

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

No. 31

Friday, 15th November, 2019

Members Present: His Honour the Speaker, Jeanne J. Atherden, Lt. Col. David A. Burch, Derrick V. Burgess, E. David G. Burt, L. Craig Cannonier, 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, Walter H. Roban, Michael J. Scott, W. Lawrence A. Scott, Jamahl S. Simmons, Scott A. Simmons, N.H. Cole Simons, Ben A. Smith, H. Kim E. Swan, 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.]

10:07 a.m.

Prayers

Minutes of the Meeting of November 1st, 2019 were confirmed.

HIS HONOUR THE SPEAKER announced that Ms. L.K. Scott, Mrs. P.J. Gordon-Pamplin and Mr. S.D. Richards will be absent from today's meeting.

THE SPEAKER reminded Members of the Legislature's initiative to go paperless for the following Sitting on November 29th, 2019.

THE SPEAKER announced the "Report of the Auditor General on the Work of the Office of the Auditor General for the Financial Year Ended March 31, 2018"

Papers and other Communications

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 "Annual Report of the Bermuda College 2018/2019".

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

10:11 a.m.

Statements by Ministers and Junior Ministers.

MR. E.D.G. BURT read a Ministerial Statement entitled "Charting a path for the future while challenging the status quo to build a Bermuda that works for everyone".

Point of Order – MR. L.C. CANNONIER
Point of Order – MS. S.E. JACKSON
Point of Order – MR. M.J. SCOTT

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Point of Order – MR. R.S. PEARMAN
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Point of Order – MR. B.A. SMITH
Point of Order – MR. N.H.C. SIMONS
Point of Order – MR. M.H. DUNKLEY
Point of Order – MRS. J.J. ATHERDEN
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Point of Order – MR. B.A. SMITH
Point of Order – MR. M.H. DUNKLEY

THE SPEAKER ordered Mr. L.C Cannonier be escorted from the Chamber by the Sergeant-at-Arms

Point of Order – MR. R.S. PEARMAN
Point of Order – MS. S.E. JACKSON
Point of Order – MR. R.S. PEARMAN
Point of Order – MRS. J.J. ATHERDEN

10:30 a.m.

THE SPEAKER asked for a recess.

11:11 a.m.

The House Resumed.

THE SPEAKER informed the Premier that he would not allow him to continue with his Ministerial Statement.

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?

11:15 a.m.

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

THE SPEAKER noted the presence of Former Speaker of the House, Hon. Randolph H.K. Horton, JP and the Guest Speaker at the Parliamentary Prayer, who were sitting in the public gallery.

THE SPEAKER also acknowledged the presence of Senate President, Senator the Hon. Joan Dillas-Wright, MBE, JP, who was sitting in the Speaker's Gallery.

11:45 a.m.

Introduction of Bills

MR. C.L. DICKINSON introduced and read for the first time by its title a Bill entitled the "National Pension Scheme (Occupational Pensions) Temporary Amendment Act 2019."

MR. C.L. DICKINSON introduced and read for the first time by its title a Bill entitled the "Internal Audit Amendment Act 2019."

MS. K.N. WILSON introduced and read for the first time by its title a Bill entitled the “Children (No. 2) Amendment Act 2019.”

11:46 a.m.

Notice of Motions

MR. D.V.S. RABAIN gave notice that at the next day of meeting, he proposed to move the following Motion:-

“That this Honourable House take note of the Annual Report of the Bermuda College for 2018/2019”.

Orders of the Day

Order number 1 on the Order Paper was carried over.

11:48 a.m.

MR. C.L. DICKINSON moved the second reading of the Bill entitled the “National Pension Scheme (Occupational Pensions) Amendment Act 2019”, which was agreed to.

12:03 p.m. – MR. R.S. PEARMAN

12:25 p.m. – MR. N.H.C. SIMONS

12:31 p.m.

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

2:03 p.m.

House resumes.

2:04 p.m. – MR. N.H.C. SIMONS continued.

2:11 p.m.

THE SPEAKER acknowledged the presence of former Member of Parliament, Mr. Arthur Hodgson, who was sitting in the public gallery.

2:11 p.m. – MR. E.D.G. BURT

2:20 p.m. – MR. T.S. FURBERT

2:29 p.m. – MR. N.S. TYRRELL

2:38 p.m. – MRS. J.J. ATHERDEN

2:50 p.m. – MR. M.H. DUNKLEY

3:03 p.m. – MR. C.L. DICKINSON

3:14 p.m.

The Bill was Committed.

(MR. D.V. BURGESS in the Chair)

3:14 p.m.

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

Clause 1 was agreed to, as printed.

3:15 p.m.

MR. C.L. DICKINSON moved Clause 2 together with an Amendment to Clause 2 and new Clause 2A, which was agreed to.

The Amendment to Clause 2, and new Clause 2A are as follows:-

Clause 2

In clause 2(c), delete the definition of “employee” and substitute the following—

“ “employee” means a person who is employed in Bermuda by an employer; but does not include a person who has been granted permission under the Bermuda Immigration and Protection Act 1956 to engage in gainful occupation in Bermuda unless that person has been granted such permission for an aggregate period exceeding twelve months;”.

New clause 2A

After clause 2, insert the following new clause—

“Amends section 3

2A Section 3 of the principal Act is amended by inserting the following after subsection (1A)—

“(1B) This Act does not require a pension plan to be provided in respect of employment or service in Bermuda by a citizen of the United States of America—

(a) who has permission under the Bermuda Immigration and Protection Act 1956 to engage in gainful occupation in Bermuda; and

(b) who participates in a pension plan qualified under what is commonly known as section 401(k) of the United States Internal Revenue Code.

