

**Proceedings
of the
Honourable House of Assembly
Session of 2018-2019**

No. 29

Friday, 27th September, 2019

Members Present: C. Walton Brown, Lt. Col. David A. Burch, Derrick V. Burgess, E. David Burt, Wayne M. Caines, Rolf P. Commissiong, Zane J.S. De Silva, Curtis L. Dickinson, Michael H. Dunkley, Thomas C. Famous, Lovitta F. Foggo, Tinee S. Furbert, Wayne L. Furbert, Susan E. Jackson, Dennis J. Lister III, Renee D.L. Ming, Trevor G. Moniz, R. Scott Pearman, Diallo V.S. Rabain, Sylvan D. Richards, Leah K. Scott, Michael J. Scott, W. Lawrence A. Scott, Jamahl S. Simmons, Scott A. Simmons, Ben A. Smith, Neville S. Tyrrell, Michael A. Weeks, Kim N. Wilson.

[This meeting of the House was conducted in the Temporary House Chamber located on the Third Floor at Veritas Place on Court Street in the City of Hamilton.]

10:04 a.m.

Prayers

(MR. D.V. BURGESS in the Chair as the Acting Speaker)

Minutes of the Meeting of September 13th, 2019 were confirmed.

Announcements by the Acting Speaker

HIS HONOUR THE ACTING SPEAKER announced that Mr. N.H.C. Simons, Mr. L.C. Cannonier, Mrs. J.J. Atherden would be absent from today's Sitting.

His Honour the Speaker, Mr. H.K.E. Swan and Mrs. P.J. Gordon-Pamplin are attending the 64th Commonwealth Parliamentary Conference taking place in Kampala, Uganda.

10:05 a.m.

Papers and other Communications

MR. E.D.G. BURT read the following communication to the Speaker:-

TO HIS HONOUR THE SPEAKER:

I have the honour to attach and submit for the information of the Honourable House of Assembly, the "Future State Report dated 23rd August 2019 - Bermuda First".

Mr. E.D.G. Burt
Premier

10:05 a.m.

MR. W.H. ROBAN read the following communication to the Speaker:-

TO HIS HONOUR THE SPEAKER:

I have the honour to attach and submit for the information of the Honourable House of Assembly, the "Annual Report of the Registrar

General for the year ending 31st December, 2018”; also

I have the honour to attach and submit the following draft items for consultation purposes only:

- “Submarine Cables Permit and Licensing Act 2019”;
- “Submarine Cables (Protected Areas) Act 2019”; and
- “Submarine Cables (Protected Areas) Order 2019”.

Mr. W.H. Roban
Minister of Home Affairs

10:06 a.m.

MR. D.V.S. RABAIN read the following communication to the Speaker:-

TO HIS HONOUR THE SPEAKER:

I have the honour to attach and submit for the information of the Honourable House of Assembly, the “Bermuda Educators Council (Exemption) (2019 To 2020 School Year) Order 2019”, made by the Minister responsible for education, in exercise of the power conferred by sections 5(1) and 20(3) of the Bermuda Educators Council Act 2002.

Mr. D.V.S. Rabain
Minister of Education

10:07 a.m.

Petitions

MS. R.D.L. MING moved that Standing Order 33(8) be suspended to enable her to present the following petition, which was agreed to.
The petition of Walsingham Trust.

The petition of The Walsingham Trust requesting the enactment of certain provisions in relation to the Trust and amendments to The Walsingham Trust Act, 1942 to accommodate current circumstances and practice, as more particularly set out in the Private Bill entitled “The Walsingham Trust Amendment Act 2019”, which accompanies the petition.

The said petition was referred to the Parliamentary Joint Select Committee on Private Bills for consideration and report.

10:09 a.m.

Statements by Ministers and Junior Ministers.

MR. C.L. DICKINSON read a Ministerial Statement entitled “USD\$200,000,000 Facility Agreement between the Bank of NT Butterfield & Son Limited and HSBC Bank Bermuda Limited and the Government of Bermuda”.

MR. E.D.G. BURT read a Ministerial Statement entitled “Update on the Bermuda Economic Development Corporation’s Initiatives to Assist Bermuda’s Entrepreneurs”.

10:29 a.m.

MR. W.H. ROBAN read a Ministerial Statement entitled “The Annual Report of the Registry General 2018”.

10:38 a.m.

MS. K.N. WILSON read a Ministerial Statement entitled “Steps Population Health Survey 2019”.

