It was drafted so that persons who have criminal records are not discriminated against unless it is justifiably reasonable. But it did not make them a protected class of persons for whom you cannot discriminate absolutely or whatsoever.

And so, I do not agree with that inclusion. And I think it fails to realise why it was like that in the first place. And that's because it follows the Equality Act, it follows the European Convention of Human Rights, it follows the Canadian Charter of Rights on which our Act was based upon.

What we are doing is unprecedented. I do not support it.

My second point is, with Senator Tarik Smith's comments, I completely agree with objecting to the removal of provision 4(a), and I have two grounds for objecting to that. And I am reminded of the brief listen that I had of the House on Friday, and I heard Minister Lightbourne say that this was part of their mandate to the electorate to have affordable housing.

Well, your electorate are also landlords. So, where is the consideration that has been given to them? Did you poll some of your landlords? Did the OBA even ask if any landlords were polled? As a matter of fact, did the OBA even object to making criminals a protected class, criminal offences a protected class?

Because I don't recall hearing that.

Sen. the Hon. Kim Wilkerson: Madam President—

The President: Madam Attorney General.

POINT OF ORDER

Sen. the Hon. Kim Wilkerson: —a point of order, and I think it is perhaps best to bring the point of order right now, because it may save Senator Tannock a little bit of her breath.

The President: Mm-hmm.

Sen. the Hon. Kim Wilkerson: Notwithstanding the fact that Senator Tannock has served as Chair and on the Human Rights Commission, I believe she is fundamentally mistaken in her assertion that this . . . that these current amendments are somehow making criminal record a fundamentally protected ground. That is not what it is going to . . . and I am certain that Senator Tannock agrees or recalls that the insertion of section 2(2)(a), we agree, it is not a natural fit with other protected grounds, but that was added by the Human Rights Amendment Act 2000.

So, we are now 26 years on, where criminal record is listed in the Act, not as a fundamental protected ground, but with . . . so it is not absolute, which is why there is a caveat with that, where it says *except where there are valid reasons*. There is a carve-out. So, it is not a fundamental right at all, not a fundamental protected class.

So, I just want us to be clear and not go down a road of suggesting that . . . we are building on a fundamental protected ground when that is not what the legislation originally did. That was not the point of the 2000 Amendment Act, but we are building on the carve-out with this piece of legislation today.

Thank you, Madam President.

The President: Thank you, Madam Attorney General. Senator—

Sen. Tawana Tannock: Thank you, Madam President, I actually wasn't finished.

So, then my question becomes, why the need? Why the need to make or put those persons with a criminal record into the class of persons who may not be discriminated against?

Why the need to include . . . this is my question for Senator Simmons, my question for Senator Simmons—

Sen. the Hon. Kim Wilkerson: Just a point of clarification. Again—

Sen. Tawana Tannock: Which I do not accept. Thank you.

Senator Simmons, my question for you is, why do we feel the need to insert members of a criminal record into section 2A(2)(a) into that class of persons?

That's my first question.

The President: Yes, Madam—

Sen. the Hon. Kim Wilkerson: The point that I am making is that persons with a criminal record have been in the Act since 2000.

The President: Mm-hmm.

Sen. the Hon. Kim Wilkerson: It is not new.

Sen. Tawana Tannock: Madam President, I do not disagree with that. However, they are not included in "class of persons" which is what this amendment is doing. They are included in section 2A(2)(a) as persons who should not be discriminated against.

But in the interpretation of the Human Rights Act, there are a class of persons that's based on race, gender, religion . . . I can't even remember the other two, who must not be discriminated against. That's a set class, a class of persons. What this Act will do, it's moving those of a criminal record into that class of persons.

So, my question to Senator Simmons is: Why are we moving persons with a criminal record into that subsection of protected class of persons? That's my first question.

My second question is with regard to the provision to remove [section] 4(4)(a) from the HRA. And that is, as my colleague Senator Smith mentioned, the provision that allows landlords who are renting a space on their property in which they and their families inhabit, to state who they would like to rent to and who they would not like to rent to, who are living also with them on their property.

Senator Simmons mentioned that in two other jurisdictions that were surveyed, Turks and Caicos and Cayman, that that provision does not exist.

Well, Madam President, it doesn't exist because that legislation doesn't exist. Turks and Caicos

nor Cayman have a Human Rights Act that are equivalent to ours. So, of course you are not going to find it in something that's not applicable.

Where you can find something that is supported by our Act is in the Equality Act [2010] of the UK, in the Canadian Charter [of Rights and Freedoms] and also in the ECHR [European Convention on Human Rights].

As a matter of fact, in the UK a private individual cannot sue another private individual on a matter of housing because they are not allowed to live in that private individual's home. Which I have illustrated this, and I have written this to the Minister. I believe the Attorney General may have been copied. I can't remember so I don't want to misspeak.

But I have outlined this. This does . . . this provision, this saving provision exists.

Now in Ontario it exists slightly differently and as Senator Smith said, I believe it exists differently because of the different structure. So, in Ontario you can only choose not to rent to somebody if you have to share a bathroom or a kitchen with them. So that's where their bar is.

But in other jurisdictions that have Acts similar to ours—not ones that don't have it at all—there is a provision to save individual right to privacy and home life. Which I would also remind the Senator and Junior Minister is enshrined in our Constitution.

So, while I am in great favour of the non-discrimination of those persons receiving government funding, and I believe it is long overdue and wholeheartedly support it, I do not support moving those persons with criminal records into the class of persons in the interpretation and would like to understand why this is being done.

And also, I would like to understand what consultation was made with landlords regarding this provision, and also what jurisdiction is this removing of this amendment that has legislation that is like ours (not ones in which it doesn't exist at all) has there been precedent for this? And is there and has there been any review of any constitutional concerns about right to privacy and right to property and home life?

Thank you.

The President: Thank you.

Senator John Wight, Vice President John Wight, you indicated—

Sen. John Wight: Thank you, Madam President.

The President: —you wanted to speak. You have the floor.

Sen. John Wight: This certainly isn't an area of my expertise. So, when I read this Bill, there was just one area that concerns me greatly and that is the deletion of [section] 4(4)(a). I really believe that . . . if I just look at many Bermudian families whose responsibilities are

for parents to look after the safety of their young ones, for example, I believe it's appropriate and fair to allow that homeowner to use discrimination if they believe and are aware that there's a person with a serious criminal offence residing on their property.

So, you know, as it is worded, as the Bill is worded [section] 4[(4)](a) is the one that that really concerns me and that I am very much opposed to.

Thank you, Madam President.

The President: Thank you, Vice President John Wight. Senator Tannock. I am sorry . . . Cunningham.

[Crosstalk]

The President: Senator Cunningham.

[Laughter]

Sen. Victoria Cunningham: The colours are obviously confusing you today. Thank you, Madam President.

I just want to reiterate that this debate is not about whether discrimination should be tolerated. Right? It should not—not on the basis of race, on the basis of gender, disability, whatever protected ground that for good reason has found itself into, it's way into this Act. But I do not believe, you know, any of us would disagree with that, but I think it's how we get here.

How do we . . . is this Bill, as drafted, achieving what I believe the Government is setting out that they are wanting to do? Or does it create new problems? And I think we have heard a few examples. But ultimately, I have two concerns today, the first on timing, and the second on principle.

And then I think I will have a few questions, but we have ultimately heard in this Chamber and in another place, repeatedly, that a modernised Landlord and Tenant Act is coming. We have heard it multiple times, and I don't doubt the Government's sincerity when it is saying it's well underway. But in my mind, Madam President, *well underway* is not a date, and I do appreciate when we get some clarity from questions saying, you know, *an answer will be given by the end of Q3 or Q4, we'll see some national security*, so, you know, we can have some semblance of timelines.

But ultimately, this Bill asks us to remove protections that landlords potentially currently rely on. So, section [4(4)](a) exposes the same landlords to two entirely new grounds of potential discrimination, or potential discrimination claims, should I say. One, based on the basis of receipt of government funding, and then the discrimination by association.

And I think this is a fundamental rebalancing of the relationship between a landlord and a tenant, and we are ultimately being asked to legislate this before we actually see any piece of legislation that actually governs that relationship, which we will see, hopefully, in this Chamber in the near future, or since it's well underway.

You know . . . and it has been said that another month we delay, another person's turned away from housing, and I don't dismiss that, and that, you know . . . but I think it cuts both ways, and I think every month that a landlord carries legal exposure without the corresponding protections, we are ultimately looking at what are those landlords going to decide to do? We already see them withdrawing from the rental market, converting their units into short-term vacation units, or even leaving them empty.

So, I think . . . we don't have a shortage of empathy in this Chamber. And we see it on a weekly basis. But we do have a shortage of rental housing in this country, and I don't believe that this Bill that is meant to expand housing will actually do that. So, I think my second concern is that, while well-intentioned, I think this may dilute the very protections that the Bill, or the Act in the first place, claims to protect.

So, the Human Rights Act protects sex, it protects disability, religion, marital status, it protects things that over decades have become real struggles for people, and deserving of what is our law's largest, strongest protection, outside of the Constitution, because they are rooted in who a person is, rather than a transaction they have entered into, a choice that they have made. So, we are being asked to add receipt of government funding and discrimination by association, which I will say has not yet been defined. The primary Act doesn't define it. And we are told that at some point in the future we will have guidelines that have yet to be written. So, I don't see how we can pass legislation that is quite elastic and doesn't have . . . it is very undefined still.

I have got a few questions, and then I have a proposal. But one of my questions is, Will the Government commit to a specific month—I don't think I'll take quarter, a month—for tabling the Landlord and Tenant Act, so that we can see the obligations and protections given to landlords and obviously tenants, assessed side by side.

My second question is, How many owner-occupied landlords currently rely on the section 4(4)(a) exemption, and what proportion of them are seniors dependent on that rental income?

And my third question is, Can the [Junior] Minister offer this Chamber a clear example of what would not constitute discrimination by association under the Bill as drafted?

I think ultimately, and I have heard different things from different colleagues on this side, which to me suggests that this cannot go forward, and my proposal, if we were to move into Committee, is that we move to rise and report, so that we can go away, deliberate . . . and I have to say, I should have started by saying I thank the Ministry for providing a consultation to a number of us. But I just feel that this is such an important Act. It supersedes every other piece of legislation, and I just think we need to look at it wholly. So, I think, given the concerns raised by us and the

Independent Senators, I would propose that we rise and report if we go into the Committee stage.

[Crosstalk]

Sen. Victoria Cunningham: Thank you very much, Madam President.

The President: Thank you, Senator Cunningham.

Yes, Senator Mischa Fubler, you have the floor.

Sen. Mischa Fubler: Thank you, Madam President.

I would like to take some time to contribute my support to the Bill that we have before us today. I think we have already covered what the Bill does and does not do, even though there appears to be some contention on that.

Also, I want to ensure that we are considering the correct framing of this decision. Some of my colleagues from across the aisle have raised concerns around these scenarios that affect landlords, but it is important to remember that being a landlord is a commercial decision. You are not obligated to become a landlord.

We all agree that housing is a human right, and I think we also agree that once someone has paid their debt to society, we should treat them in fairness when they try to access that human right.

This idea that . . . the Act doesn't tell anyone they must become a landlord, but it does say if you offer housing to the public you have to offer it to the whole public. If you have concerns around conduct, that is not disbarred from you in your decision-making, but you cannot prejudice someone simply because of that characteristic that they may have.

I'd like to point to *Bull v. Hall*, a 2013 UK Supreme Court ruling that was unanimous. Guest house owners who ran the business from their own home could not refuse a double room to a civil partner couple. We do not normally allow people to behave in a way which the law prohibits because they disagree with the law.

While I sympathise with those who have already entered into this commercial endeavour and now rely on the income, I would pose the argument that if they are so dependent on that income, they will make it work. They still need to earn the rent. If they need it, and there we are in a housing crisis . . . it is not like it is only going to be one person applying to rent the place. If there is someone who is more suitable, there will be reasons to choose that. But you should not be able to post "no financial aid recipients allowed" in the posting. I think we seem to be—

Sen. Tawana Tannock: Madam President, point of information.

Sen. Mischa Fubler: No, it's okay. I will continue.

And so also, the more contentious bit around criminal record, I think I have covered that already. The person has already paid their debt to society. There are carve outs for specific cases. Right? So, it is not across the board. And this kind of appeal to pity or to the granny situation, not explicitly called out here, but in another place that was referenced, I think we need to flip that framing as well. Right?

Of the 1,977 financial assistance recipients based on the 2024/25 average, 1,043 of them are pensioners and seniors; [and] 728 of them are persons with disabilities.

Sen. Tawana Tannock: Madam President, point of order.

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

POINT OF ORDER

[Misleading]

Sen. Tawana Tannock: I believe that Senator Fubler may be unintentionally misleading the public with his statement. In the UK, guest houses are registered commercial businesses. They are not private entities . . . and rented out between private individuals.

So, it's apples and oranges. You can't use that case law as an example of renting to a private person or from a private person. They are registered commercial entities.

Thank you.

Sen. Mischa Fubler: Yes, they live in the house, Madam President. I fail to see what we are trying to nit-pick on the apples and oranges differences. Bottom line, it is someone engaged in a commercial endeavour who is now trying to say, I don't think we should discriminate, *but* . . . which seems to be the refrain in this debate from those opposed.

I want the public to really think about what that means. Everyone says we are not in support of discrimination, *but* . . . how does that work? And I think . . . we touched on what's going on in Ontario. This is not radical. Right? Like there are many jurisdictions that have carve outs to say you cannot discriminate based on where the money's coming from. Although I think that's settled. Everyone seems to be in support of that.

And so, in closing, Madam President, the landlord who wants to judge tenants as individuals loses nothing under this Act. References, credit, conduct, all of that is still on the table. The only thing taken off the table is the shortcut, the blanket "no" to a whole class of people. People receiving financial assistance and those with an existing criminal record who, by definition, have already paid their debt to society.

Thank you, Madam President.

The President: Thank you, Senator Mischa Fubler.

Sen. Lindsay Simmons: Madam President, I think some other of my colleagues have questions, but I do want to just make, while I am still waiting for my technical officers and more questions are being posed to me, I just want to acknowledge, I am the Junior Minister of Youth, Social Development, and Seniors, and I am the Junior Minister of Home Affairs. But the question posed by Senator Cunningham about when . . . can I give a date for the report for the landlord. That's under Home Affairs, the wrong Ministry right now, so I cannot give you an answer for that.

I have my technical officers here for—

[Inaudible interjection]

Sen. Lindsay Simmons: Yes, you can't determine that we rise and report.

[Inaudible interjection]

Sen. Lindsay Simmons: No, so we will continue with this Bill, because this Bill . . . I will give my answers in a little while, but this Bill is one that is needed. Yes, and I am carrying this Bill, so thank you, Madam President.

The President: Senator Simmons, you are waiting for information?

Sen. Lindsay Simmons: No, I think some other—

The President: Questions?

Sen. Lindsay Simmons: I said . . . had another question before I start giving my answers.

The President: Senator David Rogers, you have the floor.

Sen. David Rogers: Thank you so much.

In an effort to . . . in breath-saving and everything, I believe Tawana, I mean, the Senator—

The President: Tannock.

Sen. David Rogers: —and the other Senator have spoken quite eloquently to the points of opposition.

The only thing I would state is I am very (how to say), not disturbed . . . it is concerning . . . the *associated in any way* is so broad. Hypothetically, you can think of a number of situations where *associated in any way* can lead to witch hunts for discrimination. Not saying that discrimination does not happen; but I can see how it can be gamed in certain ways. So, I am very reluctant with such a broad sweeping statement in the Bill.

But I would like to add my support to Tawana [Tannock] and Victoria [Cunningham] . . . sorry, to the Senators.

The President: Senator Simmons . . . oh, I beg your pardon.

Madam Attorney General, Minister of Justice Wilkerson, you have the floor.

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

I do want to add some comments, certainly in support of this piece of legislation. And picking up from my colleague, Senator Fubler, we hear on the other side of the aisle a unanimous assertion that discrimination shouldn't be tolerated. And what I get is discrimination shouldn't be tolerated *except* when it relates to certain kinds of people. And I am going to just address some of the comments in turn.

In relation to Senator Wight, I believe he said he had broad support for measures that were anti-discriminatory, but he felt (if I paraphrase it), that this *seemed to be absolute*. And I am not certain if Senator Wight missed the point in this particular piece of legislation as it relates to criminal record, because I get the understanding that there is support for everything else, but we have a problem with criminal record and the removal of 4(4)(a).

So, let us talk a little bit about the “why” of things. We are not saying that there are situations where someone must, in every circumstance, rent accommodation to a person with a criminal record. The legislation proposed clearly says *except where there are valid reasons*.

So the concern that Senator Wight raised, if there is a valid reason, if you live in a home with two apartments and someone is released from incarceration and they had a history, whether it was 20 years ago or 10 years ago, of being a sex offender, that would be a valid reason for a person with small children to say, *I'm not going to*, or whatever, to say, *I'm not going to rent my accommodation to that person*. That's a valid reason, we understand that.

We are not suggesting that this should be, which goes back to the point that Senator Tannock seems to continually be confused upon . . . we are not saying that criminal record is a fundamental ground for protection. There is a carve out. This is anomalous in this way.

And we say, why in Bermuda when it's not in other places? I'll tell you why.

Bermuda is 22 square miles wide, long, wide. Twenty-two square miles. You cannot go anywhere from here when you have a criminal record. This is not America. This is not like on release from incarceration. Someone can say, *You know what? I'm just gonna move to another state. I'll get in my car and I'll drive to Texas*. That is not available for people who are coming out of our systems of incarceration. So, you have got a limited space of where you can go.

In this House, this very Senate, just a week ago (I think a week ago), there was broad support around the efforts and aims of Astor House. Why? Because it

was understood that there was a demand for housing for people who have criminal records on release from incarceration. In order to take advantage of parole, for example, Madam President, someone must have housing and they must have stable housing. Right? It is a requirement.

It is acknowledged that we have a housing crisis. That is why, previously, the home with two apartments wasn't a protected class. But we are upon a crisis now where we have to look further, and there's recognition that, again, if there are valid reasons for the discrimination, or for the reason not to let, that would be permitted. All right? So, this is not an absolute.

You know, Madam President, this conversation causes me to recall a time, around 2003, when I was looking for an apartment to rent. Then we didn't have Instagram to the degree that it is now and things of that sort. But anyway, I saw the ad in *The Royal Gazette*. Right? I called the number. The homeowner said, *We're in the process of still doing some renovations. So, we have some things to do.* But it's not . . . so it's not out of point, I said, *but I would like to see it in any event.* I drove to the location, Devonshire Bay. I got to the door, I knocked. The homeowner looked, saw me, and said, *Sorry, the apartment is gone.* This is the kind of situation, right, that we are trying to guard against.

Now, I took it that that person looked out their window, they saw that I was a Black person, they could not tell what I looked like when I called or by my name. Right? I explained that I was an attorney. Right? They were happy to say I was not the kind of tenant that they were looking for, but they didn't know me. They didn't even bother to ask me a question, Madam President. Right? I turned around and I left that location. That has stayed with me. Right?

So, I cannot be a part of a Senate that simply says, we're not for discrimination, but you know what? Those people over there could be discriminated against because we think that if they have a criminal record, that shouldn't be a basis for protection under our Human Rights Act.

We have already said, Madam President, it is not a broad protection. It is a protection that is caveated, and in that way, it is anomalous. People say, *why does Bermuda have to be different?* There are some ways in which Bermuda leads from other jurisdictions, and mainly it is as a result of our size, because of the closeness of our community, because people know everyone's business.

There hasn't been a lot of contention around the "by association" portion of this legislation, but that is what that is meant to deal with so that when someone sees you coming and they already have the 411 on what you did and who you did it with, that those are not grounds for saying that you are not eligible to be considered as a tenant. I find this incredibly, incredibly rich.

So, there was a question around, What about the right to home life and the right to privacy? I thought about that when I went to that house in Devonshire Bay.

What about my right to home life? What about my right to privacy?

As my colleague has already said, landlords have an option as to whether they are going to be landlords in this market. There are protections. Right? When people have their family members living in their accommodation in their apartments, but if they are not family members and those apartments, whether it's two apart . . . when two apartments are available to be let, we are simply saying that those should be available to be let fairly (right?) by everyone who can, whether they are on financial assistance, whether they have a criminal record—except where there is a valid reason in the case of that criminal record not to do so. And that would be upheld.

There was a suggestion on the other side about *where is the data?* Madam President, that question, while it is a fair question, but the point is, does the other side believe that we go through the process of creating legislation to cure nothing? We don't get together and have our teams working and drafters drafting to come up with a cure when there isn't a problem. There is always a problem we are trying to address when we bring legislation to these Chambers, Madam President.

So, the suggestion like this might be an imagined problem is one that I don't accept and won't tolerate.

POINT OF ORDER

[Misleading]

Sen. David Rogers: Point of order, the Attorney General is misleading the House. No one from this side has said that.

Sen. the Hon. Kim Wilkerson: Madam President, I am not sure that that was a point of order, but in any event, that is the suggestion, Madam President, based on the tenor of the comments from across the aisle.

So, Madam President, I will say, housing is a current issue. There is a suggestion across the aisle from the Honourable Senator Cunningham that we should rise and report. Rising and report[ing] would bring nothing to this process because we have already seen, Madam President, and we have heard the woe. Right? So, rising and reporting works when you have something technical to work out. That's not the case.

