



# SENATE OF BERMUDA

## Official Senate Minutes

*March 26, 2014*

### Electronic Version

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

**President**

**Disclaimer:** The electronic version of this *Official Senate Minutes* is for informational purposes only.

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

**No. 11**

**WEDNESDAY, 26<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.

**10:01a.m.**

On the motion of Senator Mrs. J.E. Dillas-Wright, consideration of the minutes of the meetings of Wednesday, 19<sup>th</sup> March, Friday, 21<sup>st</sup> March and Monday, 24<sup>th</sup> March, 2014 was deferred.

Senator the Hon. the President acknowledged the presence of the Financial Secretary, Mr. Anthony Manders, in the Chamber.

Senator Ms. A.L. Swan, as Junior Minister for Community, Culture and Sports, made a Ministerial Statement providing a Report on the United Nations Commission on the Status of Women, and her attendance at the United Nations in New York for the recent Commission on the Status of Women conference.

Senator the Hon. M.M. Fahy, as Minister of Home Affairs, made a Ministerial Statement entitled "Middleton Film Crew Denied Work Permits", and on the numerous errors in the 'Royal Gazette' article on this subject.

**Questions/Question Period**

**10:15a.m.**

Senator Ms. R.D.L. Ming asked Senator Ms. A.L. Swan a question regarding the Report on the United Nations Commission on the Status of Women. Senator Swan replied.

Senator Ming asked a second and a third question. Senator Swan replied.

Senator D.V.S. Rabain asked Senator Swan a question. Senator Swan replied.

Senator J.C. Baron asked Senator Swan a question. Senator Swan replied.

**Orders of the Day**

**10:22a.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 Mrs. J.E. Dillas-Wright, in the Chair, acknowledged the presence of the Tax Commissioner, Ms. Lucia Peniston, in the Chamber.

**10:23a.m.**

Senator the Hon. M.M. Fahy moved that HEAD 10 – Ministry of Finance Headquarters; HEAD 11 – Accountant General; HEAD 28 – Social Insurance; and HEAD 38 – Office of the Tax Commissioner be now considered - which was agreed to.

Senator Fahy spoke on the Heads.

11:47a.m. Senator Ms. R.D.L. Ming spoke on the Heads.

12:10p.m. Senator J.S. Jardine.  
12:22p.m. Senator Fahy replied.

Senator the Hon. M.M. Fahy moved that Heads 10, 11, 28, and 38 be approved - which was agreed to.

**12:25p.m.**

Senator Mrs. J.E. Dillas-Wright, in the Chair, ordered that the Senate do now adjourn for lunch.

The Senate adjourned for lunch at 12:25p.m., and resumed in Committee at 2:15p.m.

2:15p.m. Senator J.S. Jardine in the Chair.

**2:17p.m.**

Senator N.S. Brangman moved that HEAD 95 – Ministry of Education and Economic Development Headquarters; HEAD 17 – Department of Education; and HEAD 41 – Bermuda College be now considered - which was agreed to.

Senator Brangman spoke on the Heads.

3:35p.m. Senator D.V.S. Rabain spoke on the Heads.

4:07p.m. Senator Mrs. J.E. Dillas-Wright.

Senator N.S. Brangman moved that Heads 95, 17 and 41 be approved - which was agreed to.

**4:16p.m.**

Senator Ms. A.L. Swan moved that HEAD 71 – Ministry of Community, Culture and Sports Headquarters; HEAD 20 – Youth, Sport and Recreation; HEAD 23 – Child and Family Services; HEAD 52 – Community and Cultural Affairs and HEAD 55 – Financial Assistance be now considered - which was agreed to.

Senator Swan spoke on the Heads.

4:30p.m. Senator J.S. Jardine, in the Chair, acknowledged the presence of the Permanent Secretary to the Ministry of Community, Culture and Sports, Mr. Wayne Carey, in the Chamber.

4:40p.m. Senator J.S. Jardine, in the Chair, acknowledged the presence of the Minister of Community, Culture and Sports, the Hon. Wayne Scott, JP, MP, in the Chamber.

5:00p.m. Senator Mrs. J.E. Dillas-Wright in the Chair.

5:47p.m. Senator D.V.S. Rabain spoke on the Heads.

6:10p.m. Senator J.S. Jardine.  
6:14p.m. Senator Ms. R.D.L. Ming.

6:15p.m. Senator Swan replied.

Senator Ms. A.L. Swan moved that Heads 71, 20, 23, 52 and 55 be approved - which was agreed to.

**6:17p.m.**

Senator the Hon. M.M. Fahy moved that HEAD 09 – Cabinet Office; HEAD 14 – Statistics; HEAD 26 – Department of Human Resources and HEAD 80 – Project Management and Procurement be now considered - which was agreed to.

Senator Fahy spoke on the Heads.

6:48p.m. Senator J.S. Jardine spoke on the Heads.

6:51p.m. Senator Ms. R.D.L. Ming.  
7:12p.m. Senator Mrs. J.E. Dillas-Wright.  
7:12p.m. Senator Fahy replied.

Senator the Hon. M.M. Fahy moved that Heads 09, 14, 26 and 80 be approved - which was agreed to.

**7:17p.m.**

Senator the Hon. M.M. Fahy moved that the following HEADS be approved:-

Cabinet Office Department Heads 43, 51, 84 and 96; Non-Ministry Department Heads 01, 02, and 05; Ministry of Finance Heads 58 and 59; Ministry of Legal Affairs Head 03; Ministry of Education and Economic Development Heads 39, 46, 67 and 89; Ministry of Environment and Planning (old) Head 50; Ministry of Tourism Development and Transport Heads 34, 57 and 73; Ministry of Public Works Heads 36 and 53; Ministry of Community, Culture and Sports Heads 18, 19 and 56; Ministry of National Security Heads 12, 13 and 45; and Ministry of Home Affairs Heads 27, 29 and 42

-- which was agreed to.

