

**Proceedings
of the
Honourable House of Assembly
Session of 2015-2016**

No. 22

Friday, 24th June, 2016

Members Present: His Honour the Speaker, Jeanne J. Atherden, Kenneth L. Bascome; Derrick V. Burgess, L. Craig Cannonier, Rolfe P. Commissiong, Shawn G. Crockwell, Zane J. DeSilva, Michael H. Dunkley, Lovitta F. Foggo, Patricia J. Gordon-Pamplin, Suzann Roberts-Holshouser, Susan E. Jackson, D.P. Lister, Trevor G. Moniz, Nandi S. Outerbridge, Mark J. Pettingill. Everard T. Richards, Sylvan D. Richards, Diallo D. V.S. Rabain; Walter H. Roban, Michael J. Scott, Leah K. Scott, R. Wayne E. Scott, W. Lawrence Scott, N. H. Cole Simons, Jamahl S. Simmons; Glen C. Smith; Jefferson C. Sousa, Michael A. Weeks; Kim N. Wilson.

10:03a.m.

MRS. J.J. ATHERDEN read the following communication:

Prayer:

TO HIS HONOUR THE SPEAKER:-

Confirmation of Minutes:

Minutes of 10th and 17th June, 2016 – confirmed.

I have the honor to attach and submit for the information of the Honourable House of Assembly the “Bermuda Health Council (Health Service Providers) (High Risk Health Technology) Regulations 2016”.

10:07pm

Announcements by the Speaker:

Hon. J.J. Atherden,
Minister of Health and Seniors

Hon. M.A.R. Bean, Hon. W.L. Furbert and Mr. E.D.G. Burt absent

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MR.R.W. SCOTT read the following communication:

10:05am

TO HIS HONOUR THE SPEAKER:-

Papers and other Communications to the House

MRS. J.J.ATHERDEN read the following communication:

I have the honor to attach and submit for the consideration of the Honourable House of Assembly the “Bermuda College Audited Financial Statements 2013/14”.

TO HIS HONOUR THE SPEAKER:-

Hon. R. W. Scott
Minister of Education

I have the honor to attach and submit for the consideration of the Honourable House of Assembly the “Bermuda Health Council (Health Service Providers) (Licensing) Regulations 2016”.

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10:08am

Statements by Ministers:-

Hon. J.J. Atherden,
Minister of Health and Seniors

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MR.M.H. DUNKLEY made a Ministerial Statement on the Referendum in United Kingdom relating to the Withdrawal from the European Union.

10:14am

MR. M.H. DUNKLEY made a Ministerial Statement concerning the “2016 Census of Population and Housing Update”.

MR.E. T. RICHARDS made a Ministerial Statement on the “Finance Minister’s Visit to Europe 2016’.

MR. R.W. SCOTT made a Ministerial Statement relating to the “Bermuda College Audited Financial Statements 2013/14”.

10:37am

Question Period:

Mr. M.H. Dunkley provided written responses to parliamentary questions from Mr. W.H. Roban.

1. Will the Honourable Minister please inform this Honourable House as to whether Mr. John Briggs is still assisting the Bermuda Police Service in a serious crime investigation?

2. Will the Honourable Minister please inform this Honourable House whether Mr. Briggs in Bermuda on a work permit and when was the work permit issued?

3. Will the Honourable Minister please inform this Honourable House if a permit issued has expired, or if it has been renewed, and if so, for how long?

Written responses from Dr. Hon. E.G. Gibbons were deferred.

Dr. the Hon. E.G. Gibbons provided oral responses to parliamentary questions from Mr. Z.J. DeSilva, were asked on behalf of Mr. W.L. Furbert. Questions (a) and (b) were answered. Dr. Gibbons pointed out that item (c) relates to another Ministry.

Mr. D.V.S. Rabain asked a question to Mr. L.C. Cannonier regarding his oral response to the parliamentary question.

MR.D.V. RABAIN asked a supplementary question.