What I get is a sentiment, Madam President, and it is just . . . that is not what the Progressive Labour Party stands for. If I felt that there was something fixable, and in the meantime people were not being left out of accommodation, then maybe we could take this away and come back next year. But housing is a crisis. The Housing Minister is talking to me every day about how we can make housing an emergency. Right? People are living in cars. People are living in caves. This is urgent . . . an urgent matter, Madam President. It cannot wait.

I challenge our colleagues on the other side to get on the right side of the empathy that they profess to have (right?) and think differently about how they might vote today in favour of something that will help people. It won't harm anyone, because if there are legitimate reasons not to rent to a person who has a criminal record, that landlord can stand on that carve-out in the legislation, which has been brought thoughtfully.

Thank you, Madam President.

The President: Thank you, Madam Attorney General, Minister of Justice.

Senator Tannock.

Sen. Tawana Tannock: Yes, thank you.

Sen. the Hon. Kim Wilkerson: I believe Senator Tannock has already spoken, Madam President.

The President: Yes, she has spoken already.

Sen. Tawana Tannock: Yes, thank you, Madam President. So that means that I cannot speak?

Sen. the Hon. Kim Wilkerson: That is right.

Sen. Tawana Tannock: Is that correct?

The President: Yes, that's correct at this stage.
Senator Lindsay Simmons—

[Crosstalk]

The President: It is to you to respond to any of the questions—

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, you know, listening to the Attorney General tell her story, brought me back not too long ago with myself. I bought a house, renovated it, and, you know, I look White, although I am mixed. I went to look at a house. And when I went there, I was fine until the wife came and said, *Aren't you the Minister?* So, I said, *A Junior Minister*. And all of a sudden, the house that I was going to be able to rent was no longer available because of my political affiliation.

And, you know, this is what this Bill intends to do: protect people.

There's a story about a gentleman. He has to be in his 70s now. When he was nine years old, Madam President, he got a ball out of somebody's yard, and he broke a window. At nine years old, he has a criminal record.

So . . . I'm sorry?

[Inaudible interjection]

Sen. Lindsay Simmons: We're talking about back in the day.

The President: Address your comments to me.

Sen. Lindsay Simmons: Yes, back in the day when—I'm just going to . . . my opinion. This is my opinion—where little Black boys were targeted, young Black men. And what this also does is people who were caught at 18 with a spliff, they have now got a criminal record. They could be lawyers now . . . they could be, you know, we have a known case of somebody that turned their life around while being incarcerated. Right? Great story of Mr. Charles Richardson. Right? But he could be targeted because he has a criminal record. Although he's changed his life, and doing positively, doing positive in the community, he can be discriminated on, on something that happened years ago, and he decided to change his life.

So, I support this Bill, and I will give you some answers to your questions that I know everybody's waiting for. So, the first question now . . . there are so many questions. I am just going to just give you answers.

So, the first question is the removal of the section 4(4)(a). [It] will not remove the right of the landlord, as they still have the right to choose their tenant they want. So, this argument about this . . . it's crazy to me, because you still have the right, as long as you are not discriminating against somebody as, like I was discriminated on, the Attorney General was discriminated on.

However, what this amendment does is remove the caveat of protection, which does not exist in the majority of the jurisdictions that were researched, that included jurisdictions . . . Bermuda's Human Rights Act, 1981, is modelled such as Canada. Other jurisdictions that did not have the equivalent to section 4(4)(a), the United Kingdom, Turks and Caicos, and the Cayman Islands.

Also, Madam President, the inclusion of the criminal record in section 2[A](2)(a) is anomalous and not a natural fit with the list of other protection traits and beliefs, although this is agreed with, but paragraph (vii) was added by the Human Rights Amendment Act, 2000, and is not an absolute ground, given the [exception] where there are valid reasons.

Again, I am not going to want a sex offender living in my apartment, because I have children. This is not . . . and I'm going to repeat this so everybody is clear, this is not a new policy, which some Senators appear to be mistaken in their . . . when they spoke, and that this Bill is making possessing a criminal record a fundamental protection ground. This is not, Madam President.

Also, Madam President, we have indicated that two public consultations were done. One was targeted and went to the organisations that were relevant, and the second one was open to the entire local population.

Madam President, throughout the existence of this provision, the Commission has observed that members of our community experience discriminatory practices with housing in circumstances where the protection afforded by section 4(1) of the HRA is disappplied due to the exemption, which appears within section 4(4)(a) of the HRA exemption.

The reality of the knock-on effect of this exception is that members of our community are experiencing discrimination while occupying and seeking to rent properties that are publicly advertised as being available. This results in them being deprived of the respect, dignity, and fair treatment that section 4(1) seeks to provide, and this occurs in circumstances where they are unable to enforce and realise their human rights.

Madam President, I have reached out to my Minister, the Honourable Tinee Furbert, about rental ads that say they are not accepting financial assistance, or they have a five-bedroom house, but if you have children you can't rent the place because they don't want young children there. Madam President, this is foolish.

So, this is protecting all people who reside in Bermuda. The basis for much of these questions appears to be rooted in a view that there is an apparent right to discriminate against individuals based on protected grounds and circumstances, such as renting, which is currently prohibited.

Madam President, despite 4(1), if a landlord resides in a main unit and then rents a separate dwelling that is a one-bedroom, for example, they should be able to refuse to rent because the person is Black. Again, foolish, Madam President.

POINT OF ORDER

Sen. Tawana Tannock: Madam President, point of order. I don't even understand. I don't think anybody said that. Nobody said if you have a one-bedroom, you should be able to refuse to rent to somebody because they are Black. I don't even know where that came from.

Sen. Lindsay Simmons: Madam President, and I will explain why.

That is what's happening in real time. People are being refused because of the colour of their skin.

I didn't say that anybody on the other side said that. I am telling you real-life situations that are happening in Bermuda, and people are being refused because of these situations, and it's unfair, Madam President.

[Inaudible interjection]

Sen. Tawana Tannock: Is that the answer to the question?

Sen. Lindsay Simmons: Madam President, they gave their talking points. I am giving my talking points as well as answering the questions.

Madam President, it needs to be stressed that we are leaving—

POINT OF ORDER

Sen. David Rogers: Point of order. We have not delivered talking points. We have delivered consideration.

Thank you.

The President: Senators—

Sen. Lindsay Simmons: No, you gave your opinions as well.

The President: Senator Lindsay Simmons is responding to the questions, and some of the . . . as she has explained, some of her comments are comments, and not necessarily in response to the questions that you have. And I am asking for Senators to allow Junior Minister Lindsay Simmons to respond.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITOR

The President: And before I go on, I would just like to acknowledge the presence of Minister Tinee Furbert, Minister of Youth, Social Development, and Seniors.

Welcome to you, ma'am.

[Second reading debate, Human Rights Amendment Act 2026, continuing]

The President: And I am requesting that Senator Simmons be allowed to respond to the questions, and she may well have comments as well as answering the questions.

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, it needs to be stressed that removing the caveat does not remove the right of the landlord to choose a tenant. Currently, with the carve out it has been reported and observed that prospective landlords have been able to refuse to rent to prospective tenants because they are Bermudian, because they are living with a partner that they are not married to, because this received . . . and because they receive financial assistance, and because they have a child. None of these landlords were required to rent to any of these individuals, but they were not able to exclude them from the arbitrary and . . . again, to state that somebody's Black.

We can also highlight 4(4)(c), which is relevant to scenarios where you are sharing rooms in a single

dwelling versus completely separate dwellings where people were living independently.

Madam President, discrimination based on association can occur when a person who is White experiences discrimination. Let's say they were refused a service because they attended a restaurant with a person who is Black. This scenario was provided during the consultation.

Another individual indicated that they were treated wrong within an organisation because of their political opinions of their best friend whom they are associated with.

Sexual orientation was another piece of . . . identified within the consultation. Someone reported being subject to adverse treatment when accessing their services because of their close association with their friend who is homosexual.

Those examples were shared as part of the second consultation conducted.

So, these are real-life experiences that people are experiencing, Madam President.

Discrimination by association occurs when someone is treated unfairly because of their own protection characterised by . . . characteristic, but because of their connection to another person who has one.

Madam President, guidelines are being produced by the HRC to give guidance on criminal record because it is recognised, for example, some landlords may have vulnerable persons, for example, grandchildren or seniors, visiting or residing with the landlord and the landlord would not be deemed discriminatory based on such offences.

Madam President, associative discrimination extends their protection to a second person who gets caught in the same discriminatory treatment because of who they are connected to. It could be a spouse, child. This would overlap with a protection grant, but also a friend, roommate, or co-worker.

Madam President, the housing impact. There is presently a detrimental impact which is further compromised by 4(4)(a). We previously referred to this. The right to housing has been codified by a wide range of international legal instruments under the umbrella of the United Nations, such as the Universal Declaration of the Human Rights and the International [Covenant] on Economic, Social, and Cultural Rights. The Office of the UN High Commission[er] for Human Rights reported that more than 1.8 billion people worldwide lack adequate housing and discrimination in housing is one of the most pervasive and persistent barriers to the fulfilment of the right of adequate housing.

The exception set out within section 4(4)(a) of the HRA is frustrating the right to adequate housing at a time where members of our community are experiencing difficulties securing housing, periods of being unhoused, or periods of being inadequately housed.

Madam President, an example that has been reported throughout the consultation overlapped in some situations with the persons being Bermudian as

well. The problem here was that these individuals were unprotected by 4(1).

Thank you, Madam President. I believe I answered all the questions.

The President: Senator Tannock, you have the floor.

Sen. Tawana Tannock: Yes, Madam President.

I do have a supplemental to Senator Simmons. So, my question was, What legislation or what provisions were looked at that were akin to ours to support this removal of 4(a)?

And I just heard Senator Simmons reiterate Turks and Caicos and Cayman, which I distinguished earlier because they don't have a Human Rights Act. And then I also just now heard Senator Simmons say the UK Equality Act doesn't provide for something like section 4(a).

So, my question to Senator Simmons is, The UK Equality Act says, under Schedule 5, private individual landlords can refuse to rent based on religion, belief, sexual orientation, provided they do so privately without using an estate agent or publishing an advertisement. It also has a small premises exception. A landlord is exempt from the duty to make physical reasonable adjustments to a property if the property qualifies as a small premises.

So, my question to Senator Simmons is, What aspect, or which UK Equality Act was she looking at when she was telling the Senate that there was no equivalent to our [section 4](4)(a)?

Thank you.

[Pause]

The President: Senator Simmons, are you expecting more answers to the questions?

Sen. Lindsay Simmons: Yes, Madam President.

The President: And Senators, may I broach a question to you all?

It's now almost 20 [minutes] to 1:00. Would you like to have lunch at this stage and then we will resume and have the questions?

I don't know, Senator Simmons, whether you have sufficient answers for the questions.

[Pause]

Sen. Lindsay Simmons: Madam President, with your indulgence, I would like to . . . I am getting the answers from the technical officers as we speak, but I would like to finish my Bill because—

The President: That's fine.

Sen. Lindsay Simmons: —I am not going to be able to come back after the break.

The President: We will carry on and you will finish your Bill.

[Pause]

Sen. Victoria Cunningham: Point of clarification.

The President: Yes, Senator Cunningham.

POINT OF CLARIFICATION

Sen. Victoria Cunningham: It was quite difficult to follow the Junior Minister's responses since she was just reading out answers versus actually addressing the question and then the answers.

So, I am not 100 per cent convinced that my questions were answered, particularly the how many owner-occupied landlords currently rely on the section 4(4)(a) exception, and what proportion of them are seniors depending on their rental income, and then the clear example of what would not constitute discrimination by association.

I know we heard a number of examples that I would assume constitute discrimination by association, but I wanted an example of what would not.

Thank you.

The President: Oh, sorry. Senator Tarik Dunbar Smith, you—

Sen. Tarik Smith: Yes, thank you, Madam President, again.

The President: —have a question.

Sen. Tarik Smith: Standing on what Senator Cunningham said, I didn't hear an answer on what protections are there for the landlord, in my third question I asked, someone can just say that they discriminated against me. And that question, I didn't hear an answer for that question in Senator Simmons' reply.

The President: What protections are there for the landlord?

Sen. Tarik Smith: Yes.

Sorry, I said it was what safeguards exist for the homeowner who rejects a tenant for legitimate and non-discriminatory reasons that ensure that, you know, when someone can just say, *Well, you know, you didn't rent to me because I was Black*. Right? And what . . . what defence does a landlord have against that when it could be another reason? Anyone can say anything as to why somebody didn't rent to them.

[Inaudible interjection]

The President: Sorry, I beg your pardon, Madam Attorney General, did you want to address—

Yes, certainly, you have the floor.

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

Yes, I did want to attempt to address a couple of the questions.

I think Senator Tarik Dunbar Smith's question relates to what protections there are. The same protections that currently exist under the Human Rights Act. This isn't creating any new category of protections of the process that currently exists. If someone makes a claim to the Human Rights Commission, there's a tribunal. People also have the benefit of the judicial process, but there are no changes to the process based on these additional protections just for association, people on financial assistance and criminal records. So, no change.

Senator Cunningham asked the question, What doesn't constitute discrimination? I think it's a very odd question. Treating people fairly is what doesn't constitute discrimination. So, an example would be, I think I made the case already. If I have two apartments in my home and someone comes to rent those two apartments and a person may happen to be on financial assistance, but I also have reference letters from their prior landlord saying that they are just terrible tenants. They haven't done well. I would be permitted to act on my right and not rent to that person because I have legitimate reasons to do so, not discriminatory ones.

POINT OF CLARIFICATION

Sen. Victoria Cunningham: Point of clarification. Sorry, my question was specifically to what would not constitute discrimination by association rather than any of the protected classes. You are just saying association with someone who's on financial assistance?

Sen. the Hon. Kim Wilkerson: Or anything . . . I don't understand the question that you are asking to be answered in the negative. *What doesn't constitute discrimination?* It doesn't constitute discrimination when you treat people fairly.

Sen. Lindsay Simmons: And, Madam President, an example of that is, for instance, I go out canvassing with you, Senator Cunningham. And then it's a picture of us up and then I go to rent a place, and somebody doesn't want to rent to me because I am associated with you. That's how you could be discriminated against.

Sen. the Hon. Kim Wilkerson: But her question was, *What's not discrimination?*

[Inaudible interjection]

Sen. the Hon. Kim Wilkerson: By association.

The President: Senator Simmons—

[Inaudible interjection]

The President: Senator Simmons, have you received information in answer to the questions that have been posed?

Sen. Lindsay Simmons: Yes, Madam President.

We looked across multiple provinces in Canada to see who else has provisions identical to [section] 4(4)(a) and did not see any equivalent.

Madam President, if someone is rejected from renting a place for non-discriminatory reasons, this would not be a violation of the Act.

And, Madam President, I read in my brief, and I could read it again. The amendments, Madam President, are grounded in the HRC's constitution process, a stakeholder consultation, the 4th of November to the 31st of December 2022, Madam President, 37 stakeholders invited, six provided feedback, and an Island-wide public consultation on the 23rd of March to the 14th of April 2023, Madam President, 44 anonymous public responses. These efforts concentrated discrimination with no resource under the current HRA, including landlords refusing tenants who receive financial assistance, rental [advertisements] labelled "no financial assistance" and complaints to the HRC where section 4(4)(a) stripped the complainant of any remedy under section 4(1).

The President: Senator Tannock.

Sen. Tawana Tannock: Yes, thank you. Thank you, Senator Simmons.

As I mentioned in my opening question, my follow-up question was, What was the support? And I believe Senator Simmons just mentioned that they looked across the jurisdictions of Canada and did not find something similar.

As I mentioned in my opening question, I will repeat it. In the [Canadian] Charter of Rights [and Freedoms], which is what ours is based on, there is an exemption for shared accommodation. So, can the Senator and Junior Minister please share how that is not relevant and how that is not equivalent to [section 4] (4)(a)? Because we are being told that this exception doesn't exist other places, and we are being quoted legislation in which it clearly does exist as saying it is not applicable.

The President: Madam Attorney General, Minister of Justice Wilkerson.

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

I find it interesting that there is always a call for what other places have a similar piece of jurisdiction. I was attempting in my earlier comments to outline the fact that Bermuda is truly unique. Right?

The President: Mm-hmm.

Sen. the Hon. Kim Wilkerson: The situation where people build family homes, you build a house and then you add on an apartment for your oldest child and then one's coming back from university and then you add on another. Right? Those are unique Bermudian things because of the size of the . . . the . . .

The President: Island.

Sen. the Hon. Kim Wilkerson: Because of the size of the Island. Right? And that's the reason that there was originally the exemption for that type of accommodation originally.

But as I have said, the crisis has made us look at it differently now.

The President: Thank you, Madam Attorney General.

Sen. Lindsay Simmons: Madam—

The President: Senator Simmons.

Sen. Lindsay Simmons: Thank you, Madam President.

The research, sorry . . . the HRC undertook a jurisdictional review of human rights legislation throughout the provinces and territories in Canada, New Zealand, the Human Rights Act 1993, the United Kingdom Equality Act 2010, the Human Rights Act 1998, the Cayman Islands Constitution Order 2009, the Turks and Caicos Island Constitution Order 2011, to assess where sources of income was protected. And then it gives the table of the places that we actually researched. So, Madam President, we did research other jurisdictions.

This is different from shared accommodation, no sharing of bathroom or kitchen in an independent unit.

So, I believe I answered all the questions, Madam President.

The President: Then you can proceed to move your Bill.

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, I move that the Bill entitled the Human Rights Amendment Act 2026 be now read a second time.

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

An Hon. Senator: Objection.

The President: Two objections.

Sen. Lindsay Simmons: No, Madam . . . she can't be asking—

[Inaudible interjection]

Sen. Lindsay Simmons: It was two, that's right, you already ruled.

Madam President,—

[Inaudible interjections]

Sen. Lindsay Simmons: I move that the Bill entitled the Human Rights Amendment Act [2026] be now read a—

The President: Senator Simmons, there have been two objections, and we will have to take a division on it.

Sen. Lindsay Simmons: Only three that raised . . . two that raised their hand.

The Deputy Clerk: For a second . . . for anything other than third readings, it has got to be two.

The President: So, we will have to take a division.

[Pause]

[Crosstalk]

The Deputy Clerk: There has been a motion to suspend Standing Order 26. If you are in agreement with suspending, say Aye. If you are against, say Nay.

DIVISION

[Motion to suspend Standing Order 26]

Ayes: 5

Sen. L. Bell
Sen. M. Fubler
Sen. the Hon. R. R. Perinchief
**Sen. L. Simmons
Sen. the Hon. K. Wilkerson

Nays: 6

Sen. V. Cunningham
Sen. D. Rogers
Sen. T. Smith
*Sen. T. Tannock
Sen. J. Wight
Sen. the Hon. J. E. Dillas-Wright

***Sen. Tawana Tannock:** Thank you, Mrs. Beale, for clarity, this will send us into Committee?

The Deputy Clerk: Correct.

****Sen. Lindsay Simmons:** *If you win.*

[Pause]

The Deputy Clerk: Madam President, with a vote of five Ayes to six Nays, the motion is defeated. So, we will have to go into Committee.

[Motion to suspend Standing Order 26 defeated by majority on division.]

The President: Senators, at this point, it's now 10 [minutes] to 1:00. We will have lunch. We will break for lunch. And we will return at 2:15.

So, Senators, the Senate stands adjourned until 2:15 pm. Thank you.

Proceedings suspended at 12:52 pm

Proceedings resumed at 2:15 pm

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

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

For the benefit of the listening audience, prior to lunch the Senate was debating the Human Rights Amendment Act 2026, presented by the Junior Minister of Youth, Social Development, and Seniors, Senator Lindsay Simmons. During the second stage, the decision was made for the Senate to dissolve itself into a Committee of the Whole [Senate] to further debate the Bill. I therefore call on Vice President John Wight to take the Chair of the Committee.

Senator Wight, you have the Chair.

[Pause]

[Crosstalk]

Sen. Lindsay Simmons: Madam President, I move the Senate do now resolve itself into Committee of the Whole [Senate] for consideration of the Bill entitled: Human Rights Amendment Act 2026.

Sen. John Wight: Is there any objection to that?

[Crosstalk]

The President: Senators, we will now resolve ourselves into Committee of the Whole [Senate] to discuss the Bill further, and I call upon Vice President John Wight to take the Chair.

Sen. John Wight: Thank you, Madam President.

Senate in Committee at 2:18 pm

[Sen. John Wight, Chairman]

COMMITTEE ON BILL

HUMAN RIGHTS AMENDMENT ACT 2026

The Chairman: Senators, we are now in Committee of the Whole [Senate] for further consideration of the Bill entitled the [Human Rights Amendment Act 2026](#). I call on Junior Minister Lindsay Simmons, in charge, to proceed.

Senator, you have the floor.

Sen. Lindsay Simmons: Thank you, Mr. Chairman, Wight.

Mr. Chairman, this Bill seeks to amend the [Human] Rights Act 1981, the principal Act, on the recommendation of the Human Rights Commission. Thank you. Mr. Chairman, I move that clauses 1 through 6 be considered. Clause 1.

[Crosstalk]

The Chairman: Is there any objection to that motion?

[Crosstalk]

The Chairman: Senator Tannock.

Sen. Tawana Tannock: Clauses 1 through 6, that would be [section] 2(2)(a)?

Sen. Lindsay Simmons: Well, I'll read all the clauses from 1 through 6.