MS. K.N. WILSON read a Ministerial Statement entitled “Bermuda Health Plan 2020”.

10:50 a.m.

LT. COL. D.A. BURCH read a Ministerial Statement entitled “PGA Preparations at Port Royal”.

MR. W.H. ROBAN read a Ministerial Statement entitled “Submarine Cables”.

MR. ACTING SPEAKER acknowledged the presence of the President of the Senate, Senator The Honourable Joan Dillas-Wright and Former MP, Mr. Arthur Hodgson.

11:20 a.m.

Question Period.

Under the provisions of Standing Order 18(4), MR. E.D.G. BURT deferred written response to the following parliamentary questions from Mr. L.C. Cannonier:-

1. Notwithstanding, the responses provided to questions by the Honourable Premier on July 12, 2019; will the Honourable Premier please advise this Honourable House if any Members of Parliament have been paid from the public purse for any services, other than Government Committees, Government Boards or Quangos?

2. Will the Honourable Premier please identify for this Honourable House the Members of Parliament and the amounts paid or the outstanding amounts due to them?

MR. W.M. CAINES provided oral responses to the following questions parliamentary from Mr. D.V. Burgess:-

*1. Will the Honourable Minister please inform this Honourable House what is the longest ongoing Bermuda Police investigation of a public official in the history of the Bermuda Police Force/Service?

*2. Will the Honourable Minister please inform this Honourable House what is the most money ever spent on a Bermuda Police investigation in Bermuda of a public official and a private resident?

11:21 a.m. – MR. M.J. SCOTT asked a supplementary question.

MR. C.L. DICKINSON provided written responses to the following parliamentary questions from Mr. M.H. Dunkley:-

1. Will the Honourable Minister please provide to this Honourable House the total number of persons contributing to the Contributory Pension Fund at the end of each calendar quarter starting from December 31st 2014 and ending June 30th 2019?

A1. The total number of persons contributing to the Contributory Pension Fund at the end of each calendar quarter starting from December 31st, 2014 and ending June 30th 2019 are as follows:

Quarter-End	No. of Persons Contributing to CPF
Dec-14	32,691
Mar-15	32,784
Jun-15	33,156
Sep-15	33,365
Dec-15	33,331
Mar-16	33,244
Jun-16	33,203
Sep-16	33,284
Dec-16	33,209
Mar-17	33,467
Jun-17	33,587
Sep-17	33,803
Dec-17	33,671
Mar-18	33,607
Jun-18	33,909
Sep-18	33,877
Dec-18	33,807
Mar-19	33,639
Jun-19	33,864

Payroll Tax Filing Statistics			
Tax Qtr	Exempt	Local	Total
Sep-14	384	4,389	4,773
Dec-14	391	4,318	4,709
Mar-15	393	4,411	4,804
Jun-15	399	4,351	4,750
Sep-15	393	4,463	4,856
Dec-15	392	4,335	4,727
Mar-16	397	4,350	4,747
Jun-16	398	4,415	4,813
Sep-16	399	4,419	4,818
Dec-16	400	4,312	4,712
Mar-17	394	4,191	4,585
Jun-17	389	4,125	4,514
Sep-17	386	3,868	4,254
Dec-17	389	3,838	4,227
Mar-18	391	4,180	4,571
Jun-18	378	3,717	4,095
Sep-18	381	3,712	4,093
Dec-18	390	3,726	4,116
Mar-19	396	3,726	4,122
Jun-19	-	-	-

The data for the month ended June 30, 2019 has not been fully processed.

2. Will the Honourable Minister please provide to this Honourable House the total number of entities (exempted and all other categories) filing payroll tax returns for each payroll tax quarter starting at the end of September 2014 ending June 30th 2019?

A2. The total amount of entities (exempted undertakings, all other categories) filing payroll tax returns for each payroll tax quarter starting at the end of September 2018 ending March 31st 2019 are as follows:

Despite the fluctuations in local company filings, payroll tax collections have remained strong, increasing from \$333.9 million in fiscal year 2014/15 to \$465.0 million in fiscal year 2018/19. This is despite the fact that this Government has not raised payroll tax rates since being in office. Local entities for the periods June 2018 to March 2019 do not include data related to taxi drivers. In June 2018, the Government modified the payroll tax provisions with respect to taxi owners by implementing an annual charge rather than quarterly payroll tax filings. This was the primary reason for the decrease in the local company filings in June 2018 and beyond. The fluctuations can also be attributed to closures, mergers, reporting of multiple companies under one management company and differences in the number of registrations of sole proprietors who file returns.

