



# SENATE OF BERMUDA

## Official Senate Minutes

*March 19, 2014*

### Electronic Version

**Senator the Hon. Carol A.M. Bassett, JP**

**President**

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**BERMUDA**  
**PROCEEDINGS OF THE SENATE**  
**SESSION OF 2013-2014**

**No. 8**

**WEDNESDAY, 19<sup>th</sup> MARCH, 2014**

**PRESENT:**

Senator the Hon. Mrs. C.M. BASSETT, J.P.,  
 PRESIDENT  
 Senator Mrs. J.E. DILLAS-WRIGHT,  
 M.B.E., J.P., VICE-PRESIDENT  
 Senator J.S. JARDINE, J.P.  
 Senator the Hon. M.M. FAHY, J.P.  
 Senator N.S. BRANGMAN, J.P.  
 Senator Mrs. L.A. WOOLRIDGE, J.P.  
 Senator Ms. A.L. SWAN, J.P.  
 Senator J.C. BARON, J.P.  
 Senator D.V.S. RABAIN, J.P.  
 Senator Ms. R.D.L. MING, J.P.  
 Senator M.G. DANIELS, J.P.

**10:03a.m.**

On the motion of Senator Mrs. J.E. Dillas-Wright, the minutes of the meeting of Wednesday, 19<sup>th</sup> February, 2014 were taken as read and confirmed.

The following Message was received from the Honourable House of Assembly:-

**TO THE HONOURABLE THE PRESIDENT  
 AND MEMBERS OF THE SENATE:**

The House of Assembly has the honour to forward herewith the under-noted Bill for the concurrence your Honourable House:

**“The Appropriation Act 2014”.**

Copies of the Estimates of Revenue and Expenditure for 2014/2015 are also forwarded for the information of your House.

Hon. K.H. Randolph Horton, JP, MP  
 SPEAKER

Sessions House,  
 17<sup>th</sup> March, 2014.

Senator J.S. Jardine presented for the information of Senate ‘The Report from the Parliamentary Joint Select Committee on Parliamentary Governance and Reform’, dated 28<sup>th</sup> February 2014.

Senator the Hon. M.M. Fahy presented for the information of Senate “The National Economic Report of Bermuda 2013”, as produced by the Ministry of Finance.

**10:05a.m.**

Senator the Hon. M.M. Fahy presented for the information of Senate the following draft items, all as made by the Minister responsible for intellectual property under provisions of The Copyright and Designs Act 2004:-

“The Copyright and Rights in Performances (Notice of Seizure) Order 2014”;

“The Copyright (Broadcasting Undertaking) Order 2014”;

“The Copyright (Subtitling of Television Broadcasts and Cable Programmes) (Designated Body) Order 2014”;

“The Copyright (Recording for Archives) (Designated Classes and Bodies) Order 2014”;

“The Copyright (International Organisations) Order 2014”;

“The Copyright (Educational Establishments) Order 2014”;

“The Copyright (Librarians and Archivists) (Copying of Copyright Material and Lending of Copies) Regulations 2014”;

“The Copyright (Customs) Regulations 2014”; and

“The Copyright Tribunal Rules 2014”.

Senator Mrs. L.A. Woolridge presented for the information of the Senate ‘The Annual Report of the Bermuda Health Council for the Year ended March 31<sup>st</sup>, 2013’.

Senator J.C. Baron presented for the information of Senate “The Annual Report of the Legal Aid Office for the Fiscal Years ended 31<sup>st</sup> March 2011 and 31<sup>st</sup> March 2012”.

**10:06a.m.**

Senator the Hon. M.M. Fahy presented for the consideration of Senate the draft Regulations entitled “The Government Fees Amendment Regulations 2014”, proposed to be made by the Minister of Finance under the provisions of section 2 of The Government Fees Act 1965; and he gave notice that at the next day of meeting he would move that the said draft Regulations be approved.

Senator the Hon. M.M. Fahy presented for the consideration of Senate the draft Regulations entitled “The Government Fees (Trade Marks and Service Marks) Amendment Regulations 2014”, proposed to be made by the Minister of Finance under the provisions of section 2 of The Government Fees Act 1965; and he gave notice that at the next day of meeting he would move that the said draft Regulations be approved.

