



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

February 8, 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. 1

Friday, 8th February, 2013

Pursuant to the Proclamation of His Excellency the Governor, Mr. George Fergusson, published in the official Gazette on Monday 4th February 2013 convening the Legislature, the several Members assembled at the Sessions House.

9:45 am

Prayer recited by the Clerk

9:50 am

A certified list of members returned to serve in the House of Assembly for the several electoral districts of Bermuda was forwarded by the Deputy Governor and was read by the Clerk to the Legislature as follows:

**LIST OF MEMBERS ELECTED TO THE
HOUSE OF ASSEMBLY ON MONDAY
DECEMBER, 17 TH 2012.**

- St. George's North
Kenneth Leon BASCOME
- St. George's West
Nandi Sedona Odella DAVIS
- St. David's
Lovitta Fiona FOGGO
- St. George's South
Suzann ROBERTS-HOLSHOUSER
- Hamilton East
Derrick Vaughn BURGESS
- Hamilton West
Wayne Livingston FURBERT
- Hamilton South
Sylvan Deveaux RICHARDS JR.

- Smiths South
Nelson Hadley Cole SIMONS
- Smiths West
Trevor Gerard MONIZ
- Smiths North
Michael Henry DUNKLEY
- Devonshire East
Everard Trenton (Bob) RICHARDS
- Devonshire South Central
Legay Craig CANNONIER
- Devonshire North Central
Glenn Algernon BLAKENEY
- Devonshire North West
Glen Cooper SMITH
- Pembroke East
Walter Henri ROBAN
- Pembroke East Central
Michael Anthony WEEKS
- Pembroke Central
Charles Walton Devere BROWN
- Pembroke West Central
Edward David Gerald BURT
- Pembroke West
Jeanne Juanita ATHERDEN
- Pembroke South West

Susan Elizabeth JACKSON

- Pembroke South East
Rolfe Patton COMMISSIONG
- Paget East
Edmund Graham Grant GIBBONS
- Paget West
Patricia Jasmine GORDON-PAMPLIN
- Warwick South East
William Lawrence SCOTT
- Warwick North East
Mark James PETTINGILL
- Warwick South Central
Marc Allan Raoul BEAN
- Warwick North Central
Reginald Wayne Eugene SCOTT
- Warwick West
Jefferson Colby SOUSA
- Southampton East
Zane Joseph Stephen DESILA
- Southampton East Central
Leah Kimberly SCOTT
- Southampton West Central
Shawn Granville CROCKWELL
- Southampton West
Kenneth Howard Randolph HORTON
- Sandy's South
Terry Eugene LISTER
- Sandy's South Central
Kim Ninette WILSON
- Sandy's North Central
Dennis Patrick LISTER
- Sandy's North
Michael John SCOTT

Mr. L.C. Cannonier moved to nominate the Honourable Member for Southampton West Mr. K.H. Randolph Horton as Speaker of the House.

The motion was seconded by Mr. M.H. Dunkley.

There being no other nominations, the Honourable Member for Southampton West Mr. K.H. Randolph Horton was declared to be duly elected as Speaker.

His Honour the Speaker Elect was conducted to the Chair by his Proposer and Seconder, whereupon he expressed to the House his thanks for the high honour bestowed upon him and renounced party allegiance.

His Honour the Speaker Elect, standing on the first step to the Chair took the Oaths of Allegiance and of an Assemblyman administered by the Clerk to the Legislature.

His Honour the Speaker Elect administered the Oaths of Allegiance and of Assemblyman to the Hon. the Premier, Mr. L. Craig Cannonier and the Leader of the Opposition the Hon. Mr. Marc A. R. Bean.

His Hon. the Speaker Elect then administered the Oaths of Allegiance and of an Assemblyman to the following Honourable Members:

Jeanne J. Atherden, Kenneth (Kenny) L. Bascome, Glenn A. Blakeney, Derrick V. Burgess, David G. Burt, Shawn G. Crockwell, Ms. Nandi S. Davis, Zane J.S. DeSilva, Michael H.Dunkley, Lovitta Foggo, Wayne L. Furbert, Dr. Edmund Graham Grant Gibbons, Patricia J. Gordon-Pamplin, Terry E. Lister, Trevor G. Moniz, Mark J. Pettingill. Everard T. (Bob) Richards, Sylvan D. Richards, Walter H. Roban, Suzann Roberts-Holshouser, Reginald W. E. Scott, Leah K. Scott, Michael J. Scott, W. Lawrence Scott, Nelson H. C. Simons, Glen C. Smith, Jefferson C. (Jeff) Sousa, Michael A. Weeks, Kim N. Wilson,

Certified Correct,
DAVID ARKLEY
Deputy Governor

His Hon. the Speaker Elect, administered Affirmations of Allegiance and of an Assemblyman to the following Honourable Members:

Glenn A. Blakeney, Walton D. Brown, Rolfe P. Commissiong, Dennis P. Lister, R. Wayne Scott, Leah K. Scott,

The Speaker moved that the election of the Deputy Speaker be conducted.