3. Will the Honourable Minister please provide to this Honourable House the total amount of Payroll Tax and Land Tax that were in arrears as of March 31st 2017, March 31st, 2018 and March 31st 2019, including the number of delinquent entities (persons, as well as business and all other categories) in each year owing either Payroll Tax or Land Tax?

A3. The total amounts of Payroll Tax and Land Tax that were in arrears as of March 31st 2017, March 31st, 2018 and March 31st, 2019, including the number of delinquent entities (persons, as well as business and all other categories) in each year owing either Payroll Tax or Land Tax is as follows:

	2017 Arrears Payroll Tax	2018 Arrears Payroll Tax	2019 Arrears Payroll Tax
	\$56,002,096.58	\$54,674,046.72	\$58,460,208.12
Total Delinquent Contributors for Payroll Tax	2,554	2,407	2,596

	2017 Arrears Land Tax	2018 Arrears Land Tax	2019 Arrears Land Tax
	\$54,630,021.61	\$50,955,887.91	\$58,033,320.15
Total Delinquent Contributors for Land Tax	20,248	17,642	15,856

Tax collection and accounts receivable have been a considerable problem for the Government for years; this Government is focused on making the collection of past due tax revenue a priority. We understand that during the extended recession there were many small businesses that struggled to meet their tax obligations in a timely fashion. As a result, Government is prepared to work with these businesses to make suitable payment arrangements.

11:23 a.m.

MS. L.K. SCOTT asked a question to Mr. E.D.G. Burt on his Ministerial Statement entitled “Update on the Bermuda Economic

Development Corporation’s Initiatives to Assist Bermuda’s Entrepreneurs”.

MS. L.K. SCOTT asked a supplementary question.

MS. L.K. SCOTT asked a second question.

MS. L.K. SCOTT asked a supplementary question

MS. L.K. SCOTT asked a third question.

MS. T.S. FURBERT asked a question to Mr. E.D.G. Burt on his Ministerial Statement entitled “Update on the Bermuda Economic Development Corporation’s Initiatives to Assist Bermuda’s Entrepreneurs”.

MR. T.C. FAMOUS asked a question to Mr. E.D.G. Burt on his Ministerial Statement entitled “Update on the Bermuda Economic Development Corporation’s Initiatives to Assist Bermuda’s Entrepreneurs”.

MR. N.S. TYRRELL asked a question to Mr. E.D.G. Burt on his Ministerial Statement entitled “Update on the Bermuda Economic Development Corporation’s Initiatives to Assist Bermuda’s Entrepreneurs”.

11:31 a.m.

MR. M.H. DUNKLEY asked a question to Mr. W.H. Roban on his Ministerial Statement entitled “The Annual Report of the Registry General 2018”.

MR. M.H. DUNKLEY asked a second question.

MR. M.H. DUNKLEY asked a question to Ms. K.N. Wilson on her Ministerial Statement entitled “Bermuda Health Plan 2020”.

MR. M.H. DUNKLEY asked a supplementary question.

MR. M.H. DUNKLEY asked a second question.

MR. M.H. DUNKLEY asked a supplementary question.

MR. M.H. DUNKLEY asked a third question.

MR. R.S. PEARMAN asked a question to Ms. K.N. Wilson on her Ministerial Statement entitled “Bermuda Health Plan 2020”.

MR. R.S. PEARMAN asked a supplementary question.

MR. R.S. PEARMAN asked a second question.

MR. R.S. PEARMAN asked a third question.

MR. R.S. PEARMAN asked a supplementary question.

MR. R.S. PEARMAN asked a second supplementary question.

MS. L.K. SCOTT asked a question to Mr. W.H. Roban on his Ministerial Statement entitled “Submarine Cables”.

MR. M.H. DUNKLEY asked a question to Lt. Col. D.A. Burch on his Ministerial Statement entitled “PGA Preparations at Port Royal”.

MR. M.H. DUNKLEY asked a supplementary question.

MR. M.H. DUNKLEY asked a second supplementary question.

MR. M.H. DUNKLEY asked a second question.

MR. M.H. DUNKLEY asked a supplementary question.

MR. M.H. DUNKLEY asked a third question.

MR. M.H. DUNKLEY asked a supplementary question.

10:55 a.m.

**Congratulatory and /or Obituary Speeches:
(Please refer to the House Hansard)**

12:26 a.m.

