



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

September 27, 2013

Electronic Version

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

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**Proceedings
of the
Honourable House of Assembly
Session of 2013**

No. 24

Friday, September 27th, 2013

Members Present: His Honour the Speaker, Jeanne J. Atherden, Kenneth L. Bascome, Marc A. R. Bean, Glenn A. Blakeney, Walton D. Brown, Derrick V. Burgess, David G. Burt, 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, Susan E. Jackson, Dennis P. Lister, Terry E. Lister, Trevor G. Moniz, Nandi S. Outerbridge, Mark J. Pettingill. Everard T. Richards, Sylvan D. Richards, Walter H. Roban, Suzann Roberts-Holshouser, Leah K. Scott, Michael J. Scott, R. Wayne E. Scott, W. Lawrence Scott, N. H. Cole Simons, Glenn C. Smith, Mr. Jefferson. C. Sousa, Michael A. Weeks, Kim N. Wilson.

10:00 a.m. Prayer

Confirmation of Minutes:

Minutes to the meeting of September 20th, 2013 were deferred.

10:05 a.m.

Statements by Ministers and Junior Ministers:

MR. M. H. DUNKLEY made a Ministerial Statement regarding the Neighborhood Watch 2.0.

MR. T. G. MONIZ made a Ministerial Statement regarding the KPMG Infrastructure Summit.

MR. R. W. E. SCOTT made a Ministerial Statement regarding the Update on the Grand Atlantic Development.

MR. S. D. RICHARDS made a Ministerial Statement regarding the National Infrastructure Plan Update.

10:25 a.m.

Question Period:

MR. E. T. RICHARDS Minister of Finance, answered orally in the House and in writing to written questions addressed to him by Shadow Minister of Finance Mr. E. D. G. Burt.

MR. E. D. G. BURT asked Mr. E. T. Richards a supplementary question.

MR. C. W. D. BROWN asked Mr. E. T. Richards a supplementary question.

MR. E. D. G. BURT asked Mr. E. T. Richards a second supplementary question.

MR. W. H. ROBAN asked Mr. E. T. Richards a supplementary question.

MR. M. H. DUNKLEY, Minister of Public Safety, answered orally in the House to written questions addressed to him by Shadow Minister of Finance Mr. E. D. G. Burt.

MR. E. D. G. BURT asked Mr. M. H. Dunkley a supplementary question.

Mr. G. A. BLAKENEY asked Mr. M. H. Dunkley a supplementary question.

MR. E. D. G. BURT asked Mr. M. H. Dunkley a second supplementary question.

MR. D. V. BURGESS asked Mr. M. H. Dunkley a supplementary question.

DR. E. G. GIBBONS, Minister of Economic Development, answered orally in the House to written questions addressed to him concerning Belco and the reduction on the cost of electricity; by Shadow Minister of Finance Mr. E. D. G. Burt.

MR. E. D. G. BURT asked Dr. E. G. Gibbons a question.

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

MR. W. H. ROBAN asked Dr. E. G. Gibbons a supplementary question.

MR. M. A. R. BEAN asked Mr. T. G. Moniz a question on his Ministerial Statement on the KPMG Infrastructure Summit.

MR. D. V. BURGESS asked Mr. T. G. Moniz a question.

MR. D. V. BURGESS asked Mr. T. G. Moniz a supplementary question.

MR. D. V. BURGESS asked Mr. T. G. Moniz a second supplementary question.

MR. W. H. ROBAN asked Mr. T. G. Moniz a question.

MR. W. H. ROBAN asked Mr. T. G. Moniz a supplementary question.

MR. W. H. ROBAN asked Mr. T. G. Moniz a second supplementary question.

MR. W. L. A. SCOTT asked Mr. R. W. E. Scott a question on his Ministerial Statement regarding the Update on the Grand Atlantic Development.

MR. W. L. A. SCOTT asked Mr. R. W. E. Scott a supplementary question.

MR. W. L. A. SCOTT asked Mr. R. W. E. Scott a second question.