Mr. L.C. Cannonier moved to nominate the Honourable Member for St. George's South Suzann Roberts-Holshouser as Deputy Speaker.

The motion was seconded by Mr. M.H. Dunkley.

There being no other nominations, the Honourable Member for St. George's South Suzann Roberts-Holshouser was declared to be duly elected as Deputy Speaker.

Announcements by the Speaker:

The Speaker announced a message is being sent to His Excellency the Governor.

(No. 1)

MAY IT PLEASE YOUR EXCELLENCY:

We are directed by the House of Assembly to inform Your Excellency that the House has met.

Sessions House
8th February, 2013

10:37 am

His Honour the SPEAKER appointed the following Honourable Members to deliver the message:

Ms. N. Davis and Mr. L Scott

Message from the Governor:

The following Message was received from His Excellency the Governor.

Mr. George Fergusson

Governor and Commander in Chief

(No. 1)

I have the Honour to inform The House of Assembly that I will deliver the Speech on the occasion of the Convening of Parliament at 11:00am today, Friday the 8th of February 2013 on the Cabinet Office Lawn.

The Governor, further, has the honour to request that at this time the House of Assembly will be pleased to present to him its Speaker.

Government House
8th February, 2013

The attendance of the Honourable House having been requested on the Cabinet Office Lawn His Honour the Speaker Elect and Honourable Members attended upon His Excellency the Governor at the Cabinet Office Lawn.

His Excellency enquired:

"Members of the Honourable House of Assembly, have you elected your Speaker?"

His Honour the Speaker replied:

"Your Excellency, I am honoured to inform Your Excellency that I have been elected to that position. However arduous the duty and inadequate my abilities to discharge the trust imposed in me I have accepted the appointment and I now submit myself with all humility to Your Excellency's approbation".

His Excellency said:

"Mr. Speaker, I most heartily approve of your election."

His Honour the Speaker replied:

"Your Excellency, I thank you for your gracious approbation. I must now, in the name of, and on behalf of, Her Majesty's faithful Commons of the Bermudas, in order that they may be enabled fully to discharge their duty to their Queen and Country, claim all their ancient rights and privileges, particularly freedom of speech in their debates, that they may have full access to

Your Excellency, and that their proceedings may receive the most favourable interpretation."

His Excellency said:

"Mr. Speaker and Members of the Honourable House of Assembly, in Her Majesty's name I do assure to her Majesty's faithful Commons of the Bermudas the full enjoyment of their ancient rights and privileges, and that they may depend upon a favourable interpretation of their proceedings."

The Speaker replied:

"Your Excellency, on behalf of Her Majesty's faithful Commons of the Bermudas I thank you for those Assurances."

His Excellency the Governor then opened the present session of Parliament with the following Speech:

Throne Speech at Cabinet Grounds:

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The Government which was elected on 17 December 2012 is committed to bringing about safer neighbourhoods and streets and freedom from the violence that blights many of them. It is committed to a stronger, well-managed economy and reduced public debt.

The Government aims to increase employment and to improve educational opportunities for Bermuda's young people. It aims to provide better care for our senior citizens and more affordable healthcare.

The Government will encourage respect in the daily discourse — respect for each other and for our institutions and respect for the environment in which we live.

The new Government believes it understands the hopes of the people of Bermuda and sets out on its journey toward a new day, firm in its intention to act for the realization of those hopes. The laws and policies that the Government

brings to Bermuda in this new Legislative Year, and beyond, will be guided, simply and solely, by the best interests of the people of Bermuda.

All those who will be involved, whether they be elected officials or civil servants, have been directed by the Premier to remember that in all their decision-making, it is respect for that which we have in common — the human element — that must guide their actions.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Bermuda is experiencing one of the most challenging periods in its long and illustrious history.

The new Government believes it will need to find ways of encouraging increased levels of cooperation, trust and loyalty among all sectors of the community. Cooperation is going to be of paramount importance in the fight against violent crime, in the effort to create jobs and in the effort to manage our Island so that all of us, rich and poor, Bermudian and non-Bermudian, of all political stripes, have a stake in getting the job done.

Failure to join hands across racial, political, cultural, economic and business lines will thwart efforts in this regard. Tough decisions will be required. Without them, there will be no resolution to the problems we face.

The Government believes that the decisions it makes must be in the interest of the whole, not that of any special interest group and that our decisions must be centred on care for the well-being of people. The Government hopes all Parliamentarians will embrace that philosophy as it tries to restore Bermuda's quality of life.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Bermuda has the potential to soar in virtually every sphere. Bermuda can shore up its position as a world leader in insurance, reinsurance,

international business and finance. Bermuda can re-establish itself as a premier tourism destination. Bermuda can have a first-class public education system and shape pathways for its young people to be on the world stage. Bermuda can produce the next Earl Cameron, inspire the next Picasso, help cure disease and design cutting-edge computer software. There is no bar to our success.

