



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

November 28, 2014

Electronic Version

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

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**Proceedings
of the
Honourable House of Assembly
Session of 2014-2015**

No. 4

Friday, November 28, 2014

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, Suzann Roberts-Holshouser, Dennis P. Lister, Trevor G. Moniz, Nandi S. Outerbridge, Mark J. Pettingill, Everard T. Richards, Sylvan D. Richards, Walter H. Roban, Leah K. Scott, Michael J. Scott, R. Wayne E. Scott, W. Lawrence Scott, Jamahl S. Simmons, N. H. Cole Simons, Glenn C. Smith, Jefferson C. Sousa, Michael A. Weeks, Kim N. Wilson.

10:04 a.m. Prayer

Confirmation of Minutes:

Minutes to the Meeting of 21 November, 2014, were confirmed.

10:06 a.m.

Papers and other Communications to the House:

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 information of the Honourable House of Assembly the "UK Entrustment Letter – Proposed Contract with the Canadian Commercial Corporation".

MR. E. T. RICHARDS
Minister of Finance

Sessions House,
28th November, 2014

MR. S. D. 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 consideration of the Honourable House of Assembly the "Employment (Protected Disclosures) Order

2014" and the "Good Governance (Protected Disclosure) Order 2014".

MR. S. D. RICHARDS
Junior Minister of Home Affairs

Sessions House,
28th November, 2014

10:14 a.m.

Statements by Ministers and Junior Ministers:

MR. E. T. RICHARDS made two Ministerial Statements regarding the "UK Entrustment Letter – Proposed Contract with the Canadian Commercial Corporation" and Bermuda's G8 Beneficial Ownership Action Plan".

MR. R. W. E. SCOTT made a Ministerial Statement regarding the "Mirrors Programme 2014 Welcome Home Ceremony".

MR. S. G. CROCKWELL made a Ministerial Statement regarding the "Update on the Minibus Industry".

MS. J. J. ATHERDEN made two Ministerial Statements regarding the "Update on the National Office for Seniors and the Physically Challenged" and the "UN International Day of Persons with Disabilities".

10:35 a.m.

Question Period:

MR. M. H. DUNKLEY provided written responses to parliamentary questions from Mr. W. H. Roban.

Q1. Would the Honourable Premier please advise this Honourable House whether a security assessment has been conducted on the Premier's residence?

A1. Yes.

Q2. Would the Honourable Premier please advise this Honourable House as to the total amount spent as at October 31, 2014 on security related equipment and services on the Premier's residence?

A2. \$2,259.07.

Q3. Would the Honourable Premier please advise this Honourable House who were the equipment and service contractors and list the total expenditure associated with each contractor?

A3 M&M - \$299.00

Baptiste - \$759.00

BAC - \$346.40

ESC - \$702.40

SAL - \$152.27

Total \$2,259.07

MR. S. D. RICHARDS provided oral responses to parliamentary questions from Mr. C. W. D. Brown.

Q1. How many applications for Bermuda Status have been submitted to the Department of Immigration during the years 2011, 2012, 2013 and as of November 10, 2014 under Section 20B of the Bermuda Immigration and Protection Act 1956?

A1. A total of 514 Bermudian status applications were submitted between 2011 and November 10, 2014, under Section 20B of the Bermuda Immigration and Protection Act 1956.

The breakdown is as follows:

2011 - 0

2012 - 2

2013 - 2

As at November 10, 2014 - 510

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

MR. C. W. D. BROWN asked Mr. S. D. Richards a second question.

Q2. How many applications for Bermuda status have been granted during the years 2011, 2012, 2013 and as of November 10, 2014 under Section 20B of the Bermuda Immigration and Protection Act 1956?

A2. A total of 15 Bermudian status certificates were granted between 2011 and November 10, 2014, under Section 20B of the Bermuda Immigration and Protection Act 1956.

The breakdown is as follows:

2011 - 0

2012 - 0

2013 - 0

As at November 10, 2014 - 15

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

MR. C. W. D. BROWN asked Mr. S. D. Richards a third question.

Q3. Which job categories are currently closed categories in terms of work permit applications?

A3. Airline Ground Agent, Floor Supervisor, General Labourer, Office Receptionist, Painter, Salesperson, Tourist Retail Salesperson, Taxi-Driver, Wallpaper Technician, Grocery Packer, Cashier, Courier.

* Source: Work Permit Policies 2013, subsection 3.

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

MR. E. T. RICHARDS provided oral responses to parliamentary questions from Mr. E. D. G. Burt.