MR. Z.J.DESILVA asked a supplementary question.

MR.M.J.SCOTT asked a supplementary question.

MR. W.H.ROBAN asked a supplementary question to

MR. D.P.LISTER asked a supplementary question

MR. Z.J.DESILVA asked a supplementary question.

MS. L.F.FOGGO asked a supplementary question.

MR.D.V. S. RABAIN asked a second question

MR.D.V. S. RABAIN asked a supplementary question.

MR. D.V.S. BURGESS asked a supplementary question.

MR.D.V.S. RABAIN asked a third question.

MR.M.J.SCOTT asked a supplementary question.

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10:52am

Mr. Z.J. DeSilva asked Mr. K.L. Bascome a question relating to the “Gaming Commission travel budget, training of Bermudians and amendments to the Casino Gaming Act and accompanying regulations.

MR. Z.J.DESILVA asked a supplementary question.

MR. Z.J.DESILVA asked a second supplementary question.

MR. R.P. COMMISSIONG asked a supplementary question.

MR. D.V. BURGESS asked a supplementary question.

MR. M. PETTINGILL asked a supplementary question

MR. R.P. COMMISSION asked a supplementary question.

MR.W. H. ROBAN asked a supplementary question.

MR. D.P.LISTER asked a supplementary question.

MS. K.N.WILSON asked a supplementary question.

MRS. P.J.GORDON-PAMPLIN asked a supplementary question.

MR. D.V. BURGESS asked a supplementary question.

MR. Z.J.DESILVA asked a supplementary question.

MR. W.H. ROBAN asked a supplementary question.

MR. Z.J.DESILVA asked a third question.

MR. Z.J.DESILVA asked a supplementary question.

MR. Z.J.DESILVA asked a supplementary question.

MR. J.S.SIMMONS asked a supplementary question.

MS. K.N.WILSON asked a supplementary question.

Mr. J.S. Simmons asked an oral question to Mr. K.L. Bascome regarding payments to Mr. Bill Hansbury.

MR. J.S.SIMMONS asked a supplementary question.

MR. J.S.SIMMONS asked a supplementary question.

MR. Z.J.DESILVA asked a supplementary question.

MR. Z.J.DESILVA asked a second supplementary question.

MR. D.P. LISTER asked a supplementary question.

MR. J.S.SIMMONS asked a second question.

MR. J.S.SIMMONS asked a supplementary question.

MR. Z.J.DESILVA asked a supplementary question.

MS. K.N.WILSON asked a supplementary question.

MR. J.S.SIMMONS asked a supplementary question.

MR. J.S.SIMMONS asked a second supplementary question.

MR. C.W.D.BROWN asked Mr. M.H. Dunkley a question on his Statement concerning the United Kingdom's Referendum to leave the European Union.

MR. C.W.D.BROWN asked a supplementary question.

MR. C.W.D.BROWN asked a second supplementary question. Mr. T.G. Moniz replied, on behalf of the Premier.

MR. W.H.ROBAN asked a supplementary question to Mr. M.H. Dunkley on his Statement.

MR. R.P. COMMISSION asked a supplementary question.

MR. W.H. ROBAN asked a supplementary question.

11:30pm

MR.C.W. BROWN asked a second question to Mr. M. H. Dunkley on his Statement. Mr. T. G. Moniz replied, of the Premier.

MR. C.W.D.BROWN asked a third question.

MR.M.J.SCOTT asked a supplementary question.

MR. W.H. ROBAN asked a third question.

11:40pm

Congratulatory and Obituary Speeches.

(Members may refer to Hansard)

Introduction of Bills:-

Mr. E.T. Richards introduced and read for the first time by its title, a Bill entitled the "Bermuda Monetary Authority (Determination of Appeals) Act 2016".

Mr. E.T. Richards introduced and read for the first time by its title, a Bill entitled the "Money Service Business Act 2016".

Mr. E.T. Richards introduced and read for the first time by its title, a Bill entitled the "Insurance Amendment Act 2016".

