

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

No. 18

Monday, 19th May, 2017

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

10:0 a.m.

Prayers

There was a moment of silence for former Premier and Minister of Finance Dr. David J. Saul, JP

Minutes of the Meeting of the 12th May, 2017—confirmed

Announcements by the Speaker:

The Speaker confirmed that Member Hon. D.V. Burgess was absent from last week sitting.

10:08am

Papers and Communications:

Hon. J.J. ATHERDEN 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 Health (Fats, Oils and Grease Removal) Regulations 2017”.

Hon. J.J. Atherden
Minister of Health and Seniors

Sessions House
19 May 2017

Papers and Communications:

Hon. J.J. ATHERDEN 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 “Tobacco Control (Schedule 1 Amendment) Regulations 2016”.

Sessions House
19 May 2017

Hon. J.J. Atherden
Minister of Health and Seniors

10:11am

Statements by Ministers and Junior Ministers:

Dr. E. G. Gibbons read a Ministerial Statement regarding the “America’s Cup Update” .

10:20am

Hon. M.H. Dunkley read a Ministerial Statement regarding the “Report on Presentation in New York City”.

10:25am

Dr. E. G. Gibbons read a Ministerial Statement regarding the "Industry Consultation on a Converged Policy for Broadcasting and Audiovisual Media".

Dr. E. G. Gibbons read a Ministerial Statement regarding the "Supplemental Agreement between the Hotelco Bermuda Holdings Ltd and Government of Bermuda".

10:30am

Hon. N.H.C. Simons read a Ministerial Statement regarding the "Update on the Board of Education's Strategic Planning Process".

Mr. K.L. Bascome read a Ministerial Statement regarding the "Acquisition of Rosewood Tucker's Point Resort".

Hon. N.S. Outerbridge read a Ministerial Statement regarding the "Heritage Month and Bermuda Day 2017".

11:08am

Reports of Committees:

Mr. R. P. Commissioning gave an update of the Joint Select Committee's work on the "Living Wage".

Question Period:

MR.E.T.RICHARDS provided an oral response previously to a parliamentary question from Mr. E.D.G. Burt, which was deferred.

MR.E.T.RICHARDS provided written and oral responses to parliamentary questions from Mr. E.D.G. Burt, relating to the IT systems in the Office of the Tax Commissioner.

*Would the Honourable Minister Please inform this Honourable House the original approved budget for the new IT system in the Office of the Tax Commissioner, the funds spent to date (May 10, 2017), and the revised budget for this project?

1. Would the Honourable Minister please inform this Honourable House the amount of overtime paid by quarter by the Accountant General for fiscal years 2013/14, 2014/15, 2015/16, & 2016/17 for the following departments:

- a. Department of Parks
- b. Department of Works
- c. Marine & Ports
- d. Public Transportation

