



# BERMUDA HOUSE OF ASSEMBLY

## Official House Minutes

*November 2, 2012*

### Electronic Version

**Hon. Stanley W. Lowe, OBE, JP, MP**  
**Speaker**

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**Proceedings  
of the  
Honourable House of Assembly**

**Session of 2012-2013**

**No. 1**

**Friday, 2nd November, 2012**

Pursuant to the Proclamation of His Excellency the Governor, Mr. George Fergusson, convening the Legislature, the several Members assembled at the Sessions House.

**Members Present:** His Honour the Speaker, Mr. M. A.R. Bean, Mr. G.A. Blakeney, Mr. D.V. Burgess, Mr. D.D. Butler, Ms. D.N.I. Butterfield, Mr. L.C. Cannonier, Ms. Paula A. Cox, Mr. S.G. Crockwell, Mr. Z.J.S. DeSilva, Mr. A.E. DeVent, Ms. L.F. Foggo, Mr. W.L. Furbert, Dr. E.G. Gibbons, Mrs. P.J. Gordon-Pamplin, Mr. K.H.R. Horton, Mr. D.O. Hunt, Mrs. L.A. Jackson, Mr. R.G. James, Mr. D.P. Lister, Mr. T.E. Lister, Mr. W. M. Lister, Mrs. P.K. Minors, Mr. T. G. Moniz, Mr. W. N.M. Perinchief, Mr. M.J. Pettingill, Mr. E. T. Richards, Mr. W. Roban, Mr. M.J. Scott, Mr. W. A. Scott, Dame Jennifer M. Smith, Mr. C. F. B. Swan, Mr. H. K. E. Swan, Mr. D.D.M. Tucker, Mr. M.A. Weeks.

**10:30 am Prayer**

His Honour the SPEAKER announced a moment of silence for the late Hon. Ralph O. Marshall, a former Member of Parliament.

**10:36 am**

Mr. K.H.R. HORTON moved that Standing Orders 14 and 21 be suspended to enable him to move that a message be sent to His Excellency the Governor, which was agreed to.

On the motion of Mr. K.H.R. Horton, the following message was 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  
2<sup>nd</sup> November, 2012

**10:37 am**

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

Mr. Charles Swan and Mr. Darius Tucker

The following message was received from His Excellency the Governor: Mr. George Fergusson

(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 11:00 a.m. today, Friday, 2<sup>nd</sup> November, 2012 on the Cabinet Office Lawn.

At the hour appointed, namely 11:00 a.m., the attendance of the Honourable House was requested on the Cabinet Office Lawn where His Excellency was pleased to open the present Session with the following speech:

**Throne Speech at Cabinet Grounds:**

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** Bermuda, like many other countries, has been through very challenging times since 2008.

Profoundly affected by the global economic downturn, Bermuda's people have been tested, their lives altered, in ways like never before.

Bermuda is poised in the coming year to finally break the grip of this seemingly unending recession.

The number of active local businesses rose in 2012.

International insurance and re-insurance companies in Bermuda remain strong. The outlook for tourism in 2013 is brighter.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** and indeed all of the people and businesses who have stuck together through this tough economic journey, as Bermuda moves forward with each passing day, it is your Government's hope that Bermudians stand stronger together as a people and as a more cohesive community.

There is a Nigerian proverb that says, "In the moment of crisis, the foolish build dams, but the wise build bridges."

Look around. You are still here. Your resilient spirit is stronger than ever, and it is yearning for more, for better, for the best.

Your Government's investment and stimulus measures—like the YES initiative, the Tri 30 Work Experience initiative, and the Job Corps programme—have stood strong when there was the need to stand strong.

The Government's policy responses kept the people on their toes when a change of course was needed. As a result—although at times it may have been hard to feel—Bermuda has

fought a good economic fight, as good as any country in the western Hemisphere.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** as the people of Bermuda look ahead to the end of the greatest economic stress in several generations, tunnel vision and shortsightedness will not deliver the prize of full economic recovery.

Your Government has a plan that sustains fiscal prudence, embraces diversity, sews seeds for renewed prosperity, nurtures the youth, preserves dignity for senior citizens, maintains safety and security for the people, and regenerates positive community values.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** Government has adopted a medium-term fiscal strategy to restore a positive primary balance on its main operating account.

The medium-term fiscal strategy together with efficiency measure will reestablish Bermuda's long-standing policy of borrowing only for long-term capital projects and thereby contribute towards deficit and debt reduction.

