



**2021/2022 SESSION
of the
BERMUDA SENATE
OFFICIAL HANSARD REPORT**

8 DECEMBER 2021

In Chambers

*Sitting number 4 of the 2021/2022 Session
(pages 77–82)*

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

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BERMUDA SENATE**OFFICIAL HANSARD REPORT****8 DECEMBER 2021****10:02 AM***Sitting Number 4 of the 2021/2022 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]

CONFIRMATION OF MINUTES*[Minutes of 1 December 2021]*

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

Sen. John Wight: Thank you, Madam President.
I move that the Minutes of the meeting of Wednesday, 1 December 2021, be taken as read.

The President: Is there any objection to that motion?

Sen. Marcus Jones: Yes, Madam President.

The President: Yes.

Sen. Marcus Jones: Madam President, on page 1 there is a Senator by the name of Mr. Marcus Jones who is a Justice of the Peace, so if you could just add "JP" after his name; and on page 4 under Orders of the Day, those two pieces of legislation were the first reading, not the second as is in the Minutes.

The President: Page 4?

Sen. Marcus Jones: Page 4. Am I right? Yes. Oh, it says 1st of December.

The President: Yes.

Sen. Marcus Jones: So maybe the date needs to be changed to the 8th and then the second reading will be correct.

The President: Yes. Thank you, Senator.

Sen. John Wight: Thank you, Madam President.

With those two amendments, I move that the Minutes of Wednesday, 1 December 2021, be confirmed.

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

[Minutes of 1 December 2021 confirmed as amended.]

The President: Thank you, Senator John Wight. And thank you, Senators, for your notation of the corrections.

MESSAGES

The Clerk: No messages, Madam President.

The President: Thank you, Mr. Somner.

REPORTS OF COMMITTEES

The President: There are none.

ANNOUNCEMENTS

The President: I have a few comments/announcements today. First of all I would like to thank Senator Michelle Simmons, the Vice President, for covering the Senate last week, as I was engaged in a panel of interviews for a position in government.

APOLOGIES

The President: She is traveling back today, so she had given her apologies for not being here today.

I also would like to indicate that Senator Ben Smith, Opposition Leader in the Senate, as well as the international swimming coach, is away accompanying a number of swimmers. So, he also sends his apologies for today.

NOTICES OF MOTIONS

The President: There are none.

PETITIONS

The President: There are none.

STATEMENTS

The President: There are none.

INTRODUCTION OF BILLS

The President: There are none.

FIRST READING OF PUBLIC BILLS

The President: There are none.

FIRST READING OF PRIVATE BILLS

The President: There are none.

QUESTION PERIOD

The President: There are none.

ORDERS OF THE DAY

The President: The first Order of the Day is the second reading of the Bermuda National Trust Amendment Act 2021, and that is in the name of Senator O. K. Darrell, the Junior Minister of Education.

Senator, you have the floor.

Sen. Owen Darrell: Good morning, Madam President.

The President: Good morning.

Sen. Owen Darrell: Madam President, I move that the Bill entitled the [Bermuda National Trust Amendment Act 2021](#) be now read a second time.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Darrell.

BILL

SECOND READING

BERMUDA NATIONAL TRUST AMENDMENT ACT 2021

Sen. Owen Darrell: Madam President, as Junior Minister I am eager to introduce these proposed changes to the Bermuda National Trust Act 1969 (the Act). The Minister of Education worked with the Bermuda National Trust (known as “the Trust” going forward) to

develop proposals to modernise and improve the governance and administration of the Trust, a largely member-driven and volunteer-based organisation.

To provide some background, the Trust was formally established in 1969 via the enactment of legislation that sets out the detailed principal objects of the Trust. The Trust continues to be governed by public rather than private legislation. Despite the Trust being a private charitable organisation, the legislation affects members of the public directly and includes offences for breaching of regulations on Trust land. Additionally, the Act provides certain tax exemptions and [provides] for ministerial involvement which would not be achievable via private legislation.

Madam President, the Trust is an organisation that is critical to Bermuda’s sustainability and the preservation and remembrance of our natural, built, and cultural heritage. It is the mission of the Trust to protect and promote Bermuda’s unique natural and cultural heritage by (1) acquiring and conserving land, buildings, and artefacts; and (2) inspiring appreciation and stewardship through advocacy, research, education, and participation.

The Trust cares for 277 acres of land comprising 82 properties that represent much of Bermuda’s heritage including historic houses, nature reserves, islands and coastline, farmland, gardens, and cemeteries. It also has three museums which display an outstanding collection of antique furniture, artwork, and artefacts owned and made by Bermudians. Along with the Trust, I share the belief that the history of Bermuda and her people must be taught in meaningful ways. The Trust delivers on its belief through its properties and collections. The storytelling [illuminates] Bermuda’s diversity and helps our community to understand just how significant our heritage is.