(1C) An employer who has established a section 401(k) pension plan in respect of an employee referred to in subsection (1B) may register the plan with the Commission in accordance with section 5.”.

3:18 p.m. – MR. R.S. PEARMAN

3:20 p.m. – MR. C.L. DICKINSON

3:21 p.m. – MR. R.S. PEARMAN

3:22 p.m. – MR. C.L. DICKINSON

3:22 p.m. – MR. N.H.C. SIMONS

3:25 p.m. – MR. C.L. DICKINSON

3:26 p.m. – MRS. J.J. ATHERDEN

3:27 p.m. – MR. C.L. DICKINSON

3:28 p.m. – MR. R.P. COMMISSIONG

3:29 p.m. – MR. C.L. DICKINSON

The Amendment and new Clause 2A were agreed to, as amended.

Clause 2 was agreed to, as amended.

MR. C.L. DICKINSON moved Clauses 3 to 10, which was agreed to.

3:31 p.m. – MR. R.S. PEARMAN

3:32 p.m. – MR. N.H.C. SIMONS

3:32 p.m. – MR. C.L. DICKINSON

3:34 p.m. – MR. N.H.C. SIMONS

3:35 p.m. – MR. C.L. DICKINSON

Clauses 3 to 10 were agreed to, as printed.

MR. C.L. DICKINSON moved Clauses 11 to 18, which was agreed to.

3:38 p.m. – MR. N.H.C. SIMONS

3:39 p.m. – MR. C.L. DICKINSON

Clauses 11 to 18 were agreed to, as printed.

3:40 p.m.

MR. C.L. DICKINSON moved Clause 19 and an Amendment to Clause 19, which was agreed to.

The Amendment to Clause 19 is as follows:-

Clause 19

In clause 19(b), in the new paragraph (b), delete the words “terminated his employment” and substitute “retired”.

3:41 p.m. – MR. R.S. PEARMAN

3:41 p.m. – MR. C.L. DICKINSON

3:42 p.m. – MR. R.S. PEARMAN

3:42 p.m. – MR. C.L. DICKINSON

The Amendment was agreed to.

Clause 19 was agreed to, as amended.

3:43 p.m.

MR. C.L. DICKINSON moved Clauses 20 to 27, which was agreed to.

Clauses 20 to 27 were agreed to, as printed.

MR. C.L. DICKINSON moved Clauses 28 to 34, which was agreed to.

Clauses 28 to 34 were agreed to, as printed.

MR. C.L. DICKINSON moved Clause 35 and an Amendment to Clause 35, which was agreed to.

The Amendment to Clause 35 is as follows:-

Clause 35

In clause 35(a), delete the words "subsection (1)" and substitute "subsections (1) and (2)".

The Amendment was agreed to.

Clause 35 was agreed to, as amended.

MR. C.L. DICKINSON moved Clauses 36 to 42, which was agreed to.

3:51 p.m. – MR. R.S. PEARMAN

3:52 p.m. – MR. C.L. DICKINSON

Clauses 36 to 42 were agreed to, as printed.

MR. C.L. DICKINSON moved Clause 43 and an Amendment to Clause 43, which was agreed to.

The Amendment to Clause 43 is as follows:-

Clause 43

In clause 43(5)(a), delete the words "a period of twenty-four months or less" and substitute "an aggregate period exceeding twelve months".

In clause 43(5), in the continuation, delete "shall be a member" and substitute "shall, if eligible pursuant to section 17 of the principal Act, be a member".

3:54 p.m. – MR. R.P. COMMISSIONG

3:54 p.m. – MR. C.L. DICKINSON

The Amendment was agreed to.

Clause 43 was agreed to, as amended.

MR. C.L. DICKINSON moved Clause 44, which was agreed to.

Clause 44 was agreed to, as printed.

MR. C.L. DICKINSON moved Schedule 1 and an Amendment to Schedule 1, which was agreed to.

The Amendment to Schedule 1 is as follows:-

Schedule 1

In Schedule 1, in paragraph 32, delete the word "52(4)" and substitute "56(4)".

The Amendment was agreed to.

Schedule 1 was agreed to, as amended.

MR. C.L. DICKINSON moved Schedules 2 and 3, which was agreed to.

Schedules 2 and 3 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.

Order number 3 on the Order Paper was carried over.

3:58 p.m.

MR. W.L. FURBERT moved that the House do now take under consideration the following motion, notice of which was given on 1st November, 2019:-

“That this Honourable House take note of the Future State Report dated August 23rd, 2019 by Bermuda First”.

4:29 p.m. – MR. T.G. MONIZ

5:26 p.m. – MR. D.V.S. RABAIN

5:50 p.m. – MR. E.D.G. BURT

6:00 p.m. – MS. K.N. WILSON

6:13 p.m. – MR. R.P. COMMISSIONG

6:25 p.m. – MR. W.M. CAINES

6:50 p.m. – MR. B.A. SMITH

7:00 p.m. – MR. H.K.E. SWAN

7:24 p.m.

The House took note.

7:24 p.m.

MR. C.L. DICKINSON moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “National Pension Scheme (Occupational Pensions) 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 “National Pension Scheme (Occupational Pensions) Amendment Act 2019” was then read the third time by its title only and passed.

7:25 p.m.

MR. W.H. ROBAN moved that, at its rising, the House adjourn to Friday, 29th November 2019, which was agreed to.

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

7:25 p.m.

The House adjourned until Friday, 29th November 2019 at 10:00 a.m.