Q1. Will the Minister of Finance please confirm that Her Majesty's Government in the United Kingdom has provided an entrustment permitting the Memorandum of Understanding between the Government of Bermuda and Canadian Commercial Corporation?

A1. I can confirm that we have received an Entrustment Letter from Her Majesty's Government in the UK permitting the Memorandum of

Understanding between the Government of Bermuda and Canadian Commercial Corporation, despite the fact that a recent legal opinion established that a separate Entrustment was not necessary. A copy of the Entrustment Letter has been tabled in the House today.

Q2. Will the Honourable Minister please inform this Honourable House as to the process by which Canadian Commercial Corporation was sole sourced and the specific provisions which comply with Government's Financial Instructions?

A1. In an effort to ensure that much needed infrastructure improvements do not overburden the taxpayer or jeopardize Government's debt position, it is incumbent on the Government of Bermuda to explore alternative means of procuring and funding such needed capital expenditure. The Ministry of Finance explored one such alternative which involved contracting with the Canadian Commercial Corporation (CCC) within the Government of Canada.

The CCC alternative, while protecting the principles of transparency and value for money, will also allow the sourcing of competitively selected vendors through the internationally acclaimed and trusted resources of the CCC, who (as a Canadian-crown corporation) has already vetted and approved the best contractors Canada can offer. Our reliance on the Canadian Commercial Corporation's trusted procurement experience will: save Bermuda very large procurement costs; avoid wasted time and delays toward job creation; secure the performance guarantee of CCC; deliver significant inward foreign investment for Bermuda; and, allow Bermuda to revitalize one of its most important business and tourism assets - at minimal cost to Bermuda. The value for money validation is achieved by the retaining of an independent international construction firm to perform this function, instead of the traditional RFP method, a method widely used around the world.

After considering the significant benefits associated with this method of procurement the Ministry of Finance consulted with the Accountant General, who is responsible for Financial Instructions (FI). It must be noted that in situations where multiple quotes are not obtained or practicable, that it is standard practice to request a waiver of same from the Accountant General. Accordingly the Ministry of Finance requested a waiver from the Accountant General to obtain 3 quotations for the project developmental services to be provided to Government by the CCC.

The Accountant General has determined the applicability of procurement rules in Financial Instructions with regard to the proposed relationship between CCC and Government and after reviewing all relevant documentation and considering all circumstances has given his permission to waive the requirement for 3 quotations for the project developmental services to be provided under the MOU by the CCC in accordance with the provisions of Financial Instructions. Note that this waiver is restricted to the relationship between CCC and Government. It is premature to consider contracts that will be awarded for construction works under the project.

10:46 a.m.

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

MR. W. L. A. SCOTT asked Mr. E. T. Richards a supplementary question.

MR. W. L. A. SCOTT asked Mr. E. T. Richards a second supplementary question.

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

MR. M. A. R. BEAN asked Mr. E. T. Richards a supplementary question.

MR. M. A. R. BEAN asked Mr. E. T. Richards a second supplementary question.

MR. M. J. SCOTT asked Mr. E. T. Richards a supplementary question.

MR. M. J. SCOTT asked Mr. E. T. Richards a second supplementary question.

MR. G. A. BLAKENEY asked Mr. E. T. Richards a supplementary question.

MR. G. A. BLAKENEY asked Mr. E. T. Richards a second supplementary question.

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

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

MS. L. F. FOGG asked Mr. E. T. Richards a supplementary question.

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

MR. M. A. R. BEAN asked Mr. E. T. Richards a question on his Ministerial Statement on the UK Entrustment Letter relating to the redevelopment on the L. F. Wade International Airport.

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

MR. M. A. R. BEAN asked Mr. E. T. Richards a supplementary question.

MR. M. J. SCOTT asked Mr. E. T. Richards a supplementary question.

MS. K. N. WILSON asked Mr. E. T. Richards a supplementary question.

MR. M. A. R. BEAN asked Mr. E. T. Richards a second supplementary question.

11:08 a.m.

MR. M. J. SCOTT asked Mr. E. T. Richards a second supplementary question.

MR. M. A. R. BEAN asked Mr. E. T. Richards a question.

MR. M. A. R. BEAN asked Mr. E. T. Richards a supplementary question.

MR. M. J. SCOTT asked Mr. E. T. Richards a supplementary question.

MR. Z. J. S. DESILVA asked Mr. E. T. Richards a supplementary question.

MR. W. L. A. SCOTT asked Mr. E. T. Richards a second supplementary question.

MR. Z. J. S. DESILVA asked Mr. E. T. Richards a second supplementary question.

MS. K. N. WILSON asked Mr. E. T. Richards a supplementary question.