This Government will take every measure to ensure that we live up to our potential and that no one is left behind as it strives to recover, rebuild and restore the promise of Bermuda — to make it Number One again.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Government begins its term in office with the country in poor economic condition. Bermuda is finishing its fourth consecutive year of economic contraction. By contrast, the economic contraction in the US lasted barely one year.

The weak Bermuda economy has affected Bermudians from virtually all walks of life: international companies have left or downsized, tourism remains weak, retail sales have levelled off after falling for 36 consecutive months, property values have declined, businesses have failed, unemployment is widespread and some people are in peril of losing the family home because they cannot make the mortgage payments. Government has shared in the distress. Falling tax revenues coupled with stubbornly high costs have caused large operating deficits resulting in spiralling public debt.

The Government's Jobs and Economic Turnaround Plan will put Bermuda on the road to recovery by restoring much needed confidence, stimulating investment, creating new jobs and laying the foundation for future growth and shared prosperity. The Government will simultaneously reform or abolish a number of policies, practices and systems that have hampered economic growth.

To promote job creation, the Government will introduce amendments to the Payroll Tax Act 1995 and the Payroll Tax Rates Act 1995 whereby local employers will be provided with a two-year payroll-tax exemption for new Bermudian hiring, from the actual day of hiring up to two years from the date of that day.

To expedite job creation, Government has formed the Economic Development Committee [EDC] whose mandate is to reduce the red tape and time it takes to get approvals for large development projects from the planning stage to the job-creation stage. The committee is comprised of the Premier as Chairman and the Ministers of Economic Development, Finance, Home Affairs, Public Works and Tourism Development and Transport.

Instead of applicants getting approvals from various Departments in series, that is, one at a time, the EDC will concentrate the process so that approvals can be secured in parallel or simultaneously. By accelerating the approvals process, the Government is aiming to accelerate job creation.

The Jobs and Economic Turnaround Plan requires disciplined financial management that will eliminate wasteful Government spending and reduce the public debt.

To assist with this initiative, the Government will table legislation to establish a Spending and Government Efficiency [SAGE] Commission. This Commission's primary objective will be to streamline Government processes, including Quangos, improve delivery of services and make Government more efficient, more cost-effective, more transparent and more user-friendly. The SAGE Commission will include a broad and diverse range of individuals and provide public independent guidance and advice to the Government.

The SAGE Commission will commence its work as soon as is practicable following enactment of the required legislation and will submit its recommendations and final report not later than six months after it commences work. The

Commission will terminate its work upon submission of its final report.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Bermuda has seen a sharp increase in its absolute level of debt. The Government considers this growth in public debt unacceptable. In order to achieve satisfactory management of existing debt, the Government will create the Public Debt Advisory Board whose members will be drawn from the private sector. This Board's purpose will be to provide the Minister of Finance with strategic, unbiased and sound advice on the Government's existing and future borrowing requirements.

Large sums of unpaid taxes are owed to Government. The Office of the Tax Commissioner will work with other Government Departments and agencies and introduce amendments to tax-related legislation in order to strengthen and improve the collection of Government taxes.

Amendments to the Contributory Pensions Act 1970 will enhance the protection of employee benefits by improving operational efficiencies within the Department of Social Insurance, particularly with respect to the receipt of social insurance contributions, payment of benefits and the recovery of outstanding contributions.

In accordance with provisions of the Pensions (Increase) Act 1972, the Minister of Finance will conduct a biennial review of the rates of pensions paid for retired Government employees to ensure they keep up with the cost of living. The resulting Order will be introduced into the Legislature during this Legislative Session.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The Ministry of Economic Development is committed to facilitating sustainable growth and job creation in Bermuda's international business sector, as well as a wide range of other sectors.

This new Ministry will work with the private sector to create a more welcoming environment for both local and international business — currently the largest driver of jobs and economic growth in Bermuda. Sustaining the existing group of companies that already call Bermuda home is as important as attracting even more business to our shores. More than 60% of employees in international business are Bermudian and these jobs must be maintained in Bermuda.

During his recent trip to Washington, DC for the Inauguration of President Barack Obama, the Premier had the opportunity to engage in meaningful dialogue with a number of influential politicians and business people from the eastern seaboard of the United States. They expressed interest in fostering new business relationships with Bermuda and will soon visit our Island to extend those conversations. With business-friendly policies and practices in place, Bermuda will be well positioned to leverage new investment opportunities in the United States and around the world.