Senator the Hon. M.M. Fahy presented for the consideration of the Senate the draft Regulations entitled “The Bermuda Immigration and Protection (Land-Holding Charges) Amendment Regulations 2014”, proposed to be made by the Minister responsible for Immigration under the provisions of section 102C (1) (a) of The Bermuda Immigration and Protection Act 1956; and he gave notice that at the next day of meeting he would move that the said draft Regulations be approved.

Senator the Hon. M.M. Fahy presented for the consideration of Senate the following Agreements:-

- A “Ground Lease for Hamilton’s Water Front between the Corporation of Hamilton and the Allied Trust and Allied Development Partners Ltd.”;

- A “Corporation Agreement in respect of the Development of the Hamilton Water Front between the Corporation of Hamilton and Allied Development Partners Ltd.”; and

- A “Development Agreement between the Corporation of Hamilton, the Allied Trust and Allied Development Partners Ltd. in respect of the Redevelopment of the Hamilton Harbour and Water Front”

-- and he gave notice that at the next day of meeting, he would move that the said Agreements be considered and voided by the Senate.

**10:09a.m.**

Senator Mrs. L.A. Woolridge, as Junior Minister for Health and the Environment, made a Ministerial Statement “Regarding the Changes to the Standard Hospital Benefit and the Standard Premium Rate for 2014/2015”.

Senator the Hon. M.M. Fahy, as Minister of Home Affairs, made a Ministerial Statement on “Bringing Clarity to the

Naturalisation Process and the Issuance of Government of Bermuda – British Overseas Territories Citizen Passports”.

Government of Bermuda – British Overseas Territories Citizen Passports.

Senator Fahy replied.

**10:25a.m.**

The following Public Bills were brought up from the Honourable House of Assembly and given their First Reading in the Senate:-

- “The Appropriation Act 2014”;
- “The Customs Department Amendment Act 2014”;
- “The Liquor Licence Amendment Act 2014”;
- “The Restaurants (Temporary Customs Duty Relief) Amendment Act 2014”;
- “The Hotels (Temporary Customs Duty Relief) Amendment Act 2014”;
- “The Corporate Service Provider Business Amendment Act 2014”;
- “The Corporate Services Tax Amendment Act 2014”;
- “The Municipalities Amendment Act 2014”;
- “The Charities Act 2014”;
- “The Health Insurance (Miscellaneous) Amendment Act 2014”;
- “The Institute of Chartered Accountants of Bermuda Amendment Act 2014”; and
- “The Criminal Code Amendment (No. 2) Act 2014”.

**Questions/Question Period**

**10:26a.m.**

Senator D.V.S. Rabain asked Senator Mrs. L.A. Woolridge a question regarding the Standard Hospital Benefit and the Standard Premium Rate for 2014/2015.

Senator Woolridge replied.

Senator D.V.S. Rabain asked Senator the Hon. M.M. Fahy a question regarding the Naturalisation Process and the Issuance of

**Orders of the Day**

**10:29a.m.**

Senator the Hon. M.M. Fahy moved that the provisions of Standing Order 25 be granted so that Senate could now proceed with the Second Reading of the Public Bill entitled “The Appropriation Act 2014” -- which was agreed to.

Senator the Hon. M.M. Fahy moved that the Public Bill entitled “The Appropriation Act 2014” be now read a second time, together with consideration of the Estimates of Revenue and Expenditure for the Year 2014/2015 -- which was agreed to.

10:29a.m. Senator the Hon. M.M. Fahy spoke on the Bill in General Economic Debate.

11:29a.m. Senator Ms. R.D.L. Ming spoke on the Bill.

12:00p.m. Senator J.S. Jardine.

**12:30p.m.**

Senator the Hon. the President ordered that the Senate do now adjourn for lunch.

The Senate adjourned for lunch at 12:30p.m., and resumed at 2:15p.m.

2:15p.m. Senator J.S. Jardine, cont’d.

2:33p.m. Senator Mrs. L.A. Woolridge.