MR. W. L. A. SCOTT asked Mr. R. W. E. Scott a third question.

MR. W. L. A. SCOTT asked Mr. R. W. E. Scott a supplementary question.

MR. E. D. G. BURT asked Mr. R. W. E. Scott a supplementary question.

MR. M. A. R. BEAN asked Mr. S. D. Richards a question regarding his Ministerial Statement on the National Infrastructure Plan Update.

MR. M. A. R. BEAN asked Mr. S. D. Richards a supplementary question.

MR. M. A. R. BEAN asked Mr. S. D. Richards a second question.

MR. M. A. R. BEAN asked Mr. S. D. Richards a supplementary question.

MR. M. A. R. BEAN asked Mr. S. D. Richards a second supplementary question.

MR. G. A. BLAKENEY asked Mr. S. D. Richards a supplementary question.

MR. G. A. BLAKENEY asked Mr. S. D. Richards a second supplementary question.

MR. M. A. R. BEAN asked Mr. S. D. Richards a third question.

MR. M. A. R. BEAN asked Mr. S. D. Richards a supplementary question.

11:25 a.m.

Congratulatory and Obituary Speeches:

MR. W. L. A. SCOTT congratulated the Bermuda Women's Football (under 17) Team on their recent participation in the Caribbean Football Union (CFU) World Cup qualifiers.

MS. L. F. FOGGO Congratulated St. David's Primary teacher Ms. Kristie Foggo who was awarded by the Bermuda Reading Association as Outstanding Teacher of the Year.

MS. P. J. GORDON-PAMPLIN sent condolences to the family of the late Master Nosaj Stovell; condolences to the family of the late Ms. Ethel Lodge; congratulations to SCARS and CAA on their dinner held last week; congratulations to the Bermuda College which have made available for nursing students the ability to transfer to Toronto into a nursing program; associated Mr. C. W. D. Brown and Ms. J. J. Atherden.

MR. G. A. BLAKENEY sent congratulations to Devonshire Parish Council on a successful meeting held recently on the topic of wills and estates; a very informative and worthy meeting.

MR. G. C. SMITH congratulated Hannah Marshall on the publication of her new Art book.

MR. Z. J. S. DESILVA sent congratulations to the Bermuda Blood Donor Centre on their Bermuda Blood Drive; associated Ms. P. J. Gordon-Pamplin and Mr. M. H. Dunkley; congratulations to Janet

"Pinky" Todd on her retirement as Cup Match Score Keeper; congratulations to Mr. and Mrs. Ed Sherlock on their 50th wedding anniversary.

MR. M. H. DUNKLEY sent congratulations to the eleven Bermuda Police officers who were recently promoted; associated Mr. E. D. G. Burt; congratulations to Mr. Alex Doyle who was called to the Bar last week.

MR. M. J. SCOTT associated himself with condolences to the family of the late Ms. Ethel Lodge; associated himself with congratulatory remarks for the eleven police officers.

MS. S. ROBERTS-HOLSHOUSER welcomed in the Speakers Gallery former U. B. P Senator now Pastor of Vernon Temple A. M. E. Church Reverend Leonard Santucci.

MR. E. D. G. BURT sent congratulations to St. Paul's A.M.E Church on their 128th anniversary; congratulations to Mr. and Mrs. George Burt and Mr. and Ms. Stanley Morton on their 50th wedding anniversary.

MR. D. P. LISTER associated himself with congratulatory remarks for the Bermuda Blood Donors Drive; associated himself with congratulations to Mr. and Mrs. Stanley Morton; condolences to the family of the late Ms. Doreen Caesar.

MS. S. ROBERTS-HOLSHOUSER sent congratulations to the reporter who is in the Gallery recording this proceeding Mr. Owain Johnson-Barnes who received recognition on his article recently covering the Kenya Westgate Mall Massacre.

11:45 a.m.

His Honour the Speaker announced a 15 minute recess.

12:05 p.m.

The House resumed.