The Ministry of Economic Development will work in close cooperation with other Ministries to streamline Governmental approvals through the implementation of a coordinated and integrated team approach. As new business proposals are presented, the Ministry will be in a position to provide a much more disciplined approach to analyzing and assessing those proposals and coordinating the Government's response. The objective is to provide job creators with a consistent point of contact and a seamless, timely, efficient and thorough response.

To realize its goals for growth, the Ministry of Economic Development will work in partnership with the private sector to establish and implement fully the Bermuda Business Development Corporation. As a public-private partnership, this important new entity will function as the principal marketing and business development body for international business.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Small business and entrepreneurs are also an important source of jobs and growth. Therefore, the operation of the Bermuda Economic Development Corporation will be reviewed to ensure that it provides effective support and guidance to its clients and that the Economic Development Zones are delivering value.

Regular reviews and amendments to the Companies Act 1981 and other business related legislation will be undertaken to increase Bermuda's competitiveness as a place to do business. Areas that will be addressed in this coming year include legislative amendments that will encourage more private equity, asset management and trust business and make the Island's partnership legislation more effective.

The Telecommunications and Energy Sectors are critical in ensuring an optimal business environment. The Ministry of Economic Development will work with both industries to ensure that Bermuda's infrastructure meets high standards, is sustainable and cost-effective and that it addresses the needs of Bermuda's businesses and households in 2013 and beyond.

Progress in Telecommunications reform is a priority. The Ministry will oversee the launch of a Regulatory Authority by the end of the first quarter. The Authority will provide independent and cost-effective regulation and thereby encourage fair and competitive business practices. It is anticipated that this will lead to investment, job growth and better products, bandwidth, speed and pricing for consumers. The Authority will initially focus on regulating the Telecommunications industry, but it will be structured to allow for other sectors, such as Broadcasting and Energy, to fall ultimately under its jurisdiction.

In order to ensure that Bermuda meets international standards while protecting privacy and intellectual property, the Department of E-Commerce will advance the development of

contemporary privacy and data protection legislation.

The Department of Civil Aviation will implement an aggressive growth plan coupled with proposed legislative amendments to increase aircraft registrations and financing. Both the Maritime Registry and Civil Aviation are anticipated to be important areas of growth and jobs over the next few years.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Government is committed to ensuring that Bermudian jobs are protected and barriers to job creation are removed.

After consulting with the Work Permit Stakeholder group, which included union representation, the decision to abolish the term limit policy was taken to remove what had become a barrier to job creation for Bermudians. Immigration policy will be changed to ensure that in the process of issuing permits to guest workers, their limited residency rights are made clear to them.

To reinforce the protection of the rights of Bermudians to work in their own country, legislation will be amended to increase penalties to employers who breach immigration rules.

The Government is keen to deal with longstanding appeals that have been submitted to the Immigration Appeals Tribunal for consideration. Therefore, the Bermuda Immigration and Protection Appeals Rules 2013 will be amended to ensure that individuals are not penalized by decisions affecting their rights or legitimate expectations unless they have been given prior notice of the case and fair opportunity to answer and present their own case.

The name of the Department of Labour and Training will be changed to the Department of Workforce Development, incorporating the Bermuda Technical Education and Workforce Development Agency.

The new Bermuda Technical Education and Workforce Development Agency will include a National Training Centre in the former Magistrates' Court building at the corner of Reid and Parliament Streets. Occupational Advisory Committees consisting of industry experts will be revived and National Certification and assessment programmes will be linked to the Ministry of Education's Career Pathways Programme to begin the development of a culture of lifelong learning in Bermuda.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The land licence requirement for the purchase of additional dwellings for married couples that include a Bermudian and a non-Bermudian spouse will be set aside. In removing the licensing requirement, the Government will put in place measures to prevent any potential loss of land that would otherwise be eligible for Bermudian purchase.

The Charities Act 1978 will be amended to protect the public interest. The definition of a charitable organization will be expanded to include entities that raise funds from private sources such as trusts and foundations. Offences will be established for nondisclosure and non-distribution of public funds. The Charity Commissioners will be given the required power to monitor and investigate complaints.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The Government is steadfast in its commitment to revitalize the tourism industry — to improve its infrastructure, increase the number of beds, lengthen the time our visitors spend here and improve the range and quality of activities available to visitors.

As part of its commitment to create jobs and enhance Bermuda's standing as a first-class destination, the Department of Tourism will

prioritize the training of Bermudians for positions in the hospitality industry.

To help it achieve these goals, the Department of Tourism intends to launch a Product Development Bureau, a temporary body to seek out innovative, dynamic new excursions, tours and other enhancements of Bermuda's tourism offering. The Bureau will hold a Product Development Conference to solicit initiatives from the public.