Sen. Tawana Tannock: Okay, thank you.

[Crosstalk]

Sen. Lindsay Simmons: Okay.

So, clause 1 gives the title.

Clause 2 amends section 2(1) of the principal Act (interpretation). The definition of "class of persons" is extended to include persons with a criminal record. "Government funding" is defined to mean the specified financial assistance awards or child day care allowance. Receipt of government funding is inserted as an additional prohibited ground of discrimination in sections 4 and 5 (see clauses 4 and 5).

Clause 3 inserts new section 2A into the principal Act (discrimination by association). Subsection (1) prohibits discrimination against a person because of a protected characteristic relating to a person or class of persons associated with that person. Subsection (2) defines "protected characteristic" as meaning the criteria listed in section 2(2)(a)(i) to (vii) (i.e., race, place of origin, colour, ethnic or national origins, sex, sexual orientation, marital status or domestic partnership status, disability, family status, religion, beliefs, political

opinions or criminal record) and, in relation to discrimination prescribed by section 4 or 5, includes age or receipt of government funding.

Clause 4 amends section 4(1) of the principal Act (discrimination in disposal of premises) to include receipt of government funding as a prohibited ground of discrimination for this section. The deletion of subsection (4)(a) removes an exemption *[sic]* from discrimination that currently applies in the case of the letting of a housing unit in a building which contains accommodation for two or three families living independently if the owner or members of his family occupy one of the units.

Clause 5 amends section 5(1) of the principal Act (provision of goods, facilities and services) to include receipt of government funding as a prohibited ground of discrimination for this section. New subsection (6) provides that requiring a level of income to qualify for the provision of a facility for banking, insurance, grants, loans, credit or finance which is not satisfied by a person who is in receipt of government funding is not taken to be discriminatory.

Clause 6 provides for commencement.

Mr. Chairman, I would like to move all clauses 1 through 6 be approved.

The Chairman: Thank you, Junior Minister.

So, it has been moved that clauses 1 through 6 be approved.

Is there any objection to that motion?

Would any other Senator like to speak to clauses 1 through 6?

Senator Cunningham.

Sen. Victoria Cunningham: Thank you, Mr. Chairman.

I would like to move that the Committee rise and report progress and ask for leave to sit again. And I want to be clear about why.

This is not a procedural formality. It's this Chamber's way of saying that good intentions are not on their own enough to pass good law. And I think it then gives the Government the opportunity over the summer to bring the Landlord Tenant Act as a package that has been described to publish the draft guidelines and to answer questions that we put on the record that we don't believe have been fully answered.

And I am just, you know, we just believe that with the Human Rights Act, everything touches it. So, we just want to make sure that the balance of the relationship between the landlord and tenant is done correctly. Thank you.

The Chairman: Thank you, Senator Cunningham.

Would any other Senator care to speak on this motion?

Yes, Senator Tannock.

Sen. Tawana Tannock: Yes, thank you, [Mr. Chairman].

I support the OBA's call for a revised Landlord-Tenant Act. However, although I have grave reservations about the amendment of the inclusion in [section] 2(2)(a) and also about the removal of [section 4](4)(a), I want to be clear that I believe it is essential that persons receiving government funding have access to housing and are not discriminated against.

So, I am not objecting to those clauses. However, I do have grave concerns that we have not undertaken an appropriate balance of rights.

The Chairman: Thank you, Senator Tannock.

Would any other Senator care to speak on this Bill, clauses 1 through 6?

Yes, Senator Bell.

Sen. Lauren Bell: Thank you, [Mr.] Chairman.

I just want to raise a concern. I want to respond to a concern that's been raised throughout today regarding the issue of housing. The question before us is not whether landlords should have rights, because they do, and this Bill continues to preserve those rights. The question before us today is whether any person should be denied the opportunity to obtain a home because of prejudice against a characteristic that our law has already recognised deserves protection. No person should be denied housing because of prejudice.

A prospective tenant should be judged on their ability to meet the obligations of a tenancy, full stop, period. They should not be judged because of their race, their disability, their religion, their family status, or any other protected characteristics. I struggle here, [Mr.] Chairman.

This amendment reinforces the decisions, that decisions should be based on legitimate factors rather than any stereotypes or bias. Property rights remain protected. This amendment does not require landlords to rent to every applicant. That's not what we are attempting to do here. Landlords retain the right to assess affordability, to verify income, to obtain references, to review rental history. They have the right to refuse applicants for legitimate, non-discriminatory reasons.

This amendment simply removes the ability to refuse someone because of a protected characteristic. This amendment promotes consistency. Bermuda already prohibits discrimination in many areas of public life, and housing should not and must not be the exception.

A person's legal protection should not disappear simply when they begin looking for a place to live. I ask for the Independent Senators and the Opposition to consider that. When they come here and say, *Oh, we do not support discrimination, but . . .* I ask them to stop and pause and listen to what they are saying. There is no "but" here. Everyone should have access to housing. Housing is an essential, an essential point of being able to live in Bermuda.

Thank you, [Mr.] Chairman.

The Chairman: Thank you, Senator Bell.

Would any other Senator care to speak on clauses 1 through 6?

Sen. Lindsay Simmons: I would like to . . . my colleague would like to speak first. Go ahead.

The Chairman: Senator Fubler.

Sen. Mischa Fubler: Thank you, Mr. Chairman.

I am just pulling up the clauses. Specifically, without revisiting debate from the general characteristics, I think now that we are in the right place to discuss specific clauses of the Bill, which we have seen already, I reiterate my colleague's statements. Right? Like this: *We don't want to discriminate, but . . .* The "but" kind of negates the previous statement. Either we are going to discriminate or we are not.

You guys have to decide. That's what we are looking at here as we have decided to go into Committee and debate the various clauses. And I implore you to consider. Should your reservations around allowing people to discriminate, based on someone having already paid their debt to society for poor choices that they have made, be more important than ensuring someone's application for housing? Something I think we all agree should be a human right . . . should that outweigh the need for that?

And I struggle to see wherein you can find adequate justification for making that line of reasoning. It's all well and good to have these decisions that favour, in this case, the capital in this equation. Right? Like the proletariat, as it were, the working-class people who are looking to rent a dwelling from someone who has entered into a business engagement.

And I think we have already had kind of a back-and-forth around . . . well, in the example I gave of the case law, that that was for guest houses, and that in this case they are not guest houses. Accepted. It's still ultimately people looking to find a place to stay who are offering to pay money for it. And that should be the consideration. I think my colleague made that statement already. Like, can they pay? Have there been reports of malfeasance at other places where they stayed? You can always request a reference. And you as the landlord, it's incumbent on you to follow those up. Don't take them at face value. Do your investigative work. That's part of the cost of doing business, as it were.

And it is important to accentuate that this relationship is business, even if it is being described as a personal choice and decision. And, *Oh, you know* (where we have said), *certain individuals, they are living in a house*. And do they want their neighbour to have a criminal record? You can find other reasons to decline them renting if they are justified.

Even in the case of the criminal record, where my colleague, Madam Attorney General, has already

detailed how, if you have a justifiable reason (examples given, like a criminal sex offender staying in a dwelling where there are children), then that is a justifiable reason. And so, there is a carve out for that. It is not *carte blanche*. Again, as I opened, you need to weigh the impact. So, you are taking a principled position on something in theory; but in practice, it plays out as people being denied access to something that we all agree is essential and in short supply.

And the argument that is being laid, *Oh, well, people could withdraw the housing from the market*. If someone is in an economic situation such that they can afford to withhold surplus housing, then maybe we as a government need to look at providing incentive for them to not do that. Or, I implore that person to reassess how much housing they actually need and maybe sell that on to someone who is more willing to take the admitted risk of becoming a landlord.

Thank you, Mr. Chairman.

The Chairman: Would any other Minister or Senator care to speak?

Senator Rogers.

Sen. David Rogers: Thank you so much for the opportunity. I will keep it short.

Careful legislation protects us from the rule of law. Right? Hasty law frequently leads to unforeseen consequences. And I am thankful that the legislative process offers a number of mechanisms for us to take time to consider laws, to consider unforeseen consequences, to consider externalities. What the Opposition is simply recommending is that we take that time.

The Chairman: Thank you, Senator Rogers.
Senator Tannock.

[Inaudible interjections]

The Chairman: Oh, no more. Okay, no more.
So, Senator Simmons, any final . . .

[Crosstalk]

The Chairman: Senator Tannock, over to you.

Sen. Tawana Tannock: Thank you. My apologies.

Yes, so I just, when Senator Fubler spoke, and he always gives me food for thought, it did occur to me that what we have not done in this Act that we see in other places is to . . . and this [comes] to Senator Fubler's point about incentives for landlords.

So normally, if you widen the responsibility of landlords to rent and disability, there's normally some protection for landlords regarding accommodation. So how far, if you don't want to accommodate, you don't want to discriminate against somebody you are renting to because they have a disability, and so normally you have to provide some type of accommodation to their

disability. And what we have not done is we have not seen, which you do have in other legislation, how far a landlord must go to accommodate their premises to somebody who has a disability. And also what we have not seen is any support from the government to assist landlords in accommodating their—

Sen. Lindsay Simmons: Point of order.

The Chairman: What was your point of order?

POINT OF ORDER

Sen. Lindsay Simmons: The point of order is this, you know . . . thank you for speaking, Senator Tannock, but this is not about the . . . we are supposed to be speaking on the six clauses. It is totally out of the realm of the six clauses that we are speaking on.

The Chairman: Noted. Thank you, Senator.

And, Senator, any closing comments?
Oh, I see Senator Tarik Smith.

Sen. Tarik Smith: Thank you, Mr. Chairman.

I will be quick. You know, just, it's a tough . . . you know, all of this is tough. It pulls on the human part of it. You know what I mean? You know, I don't think that anybody here is trying—I know I'm certainly not—to destroy the rights of people to be rented [to].

[Inaudible interjection]

Sen. Tarik Smith: My microphone is not on? Sorry. Pardon me again.

Good afternoon to my Senate colleagues and listening audience. Let me get that out of the way.

But I think that, you know, we are just trying to ensure that there's balance. As legislators, we must protect Bermudians from discrimination, but we also must protect the rights of law-abiding homeowners who also provide much-needed rental accommodation throughout the Island.

Sen. Mischa Fubler: Point of order, Mr. Chairman.

Sen. Tarik Smith: Go ahead, boss.

The Chairman: What is the point of order?

POINT OF ORDER

[Misleading]

Sen. Mischa Fubler: My colleague is unintentionally misleading the House. We are conflating the rights of homeowners with the rights of landlords. Right? But in this situation, we are debating whether *landlords* should be able to discriminate on the basis of these protected categories and the new ones, including the source of income and association and having a criminal

record. Whereas I don't think this change to the amendment affects anyone's ability to own a home and say who can and cannot enter that home.

Sen. Tarik Smith: I wasn't talking about people—

The Chairman: Point taken.

Sen. Tarik Smith: I think maybe I could reword it. Landlords. Is that better? Fubler? Okay. Senator Fubler, thank you for that.

So, landlords, you know, I just think that I was just trying to get a balance more for the landlords. I was reading it . . . Go ahead, Madam Attorney General.

[Crosstalk]

Sen. Tarik Smith: Okay.

The Chairman: What was said—

Sen. Tarik Smith: I was just trying to get the balance. That was all. You know, like I said, I don't want anybody to think that Senator Smith is here trying to just be all on the landlord's side or . . . I'm just trying to get a little bit more balance.

That's all. That's all for me.

The Chairman: Thank you, Senator Smith.

Minister, I think you had your hand up next. Over to you.

Sen. the Hon. Kim Wilkerson: Thank you, Mr. Chairman.

I thought it might be appropriate—we don't often go into Committee in the Senate—that Senators should be reminded that at this point they are obliged to comment on the clauses in front of them. We are in Committee on the clauses. The general debate has happened and closed.

The Chairman: Thank you, Minister Wilkerson.

Senator Cunningham, specific clauses?

Sen. Victoria Cunningham: Thank you, Mr. Chairman.

On, I guess page 1, under [clause 3], "Discrimination by association", [new section] 2A(1), it states: "No person shall discriminate against another person in a manner prescribed by this Act because of a protected characteristic relating to a person or class of persons associated in any way . . ."

And I believe that that "associated in any way" has no qualifier, no requirement of proximity, knowledge . . . duration, knowledge, anything.

So, is the landlord then expected to have made a reasonable enquiry into a tenant's associations? Or does liability attach even where the landlord had no

way of knowing about the association at the time of the decision? I just want it qualified.

The Chairman: Senator Simmons.

Sen. Lindsay Simmons: Thank you.

So, I . . . we went to lunch and I sat with some technical officers, and I sat for a minute and I thought about it. *What are we trying to achieve here?* We are trying to achieve something that needs to be done to help our people in Bermuda, our Bermudians.

Right now, you could come to my house and say that you want to rent it. I look at you and say, *Hmm, I'm not renting to you because you're Black*. There's no protection right now for that. There's no protection to say, *When I was 18, you googled me and saw that I was . . . I got found with two ounces of marijuana*. You could discriminate and say: *I looked you up and I'm not going to rent to you now because of this conviction 20 years ago*. Right now, there's no protection. Right now, you can't go to a tribunal to discuss this, to say that *you discriminated against me*, because there's no protection.

Madam President . . . I am sorry, Mr. Chairman, the Minister responsible for this, the Honourable Tinee Furbert, had consultation with the Independents and the OBA Senators. No questions were raised until she went back to say: *Does anybody have any questions?*

POINT OF CLARIFICATION

Sen. Tawana Tannock: Sorry. Sorry. Point of order or point of clarification. I actually sent an extensive email full of questions and points. Thank you.

Sen. Lindsay Simmons: After the Minister reached back out.

So, I say all that to say that I am happy that the Minister and her technical team brought this Bill to fruition today, that we are sitting here debating it, because many people are getting discriminated against. And I find it . . . I don't even know the right words I want to use right now. But it baffles me that we are sitting here in Committee. What we're trying to do is protect Bermudians being able to have the right to put their name forward to rent.

Nowhere in here have we said over and over again that landlords don't have the right to choose who they want to rent their apartment or the house to. But what we are saying is, if you are going to discriminate, there is a mechanism now that protects people.

So, with that said . . . I don't want to keep on drawing this out. That we move . . .

[Pause]

Sen. Lindsay Simmons: And I just want to answer a question about the association part of it. So, the conflict

with other legislation concerns appear to be with the right to family, life, privacy. If landlords are forced to rent to a person who, before the repeal of section—

[Crosstalk]

Sen. Lindsay Simmons: One second.

[Crosstalk]

Sen. Lindsay Simmons: So, to answer the question about the association part, we have to keep it broad. Right? Because the association can be . . . it could be a family member, it could be a co-worker, it could be a political affiliation. The association in any way with the person doesn't extend beyond the foundation of discrimination based on association.

So, that's why the word "association" is used. If you said "family member," I mean, we could keep on listing and listing and listing and listing all these different types of associations to people. But that's why the word "association" is used.

The Chairman: Thank you, Senator Simmons.
Senator Tannock.

Sen. Tawana Tannock: Yes, thank you. This pertains to the removal of [section 4](4)(a). Senator Simmons mentioned that there is currently no protection for persons looking to rent in Bermuda to not be discriminated against. That is actually incorrect. There are protections, and that protection is afforded under the Human Rights Act.

What [section 4](4)(a) does is say that you no longer have the right to say if you live on a property that you will not rent to somebody. So, I just wanted to clarify for the listening public, there are currently protections, and have been protections in place.

The Chairman: Thank you, Senator Tannock.
Senator Robinson Perinchief.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Mr. Chairman.

We are jumping a bit in terms of the clauses, so I just want to address Senator Cunningham's question, because I think this is an opportunity to educate both the Opposition as well as the listening public.

We are talking about discrimination by association. And the clause that we are referring, [new section 2A(1)] says: "No person shall discriminate against another person in a manner prescribed by this Act because of a protected characteristic relating to a person or class of persons associated in any way with that person." I think it would be appropriate to add some context.

Discrimination by association is a common term when we talk about human rights and discrimination language. Direct discrimination by association is

essentially when someone is treated less favourably, or in this case we say discriminately or unfairly, not because of their own traits or characteristics, but because of their relationship with a person who has a protected characteristic.

So, for example, if a member of the public is seeking to rent an apartment, they may enjoy protections from discrimination on the basis of disability, sexual orientation, race, et cetera. Let us say that that prospective tenant has a child who has a disability. Although it's that prospective tenant that enjoys a protection from discrimination, without this legislation, essentially a landlord could say: *Well, I'm not going to discriminate against this prospective tenant, but I see that they have a son in a wheelchair. And because of that association, I'm not going to rent to this prospective tenant.* That is what this legislation under this clause is seeking to address. Because I am associated with someone, I am being discriminated against.

Similarly, you could apply that to someone who has a friend who is involved in politics, someone who has a spouse or a colleague or a relative or has visitors that otherwise would enjoy protection from discrimination, but in this case are not the subject or the target of that discrimination. So, I think we need to be clear when we talk about the association, because the question from Senator Cunningham was: Does this essentially oblige a landlord to now go and do research on this person's associations, et cetera? It's a negative obligation. It is a duty or responsibility to refrain from doing something.

In other words, a landlord now has a negative obligation. They are prohibited from saying: *Well, because I know that this prospective tenant is affiliated with someone who enjoys protected characteristics, such as race, et cetera, I cannot discriminate on that basis.* So, this doesn't impose any additional responsibility or obligation on a landlord to do something. It simply means when you are considering renting to someone, you cannot say, well, because I know that this person has a son or a child or a friend or a family member who is disabled or is of a particular orientation or of a particular race or has a particular political affiliation, you cannot on that basis deny them that opportunity.

So, this is not something novel or unusual. It is simply extending the protection so that the associates of someone who is seeking to rent or enjoy that protection can do so and is not unfairly targeted on that basis. So, I just wanted to add that clarity, because when we talk about discrimination by association, we are just extending the protection so that you can't attach it to someone else who is affiliated with that person who is seeking to rent or whatever other scenario.

Thank you.

The Chairman: Thank you, Minister.
Senator Tannock.

Sen. Tawana Tannock: Yes, Mr. Chairman.

Minister Perinchief actually elaborated on an issue that I pointed out, that there is . . . we are imposing an additional duty on landlords. For instance, if a landlord says: *I can't rent to this person because they have a disabled child who has a wheelchair, and I am not . . . I don't have the ability to improve, to allow access for a wheelchair*, right now that is discrimination.

And what I am saying and what I said earlier is that we have not afforded, we have not put in any type of guidance to deal with that specific issue. So, we are putting . . . we are putting responsibility on the landlord, further responsibility.

The Chairman: Thank you, Senator Tannock.
Minister Wilkerson.

Sen. the Hon. Kim Wilkerson: Again, Mr. Chairman, I think Senator Tannock's questions are going beyond the four corners of the piece of legislation that is in front of us today. She is saying it is not fit for purpose because we haven't thought about things, other things. Here we are dealing with just these things: association, people on financial assistance, and those with criminal convictions. So, this is not changing the landscape in any other way other than to highlight that there should no longer be discrimination in those three areas.

And she is talking about whether a landlord has to [make] additional accommodations. Those are questions that have to be dealt with in the regular course of events anyway. That is not what this piece of legislation is dealing with right now. Nor is it within the corners of the six clauses that we are meant to be responding to at this point in time.

Thank you.

The Chairman: Thank you, Minister Wilkerson.
Are there any other questions?
Senator Simmons.

Sen. Lindsay Simmons: I just want to also clarify that [section] 4(4)(a) is undermining the very necessary protection that exists in [section] 4(1). I just wanted to be clear about that as well. That's all my comments.

The Chairman: Thank you, Senator Simmons.

Any closing remarks by you before I ask . . . you will be, Senator, whether . . . how you wish to proceed—

Sen. Victoria Cunningham: Can I move my motion again?

The Chairman: —on your motion.

[Crosstalk]

The Chairman: Any further closing remarks, Senator Simmons or . . .

Sen. Lindsay Simmons: I believe I said it all. I mean, rising and reporting doesn't make any sense to me, but that would be my closing remark.

The Chairman: Thank you, Senator Simmons.
Senator Cunningham.

Sen. Victoria Cunningham: Thank you, Mr. Chairman.

I believe there is still quite a lot of concern raised by the Opposition and . . . I don't want to speak for them, but the Independents, and so, I move that the Committee rise, report progress, and ask for leave to sit again.

The Chairman: Are there any objections?

Sen. Lindsay Simmons: Objection.

The Chairman: Objections. So, we have five objecting on the Government side.

So, we then bring this to a vote. So, in terms of clauses 1 through 6, I guess I'll be asking each yay—

The Clerk: No, no, we do the vote on the Senator Cunningham's motion.

The Chairman: On Senator Cunningham's motion. Okay.

So, we will start . . . So based on Senator Cunningham's motion, yay or nay?

So, Senator Cunningham.

Sen. Victoria Cunningham: Yay, that we rise and report. Yay.

The Clerk: I will call it.

The Chairman: You'll call it. Okay.

[Pause]

The Clerk: Do you have a question?

Sen. the Hon. Kim Wilkerson: Mr. Clerk, just a query on the rules. We are bringing the motion.

The Clerk: Understood.

Sen. the Hon. Kim Wilkerson: I understand that it is not in order for the Opposition to move to rise and report on a Government Bill.

Can you rule?

The Clerk: I rule? It's for the Chairman to rule, I would say.