Orders of the Day:

On the motion of MR. S. G. CROCKWELL, the Bill entitled the "Bermuda Tourism Authority Act 2013" was then read a second time.

MR. E. D. G. BURT objected to the second reading under the provision of Standing Order 27 (2).

His Honour the Speaker ruled that the House will proceed with the second reading.

MR. D. V. BURGESS requested that the Standing Orders 27(2) be suspended.

MR. M. J. PETTINGILL moved that Standing Order 27(2) be suspended to allow the second reading of the "Bermuda Tourism Authority Act 2013", which was agreed to

MS. S. ROBERTS-HOLSHOUSER proceeded with the second reading of the Bill.

12:35 p.m.

MR. L. C. CANNONIER moved that the House do now recess for lunch, which was agreed to.

His Honour the Speaker ordered that the House resume at 2:00 p.m.

2:03 p.m.

The House resumed

2:03 p.m. - MR. W. L. FURBERT
 2:59 p.m. - MR. G. C. SMITH
 3:08 p.m. - MR. C. W. D. BROWN
 3:20 p.m. - MR. W. H. ROBAN
 3:50 p.m. - MR. D. V. BURGESS
 4:03 p.m. - DR. E. G. GIBBONS
 4:22 p.m. - MS. K. N. WILSON
 4:31 p.m. - MR. M. J. SCOTT
 4:50 p.m. - MS. S. E. JACKSON
 4:54 p.m. - MR. W. L. A. SCOTT
 5:11 p.m. - MS. J. J. ATHERDEN
 5:17 p.m. - MR. R. P. COMMISSIONG
 5:35 p.m. - MR. Z. J. S. DESILVA
 5:55 p.m. - MR. G. A. BLAKENEY
 6:19 p.m. - MR. N. H. C. SIMONS
 6:37 p.m. - MR. E. D. G. BURT
 7:00 p.m. - MR. E. T. RICHARDS
 7:25 p.m. - MR. M. A. R. BEAN
 7:48 p.m. - MR. S. G. CROCKWELL

The Bill was committed.

8:17 p.m. - MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. S. G. CROCKWELL moved clauses 1-5 of the Bill.

8:20 p.m. - MR. W. L. FURBERT
 8:21 p.m. - MR. T. E. LISTER

8:22 p.m. - MR. S. G. CROCKWELL
 8:25 p.m. - MR. W. L. FURBERT
 8:25 p.m. - MR. S. G. CROCKWELL
 8:26 p.m. - MR. W. L. FURBERT
 8:26 p.m. - MR. S. G. CROCKWELL
 8:26 p.m. - MR. W. L. FURBERT
 8:27 p.m. - MR. S. G. CROCKWELL
 8:28 p.m. - MR. W. L. FURBERT

MR. S. G. CROCKWELL moved clauses 6-15.

8:34 p.m. - MR. W. L. FURBERT
 8:45 p.m. - MR. R. P. COMMISSIONG
 8:46 p.m. - MR. C. W. D. BROWN
 8:47 p.m. - MR. Z. J. S. DESILVA
 8:50 p.m. - MR. T. E. LISTER
 8:55 p.m. - MR. M. A. R. BEAN
 9:01 p.m. - MR. E. D. G. BURT
 9:05 p.m. - MR. Z. J. S. DESILVA
 9:09 p.m. - MR. W. H. ROBAN
 9:10 p.m. - MS. K. N. WILSON
 9:15 p.m. - MR. M. J. PETTINGILL

9:20 p.m. - MR. E. D. G. BURT moved to amend Clause 13(3):- delete the words "upon the payment of \$5.00 or such other fees as may be prescribed".

9:25 p.m. - MR. S. G. CROCKWELL
 9:26 p.m. - MR. W. L. FURBERT
 9:27 p.m. - MR. S. G. CROCKWELL

MR. E. D. G. BURT Amendment motion

- which was agreed to

9:50 p.m. - MR. M. J. SCOTT
 9:53 p.m. - MR. Z. J. S. DESILVA
 9:54 p.m. - MR. S. G. CROCKWELL

MR. S. G. CROCKWELL moved clauses 16 – 29.