To provide more economic stimulus, Government is extending the Economic Empowerment Zones, creating three new zones in North West Hamilton, Middletown, and North Village, and extending the existing North Hamilton Zone. There will be six economic empowerment zones in Bermuda, zones which should afford much needed relief and support to entrepreneurs and other small businesses and generate jobs.

The economy is at the forefront of every Bermudian's mind, and rightly so. But it is essential that all build one another together, and build bridges to ensure that those who are capable of working, and who wish to work, are given the opportunity to work.

For most Bermudians, the only issue that matters in today's economy is having a decent job.

It is noteworthy that some Bermudians who have lost their jobs have started their own businesses. The additional economic empowerment zones will provide support to new entrepreneurs as they become job makers.

Government is thankful to those such as bus and taxi operators, who have deliberately and purposefully chosen to work together in order to guarantee that visitors can take advantage of all that Bermuda has to offer.

Earlier this year, the Ministry of Business Development and Tourism rolled out the National Tourism Plan.

It stressed the need to take advantage of Bermuda's reputation as a high-end destination. The goal is to further develop sports and culture tourism, wildlife and eco tourism, business and entertainment tourism, and even take advantage of the many shipwrecks in Bermuda's coastal waters to promote underwater tourism.

And the promotion of medical tourism with the help of the new and soon to be completed state-of-the-art hospital is on the drawing board.

Bermuda has too much to offer to be a seasonal destination only, too special to be limited to summer visitors only. The Island is 21-square miles of unique culture and passionate people.

Business leaders and Government officials have been dispatched across the globe to spread the word about what makes Bermuda the Pearl of the Atlantic. There is a goal of doubling the number of tourists that arrive by air in the next decade.

That would result in double the tax revenue and five per cent annual growth in GDP.

To further stimulate necessary investment in this area and to also encourage less seasonality of our visitors, the Government will provide a form of residency to those tourists who invest in Bermuda through the purchase of tourism zoned units connected to their ownership of new and existing product constructed to aid in our tourism recovery.

The ultimate goal is to have more tourists spend more money year round. That means more stable, good paying jobs in the tourism industry for Bermudians.

It is projected that Bermuda will attract more than 340,000 cruise ship visitors, who will pump more than an estimated \$80 million into the Island's economy in 2013.

Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly, the centerpiece of our tourism plan is the Tourism Development Act.

The new Act will replace The Hotels Concession Act 2000, and include a broader range of concessions to tourism investors. Concessions that were considered as luxury items when the initial Act was created have now become necessary development incentives, and will be considered under the new Act.

The new Act, as in the Hotels Concession Act 2000, makes provision for training Bermudians, and promoting and marketing the development and hiring Bermudian entertainment. The Act will keep Bermudians in the frame for jobs.

The new Act will take into account the current and future hotel development trends that encompass hybrids of mass mixed-use development products with concessions that are suitably attractive to draw world renowned developers and hotel brands.

The most important lesson this fiscal crises has taught is that diversification is key to a stable economy. While Bermuda will always be a top travel destination for vacationers around the world, the Island cannot depend solely on the whims of leisure vacationers.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** the Ministry of Environment, Planning and Infrastructure Strategy is implementing the first phase of a Bermuda Agriculture Strategy.

Your Government invites you to bolster that initiative and bolster the retraining programme at Bermuda College, which has been a tremendous success in giving our people 21st century skills for a 21st century economy.

Your Government invites you to bolster that initiative and bolster the retraining programme at Bermuda College, which has been a tremendous success in giving our people 21st century skills for a 21st century economy.

Government is already creating smart green technology zones and incentives for their use. A study will be undertaken to assess the feasibility of utilising part of the airport lands as a site for the installation of alternative renewable energy technologies.

Further, there is the opportunity to be in the front wave of the most exciting venture in a generation: transforming Bermuda into the world's leader in the Blue Economy.

A report earlier this year by the U.S.-based Brookings Institution described the Blue Economy as a "\$500 billion-and-growing global water technology business sector."

Tapping into this new economy starts with Bermuda developing a National Aquaculture Strategy, one that takes the necessary steps to develop a myriad of local marine-based industries—from water tourism to discovering new sources of energy from water.

Bermuda has enough ingenuity—and enough water—to lead this industry, which would provide much needed diversification to our economy and possibly spur a financial boom for generations to come.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** reports from Business Bermuda confirm that international investors continue to see Bermuda as a viable market. As a consequence of the Government's efforts, Link Bermuda recently announced it will create a first-class Island wide high speed fibre optic network at an estimated cost of \$70 million. This

will help Bermuda to speed up its economic development, and create jobs in the short- and long-term.