[Crosstalk]

Sen. the Hon. Kim Wilkerson: Might you guide the Chairman in his ruling?

[Crosstalk]

The Chairman: So, for those in the audience, we just have a question of procedure, and we are discussing it currently.

[Pause]

The Chairman: Minister Wilkerson, [do] you have a question?

POINT OF CLARIFICATION

Sen. the Hon. Kim Wilkerson: Thank you, Mr. Chairman. It is a point of clarification, perhaps.

And I would say we are aware in this Chamber of where the Members across the aisle are. We know that some are subject to a Whip. The reason that we would not move a motion to rise and report is because we believe in the fundamental precepts of this Bill. And we do not believe that waiting changes anything. There's not been a proposal from across the aisle to amend anything. There hasn't been a single proposal in relation to the clauses that could be amended to make this Bill better.

So, while [Senators] across the aisle say that they support efforts at non-discrimination, nothing has come that indicates that there's anything on offer that could fix this particular Bill. So, that is why I want to say we would not be entertaining a motion on our side to rise and report progress, because the progress has been made already and it's here in this piece of legislation, Mr. Chairman.

The Chairman: Senator Cunningham.

Sen. Victoria Cunningham: Thank you, Mr. Chairman.

I think we still have concerns on this with multiple questions, and I just don't want it to be voted down when we still believe in the crux of what the legislation is trying to do. We just don't believe it is doing it in the right way, and we feel that there needs to be more consideration.

POINT OF ORDER

Sen. Lindsay Simmons: Point of order, because I could be mistaken as well, but I am pretty sure since I've been sitting in the Senate, if we went into Committee the only thing that the Opposition Senators could do is bring an amendment. They haven't brought an amendment, and they want to rise and report progress. Who are they rising and reporting progress to?

The Bill is under me as the Junior Minister. So I could rise and report progress to the Minister, but who are they rising and reporting to?

The Chairman: Thank you, Senator.

So, I have now made a decision based on my discussions with the Clerk. So, my ruling is that I feel it is not appropriate for Senator Cunningham to rise and report on this one.

So that is my decision—

[Crosstalk]

The Chairman: —for her to make the motion.

[Crosstalk]

The Chairman: It would be for the Government in charge of the Bill to do so.

So, with that—

Sen. Lindsay Simmons: Thank you.

[Crosstalk]

Sen. Lindsay Simmons: Mr. Chairman, I move that clauses 1 through 6 be approved.

The Chairman: Is there any objection to that motion?

Sen. Lindsay Simmons: No, thank you.

[Crosstalk]

The Chairman: We have three—

[Crosstalk]

The Chairman: —multiple objectors.

[Crosstalk]

The Chairman: So, we move to a vote on that.

[Crosstalk]

The Clerk: Okay, Senators, we are now voting on the motion by Senator Simmons to approve clauses 1 through 6 of the Bill. Okay?

So, those in favour will say Aye. Those opposed will say Nay. Okay?

I will now call the Senators' names.

DIVISION

[Motion to approve clauses 1 through 6 of the Human Rights Amendment Act 2026]

Ayes: 8

Sen. the Hon. K. Wilkerson

Nays: 3

Sen. V. Cunningham

Sen. the Hon. Robinson Perinchief Sen. T. Smith
 Sen. L. Simmons Sen. D. Rogers
 Sen. M. Fubler
 Sen. L. Bell
 Sen. T. Tannock
 Sen. the Hon. J. Dillas-Wright
 Sen. J. Wight

The Chairman: So, clauses 1 through 6 are approved by a total vote of 8 [Ayes] to 3 [Nays].

[Motion passed by majority on division: Clauses 1 through 6 of the Human Rights Amendment Act 2026 passed.]

Sen. Lindsay Simmons: Thank you.

Mr. Chairman, I move . . . that the Schedules be approved.

[Crosstalk]

The Chairman: Is there a Schedule? There's no Schedule.

Sen. Lindsay Simmons: Oh, sorry.

The Clerk: Move the preamble.

Sen. Lindsay Simmons: Okay.

Mr. Chairman, I move that the preamble be approved.

The Chairman: [Is there] any objection to that motion? Hearing none . . .

Sen. Lindsay Simmons: Mr. Chairman, I move that the Bill entitled Human Rights Amendment Act 2026 be reported to the Senate as printed.

The Chairman: Is there any objection to that? Hearing none . . . Senator. Thank you.

[Motion carried: The Human Rights Amendment Act 2026 was considered by a Committee of the whole Senate and passed without amendment.]

Sen. Lindsay Simmons: I move that we come out of Committee. Thank you.

The Chairman: Thank you, Senator Simmons. Thank you, Senators.

I think I pass the baton back to Madam President at this time.

Senate resumed at 2:58 pm

[Hon. Joan E. Dillas-Wright, President, in the Chair]

[Crosstalk]

The President: Senators, we will now do the third reading.

Sen. Lindsay Simmons: Madam President, I move that the Bill entitled the Human Rights Amendment Act 2026 be now read a third time.

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

No objection.

BILL

THIRD READING

HUMAN RIGHTS AMENDMENT ACT 2026

Sen. Lindsay Simmons: Madam President, I move that the Bill do now pass.

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

Is there any objection to that?

No objection. The Bill is passed.

[Motion carried: The Human Rights Amendment Act 2026 was given a third reading and passed.]

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

The President: Thank you, Senator Simmons and thank you all Senators.

We will now move on to the next Order of the Day and that is the second reading of the Cost of Living Commission Amendment (No. 2) Act 2026, and that is also in the name of Senator Lindsay K. Simmons, the Junior Minister for Home Affairs.

Senator Simmons, you have the floor.

[Crosstalk]

The President: That is your Bill.

[Pause]

STANDING ORDER 25

Sen. Lindsay Simmons: Madam President, I move that provisions of Standing Order 25 be granted so that the Senate may now proceed with the second reading of the Bill entitled Cost of Living Commission Amendment (No. 2) Act 2026.

The President: Is there any objection to that motion?

[Crosstalk]

The President: Senators, we . . . and for the listening audience, we are about to debate the Cost of Living Commission Amendment [(No. 2)] Act [2026] and there have been several objections to us undertaking this Bill. Therefore, we will have a vote on it.

The Clerk: For the second reading.

The President: For the second reading.

[Pause]

The Clerk: Okay.

All right, Senators, there has been a motion by Senator Simmons to initiate the second reading of the Bill entitled the Cost of Living Commission Amendment (No. 2) Act 2026. Okay?

So, the motion will be those in favour will say Aye [and] those opposed will say Nay. Okay?

Senator Cunningham.

Sen. Victoria Cunningham: Nay, opposed to waiving the Standing Order.

The Clerk: Senator Cunningham, Nay.
Senator Smith.

Sen. Tarik Smith: Nay.

The Clerk: Senator Smith, Nay.
Senator Rogers.

Sen. David Rogers: Nay.

The Clerk: Senator Rogers, Nay.
Senator Wilkerson.

[Inaudible interjection]

The Clerk: What's the motion? Is this for [Standing Order] 25, or just—

[Crosstalk]

POINT OF CLARIFICATION

Sen. Lindsay Simmons: Point of [clarification.]
You said this was for the second reading?

The Clerk: This is a motion—

Sen. Lindsay Simmons: No, I haven't even got there yet.

The Clerk: Grant of [Standing Order] 25. Right?

Sen. Lindsay Simmons: Yes.

The Clerk: Okay. All right. So, I am misleading you.

[Laughter]

The Clerk: Okay. So, this is the motion for the grant of the provisions of Standing Order 25. Okay.
Okay, so I will repeat the . . .

[Crosstalk]

The Clerk: All right, Senators, this is a motion by Senator Simmons for the grant of the provisions of Standing Order 25 to *allow* for the second reading of the Bill entitled the Cost of Living Commission Amendment (No. 2) Act 2026.

So, again, those in favour will say Aye; those opposed will say Nay.

DIVISION

[Motion to grant provisions of Standing Order 25 to proceed with the second reading of the Cost of Living Commission Amendment (No. 2) Act 2026]

Ayes: 6

Sen. the Hon. K. Wilkerson
Sen. the Hon. R. R. Perinchief
Sen. L. Simmons
Sen. M. Fubler
Sen. L. Bell
Sen. the Hon. J. E. Dillas-Wright

Nays: 5

Sen. V. Cunningham
Sen. T. Smith
Sen. D. Rogers
Sen. T. Tannock
Sen. J. Wight

[Crosstalk]

The President: Senators, the motion is approved by a vote of 6 [Ayes] to 5 [Nays].

[Motion passed by majority on division: Provisions of Standing Order 25 granted to allow the Cost of Living Commission Amendment (No. 2) Act 2026 to be read a second time on the same day as the first reading.]

The President: We will undertake—

[Crosstalk]

Sen. Lindsay Simmons: Thank you.

The President: We will now move to the second reading, Senator Simmons.

Sen. Lindsay Simmons: Madam President, I move that the Bill entitled Cost of Living Commission Amendment (No. 2) Act 2026 be now read a second time.

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

Sen. Lindsay Simmons: Thank you.

BILL

SECOND READING

COST OF LIVING COMMISSION AMENDMENT (NO. 2) ACT 2026

Sen. Lindsay Simmons: Madam President, I rise to present to this Honourable Senate the Bill entitled, the [Cost of Living Commission Amendment \(No. 2\) Act 2026](#). This Bill amends the Cost of Living Commission Act 1974, and carries into law the work that this Government has invested for the people of Bermuda through oversight of the cost of essential goods, designation of critical services that shape household budgets, and cooperation between the Commission and Bermuda's regulators. It delivers on this Government's commitment to address affordability in Bermuda.

Madam President, before I speak to the clauses of this Bill, I thought it prudent to share what I have brought with me today. For Honourable [Senators] and for the awareness of every Bermudian listening at home, I hold in my hand a bag of rice. The kind found in every kitchen cabinet on this Island.

[Inaudible interjections and laughter]

An Hon. Member: Hold the bag up.

Sen. Lindsay Simmons: I left it.

[Laughter]

Sen. Lindsay Simmons: So, picture it in your mind for all those listening and in here today.

I share it as the foundation of the [legislative] changes presented today.

Madam President, the bag of rice explains today's amendments better than any statement or clause or explanation. Rice is an item originally included in the Schedule of [the Cost of Living] (Essential Commodities) Regulations 2022. It has been a regulated staple since those regulations took effect in June 2022. It enters Bermuda entirely free of customs duty. Not one grain of it is grown here in Bermuda. Every bag produced overseas crosses the ocean, lands at Hamilton Docks through a single stevedoring provider, moves through a warehouse, and reaches a shelf.

Retailers themselves have told the Commission at a stakeholders' meeting on May 29, 2026, that freight accounts for around 60 per cent of the cost of landing goods on this Island, and the grocery basket this bag [of rice] sits in now costs 38 per cent more than it did a decade ago. Measured over 10 years to 2025, more than double the rate of general inflation.

Madam President, the question that this bag of rice puts to us specifically reveals the truth of what it costs to land it on our Island and what a family pays for it at the checkout. The legislative changes presented in this Honourable Senate today are built to bring transparency and oversight into that space.

Madam President, Bermudians old and young have told this Government in every parish and at every doorstep that the cost of living is felt hardest by those who can least afford it. I have personally heard from seniors forecasting how far their pensions will reach, from young families weighing the grocery bill against their other competing monthly expenses, and from workers holding two jobs yet still finding themselves stretched at the end of the month.

Honourable [Senators] on both sides of this Senate have raised these pressures in this Chamber time and time again. And rightly so, because the call for action comes from every single constituency on this Island, from St. George's to Somerset (yes, St. George's first), that we were elected to represent.

Madam President, to understand what this Bill does, the Senate must understand the history of this Act. The Cost of Living Commission Act was passed in 1974 in an era of global inflation as price control legislation. Its central part still carries the heading "Control of Price Increases of [Specified] Commodities." Its measure is a reasonable rate of return on investment and of reasonable reserves, which is the vocabulary that we know relates specifically to the cost of electricity.

The Parliament of 1974 built machinery that was intended to regulate what the people of that era considered essential services of daily life. The Second Schedule of that very Act once [included] the Bermuda Electric Light Company Limited as a [specified] business. Electric supply was [a] specified commodity. The price of electricity has, 52 years later, emerged as a fundamental driver of the cost of living today.

Madam President, Bermuda, [though] facing challenges reflected of a previous era, has evolved, and we have since built dedicated [regulations] for several of the essential services previously contemplated. The evolution our country can speak to is the electricity pricing, now the responsibility of the Regulatory Authority informed by the Electricity Act 2016.

Madam President, the amendments presented today honour the spirit [of that] architecture and our evolution. It names household utilities including electricity, telecommunications, and water among the [critical] services, [using] this Bill as a vehicle for transparency. It requires the Commission to work with relevant sector [regulators] rather than around them. Where the laws conflict, the sectoral legislation stands firm, except for the duty to collaborate [with] the Commission, which is a key [feature] of transparency.

Fifty-two years later, in response to the needs of our community, this Bill restores the [elements] of the original machinery, once successfully exercised. It specifically modernises it to include critical goods and services, framed with a strengthened architecture of transparency with other established regulators representing modern regulatory safeguards.

Madam President, though I hasten to dwell on the past, the record between 1974 and today tells a

compelling story. It tells a story that for more than four decades the substance of this Act stood still while the needs grew. Progress under this Administration began in 2017 when this Government raised the penalties for non-compliance to \$5,000 with daily default fines, and replaced the name of the Price Control Commission with the Cost of Living Commission.

The second came in 2020 when this Government created the public price database for essential commodities brought into force on 17 June 2022 and given effect by the Cost of Living (Essential Commodities) Regulations 2022. The same regulation that places this very bag of rice under oversight today alongside the flour, the bread, and the pasta that feed most families on the Island.

Madam President, the 2025 Throne Speech pledged fair pricing and transparency measures. Under this Government, an Act that slept for a generation has been awoken, modernised, and put into action. The Bill before the [Senate] today is the most substantial reform that this legislation has had since its formation.

Madam President, honesty underpins this work better than any accolade or triumph. We acknowledge that the Act, even as amended, remains imperfect, and its enforcement powers went underutilised for years. The Cost of Living Commission has chronicled its challenges in receiving [compliance] from [sectoral] participants in response to data requests even to this day. While its language of price control was written by a 1974 Parliament for a 1974 economy, the price oversight that is presented requires the Commission to monitor, ask questions, and publish the findings. The market will continue to function and set its prices.

Madam President, [Senators] should be aware that since the reconstitution of the Commission in 2025, members have been candid, and they have accepted that affordability work is a process. This Bill represents a thoughtful and sustainable step with full acceptance that further steps will follow as the evidence directs.

Madam President, the Commission includes representation from across Bermuda, and the deliberation underpins the rationale presented to the Senate today. The evidence why these amendments matter, [Senators] must know that around the Commission table the views have been forthright, and at times revealed frustration with the fact that the tools of the current Act falls short of the public expectation.

[In 2025,] they were given a schedule of 33 essential commodities. While families felt compounded pressures of household bills, they confirmed that the current powers were just not good enough. They said from the outset that affordability must mean more than the 33 [essential] goods and prepared for . . . and pressed for the full picture, the evidence to form conclusions based on pricing trends, cost to importers, [and] operational expenses which all play a critical role in forming the cost on . . . on the shelf. They thought it was prudent to provide evidence and report to the public honestly.

The Commission accepts this is a critical foundation to [substantiate] recommendations they make in the public good. This Bill gives the Commission the tools to act, propelled by a Government [mission and] mandate for care and unwavering dedication to deliver.

Madam President, the Government is true to its values and has listened. And, while not traditional of the Commission's role, has invited [the Cost of Living Commission] to co-create the basis of this reform and the very mandate they will hold. The record on our plan and progress has been plainly presented on record.

Since 2025, the decisions have moved step-by-step. Members will recall the Cost of Living Summit, and the national surveys gathered at the start of this focused journey. The Affordable Bermuda Agenda published last year defined the steps and shared [transparency] with the public. The 2026/27 budget expanded the reach through amendments to the Schedule of items receiving duty relief representing the broader list of essential items of daily life. The Affordable [Bermuda] Basket, presented in partnership with the retailers and wholesalers, reduced items for nine months with the pledge of policy and legislative enhancements that would proceed and propel . . . in parallel.

Today we take another step to deliver on the foundation, reinvigorating response to the public's demand that we address the cost in a forced way. The Commission asked to be empowered to influence and to be given the data [that] reflects the commitment and desire to make a true impact on the cost of living in Bermuda.

Madam President, let me place on the record why this Government is clear-eyed on what is needed in support of the public. When the Ministry began this journey, we started with two national surveys in the spring of 2025. Madam President, 2,272 residents and 274 businesses, and a third survey at the summit, added 400 more voices. Residents named housing, food and health care as the heaviest burden on the household. Businesses named energy, shipping and commercial rent as obstacles that kept prices high.

They were clear in what they wanted from this Government: Expand the zero rate of duty to more essential goods and medications; require transparency so that every dollar of the Government's relief reaches the consumer at the register; partner with the private sector; and hold the partnership [to account]; cap shipping costs; cap electricity rates and internet charges; introduce tiered rates for all utilities; protect low-income households; and welcome new importers so that no single supplier holds a family's basket.

More than 300 recommendations reached the Ministry and were refined with stakeholders through the summer of 2025. The ask on housing and health care are carried in the agenda and move on their own tracks.

Madam President, the Government sets its expectations just as plainly. The summit [convened] as a catalyst for transparent, coordinated action and Industry was invited to join the implementation, and did. The

public told us what they expected and, in return, practical action-oriented outcomes, clear solutions built on real data, and Government engaged [with] the costs [and] pressures that residents faced. The expectation that this Government carries out of that summit is shared work with clear roles. Government acts in an informed way. Businesses pass relief through to the register. The Commission verifies and reports. And the [legislature] puts the action tasks in law.

The Bill before us takes the steps that must come first. It builds the evidence that shows where firmer intervention is justified, service by service and commodity by commodity. And it places every decision to act with this [Legislature]. When the data directs a firmer step, the machinery and the mandate will both be ready. That plan was published as the Affordable Bermuda Agenda in October 2025. And this Senate has watched each step of its arrival since.

Madam President, reflecting on this year's budget, it successfully delivered the deepest duty relief on essential goods in recent history. Madam President, 198 tariff amendments effective from 1 April 2026, an estimate of \$4.6 million in annual duty foregone across \$50.7 million of imports. But, Madam President, what we know is that duty cut, though representing relief, is only felt as relief if it reaches the register. As it stands today, no law on our books lets the Government confirm that a dollar of duty foregone becomes a dollar saved at the register. The ethos that this Government must reestablish, as done in 1974, is to trust but [also] verify. The Bill presented in this Honourable Senate answers the question of who on behalf of the people is checking to make sure.

Madam President, Bermuda does not walk this road alone. And Bermuda is not the first jurisdiction to advance measures of this nature. The Bahamas operates a statutory price control on a defined breadbasket of essentials and widened that list in 2022 when inflation hit hardest. Jamaica's Consumer Affairs Commission publishes [comparative] grocery price surveys so families can see who charges what.

The United Kingdom has kept a statutory adjudicator over its supermarkets since 2013, and in 2023 its Competition and Markets Authority examined grocery pricing and asked whether the falling costs were reaching the shelves. New Zealand answered a concentrated island grocery market with the dedicated grocery commissioner and an annual public report. Australia has made its [Food and Grocery] Code of Conduct mandatory.

None of those administrations have torn that ministry down. Set beside them, the Bill before this Senate is a measured cousin. Our neighbours cap prices by law. This Bill asks for notice of an increase [to be] public information and begins with an empty schedule. Madam President, I anticipate the argument that this framework reaches where regulations in Bermuda have never reached before. Examine closely that it is

the case for this Bill. These are sectors where nobody has been watching.

The Regulatory Authority watches energy and communications. The Bermuda Monetary Authority watches our banks and our insurers. Environmental health officers walk every commercial kitchen on this Island. Yet from the docks through the warehouse to the shelves for goods that every family buys, no regulator holds the file. The Bill posts a first watchman at the gate that has stood unguarded. And a watchman serves the honest carrier as much as the household. Where costs are real, the evidence will show they are real. And the public will finally see where each dollar in the chain sits.

Madam President, this Island knows better than most places on earth that strong oversight and a thriving market live together. No industry in Bermuda is more closely supervised than international insurance, and no industry has brought Bermuda greater success. The Bermuda Monetary Authority's standards are recognised as equivalent in Europe and respected in the United States. And the world's insurers choose Bermuda because that supervision adds value. Oversight done well is the reputation a market [trades on]. The businesses that feed this Island deserve a framework of the same standard and so do the families that they serve.

Madam President, the amendments before this Senate are aligned to the regulations seen in many sectors and make eight principled reforms.

1. It establishes the designation of critical services. For the first time, the actual reach [of] the services determine what households pay: The shipping and freight of food and household goods to Bermuda. Their wholesale importation. Storage and distribution. Their retail sale to consumers. The supply of household utilities.

Every link this bag of rice crosses on its way to the table can now be seen transparently. In designating a service, a Minister must weigh in its necessity for delivering the availability of subsequent services and the material effect of its cost and affordability.

Each critical service designation requires consultation with the Commission with any responsible sector regulator. And every designation comes to the [Legislature] for approval under an affirmative resolution procedure.