ACCOUNTANT GENERAL'S DEPARTMENT							
PARLIAMENTARY QUESTION: OVERTIME BY DEPARTMENT BY QUARTER							
FINANCIAL YEARS ENDED: 31-Mar-14 to 31-03-17							
DEPARTMENTS REPORTED: Parks, Works, Marine & Ports, Public Transport							
Overtime \$ by quarter							
Home Company							
Period2	Period	MARINE AND PORTS	PARKS	PUBLIC TRANSPORTATION	PUBLIC LANDS & BUILDINGS	WORKS & ENGINEERING	Grand Total
PY 2013/14	1st Quarter 2013-2014	\$426,857	\$205,453	\$369,712	\$134,150	\$467,465	\$1,603,637
	2nd Quarter 2013-2014	\$379,635	\$162,892	\$407,666	\$222,284	\$571,847	\$1,744,325
	3rd Quarter 2013-2014	\$205,335	\$44,331	\$334,057	\$39,354	\$561,689	\$1,184,766
	4th Quarter 2013-2014	\$113,292	\$32,058	\$357,036	\$17,109	\$586,093	\$1,100,588
	PY 2013/14 Total	\$1,125,119	\$444,734	\$1,468,471	\$417,897	\$2,187,095	\$5,633,314
PY 2014/15	1st Quarter 2014-2015	\$360,331	\$184,439	\$550,716	\$25,039	\$606,844	\$1,727,369
	2nd Quarter 2014-2015	\$368,965	\$134,081	\$516,010	\$91,602	\$673,153	\$1,783,811
	3rd Quarter 2014-2015	\$275,566	\$237,121	\$481,442	\$264,191	\$836,150	\$2,094,470
	4th Quarter 2014-2015	\$166,201	\$55,644	\$368,394	\$178,571	\$808,507	\$1,577,316
	PY 2014/15 Total	\$1,171,063	\$611,285	\$1,916,561	\$954,403	\$2,924,654	\$7,187,956
PY 2015/16	1st Quarter 2015-2016	\$415,045	\$80,894	\$425,811	\$38,606	\$632,976	\$1,593,333
	2nd Quarter 2015-2016	\$426,016	\$183,331	\$523,095	\$174,277	\$808,618	\$2,115,336
	3rd Quarter 2015-2016	\$305,811	\$67,547	\$325,753	\$72,517	\$780,646	\$1,552,275
	4th Quarter 2015-2016	\$265,402	\$17,527	\$373,388	\$85,810	\$741,575	\$1,483,703
	PY 2015/16 Total	\$1,412,274	\$349,299	\$1,648,047	\$771,211	\$2,963,816	\$6,744,646
PY 2016/17	1st Quarter 2016-2017	\$453,401	\$65,513	\$507,327	\$224,731	\$720,979	\$1,971,952
	2nd Quarter 2016-2017	\$594,887	\$177,397	\$434,453	\$436,794	\$851,759	\$2,495,291
	3rd Quarter 2016-2017	\$378,750	\$130,279	\$629,844	\$342,430	\$1,399,164	\$2,880,467
	4th Quarter 2016-2017	\$428,102	\$43,925	\$720,785	\$167,748	\$1,342,916	\$2,703,476
	PY 2016/17 Total	\$1,855,140	\$417,114	\$2,292,409	\$1,171,703	\$4,314,818	\$10,051,185
	Grand Total	\$5,569,595	\$1,822,432	\$7,325,488	\$2,510,213	\$12,390,382	\$29,612,111

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

Mrs. P.J. Gordon-Pamplin provided oral responses to parliamentary questions from Mr. C. W. D. Brown.

* 1. In light of the recent Supreme Court ruling, regarding the rejection of a same sex marriage application, will the Honourable Minister please inform this Honourable House if it is the Government's

intention to introduce legislative amendments this session to abide by the ruling?

* 2. Will the Honourable Minister please inform this Honourable House of the number of PRC applications submitted by companies as of 10 May 2017?

* 3. Will the Honourable Minister please inform this Honourable House of the number of employers who have been fined or otherwise penalised for work permit violations in the past twelve (12) months?

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

MR. M.J. PETTINGILL asked a supplementary question

MR. M.J. PETTINGILL asked a second supplementary question.

MR.C.W. D. BROWN asked a second question.

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

MR.Z.J.DESILVA asked two supplementary questions.

MR.C.W. D. BROWN asked a third question.

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

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

Mrs. P.J. Gordon-Pamplin provided oral responses to parliamentary questions from Mr. R. P. Commissiong.

* 1. Will the Minister please inform this Honourable House when the much delayed National Training Plan Part Two will be laid in the House?

* 2. The Honourable Minister conveyed to this Honourable House that the National Training Plan Part Two which was submitted to her some months ago was deemed to be in need of some revisions. Will the Honourable Member please advise this Honourable House if those revisions have been completed?

* 3. Will the Honourable Minister please inform this Honourable House as to the nature of the said revisions to the National Training Plan Part Two that were deemed necessary?

MR. R.P. COMMISSIONG asked a supplementary question.

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

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

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

MR. R.P. COMMISSIONG asked a supplementary question.

MR. R.P. COMMISSIONG asked a second supplementary question.

MR. R.P. COMMISSIONG asked a supplementary question.

MR. R.P. COMMISSIONG asked a third supplementary question.