In September 2012, a delegation from Bermuda travelled to Toronto to discuss with business leaders there opportunities to do business here in Bermuda.

And last month, the Honourable Premier and Minister of Finance led a delegation to the Gulf Cooperation Council region, or GCC, in an effort to solidify Bermuda's partnerships with the region.

This followed meetings in July with GCC government and business leaders in London to build stronger economic partnerships and promote Bermuda as a preferred international financial center to conduct business.

The delegation had high level meetings in Dubai, Abu Dhabi and Qatar during the October visit.

In the Premier's meeting with the Qatar Prime Minister and members of his Cabinet, the prime Minister stated: "Qatar wishes to find win-win opportunities to partner with Bermuda."

Your Government has created a task force to drive forward this initiative with a view to attracting business, capital and visitors from the GCC to Bermuda. The portfolio of economic infrastructure projects that could be of interest to GCC includes the redevelopment of the Hamilton Waterfront, Bermuda's international airport and hotel development.

In addition, Bermuda's attributes as a premier domicile for financial services proved attractive to business leaders in the United Arab Emirates and Qatar seeking to expand Islamic finance products from or through a Bermuda hub.

In keeping with the promise of "more red carpet and less red tape", the Government will continue to streamline immigration practices to provide an environment that encourages businesses to invest in Bermuda and continues to preserve

Bermuda's position as a jurisdiction of choice for international business.

Using available technology the Government will reduce the reliance on paper forms, eliminate duplications in vetting procedures and reduce the turn-around time for the production of Bermuda passports. The Government will meet the challenge of preserving secure borders in an efficient, user friendly manner.

Your Government is open to partner, collaborate, coordinate, work together, join forces, team up, pool resources, link up, network—whatever you wish to call it.

Simply put: Bermuda is open for business.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly**, the world economy will bounce back. The signs are visible.

In America, unemployment appears to have bottomed out, housing prices are rebounding and wages have ticked up for the first time in a decade. In Europe, austerity measures are taking hold. And in Asia, the economies of both China and Japan are strong.

These are positive signs that bode well for Bermuda.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly**, as Bermuda emerges from the global financial and economic crisis, the Government has maintained a special focus on Bermuda's youth.

With respect to education, Government has resurrected the country's Education Council to encourage and maintain high standards of teaching in Bermuda that enhance the quality of learning and improve the professional conduct of educators.

A strong council means a strong school system, which is what Bermuda's children deserve.

As you are aware, the public school system has just completed its second year of reforms, major reforms that are guided solely by the needs of our students at the classroom level.

In order to improve communication, and in response to what parents have requested, the Ministry of Education has implemented a plan that includes consultation with every PTA, as well as having regular public meetings.

Government proposes to go further with educational improvements. As a part of an amended Education Act, the Ministry intends to improve the oversight of tutorial sites, including registration and withdrawal policies, as well as providing proof of student progress.

In addition, amendments also will be made to the Bermuda Government Scholarships Act and Regulations to modernise how the Ministry provisions funding for educational grants, loans and scholarships.

It is known that children who enter school with learning, psychological, motor or social deficits have a greater chance of exhibiting negative behaviors in later life.

Therefore, it is important for government authorities to engage the parent and child as soon as possible to detect any potential deficits. Early identification and intervention provides the best opportunity for student success.

Accordingly, the screening of two-year-old children, presently provided by the Child Development Programme, will be made mandatory and extended to include children up to three years of age.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly**, your Government considers health as a major social policy priority.

One year ago, Government adopted the National Health Plan, as a vision, a roadmap to take on existing and future health system challenges in Bermuda.

The Government embraced the participation of key stakeholders in the health sector. Health care providers, insurers and employers were invited to participate in task teams.

As a result, some of Bermuda's best and brightest minds are working on creative and bold solutions to a myriad of thorny health care issues including benefit packages reimbursement models and so on.

And in the coming months, Government will enlist the public's input.

If you know of ways to cut health care costs, your input is welcomed by the Government.

Your input is crucial. The Bermuda community must work together to keep health care costs down and the quality of care up.

Working together.

Let us build one another, together.

These are phrases you will hear your Government say quite often.

Your Government truly believes that the best solutions, the ones that last for generations, are the ones that come out of working together.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** obesity, which is associated with diabetes and heart disease, is one of the biggest health issues that Bermuda faces, and one that contributes greatly to the total cost of health care in Bermuda.