Introduction of Bills

MR. C.L. DICKINSON introduced and read for the first time by its title a Bill entitled the “Incorporated Segregated Accounts Companies Act 2019”.

MR. C.L. DICKINSON introduced and read for the first time by its title a Bill entitled the “Investment Funds Amendment Act 2019”.

MS. K.N. WILSON introduced and read for the first time by its title a Bill entitled the “Misuse of Drugs (Hemp) Amendment Act 2019”.

12:27 p.m.

MR. W.H. ROBAN moved that the House do now adjourn for lunch, which was agreed to.

2:00 p.m.

House resumes.

Orders of the Day

Order number 1 on the Order Paper was carried over.

MS. L.F. FOGGO moved the second reading of the Bill entitled the “Employment (Maternity Leave Extension and Paternity Leave) Amendment Act 2019”, which was agreed to.

2:08 p.m. – MR. B.A. SMITH

2:12 p.m. – MR. C.W.D. BROWN

2:15 p.m. – MS. S.E. JACKSON

2:19 p.m. – MR. J.S. SIMMONS

2:21 p.m. – MS. L.K. SCOTT

2:22 p.m. – MR. R.P. COMMISSIONG

2:25 p.m. – MR. R.S. PEARMAN

2:28 p.m. – MR. N.S. TYRRELL

2:30 p.m. – MR. T.C. FAMOUS

2:32 p.m. – MS. R.D.L. MING

2:34 p.m. – MR. M.H. DUNKLEY

2:42 p.m. – MS. T.S. FURBERT

2:50 p.m. – MS. L.F. FOGGO

2:55 p.m.

The Bill was Committed.

(MS. R.D.L. MING in the Chair)

MS. L.F. FOGGO moved Clauses 1 to 6, which was agreed to.

Clauses 1 to 6 were agreed to, as printed.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as printed, which was agreed to.

3:05 p.m.

MR. Z.J.S. DESILVA moved the second reading of the Bill entitled the “Merchant Shipping Amendment Act 2019”, which was agreed to.

3:08 p.m. – MS. L.K. SCOTT

3:10 p.m. – MR. M.J. SCOTT

3:12 p.m.

MR. ACTING SPEAKER acknowledged the presence of former Speaker, Honourable K.H. Randolph Horton, in the Public Gallery.

3:12 p.m. – MR. Z.J.S. DESILVA

3:13 p.m.

The Bill was Committed.

(MS. R.D.L. MING in the Chair)

MR. Z.J.S. DESILVA moved Clauses 1 to 5, which was agreed to.

3:14 p.m. – MS. L.K. SCOTT

Clauses 1 to 5 were agreed to, as printed.

The Schedule was agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as printed, which was agreed to.

3:20 p.m.

MR. E.D.G. BURT moved the second reading of the Bill entitled the “Economic Development Amendment Act 2019”, which was agreed to.

3:30 p.m. – MS. L.K. SCOTT

3:37 p.m. – MR. R.P. COMMISSIONG

3:41 p.m. – MR. S.D. RICHARDS

3:47 p.m. – MS. S.E. JACKSON

3:51 p.m. - MR. M.J. SCOTT

3:58 p.m. – MR. E.D.G. BURT

4:08 p.m.

The Bill was Committed.

(MS. R.D.L. MING in the Chair)

MR. E.D.G. BURT moved Clauses 1 to 5, which was agreed to.

4:11 p.m. – MS. L.K. SCOTT

4:12 p.m. – MR. E.D.G. BURT

Clauses 1 to 5 were agreed to, as printed.

4:13 p.m.

MR. E.D.G. BURT moved Clause 6 and the following amendment to Clause 6:

In subsection (2)(a) of clause 6, in the proposed new section 129(ab)(i) of the Companies Act 1981, delete “and the Minister responsible for immigration has given his consent by issuing a licence under Part VI of the Bermuda Immigration and Protection Act 1956”, and substitute “and the Minister has in each case given his prior sanction to the acquisition or holding of the land.”

The Amendment to Clause 6 was agreed to.

Clause 6 was agreed to, as amended.

4:15 p.m.

MR. E.D.G. BURT moved Clauses 7 to 9, which was agreed to.

Clauses 7 to 9 were agreed to, as printed.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as amended, which was agreed to.

4:18 p.m.

Order numbers 5 and 6 on the Order Paper were carried over.

4:19 p.m.

MR. C.L. DICKINSON moved the second reading of the Bill entitled the “Digital Asset Business Amendment Act 2019”, which was agreed to.