2. The Bill defines what counts as a price increase for the essential commodities brought under this oversight. Any increase of 5 per cent or more within the same fiscal year a business on the Second Schedule must give the Commission written notice of such increase before it takes effect. An essential commodity enters only where the Minister considers it necessary in the public interest after consulting the Commission, and only by an Order that this [Legislature] approves.

The Schedule may name a prescribed category of business such as grocery stores . . . So that obligations fall evenly across the sector, and no single

merchant is singled out, the Commission will monitor, question, and publish. And for a commodity that is on the Schedule, the Act remains a machinery of Part II and notified of increases including the powers of the Commission under section 4 retaining the power of the right of appeal. This safeguards sits in section 7(1A) and 7(1B) in the public interest test. Consultation with the Commission and the approval of this [Legislature], across the wider economy prices remain set by the market. And the machinery for regulating an increase engages only for what the [Legislature] approves onto the Schedule. But these amendments provide some light into sectors that for too long have been in darkness.

3. The Bill recognises how our market is actually built where one company or related companies carry out two or more links in a [supply] chain from freight, to wholesale, to retail. The Minister may have regard to that consideration when designating a [critical] service. Related companies are those sharing common ownership control, or directors, or otherwise significant commercial relationships. Madam President, scale cannot be ignored and is a material fact of living on the Island. A prudent Government recognises that concentration without scrutiny leads to uninformed governance, duplicate processes, and [unsubstantiated] decisions or conclusions.

4. The Bill directs attention to duty relief. When the Government reduces duty on essential goods, families deserve to see that relief at the register. And the Government must know that its fiscal sacrifices have not occurred in vain.

Madam President, the Commission may now enquire at the Minister's discretion into whether duty reductions or other cost relief granted on a scheduled commodity are passed through to the prices consumers pay. And the Commission's annual report will assess the effect of that relief across essential commodities. This Honourable Senate and the public should take comfort knowing that the \$4.6 million of relief in this year's budget will be stewarded in the area that most affects affordability in Bermuda.

5. The Bill widens the public price database. The Commission will publish the current prices at which essential commodities may be purchased across businesses, whether or not those undertaken appear in the Second Schedule, so that the residents can be more informed about their purchases. The Bill also widens what counts as a price. So, the database captures tiered plans, base rates, fees, duties, taxes, surcharges, and the terms attached to a purchase, the figures households actually pay. Much of the information already sits in the public view on the shelves and in the published rate Schedule. And the Act gathers it in one place for the public to use.

6. The Bill requires the Commission to lay an annual report before the [Legislature]. The report will regularly demonstrate the hard work advanced by the Cost of Living Commission by including its findings on

affordability indicators, pricing trends and market structures, the effect of duty reductions, and other reliefs and barriers to competition. Accountability and oversight run through these amendments.

7. The Bill writes cooperation into law recognising the value of information sharing and dismantling the flawed silos of structures. The amendments ensure that the Commission consults the regulator responsible for any sector that it examines, adding capacity and demonstrating joined-up governance. The Commission is therefore empowered to conduct joint market studies with those regulators. Importantly, confidential information that is held by other regulators remains protected. This results in a framework that removes duplication and closes the gap currently present between regulators.

8. The Bill provides fair and [proportionate] enforcement inspectors designated under the Consumer Protection Act 1999, [and] may assist the Commission of Inquiry in compliance monitoring. A scheduled business may be required by notice to furnish price information and to keep records for the purpose of the Act. Furnishing false information becomes an offence carrying a fine of \$2,000 on summary conviction. A business aggrieved by the decision of the Commission has a right to appeal to the Minister, and from the Minister's decision to the Supreme Court, which may remit the matter for further consideration.

Madam President, what can be forecasted as routine rebuttals of overreach, the Bill has written answers within its own text. The replaced Second Schedule commences empty, exactly as the Schedule it replaces has stood since 2009. No businesses face price increase oversight on the day that this Act takes effect.

The Act itself commences by notice in *The [Official] Gazette*, in step with the readiness of the Commission. Oversight engages only where a designation has been consulted on, brought to the [Legislature], and duly approved by the elected representatives of this [Senate]. Notice, due process, and the right to appeal to the Supreme Court run through the architecture of these amendments. A merchant whose prices are honest will have no fear of this framework because transparency always rewards the fair dealer. Transparency will also widen choices. A family [who] can compare prices across every shelf on the Island holds more choice in its hands.

Madam President, some will say the Bill concentrates power to the Minister. The text says the opposite. I invite Members to count on their hands . . . it requires the Minister's purpose. The Commission must be consulted. For a critical service, the responsible sector regulator must be consulted as well. And the [Legislature] approves by the affirmative resolution procedure before a single service is designated or a single item enters the Schedule.

The criteria that binds every designation are written in the statute itself necessary for daily living, the availability of substance and the material effect on

affordability. The roles are separated by design. The Commission designs on a notice . . . notified increase. The Minister sits on appeal as the Act has provided since 1974. The Supreme Court sits above them both.

What the Bill withholds from the Minister matters as much as what is granted. No power to set a price, no power to act alone, no power to bypass the Senate. This Bill's policy concentration in the market and it disperses power in the state to the Commission, to the regulators, to the court and to this [Legislature].

Madam President, in closing, I wish to speak directly to the countless families who have asked for this Administration to be unwavering in its effort to lower the cost of living. The amendments presented today mean three important things:

- 1) The structures that set the price of rice, of bread, of the light bill, and the phone bill will operate and have oversight transparently and in plain sight.
- 2) When duty revenue is sacrificed and cut by this Government or by any successive Government, the Commission's role is to monitor and report on the impact it has on families. And when the price of essential items on the Schedule rises, that increase will be noted and examined and explained to the people.
- 3) Every year a report laid before this Legislature will show that the Commission found what steps it took. That accountability is now written into the letter of the law itself.

Madam President, affordability is a key feature of living in Bermuda with dignity, and it underpins our quality of life. As the Minister stated, and she is a representative of the people, she has provided a framework to act on what the people have requested. The concern of affordability has been raised time and time again in this Senate, and [by] the constituents of every Member that sits in the House of Assembly.

I invite Honourable Members of this Senate to examine this Bill on its merits and to support legislation that offers no silver bullet, [but] delivers the very answers requested on doorsteps that demand change as loudly as ours.

Madam President, when we leave this Chamber, this bag of rice and the price that is attached to it come under a framework of more informed and more accountable governance. The arc of this work runs from listening, to legislating, and ultimately to delivering. The listening [is] filled with the Cost of Living Summit and the public's responses to surveys. It evidences tangibly the actions taken that began on a doorstep conversation that will be felt at kitchen tables. The reforms that began in 2017, deepened in 2020 and 2022, are now strengthened by the work of a responsive Government on behalf of the people that she serves.

Thank you, Madam President.

The President: And thank you, Senator Lindsay Simmons, the Junior Minister of Home Affairs.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITORS

The President: And I would like to welcome into the Chamber the technical officers who are here in the Chamber to assist you. Welcome to you both.

[Cost of Living Commission Amendment (No. 2) Act 2026 second reading debate, continuing]

The President: Would any Senator care to speak on the Bill?

Senator Tarik Dunbar Smith you have the floor.

Sen. Tarik Smith: Thank you, Madam President and good afternoon, everyone, once again.

You know, there's no question that I think all Bermudians no matter what demographic you reside in feel the cost of living in this country. The Opposition of course will always support meaningful reforms that generally reduce the cost of living. Equally, it is our responsibility to scrutinise the legislation, to test the evidence under which is based. Again, *to test the evidence on which it is based*, and to ensure that the new powers, or powers, or obligations, are justified, proportionate, and likely to achieve the stated purpose.

This Bill examines . . . sorry, this Bill expands the role of the Cost of Living Commission, it broadens the categories of business and commodities that may be regulated, creates new reporting compliance obligations, and grants the Minister additional powers to designate critical services and make regulations. These are very significant changes. These deserve careful examination.

The Government has spoken publicly about engaging stakeholders on affordability. However, retailers and grocery stores who I have spoken with have questioned the extent as to which they were meaningfully consulted. In fact, one told me just recently that they were not consulted at all before the second amendment was drafted. Given that many of the practical obligations created by this Bill fall on these businesses, I believe it is appropriate to understand the consultation process and the evidence for the underpinning of these proposals.

Can the Junior Minister answer me on what consultation, if any, took place with retailers before the second amendment was written . . . was drafted up? What evidence or analysis did the Government use to conclude that these amendments would improve affordability for Bermudian consumers? And did the Government do any analysis to impact . . . on the impact of the fluctuating freight costs, fuel bills that . . . fuel prices that rise up and down with what is going on in the world, and the import duty tax, rather than just the retail margins that they may see on the grocery store or retail shelves?

Thank you, Madam President.

The President: And thank you, Senator Smith.

Would any other Senator . . . I see two hands.
John Wight, Vice President, you have the floor.

Sen. John Wight: Thank you, Madam President.

I find this Bill difficult to fully understand both in terms of its objectives, but also how it is going to work in practice.

So, for starters, in the past I have made requests of Government to meet with Independent Senators, in particular, in advance of legislation being tabled to . . . [if] it is other than routine in nature, to better understand . . . you know, what the Bill contains. And this is a perfect example of one that, in my view, sort of came out of left field. And I find very concerning and difficult to understand.

So, I understand that one of Government's objectives through this Act and the amendments is to ensure that duty relief provided by Government to food retailers and wholesalers is appropriately passed on to the consumers. I am not sure why Government believes that the consumer is not receiving the benefit of duty relief. But from speaking with stakeholders impacted by this Bill, they believe, as I do, that alternative options should be considered which would meet Government's objectives while limiting the additional costs to Bermuda's businesses in the process.

For starters, let me state this categorically. I am opposed to any Government's intervention in businesses which operate in a free market competitive environment. The Junior Minister referenced in her brief just now the Regulatory Authority providing oversight of our energy monopoly, and the Bermuda Monetary Authority [BMA] providing oversight to banks and insurers. In my view, those are very different situations than the one that is being brought to the Senate today.

The Regulatory Authority and the BMA are independent authorities consisting of very experienced and knowledgeable employees who engage with full transparency with impacted companies. I know this from first-hand experience as a director of one of the banks in Bermuda and being on several of Bermuda-domiciled insurance companies.

As an example, the BMA issues discussion papers to affected companies months in advance before any changes take place. In fact, one of the reasons the BMA does this is to ensure that there are no unintended consequences of what their ideas are. And, Madam President, I believe that to be effective and appropriate governance. This Bill, to me, has seemingly come out of nowhere.

The stakeholders impacted by this Bill are as surprised as I am. Since I read it last week for the first time, I have had the opportunity to speak with many potential . . . or many companies potentially impacted by this Bill. So, in private businesses in Bermuda that operate in a competitive environment, I find the information being requested by the Government through this Act and the amendment intrusive, unnecessary,

and I find it even disturbing. And the approvals that businesses will be required to obtain from Government in advance of price increases in products and services in excess of 5 per cent over a period of a year [are] absolutely unnecessary and even problematic.

I also find it ironic that as food retailers and wholesalers work in a competitive marketplace to keep prices reasonable, to keep their current customers and hopefully add more, are now likely to need to pass on additional administrative costs as a result of this Bill through higher prices. Does this sound reasonable to anyone?

Bermuda businesses caught in the current net of this legislation employ hundreds of Bermudians, most of them in the middle- and lower-income positions. Bermuda needs these businesses to prosper and needs these businesses to be able to continue to employ these Bermudians. Currently, the legislation has been targeted at food retailers and wholesalers. I have been told that there are approximately 70 Bermudian businesses that sell essential goods who will be impacted by this Bill.

Despite currently targeting food retailers and wholesalers, this Bill also opens the door for Government oversight to be implemented for any business with goods and services in Bermuda the Government deems to be essential—shipping, construction—the list is almost endless.

We will also be unable to attract new capital for businesses providing goods and services for Bermudians, in my view. Why would a new startup business want to commence business in Bermuda with the intrusions of Government and its associated costs through this Bill? In my view, Government does an excellent job supporting international business. Why can't we provide the same support to our Bermuda businesses? Bermuda needs more competition to bring prices down, not less. This Bill, in my view, will absolutely reduce competition and increase prices.

So, in addition to philosophically being opposed to this Bill, I don't understand how in practice this will benefit the consumer.

Let me give you an example. If I read section 7A(2) it states that a specified business undertaking shall not increase the price of any essential commodity by more than 5 per cent without Government approval.

So, for starters, where did the 5 per cent come from? What if a business's foreign supplier raises their price of an essential commodity by 10 per cent? Is the Bermuda business expected to incur a loss on that product?

Or, what if the business has landed a container of a perishable product? A good example being any berries, any fresh berries of any sort, at 10 per cent higher than the current price. Are they to wait 30 days until the Government decides they can sell the product at a higher amount? By that time the entire shipment of berries will have gone bad leaving the retailer with a complete loss. The Bermuda business owner may

therefore decide to remove the product to sell. And how does that help the Bermuda consumer?

Berries, eggs, and meat—the reality is that the prices of products go up and they go down based on market and global events that Bermuda has absolutely no control over. Why are we looking to punish Bermuda businesses and Bermuda consumers through the consequences of this Bill. My concern, Madam President, is the unintended consequences of this Bill which are as follows:

1. Existing businesses faced with increasing administrative compliance and reporting costs will look to reduce costs elsewhere, very possibly, Bermudian jobs.
2. No new businesses will choose to operate in Bermuda and create Bermudian jobs. I certainly wouldn't, if effectively the prices of services, wholesale goods, and retail goods can be dictated by one person, whomever the Minister of Home Affairs is at that one point in time.
3. Bermudians will have less choice because Bermuda businesses will discontinue certain products.

Madam President, Bermuda's economy is one for Bermudians to be proud of. We have heard from many prominent Ministers recently discussing Bermuda's growing economy, low inflation, and low unemployment. Are there Bermudians who are economically challenged to make ends meet at the end of each month due to no fault of their own? Absolutely, there are. And that's a concern for all of us. Why don't we focus on those individuals rather than run the risk of disrupting Bermuda's successful free market economy, which so many benefit from?

Price controls, other than perhaps for rents, pharmaceuticals, and energy have never worked effectively in any country that I have researched. They are used in countries such as Cuba and Venezuela. Certainly not economies Bermuda wants to model itself after.

I strongly request the Government to reconsider this legislative amendment. I will certainly not support it.

Thank you, Madam President.

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

Senator Tannock, you have the floor

Sen. Tawana Tannock: Yes, thank you Madam President.

Madam President, you will note that when it was requested that we waive the Standing Order to allow this Bill to be read the second time on the day that it was first presented, I objected. And I objected because I didn't think that we had enough time to fairly consider the implications of this Bill from when it was passed on Friday.

Since it was passed on Friday, I have received probably more requests for information and more points of issues from local retailers than I have on most other things, with the exception of rideshare, since my time in the Senate. And to expect us to take on everybody's concern, because when local retailers realise, *Hey, this has been passed and it's going to the Senate*, they started reaching out. And to expect us to have a fulsome debate and to rush through first, second, and possibly third readings on the same day, it does . . . it does . . . it's unfair to those members of the public who have concerns who were not consulted, which is another area of concern. And especially because this does seem to be a bit of a backtrack on price control. Because what else is price cap, like the 5 per cent, if not price control which this Government repeatedly insisted that this was not the purpose of the Commission.

I could go through the Hansard reports and list every time since 2020 it was said, but I don't think I need to. However, I am willing to do so. Maybe I just will, actually, having said that.

On [19 June 2020](#) in the House of Assembly the Government introduced amendments enabling the Commission (created in 2017), when the former Price Control Commission was renamed to collect price information. Premier David Burt assured the House the renamed Commission no longer had the responsibility for setting the price of goods. The project was a price comparison totalling over 24 staple goods. The information collected was public shelf prices, effectively public information. Though the provisions were broadly written, they were intended on the narrow instance of grocery stores, as we know that this is now being extended to goods and services.

[On] [24 June 2020](#), Senator, former Senator, Anthony Richardson, then the Chairperson of the Commission, rose twice on points of order to give further assurance. "Price control is not a function at all of the Cost of Living Commission." "It is not a role at all." This exercise "is not in any way, shape or form trying to establish price control." Dictating prices will "disrupt the supply of these goods." That is directly from the former Chairperson of the Commission.

I will repeat that: Dictating prices will then "disrupt the supply of these goods." Detailed cost information first cost, freight markup was . . . for the Commission's understanding and "not for public consumption."

Fast forward to [27 March 2026](#) in the House of Assembly. The Government returned with an amendment. Premier Burt described it as "housekeeping in nature" enabling the long-promised price comparison tool and confirmed "the pricing information is just the public information of the prices which are displayed on shelves." "[T]here is no desire under these particular provisions to collect any more information outside" (of the ability) "for the price comparison website."

On [30 March 2026](#), Junior Minister Lindsay Simmons described the same amendment as

“housekeeping in nature,” a “comparison tool,” a “selective basket of grocery [store] items,” participation was voluntary, and “all can participate and may wish to do so.” The Attorney General confirmed that “smaller retailers [are] not mandated to participate” and would “bear [no] additional [burden] of complying.”

In May 2026, the Essential Commodity Schedule was expanded by ministerial regulation with no debate or vote in either Chamber. Within weeks smaller retailers, as far as I have been informed, began receiving demands for information with statutory penalties behind them if they did not provide this information. So, the voluntary nature ceased.

The 17th of July 2026 brings us to where we are now. The Government has introduced the Cost of Living [Commission] Amendment (No. 2) Act 2026 and under questioning the Minister (on Friday) acknowledged that businesses and commodities placed on the Second Schedule fall under the price control code provisions of Part II of the 1974 Act; price increases of 5 per cent or more, delayed for up to 30 days, that increases can be disallowed or modified; the burden is on the business to justify the increase . . . and that the filings extended beyond shelf prices into underlying supply chain cost.

I won't rehash what my Senate colleagues have already said but to point out that we were . . . we, the public, were repeatedly assured that this was not an exercise in price capping or price control. Today, to fix, to set a fixed amount, and to say *you must apply if you go for essential goods or services above this 5 per cent*, does not take into consideration our global market.

And I must say it is unusual that is not a fluctuating rate. Because if you look at the UK regulatory body that deals with economic regulation, increases, or the lack thereof, are always tied to a factor. For instance, if inflation goes up by “X,” then the increase can only be “Y.” It's never just a blanket 5 per cent. Because as my Senate colleague, Senator Wight, stated, we live in a global environment. We do not know what will happen on shore. We do not know how much freight, how much shipping, how much taxes will be added on to that.

And what we are essentially saying is: *We don't care*. We are saying we don't care to an industry that brings in \$300 million to Bermuda annually, goods and services. In particular, grocery stores, bring in \$300 million annually. And we are saying we actually don't care how this impacts your business.

Meanwhile, and you know, this is a personal . . . this is a personal issue of mine. We are giving special development orders, and waiving import duties and payroll tax for businesses that are new to Bermuda or expanding, where we have businesses here who have been contributing to our society, and we are not saying we are waiving anything. As a matter of fact, we are increasing regulation.

And so, my question is: Why wasn't the 5 per cent tied to any type of economic indicator? A calculation, that we could look at and say: *Okay. We see that this makes sense*. That's my first question.

I started going on so much, I didn't follow my own script. So now . . . Oh! Right, right. Robin Hood flour. Yes, this one.

So, Senator Lindsay Simmons, many people may not know this, is a wonderful baker. Actually, her hot cross buns are delicious. So, I say that because I know that this will not impact her, because I know she doesn't use Robin Hood flour [Bread and] Roll mix. I do. Because I can't . . . I can't bake from scratch.

But one of the issues with the Act is that it doesn't specify . . . so, if we know cod . . . Well, actually, it's probably Easter, right? So, around Easter time codfish goes on special, cinnamon, you know, other spices.

[Inaudible interjection]

Sen. Tawana Tannock: Yes, that we use.

[Inaudible interjection]

Sen. Tawana Tannock: Right. All of those things go . . . and Robin Hood bread [flour] would go on special. But what's not built into the legislation is, if those things go on special, and then come off of special, is that considered an increase that has to be notified to the Commission? That is not specified. And if that's not the case . . . and so, but it's a change. So, if that's not the case, then that should be built into the legislation. It should be built in that something going off a special and coming on—

POINT OF INFORMATION

Sen. Lindsay Simmons: Point of information.

Madam President, it talks about increases not . . . because things go on special all the time. It's not talking about when . . . when it decreases because . . . if it is only for a short amount of time that things go on special not—

[Inaudible interjection]

Sen. Lindsay Simmons: Yes.

Sen. Tawana Tannock: Yes. So, my thing . . . Thank you, Senator Simmons.

So, my concern is that we don't have that built into the . . . we don't have that built into the Act. Right?

So, if Robin Hood flour mix, I don't even know how much it costs. Let's say it costs \$10. If that goes on special for \$10 and then it increases back up to whatever the normal price is, what's not built into this, is the provision that that doesn't have to be notified. I

don't think it's the intent. But it's not specified that that doesn't have to happen.

And so, my question is: Can we build in some provision for things that regularly go up and down in price, as it might be specials or whatever the case might be?

POINT OF INFORMATION

Sen. Lindsay Simmons: Point of information. It doesn't . . . it excludes specials. This isn't about specials.

Sen. Tawana Tannock: Okay, and so, if I could be pointed to the section of the Act that excludes specials that would be helpful. Because I overlooked it. And it's . . . like I said, it's so much to review which is why I thought it premature that we do it today. So, I would be happy if that could be pointed out.