In order to combat obesity, especially in young people, and to encourage everyone to make healthy lifestyle choices, the Ministry of Health will, during the 2012–2013 fiscal year, work with the Ministry of Education to encourage children to become more active and to bring healthy snacks and lunches to school.

Government proposes to improve its health insurance products. HIP and FutureCare have been tremendously successful. As a result, the

Ministry of Health will take the necessary steps to add a prescription drug benefit for FutureCare to allow 100 per cent of the cost of generic drugs to be covered.

Trade name prescription drugs will be covered at 80 per cent, as they are now, and the annual limit of \$2,000 will also be retained. For HIP and FutureCare policyholders who are also on Financial Assistance, the full cost of general practitioner visits will be paid, replacing the current co-pay requirement for the policyholder.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** sports is another major social policy brief for your Government.

Sports has always been a vital part of Bermuda's history, and continues to be the bridge that unifies the country as a people bringing youth, families and communities together with humility and pride.

Soon Government will announce the imminent implementation of a National Sports Policy which will include government assistance in the revitalisation of sports clubs to become community hubs, recognise the importance of sports at all levels, up to and including regional and international competition.

Government remains committed to supporting sports clubs as part of a wider community outreach, since our sports clubs are a magnet for young people and youth development.

As part of a community development initiative, a multi-year funding plan is being devised to assist the clubs with their infrastructure, help them become more financially self-sustaining and make them more family friendly.

In spite of Bermuda's small size, her people have excelled in the international sports arena. Government will continue to invest in sports in a way that will also create better links with past and present sportsmen who have brought the country to where it stands today in global sporting arenas.

The future investment in sports also will help to develop the sportsmen of tomorrow.

Each parish council will create a Hall of Fame to celebrate past sporting heroes, and all Olympians and Paralympians, past and present, will be honoured with bricks bearing their names in the walkway at the National Sports Centre.

A special provision—a bronze statue in a special location—will be made for Olympic legend Clarence Hill.

It is simply the right thing to do.

Government will set a concrete date for re-opening the St. George Golf Course, and ensure that only Bermudians will be employed in landscaping the course and managing the concessions.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** the Government will be encouraging the public to enjoy the National Parks in the evening by conducting family oriented activities, such as Movie Nights, Concerts, Christmas Craft market and plant displays.

These events, which are free to the public, will be carried out under the banner of “After Dark in the Park Series”. The Bermuda National Parks are natural jewels. They offer breathtaking scenery, rest and recreation.

Studies have shown that parks and nature have the ability to build community, improve our health and provide opportunities for socialisation. The “After Dark in the Park Series” offers the local community a safe and economically viable option to spend time with family away from home in the evenings.

The series will run two weekends per month from May to September in a variety of locations, including the Arboretum, The Bermuda Botanical Gardens and Fort St. Catherine.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** there is an ongoing cry for

Bermuda to return to honoured values and to re-establish a focus on community life.

While the Government cannot construct the bonds that hold families together, it can facilitate events and actions that will allow families to take initiative to enjoy a better quality of life.

Community development legislation will revitalise and expand the role of parish councils—the bridge between family and community—with a view to reigniting community spirit.

This will include asking businesses and families to come together to improve their respective communities. This can be done through such activities as holding intercommunity competitions, community-led restoration of buildings, and community-based before-and-after school activities, such as landscaping and road works.

As an example, St. Luke’s Lane needs work: the road direction needs to be changed and raised. It will be addressed. Similarly, pedestrian crossings in school zones need to be elevated. As safety of children is of paramount importance, this work will be prioritised in the Public Works road maintenance plan.

A long lease for nominal rent of a Government property is currently being negotiated with the Salvation Army to provide a homeless shelter.

And in keeping with its guiding principle to help people and institutions, your Government has determined to provide assistance to the Bermuda Industrial Union Credit Union.

The mission of the credit union is to promote the economic interests of its members. In these testing economic times, members of the BIU Credit Union have sought assistance from their cooperative in large numbers.

The credit Union has struggled to respond while minding the disciplines of its requirements. To assist the Credit Union in its time of need, your Government will provide the Credit Union with grant funding in the new fiscal year.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** Bermuda's senior population is projected to grow to 25 per cent of our population by 2033. As a community, we must continually reassess how to best care for the people who have given so much to our small nation.