Madam President, after considerable work, including extensive consultation with its members and affected parties, the leadership of the Trust sought support from the Minister of Education for changes to the Act. In support of the Trust’s mission and responsibilities, it is important for these amendments to move forward. These changes would enable better governance and efficient administration for the Trust. They would also provide the Trust with more power and flexibility to run its own affairs.

In broad terms, the amending Bill proposes the following changes:

1. The bodies representing five specific charities on the Trust’s governing Council would no longer see members appointed. Instead, these positions would now be elected from the membership of the Trust.
2. The Council’s total membership will remain at 13 with 3 members appointed by the Governor on the advice of the Minister and up to 10 of the members elected from the membership of the Trust.

3. The Council would govern its own procedure and business affairs through the making of by-laws rather than regulations.
4. The Council would be empowered to appoint an auditor without the approval of the Minister.

A small change is also proposed to ensure that all regulations would be made under the negative resolution procedure.

As stated, these proposals were developed after significant consultation with the members of the Trust, including the following five member charities: the Bermuda Audubon Society; the Bermuda Historical Society; the St. George's Historical Society; the Garden Club; and the Keep Bermuda Beautiful Committee. The need for the Trust to chart its own independent course was understood and supported by the five member charities. The improvements to the Act would be of benefit not only to the Trust, but to all of its beneficiaries, who are the people of Bermuda and our visitors.

Madam President, with those remarks I now present the Bill entitled the Bermuda National Trust Amendment Act 2021 and welcome any comments from my fellow Senators.

The President: Thank you, Senator Darrell.

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

Sen. Robin Tucker: Thank you, Madam President. Good morning to the listening audience and to my Senate colleagues. I first want to thank the Junior Minister for bringing this piece of legislation into this Senate Chamber.

As we all know, the Bermuda National Trust plays a pivotal role in preserving, educating, and celebrating our heritage. And having read the Bill, it does exactly what the Junior Minister stated it does. It certainly will give the National Trust the ability to be able to amend its governance structure and make its own by-laws. I particularly like the amendment that allows for the appointment to the Council by election rather than by entitlement, and also the piece concerning the Council being able to appoint its own auditor.

The amendment gives the National Trust the opportunity to govern its own affairs and to be more independent. Those are the things that are needed to continue its growth and evolution, and certainly to further its mission to protect and promote Bermuda's unique natural and cultural heritage to the benefit of us all. So, with that, Madam President, I will say that the Opposition has no objection at all to this particular piece of legislation.

Thank you, Madam President.

The President: Thank you, Senator Robin Tucker.

Would any other Senator care to speak on this Bill?

Senator John Wight, you have the floor.

Sen. John Wight: Thank you, Madam President.

I thank the Junior Minister for bringing this legislation forward. It makes perfect sense to me. I echo the comments made by Senator Robin Tucker, so I am in full support of this legislation.

Thank you, Madam President.

The President: Thank you.

Thank you, Senator Wight.

With that, then it is over to you, Senator Darrell.

Sen. Owen Darrell: Madam President, while this Bill does not focus specifically on education, I would like to highlight that the Trust's responsibilities include significant contributions to the education [of] young people and adults of all ages about our heritage. Specifically, the Trust has a number of resource guides for teachers, students, and families. It provides a depth of information on Bermuda's natural, built, and sociological history. Each guide includes activities which are linked to the Education Department's Social Studies and Cambridge International Science Curriculum.

Also, in support of young people, the Trust with the support of SOMPO International is holding a My Bermuda Student Art Competition 2021. Young people all over Bermuda from the ages of 9 to 18 are working toward finishing their entries, which are due on Friday, 10 December. The subject of the competition is *What Bermuda truly means*, whether it be one's heritage, hopes, or connections to our community. It is yet another example of the work and the efforts of the Trust in helping young Bermudians and residents to expand their understanding of our history.

Madam President, thank you for allowing me to make these closing comments.

Madam President, I move that the Bill entitled the Bermuda National Trust Amendment Act 2021 be now read a second time.

The President: Is there any objection to that motion?

No objection.

Carry on, Senator Darrell.

SUSPENSION OF STANDING ORDER 26

Sen. Owen Darrell: Madam President, I move that [Standing Order] 26 be suspended in respect of this Bill.

The President: Is there any objection to that motion?

No objection.

[Motion carried: Standing Order 26 suspended.]