And then it's the 30-day window, as my colleague, Senator Wight, mentioned. The 30 days that it will take to find out whether or not you can raise the price of a perishable good, by that time that perishable good has perished. So, my concern is the 30-day pricing and that window and the added regulatory compliance and burden that will be put onto these . . . the persons who will have to make these filings.

And what I neglected to mention, in 2020, when Premier Burt mentioned this, and first introduced this, at that time there was a software cost that was paid by the government. What we have not seen in this Act is any assistance by the government, or any indication of assistance by the government that they will help the . . . the entities who are impacted with the ability to comply with this. Either, with . . . actually we haven't seen it. I can't even say. We haven't even seen it.

And furthermore, if there is a concern that duty has not been passed on and . . . and I believe Senator Simmons said that they don't know whether it's been passed on. Well, that's a matter for . . . that's an issue of enforcement. That is not an issue of *it's not working*. It's an issue of we don't know if it's working because we haven't checked. Which is a very different thing.

And if it is about duty relief, targeting this particular industry, that we do not want to give duty relief, versus the other ones that we do, if it is . . . if it is regarding duty relief, then if that is the case, then why aren't we making sure that this is being passed forward? Why aren't we selecting a container from an individual store, looking at those goods that have duty relief, and assessing whether or not duty relief has been granted when they end up on the shelf? Why are we creating an entirely new Act? Because we are not enforcing whether or not duty has been paid . . . the duty relief has been paid forward. Thank you.

The President: Thank you.

Would any other Senator care to speak?

Minister Wilkerson, you have the floor—

Sen. the Hon. Kim Wilkerson: Yes, thank you, Madam President.

The President: Minister of Justice.

Sen. the Hon. Kim Wilkerson: Just . . . I will speak to the Bill generally. Obviously, you know, I am supportive of this Bill. I think it is very interesting in this general debate to hear the comments and, you know, I think there are some Members who have . . . And I think it's great that all kinds of stakeholders reach out to Members in the Senate. The kinds of stakeholders who reach out to me are just the average people who I see in the supermarket on a weekly basis shopping.

And so, this idea that we should be able to look into things, as opposed to bringing a piece of legislation, is misguided. The ability to look into someone's container and see what is in it, and their levers for changing prices, has to have a statutory footing to do so. This is what we are trying to do here. We are trying to create the transparency around those levers in order to get that information.

I have heard on the other side a couple of times about the burden, additional administrative costs, and regulatory burden on our shop providers, those who provide all of these foods and services that we have. The Government doesn't know what the regulatory burden is because it doesn't have the tools legislatively for that transparency factor to be able to look into how the prices are made up.

And so, if there's one thing certainly that members of the public should be left with is that this amendment (No. 2) is meant to deal with transparency. And if people could . . . it doesn't mean that suddenly the Government is going in and telling shopkeepers to change their prices. In order to have any kind of better legislative footing, we need the data to do so. And we need to have a legislative ability to have a look inside. And that is part of what this piece of legislation is really trying to do.

I think that, you know, Senator Wight . . . I think that the . . . the context of what he was saying was that, you know, . . . and I . . . let me say this. You know, I live in the west, right? You know, where we shop, that particular grocery store, all of those people who work up there are my neighbours and friends. So, I understand the impact that's cyclical. Right? But at the same time that doesn't mean that in order to drive . . . and we keep hearing in this Chamber about making good legislation. But in order to drive proper governmental change and to determine if further legislative changes are required, we need to have a legislative ability to look in and do so.

And I do not accept that things that might have been said in 2017, the Government should be bound to. We are meant to be a responsive Government. In 2017, people were not crying out about the prices of going to the grocery store, about the prices of all of the services and things that they have for daily life.

POINT OF ORDER

Sen. Tawana Tannock: Point of order, Madam President. I did not mention 2017; I mentioned 2020.

Sen. the Hon. Kim Wilkerson: She said in 2017—

[Inaudible interjections]

Sen. the Hon. Kim Wilkerson: Because I was interested to see because you would recognise that we only returned back to Government in 2017. But in any event,—

The President: Continue.

Sen. the Hon. Kim Wilkerson: —2020, be it as it may, conditions in 2020 are not where they are in 2026.

The President: Mm-hmm.

Sen. the Hon. Kim Wilkerson: Just as part of the general debate, this is an effort of this Government to be responsive, to have a proper legal framework to get information. And it isn't intended to be burdensome. So, I mean, if there is, you know, feedback from the stakeholders that are obviously conversing with Senator Wight that this is going to be overly burdensome, that is something that we would want to hear from and in a data-driven way. But I do believe that the piece of . . . this piece of legislation enables that to happen.

Thank you, Madam President.

The President: Thank you, Madam Attorney General, Minister Wilkerson.

Would any other Senator care to speak?

Yes, I see Senator David Rogers. You have the floor.

Sen. David Rogers: Thank you, so much, Madam President

I will start with the conclusion. Basically, the fact that this does allow for price controls, this does add a compliance requirement or regulatory requirement, and it does reduce business flexibility. Right? With the potential end step of leading to possible layoffs in the abstract and possible reduced investment.

Government could take a more direct approach removing things like sugar tax, alternating when duties are paid (post sale), [and] they could reduce the foreign currency purchase tax.

Another concept that I have sort of come to understand since being in the Senate is I can't rely on government reports to be timely. So, any legislation with a report in it, I typically don't take the reporting period seriously.

The Bill . . . how to say? It . . . When looking at international investment, per se, if you are investing in a place that has a full economic regulator, there is a

price premium associated with it because there is political risk. And what this looks like is the start down a change in our economic model, which I am uncomfortable with.

Also, this is a very ministerial heavy Bill. The Ministry is in charge of defining what the essential goods are, the critical services, the categories, and much of the substance in policy and regulations, which is also putting us in a more command-and-control, legislate-by-regulation framework, which [is] not necessarily great for investment.

Finally, there is the 5 per cent threshold. A number of people have spoken to that 5 per cent threshold. It . . . it does spark concern because there is such a wide variety in pricing that the trigger will be inordinately triggered for some goods rather than others. So, there is a concern related to that.

I believe this will definitely hit smaller businesses harder than larger businesses. And then the final part, having worked in a regulator, this Bill overlaps between multiple regulatory bodies. And that tends to cause things like turf wars where people aren't sure of who's in charge of what area, and there is a possibility of governmental confusion.

So, thank you very much.

The President: Thank you, Senator Rogers.

Would any other Senator care to speak?

Yes, Senator Fubler, Mischa Fubler, you have the floor.

Sen. Mischa Fubler: Thank you, Madam President.

And I am getting to my . . . rising to my [feet], as it were, to speak in support with another Bill that makes progressive change for the working-class people of Bermuda. And I want to take some time to address some of the points and concerns that were raised by my colleagues across the aisle.

And starting with this coordination point that was raised most recently. I would like to . . . maybe I will wait until, if we go into Committee. But the law does provide carve-outs preferencing the regulators' specific legislation as supreme when there are areas of conflict. So maybe that helps to assuage that.

Also—

[Inaudible interjection]

Sen. Mischa Fubler: Well, I wasn't sure.

And so, the . . . I might open with a slight concession here. Like those concerns around the idea of price controls. And if you consider them in the kind of 1970s-style (circa) at the time of the original legislation, I would like to point out, the 1974 Act did allow for the Minister to review price increases. All right? This is not necessarily a new concept.

But, yes, in those cases where there is an explicit price ceiling, there are challenges with supply and variety. But I think it is important to distinguish that this

change does not set a price ceiling, a hard ceiling. It is such that at the current 5 per cent, which can be changed to respond to inflation . . . it was one of the examples one of my colleagues gave, that the percentage could be increased and that it is primarily set up to provide notice to the public and offer an opportunity for review, considering the other inputs to that cost.

Also, I think it is time . . . often those who are more pro-capitalist in nature ideologically, raise examples of nations like Cuba and Venezuela and the detriment of price control and access to goods. It is important to keep in mind that their economic model is not the primary driver of the scarcity. It is the economic influence from outside actors on those nations, embargoes, and direct political action in some cases that are affecting their market. Right?

And so, just to provide a few examples of places where price controls are working and are in effect, I point to France's influence over the states within its remit like Réunion, Martinique and Guadelupe. And those island territories have negotiated maximum price baskets because they typically have prices on foods, the markups run 30 [per cent] to 42 per cent above mainland prices. In Réunion, as an example, their 2026 basket has 175 essential products with a ceiling of €403, which I would like to point out is €12 lower than the 2025 basket.

Can I point to Havana? Again, coming back to discredit a mechanism that has run for 14 years in these islands of the French Republic. Another example, more relevant I suppose, as a fellow CARICOM member, The Bahamas has statutory mark-up caps on their breadbasket staples. Right? Madam President, 13 per cent for wholesale and 23 per cent for retail.

Another jurisdiction, kind of island-ish in nature, although in Europe, so closer access to a wider variety of manufacturing, as it were, of the food. The Greece's household basket has been in place since 2022, and it provides essential price—it's an essentials price list plus a public digital comparison platform which is something that we have seen. We have moved to implement here and strengthen with this amendment.

And even in the heart of capitalism, the United States, 34 states plus the District of Columbia and Puerto Rico, have price gouging statutes. The most common trigger is a 10 per cent increase. So, even there, the largest proponent of capitalism, they have price controls—under a different name, of course, because that doesn't really jive with traditional capitalist ideology. But even they have it.

Also, there was this concern around increased cost for the regulatory reporting. And again, I just want to counter this. We are in 2026. I would be challenged to find a retailer of essential goods, right? We are talking about grocers in the larger context. All of them are running information management systems. I would argue they already have a report that tracks price change. And it would be trivial to tell me to filter it to prices of

essential good items that have increased by 5 per cent or more and to submit that file to the Commission.

This idea that 30 days is insufficient for providing notice is . . . I am going to say it is irrelevant. Right? There is merit to raising it as a concern, but I think in the modern era that we operate in, it is much less of a burden than my colleagues may be trying to make it out to be. At least by way of impact on the cost of doing business.

If you are using a computer system, writing that report may have some cost if you are relying on an outside vendor to make a change to your information system. Sure. You say: *Build me a new report that tracks the goods and highlights things that have crossed a threshold that I set.* That's a one-time cost. And then we move on with ensuring that we have effective data to come back later with even more effective legislation around impacting the cost on everyday Bermudians.

And so, in closing, this Bill asks large undertakings in essential goods for three things: To tell the Commission before 5 per cent rise, share price information that the public can already see themselves if they go shopping. I think there's even . . . you know, like a Google sheet from someone who shares it on Facebook. So, some people are doing this price tracking already. This looks to ensure that we have a central location that compels vendors to share the information required, and that it safeguards the business community. Because this law . . . I don't think we have had this mentioned in the debate. It provides an opportunity for appeal to the court. Something that was not in [place] prior to this proposed amendment.

And so, again, a notice is not price control. It is a sunlight on the market. It is not a hard ceiling. It is a stopgap to ensure that there are not unfair price increases being levied on the shoppers of Bermuda.

And on that, I yield the remainder of my time. Thank you, Madam President.

The President: Thank you, Senator Mischa Fubler. Senator Cunningham, you have the floor.

Sen. Victoria Cunningham: Thank you, Madam President.

While it is fresh in my mind, I just wanted to . . . I have also spoken to a number of local retailers in the last seven days, and it is my understanding that many of them are already providing this data to the Cost of Living Commission. And one of their main issues is that even when you speak about rice, rice itself could have 50 different entries because of the various different rice products that these guys are bringing in. So, it is not just the fact that there is . . . however many items on this listing of essential goods. It is how many products are there on the supermarket floor that these guys are bringing in?

But, anyway, I just wanted to put that on the record, and I think—

Sen. Mischa Fubler: Point of clarification, Madam President.

Sen. Victoria Cunningham: Yes.

The President: Yes, Senator Mischa—

POINT OF CLARIFICATION

Sen. Mischa Fubler: I'd like to get a better understanding of how the number of products affects the cost of furnishing that data to the Government.

Sen. Victoria Cunningham: It was . . . sorry, my Senate colleague was seemingly saying that with any kind of IT infrastructure it should be easy enough to report these numbers.

Sen. Mischa Fubler: Yes, there's no additional impact to report on one good or 50 goods or 5,000 goods if you are using an information system to track your inventory.

Sen. Victoria Cunningham: Thank you. Madam President.

I would refer that the Government speaks to the retailers involved to get their side of the story. But anyway, moving on.

I am . . . actually, I am going to reiterate what was said because this is where I have a difficulty. Back when the Commission was last . . . substantially amended, the then chairman stood in this very Chamber (although I think there were masks and it was possibly online) and said not once but twice, and the second time under a point of order, that this is not an exercise in cost control.

The Attorney General pointed to 2020 being entirely different to 2026. Yes, it was. It was COVID-19. People were on furlough. People had lost jobs. People were in dire straits financially. So, the cost of living was very much an issue back in June of 2020 as to where we are today. So, I want to say that that remark back in 2020 was said carefully. Said twice—once on a point of order—to confirm that it was being heard properly. And ultimately, I think, you know, when it was then brought back in March of this year, and it was just housekeeping, we were told that there was no desire to collect more information from our retailers beyond this being purely just a price comparison tool.

So, I do want to be fair. The Government did receive quite a lot of scrutiny in another place. But there were a lot of questions that were not answered. And firstly, one was the own . . . the reporting trigger that captures both price increases and price decreases. That was our question. It was not answered. And it specifically says, [new] section 7A. The trigger is the . . . which is the actual teeth of this Bill I think that we are speaking against, it applies only to increases. So, if this was truly transparent monitoring, why does it only look one way? In my mind a weighing scale that only

registers weight going on but not coming off, is not a weighing scale I want to have. But that's not a scale. That's a lever.

And then secondly, why are we now building another parallel monitoring enforcement track for utilities and critical services? When, you know, we could just strengthen and give more teeth . . . as we keep saying to the Regulatory Authority that already exists and has already basically sought that expanded mandate. So, I think we now have two regulatory regimes doing adjacent work at the taxpayers' expense with no explanation why.

And my colleague mentioned it earlier. I would also ask this Chamber to recall the sugar tax, a measure introduced like this one with the best of intentions. But as we talk about unintended consequences, the unintended consequence of the sugar tax raised the price of a bottle of water.

We were not warned of the outcome at that time. And I think we are entitled to ask this time: What are those consequences? What is the administrative cost that is coming from where this Bill is going to hit those retailers and service providers? Are we looking now at, you know, more self-service checkouts which then . . . you know, so that companies can absorb that compliance burden, we then see more and more Bermudians facing unemployment.

I think it stands to be said, Madam President, that the cost of things that we buy in Bermuda is driven overwhelmingly by external forces. Things like international pricing, fuel, duty, freight. Nothing in this Bill actually touches any of that. And it touches just the domestic retailer or the wholesaler and the shipper. But they didn't ultimately set the price of wheat. They didn't set the price of the container from point A to B. And I think, you know, with this new compliance obligation, we have now got a new offence and discretion landing or hanging over the pricing decisions of these retailers.

So, as I mentioned, I sat down earlier with a retailer and they basically went through the arduous process of compliance with this Bill. And ultimately walked through from start to finish how that box of goods, or whatever it is, gets from A to B. And I believe in the World Cup we saw the lettuce example. But ultimately, they gave us a few examples. And one of them was the price of a dozen eggs. So, last year . . . and under this Bill, we are looking at the 5 per cent increase in any given annual period.

Last year the price of eggs did not rise because of a Bermudian retailer. It rose because there was avian influenza that tore through flocks across North America, and the price of eggs tripled or quadrupled in a matter of months. That wasn't price gouging. That was because chickens were culled, and the price of eggs went up.

Strawberries. Berries are an essential commodity or an essential good. You know, strawberries are seasonal. We see strawberries in the supermarket for \$4.99 [or] \$5.99. But they can go all the way up to

\$13.99 out of season. You know, how are we regulating those prices? Then the supermarkets will say: *Well, I've booked it at \$13.99, even though I'm getting them at \$5.00, I'll keep them on.*

I also wanted to say that I note that the bag of rice didn't make it all the way to this Chamber today, which, given the price swings it's been through recently, is probably deserving of a good rest. But I thank the Government's analogy for that because India, back in July [20]23, which accounts for 40 per cent of the world's rice trade, banned the export of non-basmati rice. So, global prices jumped 15 [per cent] to 20 per cent within months. In September [20]24, that ban was lifted and now we're seeing decade lows of those prices. But no retailer in Bermuda made that happen. And I think that's the important thing.

This entire argument in a single bag of rice. The price rose because of a decision made in New Delhi, India. And if we're only looking at prices going up, what would have happened to that bag of rice back in 2023? No Bermudian household would have had rice, unless we found the one that was missing from the House the other day.

But anyway, Madam President, I think it's obvious where I stand. But I just, again, I think we need to rethink how . . . no one on this side is saying anything about, you know, we should be lowering the cost of . . . we should be lowering the cost of living. We . . . you know, it's about transparency and fairness. It's not about price controlling what the retailers ultimately have no control over. And so, I think this is . . . we need the transparency, but this is control. And I . . . we cannot stand for that.

Thank you very much, Madam President.

The President: Thank you, Senator Cunningham.

Would any other Senator care to speak on this Bill?

Senator Ryan Perinchief. You have the floor, Minister.

Sen. the Hon. Ryan Robinson Perinchief: Thank you, Madam President.

I just want to start by mentioning that I think it's unfortunate that in this discussion so far, a lot of the criticism and challenges that have been raised by other Honourable Members are in relation to the interest of the retailer or the wholesaler or the seller. There's a reason that this governing party was re-elected and that is because of the mandate that we were given, yes, whilst considerate of the industry and retailers, is in this case to protect all of us living in Bermuda as buyers, as consumers, as everyday Bermudians as a whole. And it was on the agenda of building a fairer, more stable, and affordable Bermuda.

So, I just want to remind our Honourable Members of the spirit of this Bill, which is what we're discussing at this stage. Senator Simmons' Statement on this year's budget mentioned that duty relief on essential

goods was estimated to be in the amount of \$4.6 million in annual duty foregone. And that's across the [\$]50 . . . she mentioned \$50.7 million of imports. That's \$4.6 million of relief that we as a people, the Government, have foregone in duty on essential goods in this budget cycle. The Progressive Labour Party's commitment was to implement, and this is according to what we were elected on, because I know that there was reference to things that were said in the past ranging from 2017 to 2020, and mentioned that there's been a change. Well, our most recent mandate was, and this is verbatim in terms of the commitment, *implementing fair pricing control and transparency measures to ensure that the benefits of the Government's zero import duties on essential goods are passed directly to consumers rather than increasing company profits.* That was this Government's commitment.

The suggestion, and I still want to clarify this because this is not a debate around price control. The suggestion by Members of the Opposition and the Independent Senators seems to be that if the cost of a good increases, it will automatically be subject to some price cap. The 5 per cent threshold is simply from a definitional perspective providing what would constitute a price increase for the essential commodities that are potentially subject to some review or some form of control.

This Bill allows the Government to have sight to confirm whether or not wholesalers, retailers, et cetera, are passing on the duty relief on essential goods as they say they are. If they are, then there is no need to cap prices on essential goods by adding them to the Schedule that is mentioned. If they aren't, then the purpose of this Bill is to show that and to allow the Government to have an understanding of that so that further action can be considered.

So, in that sense, Madam President, it's a transparency Bill. And, specifically, in the debate and the discussion we've been having so far, in relation to essential goods that the Government is already providing duty relief on. And it's simply to ensure that we understand that if the Government is providing duty relief in the amount of nearly \$5 million, that that is translating to a decrease in prices at the register.

I want to flag, Madam President, that this Bill starts with an empty Schedule. It does not automatically mean that there are caps on prices. It doesn't have a starting position of mistrust or scepticism or a denial or additional burden towards retailers and wholesalers. It's a blank slate. It starts with an empty Schedule, and it doesn't start with restricting prices in the Bill. The Schedule, where any of those restrictions would live, is starting empty.

I note that, for example, Senator Cunningham noted that some of the retailers are already providing data to the Government. And that is appreciated. But the reality is that not all grocery stores, importers, wholesalers, et cetera, have been cooperative. Some are refusing to use the tools that have been provided

and the current mechanisms to cooperate with the Government to provide data that would allow the Government to confirm whether the \$5 million that we, the taxpayers, are foregoing in terms of duty relief, are translating into lower prices particularly on essential goods.

The other thing is that what some retailers and sellers are doing is pointing to others in the industry as to blame other partners in the supply chain. So, they may say to the industry: *We don't . . . you know, it's not us. It's this other mechanism in the chain.* We know that when we talk about food, for example, you have shipping. You have transport. You have storage. You have wholesale. You have retail. And the status quo is that partners within the industry are pointing fingers at each other in the context where certain areas of this have no regulation, no oversight, no mechanism to ensure that there is cooperation, provision of data, and compliance. Right? And so, you have various sellers and representatives in the industry who are claiming that they are passing on the costs, or the savings, of the duty relief, to consumers. And we have no way to verify that.

And so, I would encourage those concerned retailers, importers, wholesalers, as well as my colleagues here, that the Government's duty relief in the amount of nearly \$5 million, the Government is not obliged to do that. That is Government taking a step in good faith to forego its own revenue in order . . . in the hopes that these industry partners will cooperate and translate that into lower costs and lower prices at the register. Unfortunately, the result of the last few years, and the concern by the public is that there's no certainty or guarantee that that is what has been occurring. And Government has attempted through consultation, through different tools, to capture data to verify that before getting to this stage.