Senator the Hon. M.M. Fahy moved that the Capital Account Estimates be approved and stand as part of the Bill – which was agreed to.

Senator the Hon. M.M. Fahy moved that Clauses 1 to 6 of the Bill, together with Schedules A to C, inclusive, be approved and stand as part of the Bill – which was agreed to.

Senator the Hon. M.M. Fahy moved that the Preamble be approved – which was agreed to.

Senator the Hon. M.M. Fahy moved that the Title stand as part of the Bill – which was agreed to.

Senator the Hon. M.M. Fahy moved that the Bill entitled “The Appropriation Act 2014” be adopted – which was agreed to.

The Committee rose and the Senate resumed.

The Senate adopted the Report of the Committee.

**7:20p.m.**

Senator the Hon. M.M. Fahy moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator the Hon. M.M. Fahy moved that the Bill entitled “The Appropriation 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.

**7:21p.m.**

Senator the Hon. M.M. Fahy moved that the Public Bill entitled “The Customs Tariff Amendment Act 2014” be now read a second time -- which was agreed to.

7:37p.m. Senator D.V.S. Rabain spoke on the Bill.  
7:38p.m. Senator Fahy replied.

The Bill was accordingly read a second time.

Senator the Hon. M.M. Fahy moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator the Hon. M.M. Fahy moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator the Hon. M.M. Fahy moved that the Bill entitled "The Customs Tariff 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.

**7:40p.m.**

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

7:58p.m. Senator the Hon. the President acknowledged the presence of the Permanent Secretary to the Ministry of Education and Economic Development in the Chamber.

7:59p.m. Senator D.V.S. Rabain spoke on the Bill.

8:08p.m. Senator J.S. Jardine.  
8:10p.m. Senator Mrs. L.A. Woolridge.  
8:11p.m. Senator N.S. Brangman.  
8:12p.m. Senator Mrs. J.E. Dillas-Wright.  
8:16p.m. Senator Ms. R.D.L. Ming.  
8:21p.m. Senator the Hon. M.M. Fahy.

8:28p.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 Companies 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.

**8:32p.m.**

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

8:40p.m. Senator Mrs. L.A. Woolridge spoke on the Bill.

8:41p.m. Senator J.S. Jardine.  
8:42p.m. Senator N.S. Brangman.  
8:43p.m. Senator D.V.S. Rabain.  
8:43p.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 Criminal Code 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.

**8:44p.m.**

Senator Mrs. L.A. Woolridge moved that the Public Bill entitled "The Morgan's Point Resort Act 2014" be now read a second time -- which was agreed to.

8:53p.m. Senator the Hon. the President acknowledged the presence of the Ministry of Public Works Permanent Secretary, Ms. Marva O'Brien; and a principal of the Morgan's Point Development group, Mr. Nelson Hunt, in the Public Gallery.

8:53p.m. Senator D.V.S. Rabain spoke on the Bill.

8:53p.m. Senator Mrs. J.E. Dillas-Wright.

8:54p.m. Senator J.S. Jardine.

8:55p.m. Senator N.S. Brangman.

8:56p.m. Senator Ms. R.D.L. Ming.

8:56p.m. Senator the Hon. M.M. Fahy.

8:57p.m. Senator the Hon. the President.

8:57p.m. Senator Woolridge replied.

The Bill was accordingly read a second time.

Senator Mrs. L.A. Woolridge moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator Mrs. L.A. Woolridge moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator Mrs. L.A. Woolridge moved that the Bill entitled "The Morgan's Point Resort 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.

**8:59p.m.**

Senator the Hon. M.M. Fahy moved that the Senate do now take under consideration the "Deed of Variation of Development Agreement between The Corporation of Hamilton (the Landlord) and Par-la-Ville Hotel and Residences Ltd. (the Tenant)" --- which was agreed to.

9:00p.m. Senator Mrs. J.E. Dillas-Wright spoke on the Deed of Variation.

9:01p.m. Senator Fahy replied.

Senator the Hon. M.M. Fahy moved that the said Agreement be approved, and that the following Message be sent to His Excellency the Governor:-

**"MAY IT PLEASE YOUR EXCELLENCY:**

The Senate, having had under consideration the proposed "Deed of Variation of Development Agreement between The Corporation of Hamilton (the Landlord) and Par-la-Ville Hotel and Residences Ltd. (the Tenant)", has the honour to inform Your Excellency that the Senate has approved the said Agreement in accordance with the provisions of Section 14(4) of The Municipalities Amendment Act 2013."

-- which was agreed to and ordered accordingly.

**Congratulatory &/or Obituary Speeches**

**9:01p.m.**

Senator D.V.S. Rabain expressed condolences for the family of the late Mrs. Fern Ursula Reed of St. George's, and he asked that Senator Ms. R.D.L. Ming be associated with these remarks.

Senator J.S. Jardine associated himself with the previously expressed congratulations and best wishes to Senator M.G. Daniels and Mrs. Daniels on the birth of their first child

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

**9:03p.m.**

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

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

- 9:03p.m. Senator Ms. R.D.L. Ming.
- 9:05p.m. Senator J.S. Jardine.
- 9:10p.m. Senator N.S. Brangman.

**9:13p.m.**

Adjourned until Wednesday, 21<sup>st</sup> May, 2014.

**PRESIDENT**

**ORDERS OF THE DAY**

**Wednesday – 21<sup>st</sup> May, 2014**

N I L