Mr. L.C. Cannonier provided an oral response to parliamentary questions from Mr. W.H. Roban.

* 1. Would the Honourable Minister please inform this Honourable House of the name of the company removing the loose rock and vegetation at Blackwatch Pass and state the ratio of Bermudian versus non Bermudian employees?

* 2. Would the Honourable Minister please inform this Honourable House of the cost of the Blackwatch Pass project and the cost of renovations to the Seniors Centre at Admiralty House, Pembroke?

* 3. Would the Honourable Minister please inform this Honourable House of the cost of all road works from January 1, 2017 to April 30, 2017?

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

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

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

MR.M.J.SCOTT asked a supplementary question.

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

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

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

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

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

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

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

10:35am

MR.J.S. SIMMONS asked Dr. E.G. Gibbons a question relating to his Ministerial Statement on the 'America's Cup Update'.

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

MR.J.S.SIMMONS asked a supplementary question.

MR.W.L. SCOTT asked a supplementary question.

MR.M.H.DUNKLEY responded to a previous question

MR.J.S.SIMMONS asked a second question.

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

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

MR. R.P. COMMISSIONG asked a supplementary question.

MR.E.D.G.BURT asked Dr. E.G. Gibbons a question on his Ministerial statement regarding the "Supplemental Agreement between the Hotelco Bermuda Holdings Ltd and Government of Bermuda".

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

MR.Z.J.DESILVA asked Dr. E.G. Gibbons a question on his Ministerial Statement.

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

MR. M.J. PETTINGILL asked a supplementary question.

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

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

MR. S.G.CROCKWELL asked a supplementary question.

MR. S.G.CROCKWELL asked a second supplementary question.

Congratulatory and /or Obituary Speeches:

(Please refer to the House Hansard)

12:30pm

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

2:00pm

The House resumed

Congratulatory and /or Obituary Speeches, continued.

2:37pm

Introduction of Bills:

MR. E.T.RICHARDS introduced and read for the first time a Bill entitled the "USA-Bermuda Tax Convention Amendment (No. 3) Act 2017".

Private Members Bills:

Mr. W.L. Furbert asked for leave of the House to introduce and read for the first time a Bill entitled the "Human Rights Amendment Act 2017".

2:40pm

Orders of the Day

DR. E.G.GIBBONS moved that the Bill entitled the "Mortgaging of Aircraft and Aircraft Engines

Amendment Act 2017” be now read the second time in the House, which was agreed to.

2:46pm- MR.W.L.FURBERT

2:48pm-DR.E.G.GIBBONS

2:49pm

Bill Committeed

MRS. S.ROBERTS- HOLSHOUSER in the Chair.

Orders 1 to 3 were carried over.

2:50pm

Dr. E.G. Gibbons moved Clauses 1-5, which was agreed to.

2:53pm- MR.W.L.FURBERT

2:54pm- DR.E.G.GIBBONS

Dr. E.G. Gibbons moved Clauses 1-5, which was agreed to as printed.

The Preamble was agreed to

The Report of Committee, as printed was agreed to.

The House Resumed.

Orders 5 and 6 were carried over.

2:57pm

MR. E.T. RICHARDS moved that the Bill entitled the “Partnership and Limited Liability Company (Beneficial Ownership) Amendment Act 2017” be now read the second time in the House, which was agreed to.

3:14pm- MR.W.L.FURBERT

3:16pm- MR.C.W. BROWN

3:18pm- MR. E.T. RICHARDS

Bill Committeed

MRS. S.ROBERTS- HOLSHOUSER in the Chair.

3:22pm- MR.W.L.FURBERT

3:22pm- MR. E.T. RICHARDS

Clauses 1-4 were agreed to as printed.

The Preamble was agreed to

The Report of Committee, as printed was agreed to.

The House Resumed.

Orders 8 to 11 were carried over

MR.M.J.SCOTT moved that the Bill entitled the “Decriminalisation of Cannabis Act 2017” be now read the second time in the House, which was agreed to.