But the reality is that if we were able to do that without the burden of drafting legislation, without these additional mechanisms, that's what we'd be doing. And we'd be able to verify that. And so, this is really a response to our inability, to date, to confirm that. And this is a commitment that we have made to the people. If it is the case that various sellers and representatives are passing on these cost savings to consumers as they say they are, then there will be no reason for any further restrictions on pricing. Again, that is not the starting point.

And so, if it is the case that what they say is happening is happening, then the purpose of this Bill is simply to verify that. Ultimately, the Bill allows us to have the sight to confirm whether or not wholesalers and retailers are passing on the duty relief on essential goods as they say they are. And if they aren't, then this Bill will show that. It would allow us to settle the matter and then action can be taken accordingly.

So, I just want to raise that because the spirit of this Bill is ultimately for the Government to have the ability to follow through on a commitment that the electorate have voted us in to fulfil. It is not the case that it automatically means there are price controls, and if this

Bill passes all of a sudden goods have a cap and retailers can't function. The reality is the starting position. This will allow us to have the fair access and transparency that's needed, where you don't have to say: *Well, this grocery store is cooperating. This one is not. This particular industry partner doesn't want to provide data.* We are skipping past that. This allows us to operate with the fairness and transparency necessary so that further decisions can be considered.

And I think in that same spirit, we thank the retailers and the industry partners that have cooperated, because I think they understand if they will only provide the Government with this data and this information, then there's no need to go through all of the rigmarole of having enforcement, et cetera.

But, unfortunately, what we can't have is that those retailers who are cooperating are suffering the same pressure and the criticisms and the scepticism of not passing on cost savings when there are other persons and other industry partners that are not cooperating, that may very well be profiting on the basis of duty relief that the Government and the taxpayer are providing.

And so, I wanted to add that clarity to the spirit of the Bill. And my hope is that our colleagues across the aisle will agree with that spirit because it allows us to actually have the information we need to then debate whether we need to have price controls or not.

Thank you. Madam President.

The President: Thank you, Minister Robinson Perinchief.

Would any other Senator care to speak on this Bill?

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

Sen. Lindsay Simmons: Thank you. Thank you, Madam President, and I want to thank my colleagues on this side for helping to answer a bit of my questions already. But, Madam President, I do want to emphasise that we have had several meetings with retailers who said it's not a problem. They all use the same software. So, the idea of an administrative burden, the burden is to safeguard the margins.

Madam President, the reasonable price explanation is what we are seeking to understand. This is about transparency on what goods [that are] essential to everyday living can be profited on.

Another question that I got from Senator [Tarik] Dunbar Smith, there was background research and consultation including [a] survey of 2,272 residents and 274 businesses that helped to create the Affordable Bermuda Basket, business focus groups through the Cost of Living Summit.

Affordability for consumers was another question. The affordability is measured by the fact of essential commodities having zero duty. This Act is designed

to ensure that the relief is being passed through to the residents of Bermuda.

Senator Wight asked about the operational question. There is a gross misunderstanding of the effects of the Bill. The Bill provides for the addition of existing framework to capture critical services, expanded essential commodities, . . . the price monitoring, price transparency, and price increase control in relation to the same, and researches the existing framework. The determination of the commodities and the business undertaken provides those commodities, subject to price increase control. [It] is an existing feature of the legislative framework and occurs on approval of the Legislature. Currently, this occurs where there are monopolies and anti-competitive practices. The addition [enables] central commodities to also be subject to price increase, trade control, where it is in the public interest. For example, to avoid price gauging in cases of emergencies or crisis. But the underlying reasons, the commodities and business undertaking subjects will be decided openly and transparently by the Legislature. These are very restricted instances in which price increase control will occur and is already a feature in the existing legislative regime.

Madam President, a 5 per cent threshold only provides what will constitute a price increase for just the essential commodities that are, in their restricted cases, subject to price increase control. The Act has to be read as a whole. We can't just take pieces of it. You have to take it as a whole.

A question . . . the assistance and complying with price monitoring requirements by Senator Tannock. Assistance and complying with price monitoring was provided under the Cost of Living [Act] (No. 1) and the regs. It is already now a feature under the Essential Commodities Regulation. This was in response to enabling new digital technology to assist in price monitoring transparency.

On turf wars by Senator Rogers. The Bill also provides for agreement to be made between the Commission and the responsible regulator when working together to understand cost drivers in a particular sector. It is important to state that before any item can be placed on this Schedule by the Minister, and subject to price increase control, the Legislature must approve and answer all the concerns. The who, the what and the why will have to be debated in the House and the Senate, in addition to consultation with the Commission and the responsible Regulatory Authority, if any.

So, I believe there was a lot of commentary, but these are the questions that were asked. And with that, Madam President, I move that the Bill entitled Cost of Living Commission Amendment (No. 2) Act 2026 be now read a second time.

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

Sen. Lindsay Simmons: Madam President—

[Crosstalk]

STANDING ORDER 26

Sen. Lindsay Simmons: 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. Lindsay Simmons: Madam President, I move that the Bill entitled the Cost of Living Commission Amendment (No. 2) Act . . . I'm sorry.

I move that the Bill entitled the Cost of Living Commission Amendment (No. 2) Act 2026 be now read a third time.

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

There are one two, three four objections . . . five.

We will have to have a vote. There are five objections to the third reading.

Sen. Victoria Cunningham: Point of clarification.

The President: Yes.

POINT OF CLARIFICATION

Sen. Victoria Cunningham: Yes, I believe this pushes the—

The President: Yes.

[Crosstalk]

Sen. Lindsay Simmons: Madam President—

The President: I just want to make a note here, the procedure on the third reading. I'm going to read this out for us all because we . . . You need to be fully apprised.

The procedure on third reading, [\[Standing Order\] 35](#): "A Bill having passed through the Committee" (Well, it says Committee, but by the whole) "[of the whole Senate, or] by leave of the Senate, having been read a second time without referral to the Committee of the whole [Senate], may forthwith be read a third time and passed unless at least three Members object to the motion for the third reading, in which case the third reading shall be deferred to the next day of meeting."

And that is, Senators, the procedure on the third reading.

SUSPENSION OF STANDING ORDER 35

Sen. Lindsay Simmons: Madam President, I move to suspend [Standing Order] 35 in respect to this Bill.

[Crosstalk]

The President: So, for Senators and for the listing audience, there have been at five objections, and we do have to take a division which means a vote.

And I will ask the Clerk to do so.

The Clerk: Hello, Senators.

[Crosstalk]

The Clerk: The motion before the Senate at this point is to suspend Standing Order 35. Okay?

So, those in favour will say Aye and those opposed will say Nay.

DIVISION

[Motion to suspend Standing Order 35]

Ayes: 5

Sen. the Hon. K. Wilkerson
Sen. the Hon. R. R. Perinchief
Sen. L. Simmons
Sen. M. Fubler
Sen. L. Bell

Nays: 6

Sen. V. Cunningham
Sen. T. Smith
Sen. D. Rogers
Sen. T. Tannock
Sen. J. Wight
Sen. the Hon. J. Dillas-Wright

The President: So, Senators with a vote of 6 [Nays] to 5 [Ayes], the motion is defeated . . . to suspend.

[Motion to suspend Standing Order 35 defeated by majority on division.]

[Crosstalk]

Sen. Lindsay Simmons: Madam President, I would like to rise and report progress.

Sen. Victoria Cunningham: Can I ask a question?

The President: There is a procedure question.

Sen. Victoria Cunningham: Point of procedure.

POINT OF PROCEDURE

Sen. Victoria Cunningham: How does that differ from the . . . pushing it to the next session?

The President: She said rise and report.

The Clerk: So, the motion to suspend [Standing Order] 35 has been defeated, and the third reading would have to be carried over.

The President: It will be carried over—

The Clerk: To the next day of meeting.

The President: —to the next day meeting.

The Clerk: Yes.

Does everybody understand?

[Crosstalk]

Sen. Tawana Tannock: My apologies. So, Senator Simmons is not rising and reporting? We're just holding it over to the next session? I'm just . . . for the third reading?

The President: The third reading is being held over for the next day of meeting.

Sen. Tawana Tannock: Okay. All right. But . . . then that cancels out the rise and report? Or . . .

The Clerk: Yes.

Sen. Tawana Tannock: Okay.

The Clerk: Well, effectively.

Sen. Tawana Tannock: Oh, okay. All right. Thank you.

The Clerk: Okay? Everybody is good?

The President: We are all clear on that? So that order will be carried over.

[Crosstalk]

Sen. Lindsay Simmons: Madam President, I just wanted to be clear—

The President: Yes.

Sen. Lindsay Simmons: —to all Senate colleagues. There were only . . . when we come back, it is not another debate. It is the third reading.

The President: Yes.

Sen. Lindsay Simmons: Because last time we came [back] they thought it was a debate.

The President: No.

The Clerk: The Bill will be on the Order Paper for the next day of meeting, for the third—

The President: As the third reading only.

The Clerk: And as you know, there is no debate.

The President: There is no debate on it.

The Clerk: Okay. Yes.

The President: Senators, you all understand that?

[No audible response.]

The President: Good. This doesn't happen often, so we have to get . . . Because we don't go into Committee.

But given that, then the Bill will be carried over for the next day of meeting. And that means that we can move on with the last item on our agenda, on our Orders of the Day. And that is the second reading of the Cost of Living . . . No. The Cost of Living Commission—

[Crosstalk]

The Clerk: Yes.

The President: Yes. Senators, we will now move on to the last item on our agenda and that is the second reading of the Cost of Living Commission Amendment (No. 2)—

[Crosstalk]

The President: Listen, it's been one of those days.

Senators, we will now entertain the last Bill on our agenda, and that is the Justice and Community Safety Reform Act 2026. And that is in the name of the Attorney General, Minister of Justice, Minister Wilkerson.

I do apologise to you all.

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

STANDING ORDER 25

Sen. the Hon. Kim Wilkerson: I move that the provisions of Standing Order 25 be granted so that the Senate may now proceed with the second reading of the Bill entitled Justice and Community Safety Reform Act 2026.

The President: Senators, is it there an objection to that motion?

No objection.

[Motion carried: Leave granted for the Justice and Community Safety Reform Act 2026 to be read a second time on the same day as its first reading.]

The President: Minister Wilkerson, you can continue.

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

I move that the Bill—

[Crosstalk]

Sen. the Hon. Kim Wilkerson: —entitled [Justice and Community Safety Reform Act 2026](#) now be read a second time.

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

No Objection. Minister Wilkerson.

BILL

SECOND READING

JUSTICE AND COMMUNITY SAFETY REFORM ACT 2026

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

Madam President, this Bill has already been passed by the House of Assembly, and Honourable Senators have had the benefit of the Bill itself and of the debate in the other place. I will therefore be brief and confine myself to the purpose of the Bill, its main provisions, and the amendment made in the House.

The single purpose of this Bill is convictions secured lawfully, fairly and effectively. It is convictions that take shooters off our streets, that break the cycle of retaliation, and that bring closure to grieving families who have waited far too long for answers.

Madam President, over the past two decades, this Island has recorded too many unresolved murders, the product of gangs, guns and a corrosive culture of reprisal. The Bermuda Police Service has been clear that these cases are not closed. In case after case what stands between families and justice is not a lack of truth, but fear by people who saw, heard or know something, but who will not come forward because they are afraid. This Bill is designed to ensure that fear does not have the final word.

Madam President, the Bill does three things: It strengthens three pillars of our criminal law; namely, the Evidence Act 1905, the Criminal Code Act 1907, and the Bail Act 2005. I will address each in turn.

Madam President, this Bill amends the Evidence Act 1905 to introduce two court-controlled protections. The first is an investigation anonymity order granted by a magistrate, which prohibits the disclosure of information identifying a person as someone assisting a serious criminal investigation. In plain terms, a person who wants to do the right thing can speak to the police without the whole Island knowing they have done so.

The second is a witness anonymity order granted only by the Supreme Court, which permits a witness to give evidence at trial with their identity protected through the withholding of a name, the use of a pseudonym, screening or voice modulation. Such an order may be made only where the court is satisfied

that it is necessary, that it is consistent with a defendant receiving a fair trial, and that the interests of justice require the witness' testimony. This is a proven tool in use in the United Kingdom, Canada, Australia, and neighbouring jurisdictions.

Madam President, these protections are tightly confined. They are available only for serious arrestable offences as defined under section 3 of the Police and Criminal Evidence Act 2006, a tested threshold that excludes minor offending. It is the court, and never the prosecutor, that decides whether an order is granted. The trial judge is required to warn the jury so that the making of an order cannot prejudice the defendant. The right to silence is untouched and the common law of public interest immunity is preserved.

Madam President, this Bill also amends the Criminal Code Act 1907 to create new offences of assaulting or intimidating a judicial officer, a prosecutor, a Member of the Legislature, whether on duty or targeted off duty, in retaliation for their office. And also, as a result of, really, a collaborative review and input from the Opposition, the addition of jurors to that class who are protected in this particular Act, Madam President. And I am grateful to my opposite who sits in another place for bringing that forward.

The President: Mm-hmm.

Sen. the Hon. Kim Wilkerson: A Crown Counsel has been threatened within the very precincts of our courts, and the magistrate has been threatened in a separate matter. And so have Members of the Legislature. When those who uphold the rule of law can be menaced with impunity, it is the administration of justice itself that is attacked.

The penalties reflect that gravity with up to 25 years imprisonment on indictment for assault occasioning bodily harm to an official in the execution of duty, up to 15 years for retaliatory attacks on off-duty officials, and up to 10 years for intimidation. As a safeguard against misuse, no prosecution may be brought without the consent of the Director of Public Prosecutions.

Madam President, I draw the particular attention of Honourable Senators to the one amendment, which I've recently mentioned, made in the House in Committee. That was where the House added clause 3 to extend the protected class in the new section 310A(5) of the Criminal Code Act 1907 to include a person serving as a juror.

Now, Madam President, jurors have protection under the Criminal Code [Act] 1907. But they do not have the protection related to this additional high level of offences that would be . . . have been complained of, have been reported on, and have been investigated when it comes to gang-related trials.

We know, Madam President, jurors sit at the very heart of the trial process, and this clause is designed to protect and to prevent the intimidating of a

juror, because that strikes at verdicts as directly as intimidating a judge. The Bill now before this Honourable Chamber therefore protects jurors alongside judicial officers, prosecutors, and Members of the Legislature.

Madam President, this Bill also . . . the third part amends the Bail Act 2005 to confront a problem that has long undermined public confidence, leaving witnesses and communities exposed. Under this Bill, the wilful or unlawful breach of a bail condition becomes a criminal offence punishable on summary conviction by a fine of up to \$25,000, or imprisonment for up to three years in the case of court bail, with proportionate penalties for breaches of police bail. Again, no prosecution may be brought without the consent of the Director of Public Prosecutions.

Importantly, the Bill also introduces a right to refer a bail decision of the Magistrates' Court to the Supreme Court for a full rehearing. This right is even-handed as it is available equally to the defence where bail has been refused, and to the prosecution where bail has been granted over its objection. Judicial discretion is not removed as a higher court simply takes a fresh look.

Madam President, this Bill was developed with care to ensure that decisive action remains fair action. It has been reviewed for compliance with the constitutional guarantee of a fair trial and with our human rights obligations. Every significant power it creates is placed in the hands of an independent court. The jury must be warned, and the consent of the Director of Public Prosecutions gates the new offences.

The Bermuda Police Service has endorsed the Bill, and the Director of Public Prosecutions must review the operation of the entire regime and report to both Houses of this Legislature within three years so that this Parliament retains oversight of how these powers are used.

Madam President, this Bill declares in terms no one can mistake what Bermuda will no longer tolerate. That is, witnesses silenced by fear. Those who serve justice threatened for doing so. And bail treated as a suggestion rather than an obligation.

Madam President, to the families who have waited years for answers. This Government has heard you. Your loved ones are not forgotten. Today, I speak only some of their names, and I do so mindful that there are many more, too many more, that time will not permit me to read, but whose loss is felt no less deeply. I call the names: Joshua Rouse; Clarke Fox; Quan-Marley Lowe . . . Nakai Avery Robinson; Ricco Furbert, Ayinde Eve; Jason Mello; Amon Jermaine Robinson.

Madam President, this makes me emotional because I have met with the mothers of these young men. They are calling on the Government to do something. Their loss is palpable and they feel like we have not heard them by making a place safe for witnesses to come forward. We know that people know things, but they simply do not feel safe enough to do so.

Madam President, the Bill is not perfect. I mentioned earlier that I have had conversations with my opposite who sits in another place. There is at least one measure which has been raised that the Opposition have asked could we have added at this point in time. I have taken that on board in faith, Madam President. But there is a tension, Madam President, between delivering something that can work now as opposed to working toward perfection later. And I say that we must balance protection and progress over perfection.

So, what this Bill does not do at this current stage, it is not very . . . in the witness anonymity orders, the Bill currently does not say that a serious arrestable offence is only a gang-related activity. Otherwise, there is a definition for gang activity under the Criminal Code. We have not specifically tied a serious arrestable offence to gang-related activity. That is the intention of this Bill.

When you look to this Bill, you will see the preamble refers to the fact that we are making this Bill because of the rising incidences of gang violence. I have undertaken to make that amendment when the House resumes in September. But, Madam President, I am not prepared to withdraw this Bill today because this protection, if the Senate is so inclined to approve it, matters today. It matters to these families today, because over the summer we could have a break and a case could be resolved. We could be bringing people to trial. Files could be generated during the time that we are . . . well, we know we're not really resting, but during the time that the House and the Senate are not sitting.

So, for those reasons, Madam President, it is the Government's position that we want to push forward with this Bill. We understand it isn't perfect. We also understand that building law can be iterative. And that is one of the features that is also in this Bill, Madam President. There is provision for the Director of Public Prosecutions to come back and report. And as a result of that ability to come back and report, there are opportunities to refine, rebuild, add, amend, or if the case might be, even repeal. If that is what the feedback indicates. But, Madam President, we cannot be . . . we just cannot be a Government that says: *We're going to do nothing*.

For these families, nothing has . . . they have the feeling that nothing has been done all of this time. They feel that we are not hearing them, and that there isn't care or concern for their loss. We have an opportunity, Madam President, to change that in this Chamber today.

Thank you, Madam President.

The President: And thank you, Minister Wilkerson, Minister of Justice and Attorney General, and Government Leader in the Senate.

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

Sen. Victoria Cunningham: Thank you, Madam President. And I thank the Honourable Attorney General for bringing this Bill to the Senate and to her and her team for the work that has gone into it.

I also had the benefit of listening to the debate in another place, and I think . . . actually, I'll begin by associating myself with the spirit in which this Bill was received on both sides of that place.

And I think this is a real problem. You know, we have seen . . . and I wanted to come over and give you a hug, but I didn't think that was appropriate, as you read out the names. And quite frankly, some of whom I also knew. Which, you know, we have got more than 30 unsolved murders from gangs, guns and this culture that has overtaken our Island. And, you know, we can't minimise that crisis. And I'm certainly not going to use this platform to score political points, because this has cost our Bermudian families and Bermuda too much already.

But I think, you know, when Government brings something this serious to . . . in response to the issue, I think we, obviously, have to engage with it seriously. And I think that's what we've done. To start with, we are thankful that our first amendment, adding the jurors to the list of protected . . . well, I am going back on human rights. Anyway, protected persons was taken up. And I will see if we can push another amendment, but we'll see where we go since it's . . . anyway.

So, ultimately, we've got three main things in this Bill: the anonymity orders, the witness anonymity under the Evidence Act creating the new offences of assaults on, or intimidation of, judicial officers, prosecutors, and Members of the Legislature, with the addition of the jurors. And then the new offence of the breach of bail conditions. So, with the new [offences], as mentioned, we are glad to see that and we're glad to see the amendment moved. And we commend the Government for accepting it.

And the same thing with the new bail offence, largely unobjectionable. I think a bail condition that carries no consequence for its breach is not really a condition at all.

It's on the third pillar. So, the witness anonymity that we are asking for an amendment, and I will move that at the end of my remarks. But I want to be precise. This is not a wholesale objection to anonymity as a tool in general. We understand the sympathy for the investigation anonymity. You know, ultimately, a person who wants to do the right thing or to be able to speak to police without fear of the entire Island knowing that they have done so. And I think that that protection operates at the investigative stage before the charges are laid, and I don't think it offends any principle that a reasonable person would defend.

However, the witness anonymity at trial is a different matter entirely. Under the Bill as it stands, the protection is available for . . . and I will put . . . any qualifying offence is a serious arrestable offence under section 3 of the Police and Criminal Act . . . Criminal

Evidence Act. Sorry. And we feel that this is a very broad category indeed. In fact, it includes everything from . . . (I'm not on the right page) . . . everything from treason, murder, manslaughter, deprivation of liberty through to sexual assaults, use of firearms, and imitation fireworks, et cetera.

We believe that on the face of it, most of it has absolutely nothing to do with gangs. And my colleague in another place gave a few examples. But I just . . . I want to be sure that, you know, the preamble, as the Honourable Attorney General mentioned, speaks to addressing the escalating crisis of gang violence. However, as drafted, we think that it's not confined to that crisis at all. And we would like the Bill to be amended to ensure the intent is actually there.