By reaching out to the community, the Ministry hopes to receive ideas that originate from Bermuda's best ambassadors, Bermudians themselves. Having identified the best and most sustainable ideas, the Bureau, in partnership with the Bermuda Economic Development Corporation, local banks and others in the private sector, will seek to support successful entrepreneurs with commercial and promotional assistance.

A Tourism Authority will be established within six months. Current research on the subject of how such authorities are developed will be supplemented by visits to jurisdictions overseas that have successfully created such bodies.

A key next step in this endeavour is to form a Transition Task Force to oversee a smooth transition from Tourism's current way of doing business to the new system. This group will comprise senior Ministry staff, a representative from the Bermuda Public Services Union, the chairman-designate and a representative from the Department of Human Resources.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The Ministry of Tourism Development and Transport is normally the Government's first point of contact for those who are interested in hotel and resort development in Bermuda. These developments will now be handled through the Economic Development Committee. Additionally, it is hoped that a Tourism Priority Policy will emerge from a comprehensive consultative process addressing the

recommendations and initiatives set out in the National Tourism Plan.

In its efforts to advance the local tourism industry, the Government will alter the mandate of the Special Cabinet Committee on Hotel Development to address all hospitality investment and development.

The Government intends to repeal the Park Hyatt Resort (St. George's) Act 2008 and take every step it can to ensure the selection of a new developer for the former Club Med site in St. George's. The prosperity of St. George's will be a top priority of the Government during the new Legislative term.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Successful accommodation of Norwegian Cruise Lines' *Breakaway*, scheduled to arrive in Bermuda in May with up to 4,000 passengers, is an immediate priority. *Breakaway* will be the largest cruise ship ever to visit Bermuda. It will require a coordinated and efficient response from all of our transportation services, including buses, ferries, taxis and mini-buses. It is worth noting that 10 new public buses are on order for delivery this year and other options to increase ferry lift capacity are under consideration.

Overall dimensions of cruise ships continue to increase. In order to remain competitive in this ever-growing market, the Government intends to upgrade our ports of entry to ensure Bermuda remains an attractive destination for cruise lines. Work will be carried out at Heritage Wharf in Dockyard this year, with required additional work at the adjoining King's Wharf to be carried out next year.

Taxis are a major part of the Island's transportation landscape. The Government will work with taxi owners and operators to help them become a more effective and better coordinated group. Legislation will be revised, making GPS in taxis optional.

The Department of Marine and Ports Services is to adopt a new digital mapping system based upon GPS position fixing. The Government also hopes to find ways to ensure less disruption of the ferry service because of inclement weather.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The strongest emphasis must be placed on a safe Bermuda. Bermuda cannot move forward unless communities are secure, families are protected and children are safe from harm. A safe environment is also essential to maintaining the Island's image as a jurisdiction of choice for business and as a place to live.

The Government recognizes that the causes of crime are deep and wide-ranging and that solutions lie beyond the reach of strict law enforcement. Bermuda cannot simply arrest its way out of gang violence problems. Community-based problems require community-based solutions. The Government therefore will fulfil the potential of the Inter-Agency Gang Task Force to include greater community engagement in eliminating the gang lifestyle. The Ministry of Public Safety will host a Roundtable Series of meetings with community partners to advance the Community/Prevention objective of the Inter-Agency Task Force, whereby all relevant programmes are focused on positively engaging young people to lessen the pull toward gang involvement.

A Bermuda Operation Ceasefire programme will be crafted and implemented. This programme will incorporate comprehensive best practice gang mediation operations from street worker engagement through to positive lifestyle change in Bermuda's young people.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Sports clubs and community organizations have tremendous potential to influence positively the lives of Bermudians young and old. To strengthen their operations, the Government will

foster private sector partnerships to make accounting, administration and business planning skills freely available to them. Further support will be provided through implementation of the “Cash Back for Communities” programme whereby confiscated assets and cash will be directly allocated in support of sports clubs and community organizations.

When the National Drug Commission was disbanded in 2006, the National Drug Commission Act 1993 was repealed, leaving the current Department for National Drug Control without a documented mandate. The Government will table the National Drug Commission Act 2013 to ensure that the mandate, roles and responsibilities for the Department for National Drug Control are clearly set out. Additionally, the Government will refine and implement the National Drug Control Master Plan.

The use of illicit drugs in Bermuda is a problem that could benefit from leadership by example. The Government will, therefore, implement a policy whereby all Government Members of the Legislature will be subject to random, mandatory drug testing. A paper outlining the policy details will be released shortly. Members of the Opposition will be invited to participate.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The vibrant Neighbourhood Watch system must be supported as Bermuda’s residents bravely commit to taking back their communities. The Government will further enhance the system’s effectiveness by providing residents with information on what is happening within their neighbourhoods. “Neighbourhood Watch 2.0” will notify residents via voice call and text message with public safety alerts. Smart use of technology is a best practice tool in the fight for safer communities.