4:22 p.m. – MS. L.K. SCOTT

4:23 p.m. – MR. R.S. PEARMAN

4:25 p.m. – MR. R.P. COMMISSIONG

4:27 p.m. – MR. W.H. ROBAN

4:30 p.m. – MR. M.H. DUNKLEY

4:34 p.m. - MR. M.J. SCOTT

4:42 p.m. – MR. E.D.G. BURT

4:47 p.m. – MR. C.L. DICKINSON

4:49 p.m.

The Bill was Committed.

(MS. R.D.L. MING in the Chair)

MR. C.L. DICKINSON moved Clauses 1 to 11, which was agreed to.

Clauses 1 to 11 were agreed to, as printed.

The Schedule was agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as printed, which was agreed to.

Order number 8 on the Order Paper was carried over.

4:54 p.m.

MR. Z.J.S. DESILVA moved the second reading of the Bill entitled the “Tourism Investment Amendment Act 2019”, which was agreed to.

5:00 p.m. – MS. L.K. SCOTT

5:00 p.m. – MR. Z.J.S. DESILVA

5:01 p.m.

The Bill was Committed.

(MS. R.D.L. MING in the Chair)

MR. Z.J.S. DESILVA moved Clauses 1 to 7, which was agreed to.

5:04 p.m. – MR. M.H. DUNKLEY

5:05 p.m. – MR. Z.J.S. DESILVA

5:05 p.m. – MR. M.H. DUNKLEY

5:06 p.m. – MR. Z.J.S. DESILVA

5:06 p.m. – MS. L.K. SCOTT

5:07 p.m. – MR. Z.J.S. DESILVA

5:08 p.m. – MR. M.H. DUNKLEY

5:10 p.m. – MR. Z.J.S. DESILVA

Clauses 1 to 7 were agreed to, as printed.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as printed, which was agreed to.

Order number 10 on the Order Paper was carried over.

6:12 p.m.

MS. L.F. FOGGO moved that Standing Order 21 be suspended to enable her to move that the Bill entitled the “Employment (Maternity Leave Extension and Paternity Leave) Amendment Act 201” be now read a third time, which was agreed to.

On the motion of MS. L.F. FOGGO, the Bill entitled the “Employment (Maternity Leave Extension and Paternity Leave) Amendment Act 201” was then read the third time by its title only and passed.

MR. Z.J.S. DESILVA moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Merchant Shipping Amendment Act 2019” be now read a third time, which was agreed to.

On the motion of MR. Z.J.S. DESILVA, the Bill entitled the “Merchant Shipping Amendment Act 2019” was then read the third time by its title only and passed.

MR. C.L. DICKINSON, on behalf of MR. E.D.G. BURT, moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Economic Development

Amendment Act 2019” be now read a third time, which was agreed to.

On the motion of MR. C.L. DICKINSON, the Bill entitled the “Economic Development Amendment Act 2019” was then read the third time by its title only and passed.

MR. C.L. DICKINSON moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Digital Asset Business Amendment Act 2019” be now read a third time, which was agreed to.

On the motion of MR. C.L. DICKINSON, the Bill entitled the “Digital Asset Business Amendment Act 2019” was then read the third time by its title only and passed.

MR. Z.J.S. DESILVA moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Tourism Investment Amendment Act 2019” be now read a third time, which was agreed to.

On the motion of Z.J.S. DESILVA, the Bill entitled the “Tourism Investment Amendment Act 2019” was then read the third time by its title only and passed.

5:15 p.m.

MR. W.H. ROBAN moved that, at its rising, the House adjourn to Friday, 11th October 2019, which was agreed to.

MR. W.H. ROBAN moved that the House do now adjourn, which was agreed to.

5:16 p.m. – MR. S.D. RICHARDS

5:35 p.m. – MR. T.C. FAMOUS

5:47 p.m. – MR. M.H. DUNKLEY

6:01 p.m. – MR. J.S. SIMMONS

6:12 p.m. – MR. R.P. COMMISSIONG

6:26 p.m. – MR. Z.J.S. DESILVA

6:33 p.m. – MS. T.S. FURBERT

6:46 p.m. – MR. D.V.S. RABAIN

7:01 p.m. – MS. L.K. SCOTT

7:09 p.m. – MR. M.J. SCOTT

7:16 p.m. – MR. R.S. PEARMAN

7:19 p.m. – MR. E.D.G. BURT

7:25 p.m.

The House adjourned until Friday, 11th October 2019 at 10:00 a.m.