We believe that the right to know one's accuser is not a technicality and it's one of the oldest protections in our law. And in the United Kingdom, I will say, another jurisdiction that has looked at it, witness anonymity has been applied overwhelmingly in the context of terrorism only. Well, and serious organised violence, but not as a general-purpose tool for serious offending.

So, if gang violence is the intent that this Bill is aimed at then we believe that gang violence should specifically be tailored to this. And we believe that there are already anchors in legislation. It doesn't touch . . . doesn't need to touch any of the investigation anonymity and all the protections that are being . . . it just needs to be confined to the crisis that justifies it.

So, I therefore move . . . no, I will wait and move us into Committee. But anyway, I thank you for your attention and I will hear what other people have to say.

Thank you very much.

The President: Thank you, Senator Cunningham.

Would any other Senator care to speak on this Bill?

Senator Tannock, you have the floor.

Sen. Tawana Tannock: Yes. Thank you, Madam President.

I wholeheartedly support this Bill and quite frankly I'm fine with the scope of it as it is because I first-hand have had a witness on the stand who has refused to even give his name due to fear of reprisal.

I understand the challenge as a former prosecutor, and I think this is long overdue. Even after leaving prosecutions, I pushed in *The Royal Gazette* to get a legislative reform commission that special measures should be taken to protect witnesses because we need these people to come forward.

And so, I wholeheartedly endorse and support this Bill. And to the Attorney General's point, it's not perfect, but it's necessary. And I am sure that working on it, it will get to where it needs to be. But it is long overdue.

Thank you.

The President: Thank you, Senator Tannock.

Would any other Senator care to speak?

Vice President John Wight, you have the floor.

Sen. John Wight: Thank you, Madam President.

Yes, having read the Bill and having listened to the Minister give her brief, I am in support of it. Would I have made a few amendments myself? Yes. But, I mean, you know, it definitely is something that is long overdue. It is greatly needed in our community, and I think waiting, you know, longer to have it perfect or close to perfect doesn't make sense relative to its urgency in our community at this point in time. So, I would support this Bill as tabled.

Thank you, Madam President.

The President: Thank you, Vice President John Wight.

Would any other Senator care to speak on this Bill?

Not hearing . . . Oh, Senator Rogers. You have the floor.

Sen. David Rogers: I do have a couple of questions and a statement.

Many people have mentioned that the Bill is not perfect, but we do have an opportunity to make it more so if we were to take it to Committee and make amendments in there. So, we do have a crack at it to make it more perfect.

POINT OF ORDER

Sen. Lindsay Simmons: Point of order, Madam President.

There are no amendments that have been put forth before we started the Senate, so we can't get into Committee and put amendments just at the whim.

The President: It's true.

Sen. David Rogers: I appreciate her comments, but as I said, my statements will still stand.

By "word or conduct." I'm interested in one portion of the Bill that wasn't necessarily discussed as much. I'm not typically a big fan of broad language. And specifically in the Bill it states *intending to alarm*. The influence actions, understandable, but the intending to alarm. I would be one of those protected classes as a parliamentarian. And there are many times in a public space where individuals have said things intending to alarm.

Now, understandably, there's no chance that an individual would be arrested for some of the things that they say to public officials. But my question would be: Do these enhanced penalties also apply to online and social media? And how will intimidation be defined so that it's not . . . so that legitimate criticism and protests aren't criminalised, per se? That's my first question.

Also, as it relates to breaching of bail conditions, I do understand that some individuals may not take a breach of bail seriously. And there's no . . . right now there's no criminal (how to say?) offence as it relates to the breach of bail. But looking at the fines and the imprisonment, there is . . . I do have a concern that there may be individuals who the penalty for the breach of bail is more than the original crime. And that can be . . . that I do find somewhat unsettling. I do like the fact that there is an option not to pursue that as a crime, but it does put it in a broader sense than I would like.

And those are my main questions with regard to the Bill. But, once again, I would reiterate, we do have the . . . we do have a mechanism to make changes to build to make it more complete.

The President: Thank you, Senator Rogers.
Would any other Senator care to speak?
Senator Tannock, you have the floor.

POINT OF INFORMATION

Sen. Tawana Tannock: Yes, thank you.
This is a point of information which may or may not be useful.

The phrase *intended to alarm* is actually well defined. You can find it in various areas in Bermuda law. For instance, in the Stalking Act, I believe, and the Attorney General can correct me. But it's if you have behaviour that causes, forces harassment, fear, just—Actually, why am I trying to make it up?

[Laughter]

Sen. Tawana Tannock: Conduct that harasses or causes the victim to feel alarmed, distressed, or fear of violence. So, it's actually . . . it's . . . I know it seems arbitrary, but it's actually not. It is pretty well-defined.

[Inaudible interjection]

Sen. Tawana Tannock: You're welcome.

The President: Thank you for that Senator Tannock.
Would any other Senator care to speak on this Bill?

Hearing none, then it's over to . . . Minister Wilkerson.

Sen. the Hon. Kim Wilkerson: Thank you, Madam President. And [I am] grateful to Senator Tannock for her wholehearted support and also for her explanation to Senator Rogers.

I think his other question related to the high levels of fine for breach of bail, and I think you said that the breach . . . the levels of breach could be more than what might be fined if one might be . . . I think what you meant is what they could be fined. Well, they're on bail so they haven't been found guilty of an original offence

yet. So, I think that you meant that they could potentially be fined if they were.

Generally, if a person is before the courts on something that would only carry a fine they probably would not . . . they wouldn't have a bail condition. So, generally bail is for things on the more serious. And then we have seen situations where, you know, young men on bail with ankle monitors have been . . . crimes have been committed against them. They've committed crime. So, you know, they are in some of the number. I think that's the reality of things.

So, it's meant to send a strong message.

On the third point (and starting at the back) that Senator Rogers made about the mechanism. I think you are correct that there is a mechanism for taking a Bill back. The issue that we have today is that today is the last session of the Senate until September. So, we make the decision today as to whether or not we leave this legislation to be perfected in September, or we provide immediate protection, particularly, you know . . . and it's not just because the judiciary falls under my Ministry. But I do have to face people like the Senior Magistrate who has been very public about the threats against her, and assaults, and people who work in our courts feeling unsafe. And I couldn't leave this Chamber telling them that: *You know what? There's just some extra thing that we had to work on so I can't give you that protection today*, when we could.

So, that is the reason the Standing Orders require that if we made the amendment . . . so there was an amendment that was agreed. I didn't have an issue with it. It's just that if we put it in today, the Bill has to go back to the House of Assembly according to . . . I think it is Standing Order 37. And then we don't get the protection and support that's needed until September.

And I actually didn't have a question from Senator Cunningham. I believe those were just comments. And thank you for those comments.

Thank you, Senate colleagues. With that, because I believe we have talked through what specifics of certain of the clauses, I move that the provisions of Standing Order 26—

[Crosstalk]

The President: Second reading.

[Crosstalk]

Sen. the Hon. Kim Wilkerson: I move that the Bill entitled the Justice and Community Safety Reform Act 2026 now be 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: Okay. Now I move that Standing Order, the [Standing Order] 26 be granted in relation to the Bill.

The President: Is there any objection to that motion?
We have three.

[Crosstalk]

The President: Senators, there are three objections. Therefore, we would need to take a vote, and I would ask the Clerk to do so at this time.

The Clerk: Okay, Senators, we are voting on the motion by Senator Wilkerson to apply the . . . to suspend Standing Order 26 (pardon me) in respect of the Bill entitled the Justice and Community Safety Reform Act 2026. Those in favour of the motion will vote Aye and those opposed will say Nay.

DIVISION

[Motion to suspend Standing Order 26]

Ayes: 7

Sen. the Hon. K. Wilkerson
Sen. the Hon. R. R. Perinchief
Sen. L. Simmons
Sen. L. Bell
Sen. T. Tannock
Sen. J. Wight
Sen. the Hon. J. Dillas-Wright

Nays: 3

Sen. V. Cunningham
Sen. T. Smith
Sen. D. Rogers

Absent: 1

Sen. M. Fubler

[Crosstalk]

The President: Senators, the vote is 7 to 3, so the motion is carried.

[Motion to suspend Standing Order 26 passed by majority on division.]

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

I move that the Bill entitled Justice and Community Safety Reform Act 2026 now be read a third time.

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

Senator Cunningham.

Sen. Victoria Cunningham: None from this side.

[Crosstalk]

BILL

THIRD READING

JUSTICE AND COMMUNITY SAFETY REFORM ACT 2026

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

I move that the Bill do now pass

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

Sen. Victoria Cunningham: I just wanted to make mention that we are relying on the assurances of the Minister that the amendments will be laid in the first sitting of the House when they resume in September. And then they have our support.

Sen. the Hon. Kim Wilkerson: Madam President, I am happy to take that . . . make that undertaking.

The President: Thank you.

No objection.

Agreed to. Therefore, the Bill is passed.

[Motion carried: The Justice and Community Safety Reform Act 2026 was given a third reading and passed.]

The President: Senators—

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

[Crosstalk]

The President: With that said, then, we have completed the Orders of the Day. We will now move on.

MOTIONS

The President: There are none.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The President: Would any Senator kids to speak?
Senator Tannock, you have the floor.

Sen. Tawana Tannock: Yes, Madam President.

I would just like to send condolences to Ms. Edith Iris, the mother of Fiona Iris. Growing up and going to West Pembroke there were some houses that were always around and you found yourself in. And Ms. Iris' house was one of those. So, I'm extending my condolences to the entire Iris family.

And in advance I'm extending my congratulations to the St. George's Club Match team who will make their best effort because you guys can't win without us.

[Laughter]

Sen. Tawana Tannock: So, let's make it a fair fight.

The President: Senator Tannock.

Would any other Senator get to speak?

Senator Rogers, you have the floor.

Sen. David Rogers: Thank you, so much, Madam President.

I would like to congratulate St. George's for their winning Cup Match this year.

[Laughter]

Sen. David Rogers: And I am referring to the MWI Cup Match that is held annually. I had the privilege to participate in some of the festivities. They have it every year and I would invite all my Senate colleagues to participate in the MWI celebration of our greatest holiday.

The President: Thank you.

Vice President John Wight, you have the floor.

Sen. John Wight: Thank you, Madam President.

I just want to give condolences to the family of Kenny DeFontes. Kenny was a bit of a pioneer in the area of broadcasting in Bermuda, a real character. And so . . . always a smile on his face. And so, to his wife, Rae, and family, I want to offer my condolences.

Thank you, Madam President.

The President: Thank you, Vice President John Wight.

Would any other Senator care to speak?

Senator Cunningham, you have the floor.

Sen. Victoria Cunningham: Thank you, Madam President.

Just quickly, I would like to wish all of our athletes at the Commonwealth Games in Glasgow all the very best. I believe it's been scaled-back games and mainly stadium sports. But I was delighted when I was canvassing a few weeks ago that one of my constituents is heading there on his bike, so he will be doing the cycling. So, good luck to Connor and the rest of the team. And yes, I hope we can bring back some more medals.

And finally, let's go St. George's! Blue and blue.

[Laughter]

Sen. Victoria Cunningham: And yes, Happy Cup Match everyone.

The President: Thank you.

Senator [Tarik] Dunbar Smith, I saw your hand first. You have the floor.

Sen. Tarik Smith: Thank you, Madam President.

I just want an obit . . . sorry, [condolences] to the family of Randolph Hunt. Anybody for Warwick knows the Hunt family. A very well-known family within Warwick. His nephew is a very good friend of mine. So, my condolences is to the Hunt family.

And congratulations to another friend of mine from Warwick, but [congratulations for] his son, Stephen Astwood, Jr. Stephen Astwood, Jr. is a 14-year-old footballer. As you know, I'm a football guy. And he debuted for the Under-17 National team in the Triangle Cup which is taking place at the Flora Duffy National Stadium on Monday night. And he scored two goals against the Future Pro team here from the United Kingdom. And the Bermuda Under-17s drew 2-0. So, it was nice to see my friend, Stephen Astwood's son, Stephen Astwood, Jr., score two goals on his debut as a 14-year-old with the Under-17 boys.

And that leads me to the next one. If you are out and about this weekend, go up because the people who have put on the Triangle Cup and . . . which my . . . I am . . . been a part of, have put on a pretty, pretty good football summer tournament for the last few years which showcases a lot of the young Bermudian talent that will be coming through who are striving to get some sort of a tertiary education sponsorship . . . I mean, scholarship, and so on. So please, if you have the time, as I will be leaving here shortly to go watch my beloved Roman and the Under-17s play Somerset Under-18s at 7:30 this evening up at the Flora Duffy [South Field Stadium]. So please, if you have time go out and support the young Bermudian and foreign-guest athletes that we have here during this tournament that finishes on Sunday.

Thank you, Madam President.

The President: Thank you, Senator [Tarik] Dunbar Smith.

Senator Lindsay Simmons, you have the floor.

Sen. Lindsay Simmons: Thank you, Madam President.

Madam President, first of all, I would like to give condolences to the family of Ms. Wendy Harvey. If you knew Ms. Harvey, she used to light up a room, her smile, her personality. I don't think she had a mean bone in her body. She was a beautiful soul. So, rest in peace to her and condolences to her daughter and family.

I also, Madam President, want to take a moment to thank the Future Leaders of Bermuda for the summer programme. It is their 10th anniversary. It's a great programme. And we see a lot of up-and-coming, young, bright Bermudians like McKenzie-Kohl Tuckett, Seon Tatem, and that's just naming two. Callahj Simmons. You could go on and on. This is the future of Bermuda. So, I know that my colleague in here, Minister Perinchief, he started the programme and I just want to say kudos to you because it's a great programme. I

attended last year and it's an amazing programme that they have.

I also want to say congratulations to BPSU as they supported some of their children who are in the . . . some families who are in BPSU to the tune of \$31,000 to help send them away to school. So, congratulations. I encourage everybody to reach deep, find some funds, and let's educate our Bermudians. I know the Government is doing their part, but there are so many students who could . . . so many students who could actually use a helping hand. So, I encourage anybody who has a couple of dollars.

Sometimes . . . I know one time somebody gave \$500. And they are like: *I don't know if that's enough*. But that \$500 helps. It all adds up. So, I would encourage everybody, if they can, companies, the Government, Ms. Cunningham over there, to reach deep and keep on giving out scholarships. Good job.

And again, this Chamber is so beautiful today. The blue and blue is so strong. So, congratulations to St. George's on their win.

But I do want to say, I don't want to do a motion to adjourn today because I've been here long, but I do want to just add, if I you give me two seconds, Madam President. Just to tell everybody if you're going to drink, drink responsibly. You know, every life is precious in Bermuda. So, let's just take our time on the roads and enjoy Cup Match to the fullest. And go St. George's.

The President: Thank you.

Would any other Senator care to speak on condolences?

Yes, Senator Tannock, you have the floor.

Sen. Tawana Tannock: Yes, I just wanted to associate myself with Senator Cunning— . . . I'm sorry Senator Simmons' remarks regarding the BPSU bursary. And to say that many, many, many years ago I was the recipient of the BPSU bursary. And every little bit does help. I think it was \$5,000 that I received. And it was enough to pay for my plane tickets backwards and forwards and for some of my schoolbooks. So, I think it's . . . I think it's not . . . it's an unsung source of support that I wish would get more recognition. And I just wanted to say that I appreciate that work.

The President: Thank you.

Would any other Senator . . . you have all spoken?

I would . . . sorry. I would just like to . . . I would like to have condolences extended to the family of Mr. Pedro Mejias. He's a well-known popular Trinidadian entertainer and past employee of the Hamilton Princess. He's the husband of Patsy Meji's, (nee Dillas) and father of Miguel Mejias, a protege of Dr. Harris, [who] is an ornithologist who works at the Aquarium. Pedro, the father, has this second son, Nico, who lives in . . . resides in England with his family. And they are my family. I just want to extend that.

And I would like to associate myself with the comments made by [Senator] Lindsay Simmons on the Future Leaders programme. Because I too have been following them and I've known quite a few of them and followed their careers. And so, I want to also thank the Minister for starting that programme up and keeping it going. It's absolutely tremendous for Bermuda. So, thank you.

With that said now . . .

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

And before I move the motion to adjourn, I would like to just also give some . . . I think they're congratulations, not condolences today.

The President: Mm-hmm.

Sen. the Hon. Kim Wilkerson: I've been sad enough for one afternoon, Madam President.

The President: Mm-hmm.

Sen. the Hon. Kim Wilkerson: As Senator Smith, Tarik Dunbar Smith, talks to football I talk to track and field. So, I do want to . . . I just got a message today, just a little bit ago, from the Bermuda Pacers Track Club. They are in their season of competition. So, a team went off this afternoon to the [Russell E. Blunt] East Coast Invitational in North Carolina. And my granddaughter, Diamond, is among that group. They call her and her compatriots "The Littles." But The Littles have gone off with a group of bigger kids to compete.

And last weekend the Bermuda Pacers competed in the International Youth Championships in Baltimore/Washington. The team won two gold medals, six silvers, and two bronze medals. And let me say, Madam President, I had the opportunity to go to the indoor meet in the winter. These meets have thousands of competitors. And for our Bermudians to shine so brightly in such large fields is . . . it is quite a feat. It's quite a feat indeed. Particularly, Riana Robinson won two gold medals; Ronan Davidge won two silvers; Suri Russell won a silver; Novi Butler, a silver; Amaya Davis, silver; Elliott Davidge, silver; Kelise Wade, bronze; Kaden Davis, bronze. And in addition, you know, athletes had a number of finishes in the top 10 in the International Youth Championships last weekend. And so those who have gone off today to North Carolina for the East Coast Invitational, we wish, wish, wish them well.

Thank you, Madam President. And of course, we want to wish everybody a fantastic Cup Match. You will have great hospitality when you come to Somerset to see Somerset retain the Cup.

[Laughter]

ADJOURNMENT

Sen. the Hon. Kim Wilkerson: And with that Madam President, I will move to a motion to adjourn. We will return on September 14.

The President: Thank you.

With that, would any Senator care to speak on the motion to adjourn?

Senator [Tarik] Dunbar Smith, you have the floor.

CUP MATCH HOLIDAY

Sen. Tarik Smith: Thank you, Madam President.

I'll be brief. I just I couldn't leave without speaking about . . . Forgive me. I forgot to mention . . . I know we've passed obits and congrats, but I just want to send a condolence to the Somerset fans—

[Laughter]

Sen. Tarik Smith: —at 7:21 on Friday, hopefully, you all are in mourning.

[Inaudible interjections]

Sen. Tarik Smith: But I just want to speak about Cup Match. When I was in school in tertiary education in the late 1990s, one of the professors asked us to write on a paper about a holiday. And I chose to write about Cup Match. And you know, [I] go in and [I] say: *This is what is I'm writing about, a cricket holiday.* And he said: *A cricket holiday?* I said: *There is more to that.* And since time, you know, it's been changed from it being Somers Day to Emancipation Day and Mary Prince Day. These are important things that I think we forget here in Bermuda.

The President: Mm-hmm.

Sen. Tarik Smith: The fight and the struggles of people and the celebration they have when they were emancipated from slavery is something that should not be forgotten about as we celebrate the Cup Match holiday, Madam President.

Also, I would like to just take a little quick walk down memory lane. I'm sitting, listening to the game back in the day with my grandfather, Hilton Aubrey Tucker. He used to work in The English Sports Shop, the sharpest dressed gentlemen ever. You know, we were listening to, as I called him, Uncle Jim, Jim Woolridge, The *Voice* of Summer. Let me be correct. Not the voice, The *Voice* of Summer. And some of the calls . . . and I just want to shout out, you know, Sean Tucker and his team and also the other broadcast team for bringing the game to the sick and the shut-in, as Jim Woolridge, Uncle Jim will quite say. Because they are important to paint that picture for those who are unable

to get to the match for health concerns, or just maybe it might be too hot, or they might not have a campsite.

You know, one of my greatest memories was hearing the former Speaker of the House, [Honourable] Randy Horton, make a call. I believe it might have been in 1992, Wendell Smith was on 96 runs, and he tried to hit a shot to get a century and he got caught. I'll never forget Randy Horton screaming: *Wendell Smith is out. He is out on 96 runs.*

Cup Match is that holiday that all Bermudians celebrate because we have the Christmases, we have the Easters, we have the Eids. That are religious holidays that maybe some don't partake in. This is our "thanksgiving." Cup match is the "Bermuda Thanksgiving," Madam President. And I look forward to the holiday. I look forward to us remembering the real purpose of Cup Match. I look forward to the wonderful commentary of the Voice of Summer, Sean Tucker, and his crew.

Thank you, Madam President. I wish everyone a safe Cup Match holiday, and I cannot say that louder, a very safe Cup Match holiday.

Thank you, Madam President.

CUP MATCH HOLIDAY

The President: Thank you, Senator [Smith.]

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

Hearing none, then I too would like to wish everyone a most wonderful safe and enjoyable Cup Match. It is that time of the year when families and friends get together and we wear our colours. And we take on each other.

[Laughter]

The President: But anyway, be safe and that is also for the listening audience. Enjoy the time, but be safe and remember, it's family time. And remember the reason for the holidays that we have.

With that said, I thank you all for your attendance today and the work that we have been able to accomplish in this long day. So, I wish everyone a wonderful Cup Match holiday and be safe and enjoy your time off,

With that said, the Senate is adjourned to the 14th of September. Thank you, Senators.

[At 5:22 pm, the Senate stood adjourned until 10:00 am, Monday, 14 September 2026]