Sometimes small measures bring the greatest joy. Seniors have remarked how they miss outings and seeing for themselves how Bermuda is changing.

In response, your Government plans to implement a schedule of sightseeing outings for seniors who are in elder care facilities.

In addition to love and compassion that we all must show to seniors, the Government plans to amend the Financial Assistance Regulations 2004 to allow seniors who are homeowners, or who have an interest in real property, to be assessed for applicable financial assistance benefits.

Government will recognise the contributions to the community by the charitable sector. Amendments to the Charities Act 1978, designed to address the contemporary needs of the community and to meet international regulatory requirements, will be introduced during the new Parliamentary Session.

Further, Government and the charitable sector will collaborate on a Declaration of principles that will establish a common set of goals and objectives to reflect a new more proactive social agenda for charitable work in the community.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** perhaps Government's biggest concern is the plight of our young people.

Your Government has developed a National Youth Policy to address anti-social dysfunctions, early intervention, increased police presence, and the refocus of the inter-agency gang task force.

Your Government considers that the best way to keep youth out of trouble is to give them something constructive to do, something to love. The Ministry of Youth, Families and Sports will continue the Mirrors Programme to serve the needs of youth aged 15 to 18 years by challenging them to achieve productive outcomes that are free from gang activity and anti-social behaviour through its community training sessions.

As part of its mandate to promote youth development, the Ministry of Youth, Family and Sports is engaged in discussions with the YMCA for the establishment of various turnkey youth development programmes in Bermuda.

Government believes such programmes have great potential to help Bermudian youth develop strong leadership qualities and enhanced life skills that make them become productive members of our community.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly,** safety and security is of paramount importance in any community.

Your Government is making good progress on law enforcement. The Government has strengthened the partnership with Government House and the Bermuda Police Service.

The progress is real, and it can be measured. The community's satisfaction has been increasing for the last three years. The incidence of all crimes has been going down over the same period.

Government considers that these trends will continue to improve as the Bermuda police service workers together with the community to fight crime and make Bermuda safer.

This is complemented by the work being done on the social policy side with the Inter-Gang Ministerial Council, chaired by the Minister of Youth, Families and Sport. While the Police focus is on enforcement, the social policy side is the key to prevention.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly**, since 1965 the Bermuda Regiment has formed an integral part of Bermuda's internal security management.

The strength of the organisation makes it ideally suited for modernisation and the Bermuda Regiment is uniquely qualified to manage change. The Government will further amend the Defense Act 1965 to provide for an expanded full-time element in the Regiment and an end to conscription.

The focus of a 21st Century Bermuda Regiment will be on an enhanced maritime role, greater engagement in border control and increased operations with the other uniformed services.

The timetable for the end of conscription and the transition to a modernised Regiment will be set out in 2013 by the Ministry of National Security.

Government will also advance comprehensive legislative reform to address fire safety in building construction, while concurrently strengthening the internal operations of the Bermuda Fire and Rescue Service.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly**, in last year's Throne Speech the Government stated that it would assess the feasibility of introducing an Equality Act to address the outstanding areas of discrimination, in particular, discrimination related to sexual orientation.

Your Government has made a determination. Justice is about fairness and equality of access for all. Bermuda does not have that standard and it is to our collective discredit as a democratic country in the 21st Century.

Bermuda's Human Rights Act 1981 no longer meets the standard for human rights in a 21st Century democracy. Government proposes therefore to replace the outdated Act in this Parliamentary Session with a new broadly based Bill that will address protection against

discrimination for a range of characteristics including age and sexual orientation.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly**, the Government will consider or implement the following administrative policies in the coming year:

- To propose to H.E. the Governor the establishment of judicial complaints Authority to address complaints from the public, which currently is denied the right to seek redress in circumstances of abuse of power by adjudicators. It will bring Bermuda in line with other modern reputable jurisdictions.
- Create an independent Department of Court Administration to give the administrative arm of the Judiciary greater autonomy. Also to propose to H.E. the Governor the creation of a standing Judicial Service Committee to advise the Governor on Judicial appointments, terms and conditions of service and disciplinary matters as an informal alternative to a constitutional Judicial Service Commission.
- Implement the "Technology at your service" initiative designed to use information technology to improve the operation of Government works while at the same time reducing costs.
- Replace the existing Government portal, [www.gov.bm](http://www.gov.bm) with 21st century software platform. The new portal will provide for improved content management and access to publicly available information.