2:59p.m. Senator Mrs. J.E. Dillas-Wright.

3:35p.m. Senator D.V.S. Rabain.

4:05p.m. Senator J.C. Baron.

4:33p.m. Senator Fahy replied.

**4:38p.m.**

Senator the Hon. M.M. Fahy moved that the Senate do now resolve itself into a Committee of the Whole for further consideration of "The Appropriation Act 2014", together with the Estimates of Revenue and Expenditure for the Year 2014/2015 -- which was agreed to.

The Senate resolved itself into Committee of the Whole, Senator Mrs. J.E. Dillas-Wright in the Chair.

Senator the Hon. M.M. Fahy moved HEAD 48 – Ministry of Tourism Development and Transport Headquarters.

Senator the Hon. M.M. Fahy moved that the Committee rise, report progress and ask for leave to sit again -- which was agreed to.

The Chairwoman reported that the Committee had risen, reported progress and requested leave to sit again for further consideration of the Bill.

The Committee rose and the Senate resumed.

The Committee was accordingly granted leave to sit again.

**4:40p.m.**

Senator J.C. Baron moved that the Public Bill entitled "The Regulatory Authority Amendment Act 2014" be now read a second time -- which was agreed to.

4:45p.m. Senator D.V.S. Rabain spoke on the Bill.

4:45p.m. Senator Baron replied.

The Bill was accordingly read a second time.

Senator J.C. Baron moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator J.C. Baron moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator J.C. Baron moved that the Bill entitled "The Regulatory Authority Amendment Act 2014" do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency's assent.

**Congratulatory &/or Obituary Speeches**

**4:46p.m.**

Senator Ms. R.D.L. Ming expressed condolences for the family of the late Mr. Alvin "Alabama" Anderson of St. George's, whom she noted was a very-well known member of the community over many years.

Senator Ming also expressed condolences for the Robinson and Wilkinson Families on the tragic deaths of Mrs. Regina Barbara Lee Wilkinson Robinson and Mr. Myron Anthony Robinson of St. George's.

Senator Ming also expressed condolences for the family of the late Mrs. Ida Smith.

Senator Ming congratulated the St. David's Primary School on their Science Fair; the Clearwater Middle School; Mrs. Ianthe Pearman on the celebration of her 89<sup>th</sup> Birthday; Ms. Rita Smith on the celebration of her 100<sup>th</sup> Birthday; and the Purvis Primary School.

Senator D.V.S. Rabain congratulated Bermuda Teen Services and all of the Awardees in the 2014 Outstanding Teen Awards, including the Overall Outstanding Teen, Miss Lindsey Fisher.

Senator Rabain congratulated Mr. Jason Hayward on his recent election as the new President of the Bermuda Public Services Union; and he congratulated the Bermuda Industrial Union and BIU President, Mr. Chris Furbert, on the celebration of the BIU's recent milestone Anniversary. Senator M.M. Fahy and Senator N.S. Brangman associated themselves with these remarks.

Senator J.S. Jardine congratulated Mr. Tyler Butterfield on recently winning an international Triathlon Event in Abu Dhabi, UAE.

Senator Mrs. L.A. Woolridge expressed condolences for the family of the late Mrs. Huberta Marilyn Burgess of Smith's Parish. Senator Rabain associated himself with these remarks.

Senator Woolridge congratulated and commended the Student Volunteers from CedarBridge Academy and the Opportunity Workshop who have been working with Department of Parks staff in helping to maintain and upkeep the grounds of the Arboretum, 'Montpelier' and the Premier's official residence 'Clifton'.

Senator Woolridge also congratulated the St. John Ambulance Brigade in Bermuda on the celebration their 120<sup>th</sup> Anniversary of service; the Management and Staff of the

Rosedon Hotel on their outstanding accomplishment in being recognized for maintaining 15 Years of Continuous Investors In People Accreditation; Nurse Beverley Howell, the Bright Temple AME Church Health Ministry, the organizers of the Department of Public Transportation Community Complete Health Improvement Program, and the 21 Graduates recognized in the 2014 CHIP Commencement and Dinner held at the Bright Temple Church; and the Bermuda Health Council and Bermuda Hospitals Board on organizing the successful Bermuda Healthcare Symposium held in February.