9:59 p.m. - MR. W. L. FURBERT
 10:00 p.m. - MR. T. E. LISTER
 10:07 p.m. - MR. E. D. G. BURT
 10:10 p.m. - MS. K. N. WILSON
 10:15 p.m. - MR. S. G. CROCKWELL
 10:15 p.m. - MR. E. D. G. BURT
 10:20 p.m. - MR. S. G. CROCKWELL
 10:21 p.m. - MR. E. D. G. BURT
 10:22 p.m. - MR. W. L. FURBERT

MR. T. E. LISTER moved to amend clause 20(7) as follows: - delete "the same time" and substitute the word "before"; and in clause 21 delete "30 June" and substitute "31 May", which was agreed to.

Clauses 1 – 29, as amended, were agreed to.

MR. S. G. CROCKWELL moved the Schedules 1 and 2.

10:28 p.m. - MR. M. A. R. BEAN
 10:30 p.m. - MR. S. G. CROCKWELL
 MR. S. G. CROCKWELL moved the Schedules as printed, which was agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

10:34 p.m.

On the motion of DR. E. G. GIBBONS, the Bill entitled the "Incentives for Job Makers Act 2013" was then read a second time.

10:51 p.m. - MR. W. H. ROBAN
 11:50 p.m. - MR. G. A. BLAKENEY

12:00 a.m. Saturday, September 29th, 2013

12:13 a.m. - MR. C. W. D. BROWN
 12:33 a.m. - MR. E. T. RICHARDS
 12:58 a.m. - MS. L. K. SCOTT
 1:02 a.m. - MR. E. D. G. BURT
 1:02 a.m. - MS. S. ROBERTS-HOLSHOUSER
 1:29 a.m. - MS. P. J. GORDON-PAMPLIN
 1:42 a.m. - MR. L. C. CANNONIER
 1:54 a.m. - DR. E. G. GIBBONS

The Bill was committed.

2:05 a.m. - MS. S. ROBERTS-HOLSHOUSER in the Chair

DR. E. G. GIBBONS moved clauses 1-7 of the Bill.

2:10 a.m. - MR. W. H. ROBAN
 2:12 a.m. - MR. E. D. G. BURT
 2:15 a.m. - MR. W. H. ROBAN

2:20 a.m. - MR. T. E. LISTER moved to amend clause 3 as follows: - after the word "substitute" delete "\$25,000" and substitute "\$60,000"

2:28 a.m. - DR. E. G. GIBBONS
 2:29 a.m. - MR. W. H. ROBAN

2:30 a.m. - MS. P. J. GORDON-PAMPLIN
 2:31 a.m. - MR. R. P. COMMISSIONG

- which was defeated by voice vote.

2:32 a.m. - DR. E. G. GIBBONS
 2:39 a.m. - MR. E. D. G. BURT
 2:39 a.m. - DR. E. G. GIBBONS
 2:40 a.m. - MR. R. P. COMMISSIONG
 2:43 a.m. - MR. N. H. C. SIMONS
 2:44 a.m. - MR. Z. J. S. DESILVA
 2:44 a.m. - DR. E. G. GIBBONS

Clauses 1 – 7, as printed, were agreed to.

DR. E. G. GIBBONS moved the Schedules.

The Schedules, as printed, were agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

3:05 a.m.

On the motion of MR. M. H. DUNKLEY, the Bill entitled the "Bermuda Immigration and Protection Amendment (No.2) Act 2013" was then read a second time.

3:05 a.m. - MR. W. H. ROBAN
 3:10 a.m. - MR. N. H. C. SIMONS
 3:17 a.m. - MR. W. H. ROBAN
 3:20 a.m. - MR. E. D. G. BURT
 3:20 a.m. - MR. M. H. DUNKLEY

The Bill was committed.