Mr. E.T. Richards introduced and read for the first time by its title, a Bill entitled the "Customs Tariff Amendment (No 2) Act 2016".

Mrs. J.J. Atherden introduced and read for the first time by its title a Bill entitled the "Bermuda Health Council Amendment Act 2016".

12:05pm

Orders of the Day

Order numbers 1, 2 and 3 were carried over.

On Motion by Mr. T. G. Moniz the Bill entitled the, "Criminal Code Amendment Act 2016" was read a second time.

12:15pm-MR. M.J.SCOTT

12:28pm-MR.T.G.MONIZ

12:30pm

MR. M.H. DUNKLEY moved that the House do now adjourn for lunch until 2:00p.m., which was agreed to.

2:05pm

The House resumed.

2:05pm-MR. M.J.SCOTT

2:13pm- MRS.J.J.ATHERDEN

2:22pm- MS. K.N.WILSON

2:33pm- MRS. S.ROBERTS-HOLSHOUSER

2:37pm- MR. D.V. BURGESS

2:40pm- MR. S.G. CROCKWELL

2:54pm- MR.T.G.MONIZ

2:58pm

The Bill was Committed

Mrs. S. Roberts-Holshouser in the Chair.

2:58pm

Mr. T. G. Moniz moved Clause 1-7.

3:10m- MR.M.J. SCOTT

3:15pm- MR. T.G. MONIZ

Clauses 1-7 were agreed to as printed.

The Preamble was agreed to.

The Committee rose

The House resumed.

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

3:16pm

On motion by Dr. the Hon. E. G. Gibbons the Bill entitled the "Bermuda Civil Aviation Authority Act 2016", be read a second time.

3:25pm- MR. W.L.A. SCOTT

3:46pm- MR. S.G. CROCKWELL

3:55pm- MR. C.W. BROWN

4:00pm- MR. E.T.RICHARDS

4:08pm- MR.M.J. SCOTT

4:17pm- MR. W.H.ROBAN

4:23pm- MS. L.F.FOGGO

4:26pm- DR. E.G.GIBBONS

4:43pm

The Bill was Committed

Mrs. S. Roberts-Holshouser in the Chair.

4:43pm- DR. E.G.GIBBONS moved Clauses 1-4

4:43pm- MR. W.L.A. SCOTT

Clauses 1-4 were agreed to, as printed.

4:47pm

DR. the Hon. E.G.GIBBONS moved Clause 5.

4:47pm

Mr. W.L.A. Scott moved an Amendment to Clause 5 (2) (d), which reads as follows:

1. Clause 5 - That sub-clause 5(2)(d) be amended by deleting the words "the Minister and the Minister of Finance"; and substituting therefore the words "the Governor";

4:50pm- DR. the Hon. E.G.GIBBONS

4:50pm- MR. W.L.A. SCOTT

4:51pm- DR. the Hon. E.G.GIBBONS

4:52pm- MR. W.L.A. SCOTT

4:52pm- DR. the Hon. E.G.GIBBONS

The Amendment motion by Mr. W.L. A. Scott was defeated on voice vote.

Clause 5 as printed was agreed to.

4:54pm

DR. the Hon. E.G.GIBBONS moved Clause 6.

4:54pm

Mr. W.L.A. Scott moved an Amendment to delete Clause 6 in its entirety, which reads as follows:

"I move to amend the Bill in Clause 6 by deleting Clause 6 in its entirety."

4:55pm- DR. the Hon. E.G.GIBBONS

The Amendment motion by Mr. W.L. A. Scott was defeated on voice vote.

Clause 6 as printed was agreed to.