The Government, in partnership with Crime Stoppers, will lead a Gun Bounty Programme to capitalize on the growing role played by citizens

in bringing offenders to justice. This programme will provide cash incentives for information that leads to the confiscation of weapons. The Government will deploy every available resource in the fight to get guns off our streets.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Since the rise in gun violence in 2009, the support provided to the Bermuda Police Service has produced clear results with arrests and convictions up significantly. Government will do all it can to support robust Police enforcement. Legislation will be tabled to make breaches of parole arrestable offences, further strengthening the enforcement regime needed to disrupt the rhythm of gang members.

To support the Police in their efforts to maintain high visibility and focus on crime fighting priorities, the Government will fund a further Recruit Foundation Course in 2013/14, contributing approximately 20 more Police Officers to the fight against guns, gangs, drugs and violence.

Additionally, the Government will support a strong recruitment drive for the Bermuda Reserve Police who provide invaluable support to Police operations.

The Government is determined to eliminate conscription and already the full time role of the Bermuda Regiment is being enhanced to assume certain responsibilities now borne by the Police. Prior to the legislative action required to effect this change, the National Security Review will be fully supported with a view to prescribing what is best for Bermuda and the role of the security services in the future. Bermuda’s borders must be protected and there is strength in joint operations and an enhanced maritime role uniting the uniformed services in interdiction and maritime safety.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

A natural evolution of the judiciary in progressive jurisdictions around the world is to create specialized Courts as needs arise. Bermuda has risen to the occasion with the establishment of the Drug Treatment Court and the Family Court. Each is mandated to steer away from the exclusively punitive approach that was formerly the hallmark of the justice system.

Bermuda can no longer ignore the significant challenge presented by those who commit crimes, but who are mentally ill. The current pattern of mentally ill Bermudians repeatedly entering and exiting the criminal justice is damaging to them, poses unacceptable risks to society and cannot be allowed to continue. Such persons present unique judicial challenges with profound human rights dimensions. It is incumbent upon the Government to put in place a legislative framework that ensures they are dealt with appropriately by the judicial system.

During this Legislative Session, the Government will assess the feasibility of a specialized Court to deal with the judicial challenges presented by the mentally ill. The Government will work closely with judiciaries in other countries that have benefitted from the establishment of such Courts. Accordingly, the Legislature will be invited to consider the following items:

- Amendments to the Mental Health Act 1968 to facilitate assessment and treatment of mentally ill offenders;
- Amendments to the Magistrates Act 1948 and corresponding legislation to create a Mental Health Treatment Special Court; and
- Amendments to the Criminal Code Act 1907 to allow for the appropriate disposition of mentally ill offenders.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The Government will, during the next Legislative Session, prioritize containment of

the cost of Legal Aid. Bermuda, like other jurisdictions that offer Legal Aid to their citizenry, is faced with the challenge of finding a sustainable balance between ensuring that justice is not denied to those who need it and safeguarding the public purse from an unsustainably burdensome demand. The past three years have seen both an increase in hourly rates applicable in accordance with provisions of the Legal Aid Act 1980 and a significant increase in the number of applicants for the service, both phenomena leading to the inevitable increase in the Legal Aid budget. Consequently, the Legislature will be invited to consider amendments to the Legal Aid Act that emphasize containment of costs.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The Government is fully committed to reforming the public education system to equip Bermuda's young people with the skills and training they need to secure good paying jobs and pursue fulfilling careers. The Government will follow through on recommendations in the "Hopkins Report" and begin the necessary steps to introduce an integrated technical curriculum starting at the middle school level.

The Career Pathways Programme will be expanded to provide new ladders of opportunity into the technical, culinary, hospitality and financial services sectors. The programme, which currently provides real life exposure to career options for Secondary 3 students, will be expanded to include Secondary 4 students.

Consultation has begun on an extended school day designed to provide more time for music, arts, sports and additional academic assistance for those students who need extra help.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Effective early intervention is a key contributor to lifelong learning and success. Therefore, the Government will invest in the expansion of early

childhood screenings beyond the age of two years in order to help parents identify problems as soon as they become apparent. These early childhood screenings will now be available for children up to the age of four years and throughout the full calendar year.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

Great teachers make a significant difference in the educational lives of their students. To provide the best quality teachers, Government will improve teacher recruitment by raising the bar on teaching qualifications for all subject areas. Government will also work with teachers and principals to improve performance in the classroom.

The Government will table a Green Paper on Special Education seeking input on the development of a policy to accommodate students with special needs.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The Government will reopen a Medical Clinic to provide primary care for Bermudians who cannot afford health insurance. Ensuring their access to primary care physicians and wellness programmes will lead to a reduction in the number of people seeking care at the Emergency Department and requiring admission to the Hospital, the two places where healthcare is the most expensive, leading to possible reductions in the total cost of healthcare.