BILL

THIRD READING

BERMUDA NATIONAL TRUST AMENDMENT ACT 2021

Sen. Owen Darrell: Madam President, I now move that the Bill entitled the Bermuda National Trust Amendment Act 2021 be read a third time.

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

No objection.

Sen. Owen Darrell: Madam President, I move that the Bill do now pass.

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

Is there any objection to that motion?

No objection.

The Bill is passed.

[Motion carried: The Bermuda National Trust Amendment Act 2021 was read a third time and passed.]

The President: Thank you, Senator Darrell.

We now move on to the second reading of the Government Fees Amendment and Validation Act 2021, and this is in the name of Senator A. J. L. Hodgson, the Junior Minister of Labour.

Senator Hodgson, you have the floor.

Sen. Arianna Hodgson: Thank you, Madam President.

Madam President, I move that the Bill entitled the Government Fees Amendment and Validation Act 2021 be now read a second time.

The President: Is there any objection to that motion?

No objection.

BILL

SECOND READING

GOVERNMENT FEES AMENDMENT AND VALIDATION ACT 2021

Sen. Arianna Hodgson: Thank you, Madam President.

Madam President, I bring to the Senate today the Bill entitled the [Government Fees Amendment and Validation Act 2021](#). The purpose of this Bill is to prescribe a fee of \$2,625 for granting ministerial permission to reside in Bermuda under section 25(1) of the 1956 Act, pursuant to the grant of an economic in-

vestment certificate [EIC], and to amend the Government Fees Regulations 1976 to validate certain fees imposed under those regulations.

Madam President, the economic investment certificate was launched on 1 March 2021. The policy's objective is to fully harness immigration as one of the many tools for creating economic growth for Bermuda while taking into account our limited space and ensuring that Bermudians fully benefit. It was designed to stimulate economic activity, create the environment for job creation, and help market Bermuda as a place to reside and to do business.

An EIC is granted to a person who satisfies the eligibility requirements, including an upfront investment of at least \$2.5 million in the Bermudian economy, by the Minister responsible for Immigration for the right to reside in Bermuda for five years. The EIC policy specifies that a fee of \$2,625 will be charged for an economic investment certificate, which is the same as the residential certificate fee. This fee has been charged and received from the eight applicants to date.

The residential certificate fee of \$2,625 will be charged to applicants after five years when the EIC holder seeks to apply for a residential certificate which shall give them the ability to reside in Bermuda indefinitely.

Madam President, this Bill provides for the insertion of a fee of \$2,625 for an economic investment certificate. The Bill also specifies that where, before the commencement of this Bill, a fee of \$2,625 has been imposed for the grant of an EIC, that fee shall be deemed to have been validly imposed and paid as if it had been imposed and paid for after the commencement of this Bill.

Thank you, Madam President.

The President: Thank you, Senator Arianna Hodgson.

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

Sen. Marcus Jones: Thank you, Madam President. Good morning to you and to my fellow colleagues here in the Senate and to the listening audience.

We in the Opposition do not have any objection to this Bill. We see the necessity of this amendment in order to implement this particular government fee as it relates to giving ministerial permission to grant economic investment certificates. So, the fee is necessary, and we support it.

Thank you, Madam President.

The President: Thank you.

Would any other Senator care to speak on this Bill?

Senator John Wight, you have the floor.

Sen. John Wight: Thank you, Madam President.

I too am in full support of this Bill. I think this Bill generates economic activity and growth for the Island. Minister Hayward's book released recently [addressed] the economic benefits to Bermuda from individuals who have come to Bermuda in the past year and the substantial benefits [to] especially so many small businesspeople and entrepreneurs in Bermuda. So, I am in full support of this Bill.

Thank you.

The President: Thank you, Senator John Wight.

Would any other Senator care to speak on this Bill?

No.

Then, Senator Arianna Hodgson, Junior Minister of Labour, it is back to you.

Sen. Arianna Hodgson: Thank you, Madam President, and thank you, Senators, for your support of this Bill.

Madam President, I move that the Bill entitled the Government Fees Amendment and Validation Act 2021 be now read a second time.

The President: Is there any objection to that motion?

No objection.

SUSPENSION OF STANDING ORDER 26

Sen. Arianna Hodgson: Thank you, Madam President.

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

The President: Is there any objection to that motion?

No objection.

[Motion carried: Standing Order 26 suspended.]

BILL

THIRD READING

GOVERNMENT FEES AMENDMENT AND VALIDATION ACT 2021

Sen. Arianna Hodgson: Madam President, I move that the Bill entitled the Government Fees Amendment and Validation Act 2021 be now read a third time.

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

No objection.