3:21 p.m. - MS. R. ROBERTS-HOLSHOUSER in the Chair

MR. M. H. DUNKLEY moved clauses 1-7 of the Bill.

3:34 a.m. - MR. E. D. G. BURT
 3:34 a.m. - MR. W. H. ROBAN
 3:35 a.m. - MR. M. H. DUNKLEY

MR. M. H. DUNKLEY moved clause 8 of the Bill.

MR. M. H. DUNKLEY moved to amend clause 8 as follows: -

Delete Clause 8 and substitute

"Whistle-blowers

(1) In section 29(2) of the Employment Act 2000 (whistle-blowers), at the end insert –

"(n) the Chief Immigration Officer of the Department of Immigration."

(2) in section 3(3) of the Good Governance Act 2012 (offence of terminating contract with, or withholding payment from, a whistle-blower), at the end insert -

"(m) the Chief Immigration Officer of the Department of Immigration."

Clause 8, as amended, was agreed to.

MR. M. H. DUNKLEY moved clause 9 of the Bill.

Clauses 1 – 9, as amended, were agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

3:40 a.m.

On the motion of MR. E. T. RICHARDS, the Bill entitled the "Insurance Amendment Act 2013" was then read a second time.

3:50 a.m. - MR. E. D. G. BURT
 3:52 a.m. - MR. E. T. RICHARDS

The Bill was committed.

3:53 a.m. - MS. R. ROBERTS-HOLSHOUSER in the Chair

MR. E. T. RICHARDS moved clauses 1-4 of the Bill.

Clauses 1 – 4, as printed, were agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

Order numbers 5-8 were carried over to the next meeting day.

3:58 a.m.

MR. M. H. DUNKLEY moved the following motion, notice of which was given on September 13, 2013:-

“In an effort to ensure that Bermuda’s Legislature meets the highest standards of governance for democratic legislatures and in order to lead by example; be it resolved that this Honourable House approves and adopts a mandatory random drug testing policy for Members of the Legislature and that a Joint Select Committee be appointed to consider and determine the specifics, implementation and monitoring of the said Policy.”

4:09 a.m. - MR. C. W. D. BROWN

4:17 a.m. - MR. M. J. PETTINGILL

4:30 a.m. - MR. S. D. RICHARDS

4:33 a.m. - MS. S. ROBERTS-HOLSHOUSER

4:36 a.m. - MR. M. H. DUNKLEY

- which was agreed to.

Order numbers 10 and 11 were carried over to the next meeting day.

4:38 a.m.

MR. S. G. CROCKWELL moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Bermuda Tourism Authority Act 2013" be now read the third time, which was agreed to.

On the motion of MR. S. G. CROCKWELL, the Bill entitled the “Bermuda Tourism Authority Act 2013” was then read the third time and passed.

DR. E. G. GIBBONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled " Incentives for Job Makers Act 2013" be now read the third time, which was agreed to.

On the motion of DR. E. G. GIBBONS, the Bill entitled the “Incentives for Job Makers Act 2013” was then read the third time and passed.

MR. M. H. DUNKLEY moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Bermuda Immigration and Protection Amendment (No.2) Act 2013" be now read the third time, which was agreed to.

On the motion of MR. M. H. DUNKLEY, the Bill entitled the “Bermuda Immigration and Protection Amendment (No.2) Act 2013” 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 " Insurance Amendment Act 2013" be now read the third time, which was agreed to.

On the motion of MR. E. T. RICHARDS, the Bill entitled the “Insurance Amendment Act 2013” was then read the third time and passed.

4:58 a.m.

MR. L. C. CANNONIER moved that the House, adjourn to Wednesday October 2nd, 2013 at 10:00 a.m., which was agreed to.

MR. L. C. CANNONIER moved that the House do now adjourn, which was agreed to.

4:42 a.m. - MR. Z. J. S. DESILVA

4:59 a.m.

The House adjourned to Wednesday October 2nd, 2013 at 10:00 a.m.