3:55pm-MR. T.G.MONIZ

4:20pm- MR. M.J. PETTINGILL

4:40pm-MS. L.K.SCOTT

4:44pm-MS. K.N.WILSON

4:55pm- MR. R.P. COMMISSIONG

5:01pm- MR. S.G.CROCKWELL

5:25pm-MRS. J.J.ATHERDEN

5:35pm-MR.N.S.TYRRELL

5:40pm-MRS. P.J.GORDON-PAMPLIN

6:00pm-MR.M.A.WEEKS

6:10pm- MR.W.L.FURBERT

6:20pm-MR. M.H.DUNKLEY

6:37pm-MR.W.H. ROBAN

6:54pm- MRS. S.ROBERTS- HOLSHOUSER

7:07pm-MR. D.V.RABAIN

7:14pm-MR.S.D.RICHARDS

7:24pm-MR. J.S. SIMMONS

7:31pm-MR. K.L.BASCOMBE

7:35pm-MS. S.E.JACKSON

7:55pm-MR. N.H.C. SIMONS

8:00pm-MR. J.SOUSA

8:05pm-MR. R.W. SCOTT
8:14pm-MR. L.C.CANNONIER
8:20pm-MR.E.D.G.BURT
8:25pm-DR.E.G.GIBBONS
8:30pm- MR.M.J.SCOTT

8:45pm

Bill Committeed

MRS. S.ROBERTS- HOLSHOUSER in the Chair.

Mr. M.J. Scott moved Clauses 1 to 3.

8:46pm

Mr. M.J. Pettingill noted a typographical error in the title of the Bill, which was corrected.

8:47pm-Mr. T.G. Moniz (POC)

Mr. M.J. Scott moved to amend Clause 1 by amending the citation of the Bill, to read as follows: “Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017”, which was agreed to.

8:50pm

Mr. M.J. Pettingill move to amend in the Peamble by deleting the words, “and handling” which was agreed to.

8:51pm

Clause 1 as amended was agreed to.

8:54pm

Mr. M.J. Scott moved Clause 2 with an amendment which reads as follows:

Section 6(1) of the principal Act is repealed and replaced with the following:

“Subject to any regulations under section 12 for the time being in force, no person shall have a controlled drug in his possession, save for cannabis that is less than or equal to the statutory threshold in Schedule 8” subject to the discretion of the Director of Public Prosecutions to prosecute if the evidence indicates an intention to supply contrary to section 6 (3) of the Principal Act.”

8:55pm-MR. M.J.PETTINGILL

8:55pm- MR.M.J.SCOTT

8:56pm-MS. L.K.SCOTT

9:00pm- MR. S.G.CROCKWELL

9:04pm- MR. M.J.PETTINGILL

9:06pm

Clause 2 as amended was agreed to.

9:05pm

Mr. M.J. Scott moved Clause 3 to be deleted.

9:06pm- MR. M.J.PETTINGILL

9:07pm- MR.M.J.SCOTT

Clause 3 agreed to.

9:10pm

Mr. M.J. Scott moved an amendment to new Clause 3 which reads as follows:

The following section is inserted after Section 25 of the principal act:

“25A Police powers to seize cannabis

(a) a police officer of any rank shall have lawful authority to seize any amount of cannabis in the possession of any person;

(b) The Minister shall make regulations that provide for substance abuse education or treatment for

any person and in particular any minor found to be in possession of any amount of cannabis.

9:14pm-DR. E.G.GIBBONS
9:15pm- MR.M.J.SCOTT
9:16pm-MR. T.G. MONIZ
9:16pm- MR.M.J.SCOTT
9:16pm- MR. T.G. MONIZ
9:17pm- MS. L.K.SCOTT
9:17pm- MR. S.G.CROCKWELL
9:18pm-MR.T.G. MONIZ
9:20pm-MRS. J.J.ATHERDEN
9:21pm- MR.M.J.SCOTT

Mr. M..J. Scott moved Clause 4 of Schdule 8 with an amendment which reads as follows:

Inserts Schedule 8

SCHEDULE 8 (sections 6 (1) & (2)

STATUTORY AMOUNT OF CANABIS WHERE
CRIMINAL SANCTIONS DO NOT APPLY

Controlled Drug - Weight

(a) Cannabis - 7 grams

9:25pm-MRS. P.J. GORDON-PAMPLIN
9:25pm-MS. L.K.SCOTT

Clause 4 of Schedule 8 as amended was agreed to.

