

**Proceedings**  
**of the**  
**Honourable House of Assembly**  
**Session of 2016-2017**

No. 6

Friday, 10<sup>th</sup> February, 2017

**Members Present:** His Honour the Speaker, Jeanne Atherden, Kenneth L. Bascome, David E. Burt, Derrick V. Burgess, L. Craig Cannonier, Rolfe P. Commissiong, Shawn G. Crockwell, Zane J. S. DeSilva, Michael H. Dunkley, Lovitta F. Foggo, Wayne L. Furbert, Dr. Edmund G. Gibbons, Patricia J. Gordon-Pamplin, Suzann Roberts-Holshouser, Susan E. Jackson, D.P. Lister, Trevor G. Moniz, Mark J. Pettingill, D.V.S. Rabain; Everard T. Richards, Sylvan D. Richards, Walter H. Roban, Michael J. Scott, R. Wayne E. Scott, W. Lawrence Scott, N.H. Cole Simons, Glenn C. Smith, Jeff Sousa, Neville S. Tyrrell, M.A. Weeks, Kim N. Wilson.

**10:06 a.m.**

Prayers

Minutes of the Meeting 10<sup>th</sup> February 2017 deferred

**10:06am**

Mr. S.D. Richards gave an apology to the House and to the member Mr. L.W. Scott relating to remarks he made in the House on Friday, 3<sup>rd</sup> February 2017.

**10:10am**

**Papers and Communications to the House:**

HON. P.J. GORDON-PAMPLIN read the following communication to His Honour 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 Report entitled the "National Training Board Annual Report 2014 to 2016".

Mrs. P.J. Gordon-Pamplin  
Minister Home Affairs

Sessions House  
10, February 2017

HON.S.D.RICHARDS read the following communication to His Honour 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 Report entitled the "BSADA 2014 Annual Report (for the Year Ending 31st March 2015)".

Mr. S.D. Richards  
Minister of Social  
Development and Sports

Sessions House  
10, February 2017

HON.S.D.RICHARDS read the following communication to His Honour 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 Report entitled the "BSADA 2015 Annual Report (for the Year Ending 31st March 2016)".

Mr. S.D. Richards  
Minister of Social

Development and Sports  
Sessions House  
10, February 2017

HON.S.D.RICHARDS read the following communication to His Honour 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 Report entitled the "BSADA Audited Financial Statement for the Year Ending 31st March 2013"

Mr. S.D. Richards  
Minister of Social  
Development and Sports

Sessions House  
10, February 2017

**10:10am**

**Statements by Ministers and Junior Ministers:**

HON. M.H.DUNKLEY read a Ministerial Statement concerning "Brexit Update: Report on Joint Ministerial Council – Exit Negotiations"

HON. M.H.DUNKLEY read a Ministerial Statement concerning the "2016 Census of Population and Housing"

DR.HON. E.G.GIBBONS read a Ministerial Statement concerning the "Universal Broadband Service Provision".

HON. P.J.GORDON-PAMPLIN Acting Minister of Education made a Ministerial Statement regarding "Early Childhood Education Inquiry Models"

HON. P.J.GORDON-PAMPLIN read a Ministerial Statement regarding "Sign After Receipt' (SAR) Personalization Change to UK and BOTC Passports"

HON. P.J.GORDON-PAMPLIN read a Ministerial Statement regarding the "National Training Board Annual Report 2014 to 2016"

HON. N.H.C SIMONS read a Ministerial Statement regarding the "Monitoring our Exclusive Economic Zone".

HON. J.J. ATHERDEN read a Ministerial Statement regarding the "Premier's Youth Fitness Programme: The Premier's Council on Fitness, Sports and Nutrition".

HON. S.D. RICHARDS read a Ministerial Statement regarding the "Convention on the Elimination of all Forms of Discrimination against Women".

**11:13am**

**Question Period:**

The Speaker asked that Ms. L.F. Foggo's at the members request. That questions to Mr. W.L. Scott to be carried over until the next sitting,

A question from Mr. D.E.G. Burt to Mr. M.H. Dunkley which was deferred from 3<sup>rd</sup> February, relating to the members telephone logs.