MR. W. L. FURBERT asked Mr. E. T. Richards a supplementary question.

MS. K. N. WILSON asked Mr. E. T. Richards a question.

MR. M. J. SCOTT asked Mr. E. T. Richards a supplementary question.

MR. M. J. SCOTT asked Mr. E. T. Richards a question.

MR. W. L. FURBERT asked Mr. E. T. Richards a question.

MR. M. A. WEEKS asked Mr. E. T. Richards a supplementary question.

MS. K. N. WILSON asked Mr. E. T. Richards a supplementary question.

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

11:24 a.m.

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

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

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

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

MR. M. J. SCOTT asked Mr. E. T. Richards a supplementary question.

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

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

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

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

MS. K. N. WILSON asked Mr. E. T. Richards a supplementary question.

MR. M. A. R. BEAN asked Mr. E. T. Richards a supplementary question.

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

MR. M. A. R. BEAN asked Mr. E. T. Richards a question relating to his Ministerial Statement on Bermuda's G8 Beneficial Ownership Action Plan.

11:35 a.m.

Congratulatory and Obituary Speeches:

MR. J. C. SOUSA expressed condolences on the passing of Mr. Fernance Perry, who played a prominent role in the business community and was a former Member of Parliament.

MR. M. A. R. BEAN expressed condolences on the passing of Australian Cricketer Mr. Phillip Hughes, a very talented young man who was recognised internationally, he will be a miss to Cricketers and the fans of Cricket all over the world.

MS. P. J. GORDON-PAMPLIN expressed condolences on the passing of Mr. Anthony Smith; sent condolences to the family of the late Ms. Elaine Tucker; associated herself with the tribute to Mr. Fernance Perry.

MR. G. C. SMITH expressed condolences on passing of Mr. Norman Teceira; associated all Members of the House.

MR. M. J. SCOTT sent condolences to the family of the late Mr. Sidney Mouchette.

MS. J. J. ATHERDEN congratulated the following Bermudians for passing the Canadian Uniform Final Evaluation Jeffery Chisnall, Brittany Frances, Christine Jack, and Matthew Witknowski.

MR. M. A. WEEKS congratulated Delta Sigma Sorority on their 15th Annual Reading Festival.

MS. N. S. OUTERBRIDGE congratulated Keidric Smith, of isle441.com for launching the new Bermuda Amazon like website.

DR. E. G. GIBBONS associated himself with condolences to the Tony Smith Family and Mr. Fernance Perry; congratulated Mr. Ari Azziza and Riquette Smith who put on a Science engineer day at the Berkeley Institute; sent congratulations to the Bermuda Debate Society which held their Annual General Debate Competition recently; associated Mr. W. H. Roban.

MS. S. ROBERTS-HOLSHOUSER expressed condolences on the passing of Mr. Danny Simpson; associated Mr. W. L. Furbert; associated herself with the tribute for Mr. Fernance Perry; associated herself with condolences for Mr. Tony Smith.

MS. S. E. JACKSON associated herself with condolences for Mr. Fernance Perry; congratulated the residents who completed and passed the Mirrors Programme.

MR. N. H. C. SIMONS sent condolences to participants in the recent Premier's Concert; associated himself with congratulating the persons who recently completed their CA Exams; associated himself with remarks relating to the Debating Competition; associated himself with condolences for Mr. Fernance Perry and Tony Smith.

MS. L. K. SCOTT sent congratulations to Ms. Ruth Thomas and the Organisers of the Premiers Concert.

MR. M. H. DUNKLEY associated himself with comments for Mr. Fernance Perry, Mr. Smith and Mr. Norman Terceira; associated himself with comments relating to the performance of participants and young people in the Premier's concert; congratulated participants in the Debate Society; congratulated organisers of the recent Boxing Night and congratulated boxers Nikki Bascome and former boxing champion Ms. Theresa Perozzi.

12:00 p.m.

Introduction of Bills:

MR. S. G. CROCKWELL, introduced and read for the first time by its title the Bill entitled the, "Casino Gaming Act 2014".

MR. E. T. RICHARDS, introduced and read for the first time by their titles the Bills entitled the, "Bermuda Monetary Authority Amendment Act 2014", and the "Insurance Amendment Act 2014".

MR. W. L. A. SCOTT, moved for leave to introduce and read for the first time by its title the Bill entitled the "Auxiliary Bicycles Amendment Act 2014 ", which was agreed to.

The Bill was then read the first time by its title.

12:15 p.m.

Orders of the Day:

On the motion of MR. M. H. DUNKLEY the Bill entitled the "Fire Safety Act 2014", was then read a second time.