9:27pm

Mr. M. J. Scott moved Clause 5 the Commencement date. Mr. T.G. Moniz noted that the Commencement date should come into effect 30, June 2017, which was agreed to.

9:28pm- MR. T.G. MONIZ
9:29pm- MR.M.J.SCOTT

Clause 5 as amended was agreed to.

The Preamble as ameded was agreed to

The Report of Committee, as amended was agreed to.

The House Resumed.

9:33pm

MR. E.D. G. BURT moved that the Bill entitled the “Statutory Interest Rate Reduction Act 2017” be now read the second time in the House, which was agreed to.

9:46pm- MR. E.T. RICHARDS
10:05pm- MR.W.L.FURBERT
10:16pm- MS. S.E. JACKSON
10:21pm- MR.Z.J.DESILVA
10:26pm- MRS. P.J. GORDON-PAMPLIN
10:31pm- MR.M.J.SCOTT
10:40pm- MRS. J.J.ATHERDEN
10:46pm- MS. L.K.SCOTT
10:49pm- MR. S.G.CROCKWELL
11:04pm- MR. E. D. G. BURT

Bill Committeed

MRS. S.ROBERTS- HOLSHOUSER in the Chair.

Mr. E.D.G. Burt moved Clauses 1-2, as printed which was agreed to.

The Preamble as printed was agreed to

The Report of Committee, as printed was agreed to.

The House Resumed.

Orders number 16 to 18 were carried over.

11:15pm

DR. E.G.GIBBONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the, “Mortgaging of Aircraft and Aircraft Engines Amendment Act 2017” be now read a third time, which was agreed to.

On the motion of, DR. E.G.GIBBONS moved that the Bill entitled the “Mortgaging of Aircraft and Aircraft Engines Amendment Act 2017” was then read the third time and passed.

MR. E.T. RICHARDS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the, “Partnership and Limited Liability Company (Beneficial Ownership) Amendment Act 2017” be now read a third time, which was agreed to.

On the motion of, MR. E.T. RICHARDS moved that the Bill entitled the “Partnership and Limited Liability Company (Beneficial Ownership) Amendment Act 2017” was then read the third time and passed.

MR.M.J.SCOTT moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the, “Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017” be now read a third time, which was agreed to.

On the motion of, MR.M.J.SCOTT moved that the Bill entitled the “Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017” was then read the third time and passed.

MR. E.D. G. BURT moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the, “Statutory Interest Rate Reduction Act 2017” be now read a third time, which was agreed to.

On the motion of, MR. E.D. G. BURT moved that the Bill entitled the “Statutory Interest Rate Reduction Act 2017” was then read the third time and passed.

11:20pm

Notice of Motion:

Mr. E.D. G. Burt moved that Standing Order 14 be suspended to enable him to give notice of a Motion.

Mr. E.D. G. Burt gave notice that at the next day of meeting he proposed the following motion:

“Be it Resolved that the Honourable House has no confidence in the Government”.

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

11:22pm-MR. L.C.CANNONIER

11:41pm- MR.J.S.SIMMONS

11:50pm-MRS. N.S. OUTERBRIDGE

12:01am- MR.D.V.S.RABAIN(*Saturday 20, May2017*)

12:10am-R. S.D.RICHARDS

12:30am- MR.S.G.CROCKWELL

12:52am- MRS.P.J.GORDON-PAMPLIN

1:10am- MR. E.T. RICHARDS

1:30am-MR. W.H.ROBAN

1:35am- MRS. J.J.ATHERDEN

1:45am- MR. M. H. DUNKLEY

Mr. M.H. Dunkley moved that, at its next rising, the House adjourn to Friday, 9th June 2017, which was agreed to.

2:00am

The House adjourned until Friday 9th June 2017 at 10:00am.