Since the inception of FutureCare, concerns have been expressed that the premiums charged are unfair for policy holders who pay significantly more for the same benefits.

The Government will take steps to ensure that seniors who purchase FutureCare pay the same premium. Any social health insurance product sold by the Government will be affordable and offer competitive benefits. Bermuda's seniors will continue to be protected, but costs will be fair for all.

Bermuda's senior population will grow significantly over the next decade, increasing demand for places in nursing and residential care homes. Government will make sure these homes meet the highest standards of care possible. To that end, the Government will introduce amendments to the Residential Care Homes and Nursing Homes Act 1999 and the Residential Care Homes and Nursing Homes Regulations 2001 in order to bring local regulatory requirements in line with international best practice standards.

The cost of prescription drugs can be a burden on anyone, whether or not they have health insurance. Currently, the Island's medical practitioners are diligent in trying to ensure that their patients have access to generic drugs where appropriate, but the prescribing system can be improved. The Government will introduce amendments to the Pharmacy and Poisons Act 1979 which will mandate the prescribing of prescription generic drugs unless the physician specifically requires a trade name product.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

There is no place for discrimination in Bermuda in any form. Government believes all people must be treated with fairness and dignity, regardless of race, religion, gender, age or sexual orientation. To expand the protection of human rights, amendments to the Human Rights Act 1981 will be introduced to ensure no one is discriminated against on the basis of age or sexual orientation.

Government will introduce amendments to the Children Act 1998 to include a provision for Shared Parenting Orders.

To manage the challenges associated with some financial assistance clients, the Government will introduce amendments to the Financial Assistance Act 2001 and the Child Day Care Allowance Act 2008 requiring mandatory life skills programmes, such as money management and parenting skills courses. These programmes

will be required as a condition of award for clients deemed by the Department of Financial Assistance to require such services.

Since some applicants seeking financial assistance are either known or suspected substance abusers, the Government will introduce amendments to the Financial Assistance Act 2001 to provide for a mandatory referral through the Bermuda Assessment and Referral Centre where it is determined by a Financial Assistance Social Worker that a client could benefit from an assessment and treatment services. Further amendments to the Financial Assistance Act 2001 will require unemployed, able-bodied persons, who would otherwise qualify for financial assistance, to participate in community service activities as a condition of continued eligibility. This condition would apply if they have not found employment three months after receiving their initial grant.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

To facilitate job-creating activities, Government will determine changes needed to improve the time taken to obtain a Planning decision and to ensure an efficient and customer-friendly Planning regime.

The Government will build upon an earlier legislative amendment that ensured that Special Development Orders would be subject to Parliamentary scrutiny by implementing a protocol that is clearly articulated, transparent and fair. This protocol will guide the request for, consideration of and grant of Special Development Orders, enabling the Minister responsible to be fully informed about all Planning policy, technical and national issues prior to making a decision.

The Government will begin a process of public consultation that will culminate in the creation of the Southlands National Park in Warwick. This initiative will see an area of parkland, roughly the size of the Botanical Gardens, designed, protected and opened to the public.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The Government will effect a number of improvements in the Island's infrastructure. Beginning this year, the Government will resurface 10 kilometres of the approximately 200 kilometres of public roads and do so annually to ensure they do not deteriorate further and remain safe for all users.

Over the next year, the Government will undertake an extensive review of the Island's street lighting to ensure that the safety and security needs of the populace are enhanced in an efficient, sustainable and cost-effective way. The Government will also pursue new and innovative ways to reduce the impact of street lighting on the Island's overall carbon footprint through the use of LED technology and advanced control techniques.

Whilst preliminary work on a new design for the Causeway Bridge was completed some years ago, the Government has determined that immediate action is required, as with each intervening storm or hurricane the risk of a catastrophic failure at the Causeway increases. To this end, the Government will undertake a review of the existing design with the aim of determining the best way forward to ensure that the Island remains connected to the airport at all times.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

In addition to those legislative initiatives already mentioned, the Legislature will be invited during this Session to consider amendments to a number of Acts and Regulations, including:

- Stamp Duty Act 1976
- Payroll Tax Act 1995
- The Payroll Tax Rates Act 1995
- Taxes Management Act 1976
- Corporate Services Tax Act 1995
- Land Valuation and Tax Act 1967

- Foreign Currency Purchase Tax Act 1975
- Legal Aid (Scale of Fees) Regulations 1980
- Legal Aid (General) Regulations 1980
- Firearms Act 1973
- Pharmacy and Poisons Act 1979
- Companies Act 1981
- Supreme Court Act 1905
- Bermuda Educators Council Act 2002
- Education Rules
- Children Act 1998
- Pensions Increase Order 2013
- Pensions (Public Service Superannuation Act 1981) (Increase) Order 2013

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

The aforementioned laws and policies will have as their underpinning adherence to the principles of good governance, transparency, accountability, fairness and justice for all. With integrity and the human element as its hallmarks, Government is confident that with the support of the people of Bermuda, the challenges will be overcome and that obstacles will be turned into stepping stones to a brighter, more prosperous tomorrow for all. The Government has embarked on a mission to restore the promise of Bermuda and to make sure the Island passed on to younger generations is safe and just, fair and free.