MR.E.D.G.BURT asked a supplementary question  
MR.M.J.SCOTT asked a supplementary question.]  
MR.D.P.LISTER asked a supplementary question.  
MR.D.P.LISTER asked a supplementary question.  
MR.E.D.G.BURT asked a second supplementary question.  
MR. M.A.WEEKS asked a supplementary question.

Mr. C.W. Brown asked Mrs. P.J. Gordon-Pamplin three questions relating her statement on PRC applications; statistics on suicides in Bermuda and unanswered checks on employers in compliance with labour and immigration laws.

MR.C.W.BROWN asked a supplementary question.  
MR.C.W.BROWN asked a supplementary question  
MR.E.D.G. BURT asked a supplementary question.  
MR.C.W.BROWN asked a second question

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

MS.K.N.WILSON question was carried over until next sitting.

MR.E.D.G. BURT asked a supplementary question

MR.E.D.G. BURT asked a second supplementary question

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

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

MR.E.D.G. BURT asked a supplementary question

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

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

MR.N.H.C SIOMNS provided oral responses to three questions asked by Mr. D.V. S. Rabain.

MR.C.W.D.BROWN asked Mr. M.H. Dunkley a question on his Ministerial Statement concerning the “Brexit Update: Report on Joint Ministerial Council – Exit Negotiations”.

MR.C.W.BROWN asked a second question

MR.C.W.BROWN asked a third question

MR.E.D.G. BURT asked a supplementary question

MR.R.P.COMMISSIONG asked a question to Mr. M..H. Dunkley.

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

MS. K.N. WILSON asked Mr. S.D. Richards a question on his Statement relating to the “Convention on the Elimination of all Forms of Discrimination against Women”

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

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

MR. M.A. WEEKS asked Mr. S.D. Richards a question on his Ministerial Statement.

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

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

MR. M.A. WEEKS asked a second question on Mr. S.D. Richards Statement.

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

MR.D.V.S. RABAIN asked MRS. P.J. GORDON-PAMPLIN a question on her Statement relating to the “An update on Improvements to the Processing of applications for National Certification”.

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

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

MR.D.V.S. RABAIN asked Mr. N.H. C. Simons a question on his Ministerial Statement relating to the “Monitoring our Exclusive Economic Zone”

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

**12:30pm**

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

The Speaker ordered that the House resume at 2:00pm.

**2:09pm**

**House Resumed**

**Congratulatory and /or Obituary Speeches continued**

**2:34pm**

**Matter of Privileges:**

MR. M.J.SCOTT moved his Motion on a Matter of Privilege under Standing Order 13, which reads as follows:

WHEREAS the Bermuda Airport Authority Act 2016 and the Airport Development Concessions Act 2016 having received their First Readings and are scheduled for Second Reading and debate on Friday the tenth day of February 2017.

AND WHEREAS the Minister of Finance the Hon E. T. Richards JP MP has failed to disclose or include with the recently disclosed Project Agreement, the financial models and accurate financial projections to Members of the House ,nor has he disclosed the Lease, relative to the Airport Development Agreement , further the said Minister of Finance, seeks to debate the Airport Authority Bill without disclosing to Members of the House said financial information related to Airport Project Agreement, so as to inform and or put the Members of the House ,in a position to know what they are approving;

AND WHEREAS there is significant public disquiet in the Bermuda Community, related directly to growing objection to the Government and Minister's continuing to proceed with the Airport Project in the circumstances of material non -disclosure;

AND WHEREAS pursuant to Standing Order 13, the Shadow Attorney General has duly given to the Speaker of the House, a written Statement of Points of Complaint on a question of Privilege, contained in a Letter dated November 30th. 2016; and a further Letter dated February 9th. 2017;

BE IT RESOLVED that this House do come to a decision on the complaint as alleged against the said Minister of Finance, and thereafter following due consideration, either defer all debate of the aforesaid bills until the disclosure and provision of the said underlying financial models of the Project Agreement and Lease in every material particular to Members of the House or commit the said complaint to the Privileges Committee.

**2:37pm**

The Speaker informed Members how the House will proceed on the Motion; 20minutes for the mover Mr. M.J. Scott and 20 minutes for Minister of Finance Mr. E. T. Richards.