4:57pm

Dr. the Hon. E.G. Gibbons moved Clause 7

Mr. W. L. A. Scott moved and Amendment to Clause 7, which reads as follows:

1. Clause 7 - That sub-clause 2 be amended by deleting the words "the Minister and the Minister of Finance"; and substituting therefore the words "the Governor";

4:59pm- DR. the Hon. E.G.GIBBONS
5:00pm- MR. W.H.ROBAN
5:00pm- DR. the Hon. E.G.GIBBONS
5:01pm- MR. W.L.A. SCOTT

The Amendment motion to Clause 7 by Mr. W.L. A. Scott was defeated on voice vote.

Clause 7 as printed was agreed to.

5:05pm

DR. the Hon. E.G.GIBBONS moved Clauses 8-10, which was agreed to.

5:06pm

DR. the Hon. E.G.GIBBONS moved Clause 11 with an Amendment which reads as follows:

1 Clause 11 is amended by inserting after subsection (9) the following subsections—

“(10) The Authority shall specify in its annual report the title and corresponding salary of every senior executive within the Authority.

(11) In this section, "senior executive" means—

- (a) a Director or the Director General; and
- (b) any other person who, under the immediate authority of a Director or the Director General—
 - (i) exercises managerial functions; or
 - (ii) is responsible for maintaining accounts or other records of the Authority."

5:08pm- MR. W.L.A. SCOTT
5:08pm- DR. the Hon. E.G.GIBBONS
5:10pm- MR. W.L.A. SCOTT
5:10pm- DR. the Hon. E.G.GIBBONS

Clause 11 as amended agreed to,

5:13pm

Dr. the Hon. E.G. Gibbons moved Clause 12

5:12pm- MR. W.L.A. SCOTT
5:14pm- DR. the Hon. E.G.GIBBONS

Clause 12, as printed agreed to.

5:14pm

Dr. the Hon. E.G. Gibbons moved Clause 13 and 14, which was agreed to.

5:15pm

5:15pm- MR. W.L.A. SCOTT
5:15pm- DR. the Hon. E.G.GIBBONS

Clause 15 as printed was agreed to.

5:16pm

Dr. the Hon. E.G. Gibbons moved Clause 16, as printed which was agreed to.

5:16pm

Dr. the Hon. E.G. Gibbons moved Clause 17.

5:17pm- MR. W.L.A. SCOTT
5:17pm- DR. the Hon. E.G.GIBBONS

Clause 17 as printed, agreed to.

5:18pm

Dr. the Hon. E.G. Gibbons moved Clause 18.

5:19pm- MR. W.L.A. SCOTT
5:19pm- DR. the Hon. E.G.GIBBONS

Clause 18 as printed, was agreed to.

5:20pm

Dr. the Hon. E.G. Gibbons moved Clause 19-24, as printed which was agreed to.

5:23pm

Dr. the Hon. E.G. Gibbons moved Clause 25 and an Amendment, which reads as follows:

2 Subsection (3) of clause 25 is repealed and the following is substituted—

"(3) Every public officer who accepts employment with the Authority offered to him pursuant to this section shall be deemed to have transferred into employment as an employee with the Authority on the date of such acceptance."

Clause 25, as amended was agreed to.

5:25pm

Dr. the Hon. E.G. Gibbons moved Clauses 26-31, which was agreed to.

5:25pm

Dr. the Hon. E.G. Gibbons moved Schedule 1.

5:26pm- MR. W.L.A. SCOTT
5:27pm- MR. J.S. SIMMONS
5:27pm- DR. the Hon. E.G.GIBBONS
5:28pm- MR. J.S. SIMMONS

Schedule 1 was agreed to.

5:29pm

Dr. the Hon. E.G. Gibbons moved Schedules 2 and 3, which was agreed to.

The Preamble was agreed to.

The Committee rose

The House resumed.

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

5:32pm

On motion by Dr. the Hon. E. G. Gibbons the Bill entitled the "Bermuda Shipping and Maritime Authority Act 2016, was read a second time.

5:41pm- MR. W.L.A. SCOTT
5:42pm-MR.S.G.CROCKWELL
5:46pm- DR. the Hon. E.G.GIBBONS

The Bill was Committed

Mrs. S. Roberts-Holshouser in the Chair.