12:20 p.m. - MR. W. H. ROBAN

12:29 p.m. - MS. P. J. GORDON-PAMPLIN

12:30 p.m.

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

The SPEAKER ordered that the House resume at 2:00 p.m.

2:01 p.m.

The House Resumed.

2:01 p.m. - MS. S. ROBERTS-HOLSHOUSER

2:03 p.m. - MR. M. H. DUNKLEY

The Bill was committed.

2:04 p.m. - MS. S. ROBERTS-HOLSHOUSER in the Chair.

MR. M. H. DUNKLEY moved clauses 1-8 of the Bill

2:06p.m. - MR. W. H. ROBAN

2:06p.m. - MR. M. H. DUNKLEY

MR. M. H. DUNKLEY moved clauses 9-25 of the Bill.

2:12 p.m. - MR. W. H. ROBAN

2:13 p.m. - MR. M. H. DUNKLEY

2:14 p.m. - MR. W. H. ROBAN

2:15 p.m. - MR. M. H. DUNKLEY

MR. M. H. DUNKLEY moved clauses 26-50 of the Bill.

2:19 p.m. - MR. W. H. ROBAN

2:20 p.m. - MR. M. H. DUNKLEY

MR. M. H. DUNKLEY moved clauses 51-58 of the Bill.

2:22 p.m. - MR. W. H. ROBAN

2:23 p.m. - MR. M. H. DUNKLEY

Clauses 1 – 58, as printed, were agreed to.

The Schedules were agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

Order number 2 was carried over to the next meeting day.

MR. S. D. RICHARDS moved for Consideration of the "Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014", which was agreed to.

2:33 p.m. - MS. K. N. WILSON

2:43 p.m. - MR. S. G. CROCKWELL

2:44 p.m. - MR. S. D. RICHARDS

2:47 p.m. - MS. K. N. WILSON

2:50 p.m. - MR. S. D. RICHARDS

MR. S. D. RICHARDS moved that the said draft Regulations be approved and that the following message be sent to His Excellency the Governor:

(No.3)

TO HIS EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration draft Regulations entitled the "Charities (Anti-Money Laundering, Anti-Terrorist Financing

and Reporting) Regulations 2014”, proposed to be made by the Minister of Home Affairs under the provisions of Section 38 and 47 of the Charities Act 2014, has the honour to inform Your Excellency that the House has approved the said draft Regulations.

- which was agreed to.

MR. E. T. RICHARDS moved for Consideration of the “Government Fees Amendment (No.5) Regulations 2014”, which was agreed to.

2:58 p.m. - MR. E. D. G. BURT

3:03 p.m. - MR. W. H. ROBAN

3:07 p.m. - DR. E. G. GIBBONS

3:22 p.m. - MR. E. T. RICHARDS

MR. E. T. RICHARDS moved that the said draft Regulations be approved and that the following message be sent to His Excellency the Governor:

(No.4)

TO HIS EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration draft Regulations entitled the “Government Fees Amendment (No.5) Regulations 2014”, proposed to be made by the Minister of Finance under the provisions of Section 2 of the Government Fees Act 1965, has the honour to inform Your Excellency that the House has approved the said draft Regulations.

- which was agreed to.

Order Numbers 5-15 were carried over to the next meeting day.

MR. M. H. DUNKLEY moved that Standing Order 21 be suspended to enable him to move that the Bill entitled " Fire Safety Act 2014" be now read the third time, which was agreed to.

On the motion of MR. M. H. DUNKLEY, the Bill entitled the “Fire Safety Act 2014" was then read the third time and passed.

3:24 p.m.

MR. M. H. DUNKLEY moved that the House do adjourn to Friday, 28th November, 2014 at 10:00 a.m., which was agreed to.

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

3:24 p.m. - MR. C. W. D. BROWN

3:39 p.m. - MR. G. A. BLAKENEY

3:57 p.m. - MR. S. D. RICHARDS

4:05 p.m. - MS. L. F. FOGGO

4:15 p.m. - MR. N. H. C. SIMONS

4:21 p.m. - MR. Z. J. S. DESILVA

4:40 p.m. - MR. S. G. CROCKWELL

5:00 p.m. - MR. W. H. ROBAN

5:20 p.m. - DR. E. G. GIBBONS

5:40 p.m. - MS. K. N. WILSON

5:58 p.m. - MR. W. L. A. SCOTT

6:19 p.m. - MS. P. J. GORDON-PAMPLIN

6:40 p.m. - MR. M. J. SCOTT

7:00 p.m.

Adjourned to Friday, 5th December, 2014