**2:39pm**

MR. T.G. MONIZ made the point that the Motion was not a properly constructed Motion for a Matter of Privilege; and wanted his objection recorded. The Speaker agreed but ruled that he was satisfied that the Motion was properly a Matter of Privilege and that only Mr. M.J. Scott and Mr. E.T. Richards are to speak on the Motion.

**2:43pm**

Mr. M.J. Scott spoke on his Motion.

3:06pm- MR.E.T.RICHARDS

3:27pm- MR.E.T.RICHARDS concluded.

**3:27pm**

The motion on the Matter of Privilege was defeated by Voice Vote.

**3:29pm**

#### **Introduction of Bills:**

MR. E.T. RICHARDS introduced and read for the first time by its title a Bill entitled the "International Cooperation (Tax Information Exchange Agreements) Amendment (No. 2) Act 2017".

**3:29pm**

**Notices of Motion**

Mr. C.W.D. Brown gave notice that at the next day of Meeting he proposed to speak on his Motion which reads as follows:

"WHEREAS Bermuda's entertainers are a critically important part of our history, culture and tourism fabric; and whereas there is an abundance of locally available, exceptionally talented musicians, singers, and other performance and visual artists; BE IT RESOLVED that this Honourable House rejects the Government's revised immigration policy which marginalises Bermudian entertainers and limits their opportunities."

**3:31pm**

**Orders of the Day:**

On the Motion of Hon. the Hon. E.T. Richards the Bill entitled the "Bermuda Airport Authority Act 2016" was read a second time.

4:30pm-MR.E.D.G.BURT  
5:30pm- DR.E.G.GIBBONS  
6:00pm-MR.W.L.FURBERT  
6:26pm-MR.S.G.CROCKWELL  
6:55pm- MRS.S.R.HOLSHOUSER  
7:10pm-MR.C.W.BROWN  
(7:15pm-S.R. Holshouser in the Chair)  
7:26pm- MR.D.V. BURGESS  
7:33pm-Speaker back in Chair)  
7:40pm-MRS.S.R. HOLSHOUSER in Chair  
7:56pm- MS. K.N.WILSON  
8:10pm- MR.M.J.SCOTT  
8:22pm- Speaker in the Chair  
8:37pm- MRS.P.J. GORDON-PAMPLIN  
9:05pm- MR.Z.J.DESILVA

**9:18pm**

The Speaker warned persons in the public gallery to remain quiet and not to gesture or motion while in the gallery.

9:29pm- MR.J.C.SOUSA

The Bill was Committed

MS. S.R.HOLSHOUSER in the Chair.

**9:32pm**

The Speaker acknowledged the presence of Senator Renee Ming in the Public Gallery.

9:37pm-MR.D.V.S.RABAIN

9:529pm-MS. S.E.JACKSON

10:10pm-MR. M.A.WEEKS

10:30pm- MR. L.C. CANNONIER

10:50pm- MR.R.P.COMMISSIONG

11:11pm- MR.M.J. PETTINGILL

11:36pm-MR.N.S.TYRRELL

11:40pm- MS L.F. FOGGO

11:51pm- MS J.J. ATHERDEN

12:10am- MR W.H.ROBAN (*Sat.11<sup>th</sup>February 2017*)

12:31am- N.H.C SIMONS

12:53am- MR.J.S. SIMMONS

1:06 am-MR.S.D.RICHARDS

1:22am-MR.DP.LISTER

1:37am-MR.W.L.A.SCOTT

1:57am-MR.M.H.DUNKLEY

2:20am- MR.E.T.RICHARDS

Mr. E.T. Richards moved Clauses 1 the Citation amending the year to 2017.

Mr. E.T. Richards moved Clause 2, which reads as follows:

In Clause 2, delete the definition of "authorised person" and substitute—

““authorised person” means any person authorised in writing by the Governor to exercise a particular function or power pursuant to any Air Navigation (Overseas Territories) Order;”.