5:49pm

Dr. the Hon. E.G. Gibbons moved Clauses 1-11

5:52pm- MR. W.L.A. SCOTT
5:53pm-MR.M.J.SCOTT
5:53pm- DR. the Hon. E.G.GIBBONS

Clauses 1-11 were agreed to.

5:55pm

Dr. the Hon. E.G. Gibbons moved Clause 12 and an Amendment, which reads as follows:

2 Clause 12 is amended by inserting after subsection (9) the following subsections—
" (10) The Authority shall specify in its annual report the title and corresponding salary of every senior executive within the Authority.

(11) In this section, "senior executive" means—

- (a) a Director or the Chief Executive Officer; and
- (b) any other person who, under the immediate authority of a Director or the Chief Executive Officer—
 - (i) exercises managerial functions; or
 - (ii) is responsible for maintaining accounts or other records of the Authority."

Clause 12 as amended, was agreed to.

5:57pm

Dr. the Hon. E.G. Gibbons moved Clause 13-25, which was agreed to.

5:59pm

Dr. the Hon. E.G. Gibbons moved Clause 26 and an Amendment, which reads as follows:

2 Subsection (3) of clause 26 is repealed and the following is substituted—

"(3) Every public officer who accepts employment with the Authority offered to him pursuant to this section shall be deemed to have transferred into employment as an employee with the Authority on the date of such acceptance."

Clause 26 as amended, was agreed to.

6:00pm

Dr. the Hon. E.G. Gibbons moved Clauses 27-32, which was agreed to.

6:01pm

Dr. the Hon. E.G. Gibbons moved Schedules 1-3.

6:03pm-MR.J.S.DESILVA
6:03pm- DR. the Hon. E.G.GIBBONS
6:04pm- MR.J.S.DESILVA
6:05pm- DR. the Hon. E.G.GIBBONS

Schedules 1-3 were agreed to.

The Preamble was agreed to.

The Committee rose

The House resumed.

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

Order numbers 7-11 were carried over.

6:07pm

MR. T.G.MONIZ moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the, "Criminal Code Amendment Act 2016" be now read a third time, which was agreed to.

On the motion of, MR. T.G.MONIZ the Bill entitled the, "Criminal Code Amendment Act 2016" was then read the third time and passed.

6:07pm

Dr. the Hon. E.G. GIBBONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the, "Bermuda Civil Aviation Authority Act 2016", be now read a third time, which was agreed to.

On the motion of, DR. the Hon. E.G.GIBBONS the Bill entitled the "Bermuda Civil Aviation Authority Act 2016", was then read the third time and passed.

Dr. the Hon. E.G. GIBBONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the, "Bermuda Shipping and Maritime Authority Act 2016", be now read a third time, which was agreed to.

On the motion of, DR. the Hon. E.G.GIBBONS the Bill entitled the "Bermuda Shipping and Maritime Authority Act 2016" was then read the third time and passed.

6:09pm

MR. M.H.DUNKLEY moved that the House do now adjourn, which was agreed to.

6:09pm- MR.D.V.S. RABAIN

6:25pm-MR. J.C. SOUSA

6:32pm- MR.J.S.DESILVA

6:45pm-MR. K.L. BASCOME

6:47pm-MR. C.W.D.BROWN

7:00pm-MR. R. P. COMMISSIONG

7:10pm-MR. N.H.C.SIMONS

7:15pm-MR. D.V. BURGESS

7:25pm-MR. L.C. CANNONIER

7:35pm-MR. M. A. WEEKS

7:45pm-MR. M. PETTINGILL

8:00pm-MR. M.J. SCOTT

8:08pm-MRS. P.J. GORDON-PAMPLIN

8:25pm-MR. W.H. ROBAN

8:45pm-MR. M. H. DUNKLEY

9:05pm

The House adjourned to Friday 1st July 2016, at 10:00a.m.