**Madam President and Members of the Senate, Mr. Speaker and Member of the House of Assembly**, there is a concern about the hardship imposed on persons who lose their homes and who may have judgment debt imposed with the high statutory interest rate under the Interest and Credit Act 1975. The current position for judgment debt interest is the non-discretionary automatic application of a 7 per cent interest rate on the post-judgment debt

in accordance with the Interest and Credit Charges (Regulation) Act 1975.

There is a delicate balance that must be held between aiding those who genuinely lack the capacity to repay a debt and penalising those who are unwilling to pay to ensure that creditors are compensated for the cost of loans that are outstanding.

Given that principle, the Government will prudently assess whether a decrease to the current Bermuda statutory interest rate is a viable option to aid long-term financial hardships for low income-debtors in the current climate or would alternative relief programmes, either prescribed by the Legislature or supported by Government, be a better option.

The objective is to maintain Bermuda as a commercially respected jurisdiction that provides assurance for fair compensation in debt recovery while providing useful options to those individuals in legitimate financial hardship and who are unable to pay.

The ongoing economic conditions have resulted in persons falling behind with their financial obligations despite their best efforts. Debt collection is a legitimate and necessary business activity where collectors are able to take reasonable steps to secure payment from consumers or businesses who are legally bound to pay or to repay money they owe.

However it has been noted that there are inconsistencies with the practices of debt collection agencies which are currently unregulated. The Government will review the practices of debt collection agencies to ensure they are fair for consumers. Consideration will be given to providing oversight and guidance to debt collection agencies where it is found to be needed.

**Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly**, in addition to the legislative changes already highlighted, the Legislature will be invited to consider a number

of other Bills and statutory instruments during this Session including:

- Banking Special Resolutions Regime Bill 2012 to provide more direct intervention tools in the case of a troubled bank.
- National Pension Scheme (Occupational Pensions) Act 1998 to review our pension arrangements to determine whether public and private pensions are set at appropriate levels.
- Possible amendments to the Investment Funds Amendment Act 2012 to cover enforcement laws.
- Referendum Bill on Gaming in Bermuda
- Motor Car Amendment (No. 2) Bill ( Dumpster Trailer)
- Architectural Professions Bill
- Real Estate Broker License Bill
- Bermuda Immigration Protection Amendment (No.2) Bill Boarder Control /Immigration)

Madam President and Members of the Senate, Mr. Speaker and Members of the House of Assembly, Bermuda is the fifth smallest country in the world but its people have a big heart.

And it is heart, grit, and determination that will carry Bermuda and its people the rest of the way out of the current financial crisis.

Your Government considers that its policy responses have shepherded the country through one of the most challenging financial and economic crisis in history.

Your Government considers also that while it has not been perfect, it has made good progress for the people of Bermuda. The plan set out in this Throne Speech by your Government will:

- sustain fiscal prudence;
- embrace diversity;
- bring renewed prosperity;
- nurture the youth;
- preserve dignity for senior citizens; and
- regenerate positive community values.

Your Government invites you to continue the journey: ‘let us build one another together’.

Convention allows the Governor to add a personal conclusion. This is my first Throne Speech. I would like to use this opportunity to say how much my wife and I have appreciated the warm welcome we have had from right across the Island, from a very wide range of people, in the months since we arrived. I pay tribute to the public services which we have seen in action in many contexts. I pay particular tribute to those for whom the Constitution gives me a responsibility and on whom this community relies to maintain its hard-earned reputation for the exercise of the rule of law at the highest level, and fair, open and efficient administration and financial management. The issues which I mentioned in my swearing in speech in May as being of particular social concern and impact – those of the economy and of gang violence, have indeed presented challenges and will no doubt carry on doing so. I look forward to working with the Government to do whatever I can to help make progress on both these fronts.

**Madam President and Members of the Senate, Mr. Speaker and Members of the Honourable House of Assembly,** this Throne Speech is made at a time when the people of Bermuda, not to mention the political parties, are preparing themselves to make their regular democratic choice. Bermuda has a proud tradition of such events being done efficiently and fairly. I am confident that this will be the case again I hope — with the vast majority of people in Bermuda — that we will see, and hear, a campaign in which all parties, candidates, supporters and the wider electorate will be fair, constructive, unifying and realistic, to the very greatest extent possible.

**Madam President and Members of the Senate, Mr. Speaker and Members of the Honourable 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  
2 November 2012

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### **Upon Return to the House**

Ms. P.A. COX moved that Standing Orders 14 and 21 be suspended to enable her to move a motion relating to His Excellency the Governor’s Speech from the Throne, which was agreed to.