2. In Clause 2, in the definition of "Airport Lands" inserting after "Schedule 1" the words "and Schedule 2".

3. In Clause 2, in the definition of "Letter of Entrustment" delete the words "Director, Overseas Territories".

2:45am- MR.E.D.G.BURT

2:50am- MR.E.T.RICHARDS

2:53am- MR.M.J.SCOTT

2:55am- MR.E.T.RICHARDS

2:56am- MR.E.D.G.BURT

3:00am-MR.Z.J.DESILVA

3:02am-MR.C.W.D. BROWN

3:04am- MR.E.T.RICHARDS

3:05am- MR.E.D.G.BURT

3:06am- MR.M.J.SCOTT

Clause 2, as amended was agreed to.

Mr. E.T. Richards moved Clauses 3 to 7

3:15am- MR.E.D.G.BURT

3:20am- MR.M.J.SCOTT

3:21am- MR.E.T.RICHARDS

Clauses 3 to 7 were agreed to.

Mr. E.T. Richards moved Clause 8 with an amendment, which reads as follows:

In Clause 8(4)(a), delete and substitute "Schedule 1" with the words

"Schedules 1 and 2".

5. In Clause 8, at the end insert the following subsection—

“(5) Section 6 of the Statutory Instruments Act 1977 (which provides for parliamentary scrutiny) shall not apply to an order under subsection (3).”

Clause 8 as amended was agreed to.

**3:27am**

Mr. E.T. Richards moved Clauses 9 and 10

3:27am- MR.E.D.G.BURT

3:28am- MR.Z.J.DESILVA

3:29am- MR.E.T.RICHARDS

Clauses 9 and 10 were agreed to.

**3:29am**

Mr. E.T. Richards moved Clause 11 and an amendment, which reads as follows:

In Clause 11, in subsection (2)(e), delete the word “legislation” and substitute “provision of law”.

Clause 11 as amended was agreed to.

Mr. E.T. Richards moved Clause 12 which was agreed to.

**3:31am**

Mr. E.T. Richards moved Clause 13 and an amendment, which reads as follows:

In Clause 13, in subsection (1) delete “legislation” and substitute “any other provision of law.

Clause 13 as amended was agreed to.

Mr. E.T. Richards moved Clause 14.

**3:32am**

Mr. E.D.G. Burt moved an amendment to Clause 14.

Clause 14, as amended was agreed to.

**3:33am**

Mr. E.T. Richards moved Clauses 15 to 16, which was agreed to.

**3:34pm**

Mr. E.T. Richards moved Clause 17 and an amendment, which reads as follows:

In Clause 17, in subsection (2)(e), after the words “lawfully made” insert “to the Governor, the Minister or”.

3:35am-MR.E.D.G.BURT

3:39am-MR.E.T.RICHARDS

Clause 17, as amended was agreed to.

**3:39pm**

Mr. E.T. Richards moved Clauses 18 to 22.

3:40am-MR.E.D.G.BURT

3:40am-MR.E.T.RICHARDS

Clauses 18 to 22 were agreed to.

**3:43am**

Mr. E.T. Richards moved Clauses 23 to 29.

3:44am- MR.E.D.G.BURT

3:50am- MR.E.T.RICHARDS

Clauses 23 to 29 agreed to.

**3:52am**

Mr. E.T. Richards moved Clauses 30.

Mr. E.D.G. Burt moved an amendment to Clause 30, which reads as follows:

In Clause 30, in subsection (2)(b) delete:

“but such publication shall not be subject to the Statutory Instruments Act 1977”

3:53am-MR.E.T.RICHARDS

Amendment to Clause 30 was defeated by voice vote.

3:53am-MR.E.D.G.BURT

3:55am-MR.E.T.RICHARDS

Clause 30 was agreed to as printed.

Mr. E.T. Richards moved Clauses 31, which was agreed to.

**4:02am**

Mr. E.T. Richards moved Clause 31 which was agreed to as printed.

**4:02am**

Mr. E.T. Richards moved Clause 32 and an amendment, which reads as follows:

In Clause 32, in subsection (2)(a), delete “law” and substitute “Act”.

Mr. E.D.G. Burt moved an amendment to Clause 32, which reads as follows:

In Clause 32, delete subsection (3)

Schedule 2: Clause 1:

In subsection (1)(b) before the “.” insert “ and the Opposition Leader”

4:02am-MR.E.T. RICHARDS

Mr. E.D. G. burt amendment was defeated by voice vote.