Sen. Arianna Hodgson: Madam President, I move that the Bill do now pass.

The President: It has been moved that the Bill entitled the Government Fees Amendment and Validation Act 2021 do now pass.

Is there any objection to that motion?

No objection.

The Bill is passed.

[Motion carried: The Government Fees Amendment and Validation Act 2021 was read a third time and passed.]

The President: Before I move on, I would just like to acknowledge that Senator Marcus Jones is the Acting Opposition Leader in the Senate today. I just acknowledge that fact.

Moving on then with our agenda.

MOTIONS

The President: There are none.

CONGRATULATORY AND/OR OBITUARY SPEECHES

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

Senator Robin Tucker, you have the floor.

Sen. Robin Tucker: Thank you, Madam President.

I would just like to extend congratulations to Raeven White. He has recently been promoted to sous chef at Devil's Isle, having gone through Take Five Ltd.'s training programme. He is actually their first graduate in their culinary arts programme. For persons who do not know what a sous chef's responsibilities are, Mr. White has responsibility for the oversight of the back-of-house operations, for menu creation and managing the chefs and the kitchen operations. So, I want to express congratulations to him. He is just a great example of another young person who is working hard and making a path for himself in the hospitality industry.

I also would like to say *Kudos!* to Take Five for doing its part to train and mentor young Bermudians in the culinary arts.

Thank you, Madam President.

The President: Thank you, Senator Robin Tucker.

Would any other Senator care to speak?

Senator Owen Darrell, you have the floor.

Sen. Owen Darrell: Thank you, Madam President.

Madam President, I would like to send condolences to the family of, actually my former MP, Mr. Sylvan Richards. His father, Mr. Sylvan Richards, Sr., passed away. I would like to send condolences to Mr. Richards' wife, [Dorothy], and his children, Sylvan, Sherry and Sandra, whom I do know well. And I would

like comfort to be sent to the family at this difficult time.

Thank you.

The President: Thank you, Senator Darrell.
Would any other Senator care to speak?

Sen. the Hon. Dr. Ernest Peets: Yes. Good morning, Madam President.

The President: Good morning.

Sen. the Hon. Dr. Ernest Peets: I am pretty sure most of us are aware that our Pan Am team participated in the Junior Pan Am Games in Colombia. We certainly want to send congratulations to our junior athletes who represented their country extremely well. And special congratulations to Kaden Hopkins, who picked up a silver medal in the cycling time trial.

Other than that, Madam President, two very special belated birthdays. There is Kingsley Simmons from Foothills, Loyal Hill, who celebrated his 97th birthday. I enjoy canvassing in the Foothills/Loyal Hill area, and I certainly want to wish [Mr. Simmons] a wonderful, belated happy birthday.

As well as the most special person in my life, my mom. She celebrated her birthday on the 4th of December. And I just want to send congratulations to her. She listens to the broadcast from another place every Friday, and she especially tunes in to our Senate sessions. *So Happy belated birthday!*

The President: Thank you, Minister Peets.

Before moving on, I would like to associate myself with the condolences that were expressed for Sylvan Richards, [Sr.]. I thank Senator Owen Darrell for his comments.

I would also like for the Senate to express condolences to the Richard Canterbury Simmons family. [Mr. Simmons] was the brother of former Member of Parliament, Lionel Simmons, and he is the uncle of Jamahl Simmons, MP. He was brother to Leon Simmons, Dianne Simmons, Dr. Leroy Simmons and the late Dr. Henry Simmons. Richard attended Howard Academy and Pickering College in Canada. He later went on to study dental technology at the Purple School of Dental Technology in New York. And he returned to Bermuda 58 years ago to open Simmons Dental A Business. He ran this until his retirement with his brother Lionel.

He was an elder in the Radnor Road Christian Fellowship Church and was involved with the church from its inception. He leaves his wife, Gloria, and a daughter, Kimberley Lawrence. So, the Senate extends condolences to the entire Simmons family. Thank you.

We move on now to the last item.

ADJOURNMENT

The President: Minister E. G. Peets, Government Leader in the Senate, Minister of Youth, Culture and Sport, you have the floor.

Sen. the Hon. Dr. Ernest Peets: Yes, Madam President.

I ask that this Honourable Chamber adjourn until Wednesday, December 15, 2021.

The President: Thank you, Minister Peets.

Would any Senator care to speak on the motion to adjourn?

Hearing none, Senate stands adjourned until Wednesday, 15 December.

Thank you, Senators, for participating today. The Senate stands adjourned.

Thank you.

[At 10:25 am, the Senate stood adjourned until 10:00 am Wednesday, 15 December 2021.]