Ms. P.A. COX 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.

### **Confirmation of Minutes:**

The Minutes of July, 20<sup>th</sup> 2012 were confirmed.

**12:26pm**

### **Announcements by the Speaker:**

His Honour the Speaker announced that Proceedings of the House can now be accessed through the internet. Members and the public can listen to the proceedings at [streaming.parliament.bm](http://streaming.parliament.bm) or [www.parliament.bm](http://www.parliament.bm) and click on the streaming icon.

His Honour the SPEAKER announced the Absence of Mr. N.H.C. Cole Simons from today’s proceedings as he is attending his daughter graduation.

His Honour the SPEAKER announced the appointment of new Assistant Clerk to the Legislature – Mrs. Sherleeta Talbot

His Honour the SPEAKER announced the appointment of Members to the following Sessional Select Committees:

The House and Grounds Committee: K.H.R. Horton - Chairman and Deputy Speaker, Mr. D. M. Tucker, Mr. N.H.C. Simons, Mr. C.F.B. Swan, Mr. A.E. DeVent.

Standing Orders and Privileges Committee:

Mr. S.W. Low- Chairman and Speaker, Ms. P.A. Cox, Ms. L.F. Foggo, Mr. L.H. Cannonier, Mr. H.K.E. Swan.

Public Accounts Committee: Mr. E.T. Richards Chairman, Mrs. P.J. Gordon-Pamplin, Mr. W.M. Lister, Mr. T.E. Lister, Ms. L.F. Foggo, Mr. N.H.C. Simons, Mr. A.E. DeVent.

Panel of Chairman Committee: Mr. K H.R. Horton- Chairman and Deputy Speaker, Mr. D.D. Butler, Mrs. P.J. Gordon-Pamplin, Mr. T.G. Moniz, Mr. D.P. Lister, Mr. D. Tucker.

**12:30pm****Papers and other Communications to the House:**

Mrs. P.K. MINORS read the following communication 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 EEZ Orders proposed to be made by the Minister responsible for Economy, Trade and Industry under the provision of section 2A of the Economic Development Act 1968:

"Economic Development (Designation of Economic Empowerment Zone) (Extended North East Hamilton) Order".

"Economic Development (Designation of Economic Empowerment Zone) (North West Hamilton) Order 2012".

"Economic Development (Designation of Economic Empowerment Zone) (Middletown) Order 2012".

"Economic Development (Designation of Economic Empowerment Zone) (North Village) Order 2012".

*Hon. P.K. Minors  
Minister of Economy  
Trade & Industry*

Sessions House  
2<sup>nd</sup> November, 2012

**12:33 pm**

Ms P.A. COX read the following communication to the Speaker:

I have the Honour to attach and submit for the information of the Honourable House of Assembly the following draft Orders 2012 made by the Minister responsible for Finance under the provisions of section 2 of the Customs Duty (Special Remission) Act 1951;

"Customs Duty (Riddell's Bay Golf and Country Club) Remission Order 2012"; and

"Customs Duty (Electrocore) Remission Order 2012".

I have the Honour to attach and submit for the information of the Honourable House of Assembly the following regulations made by the Minister responsible for Finance under the provisions of section 2 of the Exchange Control Act 1972;

"Exchange Control Amendment Regulations 2012".

*Hon. P.A. Cox – Premier &  
Minister of Finance*

Sessions House  
2<sup>nd</sup> November, 2012

Mr. W.H. ROBAN read the following communication to the Speaker:

I have the Honour to attach and submit for the information of the Honourable House of Assembly the following draft regulations and notices made by the Minister of Transport:

"Air Navigation (Fees for Certificates and Services) Regulations 2012".

"Marine Board (Control Over Maritime Traffic) Notice 2012".

"Marine Board (Control Over Maritime Traffic) (No.2) Notice 2012".

"Marine Board (Control Over Maritime Traffic) (No.3) Notice 2012".

"Marine Board (Control Over Maritime Traffic) (No.4) Notice 2012".

"Merchant Shipping (Fees) Regulations 2012", and

"Omnibus (Conduct) Regulations 2012".

*Mr. W.H. ROBAN  
Minister of Transport*

Sessions House  
2<sup>nd</sup> November, 2012

Mr. M.A.R. BEAN read the following communication to his Honour the Speaker:-

I have the Honour to attach and submit for the information of the Honourable House of Assembly the following draft Order:

"Telecommunications (Bermuda Cablevision Limited) Exemption Order 2012" made under the provisions of section 66 of the Telecommunications Act 1951.