Senator J.C. Baron associated himself with the congratulations to Mr. Tyler Butterfield on his recent Triathlon victory in Abu Dhabi; and he congratulated Bermuda gymnast Miss Sadia Wilson on her outstanding success in representing Bermuda and her recent high placement at an international Gymnastics meet.

Senator Ms. A.L. Swan congratulated and commended those persons and groups who had organized a public ceremony to pay special tribute to the late Mrs. Louise A. Jackson, OBE, JP, former Member of Parliament and a long-time outstanding Educator, Performing Arts instructor and Seniors Advocate.

Senator Swan also congratulated Mr. Wayne Swan and Mr. John Doherty on recently climbing Mount Kilimanjaro in Tanzania as part of their efforts to raise funds for the Prison Fellowship Bermuda and the Eliza Doolittle Society.

Senator N.S. Brangman congratulated the African Methodist Episcopal Churches and Presiding Elder, Rev. Betty Woolridge Furbert, as well as host Pastor Rev. Terry Hassell on the great success of the 2014 Annual Bermuda A.M.E. Churches Conference.

Senator the Hon. M.M. Fahy congratulated the Cadets in the 41<sup>st</sup> Bermuda Police Service Recruit Class on their success.

Senator the Hon. the President associated herself with the congratulatory and obituary remarks of all Senators.

**5:01p.m.**

Senator the Hon. M.M. Fahy moved that, at its rising, the Senate adjourn to Friday, 21<sup>st</sup> March 2014 – which was agreed to.

Senator the Hon. M.M. Fahy moved that the Senate do now adjourn – which was agreed to.

**5:01p.m.**

Adjourned until Friday, 21<sup>st</sup> March, 2014.

**PRESIDENT**

**ORDERS OF THE DAY**

**Friday – 21<sup>st</sup> March, 2014**

(1) Resolution into Committee of the Whole for further consideration of The Appropriation Act 2014, together with the Estimates of Revenue and Expenditure for the Year 2014/2015.

(2) Consideration of draft Regulations entitled “The Government Fees Amendment Regulations 2014”.  
*[Governor’s Recommendation Signified]*

(3) Consideration of draft Regulations entitled “The Government Fees (Trade Marks and Service Marks) Amendment Regulations 2014”.  
*[Governor’s Recommendation Signified]*

(4) Consideration of draft Regulations entitled “The Bermuda Immigration and Protection (Land-Holding Charges) Amendment Regulations 2014”.

*[Governor’s Recommendation Signified]*

(5) Second Reading: The Municipalities Amendment Act 2014.  
*[Governor’s Recommendation Signified]*

(6) Consideration of Ground Lease for Hamilton’s Water Front between the Corporation of Hamilton and the Allied Trust and Allied Development Partners Ltd.

(7) Consideration of Corporation Agreement in respect of the Development of the Hamilton Water Front between the Corporation of Hamilton and Allied Development Partners Ltd.

(8) Consideration of the Development Agreement between the Corporation of Hamilton, the Allied Trust and Allied Development Partners Ltd. in respect of the Redevelopment of the Hamilton Harbour and Water Front.

(9) Second Reading: The Customs Department Amendment Act 2014.

(10) Second Reading: The Liquor Licence Amendment Act 2014.

(11) Second Reading: The Restaurants (Temporary Customs Duty Relief) Amendment Act 2014.  
*[Governor’s Recommendation Signified]*

(12) Second Reading: The Hotels (Temporary Customs Duty Relief) Amendment Act 2014.  
*[Governor’s Recommendation Signified]*

(13) Second Reading: The Corporate Service Provider Business Amendment Act 2014.

(14) Second Reading: The Health Insurance (Miscellaneous) Amendment Act 2014.

(15) Second Reading: The Charities Act 2014.

(16) Second Reading: The Institute of Chartered Accountants of Bermuda Amendment Act 2014.

(17) Second Reading: The Criminal Code Amendment (No. 2) Act 2014.