Clause 32, as amended was agreed to.

**4:07am**

Mr. E.T. Richards moved the Schedules, with amendments which reads as follows:

The Bill entitled "Bermuda Airport Authority Act 2017" is amended by—

- (a) deleting and substituting the current words "Schedule 2"—
  - (i) in section 2, in the definition for "Secretary";
  - (ii) in section 13(4), where they appear; and
  - (iii) in the schedule heading ("constitution and proceedings of board"), with the words "Schedule 3";
- (b) deleting and substituting the current words "Schedule 3", in section 31, with the words "Schedule 4"; and
- (c) inserting the new "Schedule 2".

**4:07am**

Mr. E.D.G. Burt moved and amendment to Schedule 2: Clause 1

4:08am-MR.E.T.RICHARDS

4:08am-MR.E.D.G.BURT

The amendment by Mr.E.D.G. Burt was defeated by voice vote.

The Schedules were agreed to, as amended.

4:11am-MRS.P.J.GORDON-PAMPLIN

Mr. E.T. Richards moved Clause 2 as amended, which was agreed to.

Mr. E.T. Richards moved Clauses 1-33 and the Schedules as amended.

**4:17am**

Dvision Affirmed by 18 votes to 16.

**AYES:-18**

Ms.J.J.Atherden  
Mr. K.L. Bascome  
Mr.L.C.Cannonier  
Mr.S.G.Crockwell  
Mrs.N.S.Outerbridge  
Mr.M.H.Dunkley  
Dr.E.G.Gibbons  
Mrs.P.J.Gordon Pamplin  
Mrs.S.Roberts Holshouser  
Ms. S.E.Jackson  
Mr.T.G.Moniz  
Mr.S.D.Richards  
Mr.E.T.Richards  
Ms.L.K.Scott  
Mr.R.W.E.Scott  
Mr.N.H.Simons  
Mr.C.C.Smith  
Mr.J.C.Sousa

**NOES:- 16**

Mr.C.W.Brown  
Mr.D.V.Burgess  
Mr.E.D.Burt  
Mr.R.P.Commission  
Mr.Z.J.Desilva  
Ms.L.F.Foggo  
Mr.W.L.Furbert  
Mr.D.P.Lister  
Mr. D.V.S. Rabain  
Mr.W.H.Roban  
Mr.J.S.Simmons  
Mr. L. W. Scott  
Mr. M.J. Scott  
Mr. S. Tyrrell  
Mr.M.A.Weeks  
Ms. K.N. Wilson

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.

Mr. Speaker made a ruling that both Bills entitled the “Bermuda Airport Authority Act 2016” and the “Airport Redevelopment Concession Act 2016” are Money Bills.

**4:29am**

On the Motion of Hon. the Hon. E.T. Richards the Bill entitled the “Airport Redevelopment Concession Act 2016” was read a second time.

4:36am-MR.W.L.A. SCOTT

5:02am-MR.E.D.G.BURT

5:05am-MR.E.T.RICHARDS

The Bill was Committed

MS. S.R.HOLSHOUSER in the Chair.

**5:07am**

The Citation was amended to reflect the year change.

Mr. E.T. Richards moved Clauses 1 to 11.

5:15am-MR.E.D.G.BURT

5:16am- MR. E.T.RICHARDS

5:17am- MR.E.D.G.BURT

5:18am- MR. E.T.RICHARDS

Clauses 1 to 11 as printed, were agreed to.

The Schedules were agreed to as printed

The Preamble was agreed to as printed.

The Committee rose

The House resumed.

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

**5:20am**

MR.E.T. RICHARDS , moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the, “Bermuda Airport Authority Act 2016”, be now read a third time, which was agreed to.

On the motion of, MR.E.T. RICHARDS on the Bill entitled the, “Bermuda Airport Authority Act 2016” was then read the third time and passed.

MR.E.T. RICHARDS , moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the, “Airport Redevelopment Concession Act 2016, be now read a third time, which was agreed to.

On the motion of, MR.E.T. RICHARDS on the Bill entitled the, “Airport Redevelopment Concession Act 2016” was then read the third time and passed.

**5:20am**

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

The House adjourned until Friday 17, February 2017