A benign convention allows the Governor to add a few words to the Throne Speech.

It is not long since most of us were gathered here for the same important ceremony, with a different Speech. I noted then that Bermuda had a proud tradition of managing its regular democratic choice in a way that was efficient and fair. This was demonstrated again in December. That work is important, sometimes difficult and should not be taken for granted; and it will always need effort to stay in the forefront of best practice. I add my thanks to that of the

wider community to those who made the election work.

I take this opportunity to thank former Premier Paula Cox, first for the welcome and advice which she gave to a new Governor. And, second, for her work, with her Ministerial colleagues, on behalf of Bermuda.

I wish the new Government, which has been formed following the election, well in facing the challenges of today’s world. Many of the bigger challenges relate to the economy and the management of the public finances. But events in recent weeks have underlined the need for the whole community to work to address the causes as well as the violent symptoms of the gang phenomenon. I will work with the Government, and with those beyond government who have a vital role to play, to play my part in ending this corrosive source of so much pointless misery.

Madame President and Members of the Senate Mr. Speaker and Members of the House of Assembly

I declare this Session of the Legislature open; and may God guide you and grant you wisdom in your deliberations.

George Fergusson
Governor and Commander-in-Chief
 Bermuda
 8 February 2013

On return to the House.

12:30 pm

Mr. L. C. Cannonier moved that Standing Orders 14 and 21 be suspended to enable him to move a motion relating to His Excellency the Governor’s Speech from the Throne, which was agreed to.

Mr. L. C. Cannonier moved that the Speech with which His Excellency the Governor was pleased to open the present Session of Parliament be taken as read and that the said Speech be set down for consideration as the first

Order of the Day for the next day of meeting, which was agreed to.

Mrs. S. Roberts-Holshouser moved that the appointment of Mrs. Shernette M. Wolffe, as the Clerk to the Legislature be approved, which was agreed to.

Mrs. S. Roberts-Holshouser moved that the appointment of Mr. Albert V. Fox as Sergeant - At -Arms and Keeper of the House and Grounds of the Assembly be approved, which was agreed to.

Mrs. S. Roberts-Holshouser moved that the Standing Orders of the House in force during the last Session of the Last Parliament be continued in force and formally adopted, which was agreed to.

Papers and other Communications to the House:

Mr. E. T. Richards read the following communications 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 following items:

"Financial Statements of the Consolidated Fund at March 31, 2012";

The Ministers and Members of the Legislature Pensions Fund Financial Statements at March 31, 2008".

"The Ministers and Members of the Legislature Pensions Fund Financial Statements at March 31, 2009";

E.T. Richards
Minister of Finance

Sessions House
8th February 2013

Mr. E.T. 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 consideration of the Honourable House of Assembly the following draft Orders.

"The Pensions (Increase) Order 2013";

"The Pensions (Public Service Superannuation Act 1981) (Increase) Order 2013".

E.T. Richards
Minister of Finance

Sessions House
8th February 2013

Mrs. 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 "Bermuda Hospitals Board 2011 Annual Report".

J.P. Gordon Pamplin
Minister of Health & Seniors

Sessions House
8th February 2013

Dr. E. G. Gibbons 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 "Bermuda College Annual Report 2011/2012".

Dr. E. G. Gibbons
Minister of Economic
Development

Sessions House,
8th February 2013

Mr. 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 "The Fisheries Amendment Regulations 2012".

S. D. Richards
Minister of Environment &
Planning

Sessions House
8th February 2013

Mr. S. G. Crockwell 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 "Public Holidays (Exemption) Order 2012".

S.G. Crockwell
Minister of Tourism
Development & Transport

Sessions House
8th February 2013

Notices of Motions:

Mr. L.C. Cannonier gave notice that at the next day of meeting he proposed to move the following motion:

“BE IT RESOLVED” pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 that the annual salaries payable to Members listed in Part A and Officers listed in Part B of the table below of the Legislature shall have effect from April 1, 2013 to March 31, 2014.

Mr. W.H. Roban gave notice that at the next day of meeting he proposed to move the following motion:

"That this Honourable House opposes the removal of term limits, there is comprehensive immigration reform which ensures job and career opportunities for qualified Bermudians in the local economy."

12:40 pm

Mr. L C. Cannonier moved that the House do now adjourn to Friday, 15th February, 2013, which was agreed to.

House Adjourned to Friday, 15th February, 2013 at 10:00 a.m.