*Mr. M.A.R. Bean  
Minister of Environment,  
Planning & Infrastructure*

Sessions House  
2<sup>nd</sup> November, 2012

**12:36pm**

**Congratulatory and Obituary Speeches:**

Mr. G.A. BLAKENEY congratulated Mrs. Suzie Pewter on the very commendable success of the inaugural Bermuda Corporate Games, hosted in Bermuda during October 2012, which brought various enthusiastic athletes from all walks of life together in large numbers to participate in several sports on behalf of corporations and other organisations.

Mr. G. BLAKENEY congratulated the organisers of the corporate games and the PGA Golf Classic.

Mr. C.F.B. SWAN & H.K.E. SWAN expressed condolences for the late Mrs. Marion Simmons of Middle Rd, Southampton. Mr. D. Lister, Mr. W. Lister and Mr. K.H.R. Horton associated themselves with the sympathies for the family.

Mr. C.F.B. SWAN & H.K.E. SWAN gave their condolences to the family of late Mrs. Hazel Christopher of Spring Benny Rd, Sandy's, and also for the late Ms. Rosemarie Souza of Seymour Farm Rd, Southampton. Mr. M. Bean also expressed his condolences.

Mrs. L.A. JACKSON gave condolences to the family of the late Ms. Lois Perinchief of St. Georges. Mr. H.K.E. Swan, and Dame J.M. Smith, associated themselves to the expressed condolences.

Mr. H.K.E. SWAN expressed condolences on the passing of late Mr. Ralph Owen Marshall recognising his 30 years of service to this Honourable House, and a life of public service. Mr. Swan also paid tribute to the late Mrs. Celeste "Alora" Rabain, the late Mr. Eardley Jones of Port Royal, and the late Mr. Kirby Brackstone.

All Members associated themselves with these remarks.

Dame J.M. SMITH paid tribute to the late Ms. Hazel Christopher, the late Mr. Eric Charles "Joe-Bags" Basden, Sr., the late Mr. Howard Lee, and the late Rosalind Louise Fubler Robinson

Mr. C.F.B. Swan associated himself with the remarks for the late Mr. Howard Lee.

Ms. D.N.I. BUTTERFIELD expressed condolences for the late Ms. Marlene Minks. All Members of the House associated themselves.

**12:46 pm**

**Reports of Committees:**

Mr. D.V. BURGESS Tabled a personal Response on the Report of the Parliamentary Standing Committee on the Public Accounts for the Financial Years ended 31<sup>st</sup> March, 2009 to 31<sup>st</sup> March, 2010 and on the Special Report of the Auditor General on the Misuse of Public Funds.

**Introduction of Government Bills:**

Mr. M.J.SCOTT introduced the following Bills for the first reading:

"The Criminal Code Amendment (No. 2) Act 2012";  
 "The Supreme Court Amendment Act 2012";  
 and  
 "The Parole Board Amendment Act 2012".

Mr. W.N.M. PERINCHIEF introduced the following Bills for the first reading:

"The Defence Amendment Act 2012"; and  
 "The Bermuda Immigration and Protection Amendment (No.2) Act".

Ms. P.A. COX introduced the following Bills for the first reading:

"The Customs Tariff Amendment (No. 2) Act 2012"; and  
 "The Gaming Referendum Act 2012".

Mr. W.L.FURBERT introduced the following Bills for the first reading:

"The Companies Amendment (No.2) Act 2012"

**12:46 pm Notices of Motions:**

Mr. T.E. LISTER gave notice that at the next day of meeting he proposed to move the following motion:

"That this Honourable House support the proposed amendments to the Revised Rules of the House of Assembly, now known as Standing Orders for consideration and adoption by the House".

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

"That this Honourable House take note of the White Paper presented by the Foreign and Commonwealth Office of the United Kingdom entitled: "The Overseas Territories: Security and Sustainability" .

Mr. C.F. B. SWAN gave notice that at the next day of meeting he proposed to move the following motion:

"That this Honourable House support a National Lottery for the express purpose of funding the development of our youth in sports, the arts, music and educational endeavours beneficial to the future of our island and its people".

Ms. P.A. COX moved that the House do now adjourn to Friday, 9<sup>th</sup> November, 2012, which was agreed to.

**12:50 pm**

House Adjourned to Friday, November, 9th 2012 at 10:00am.