



# SENATE OF BERMUDA

## Official Senate Minutes

*December 17, 2014*

### Electronic Version

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

**President**

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**BERMUDA**

**PROCEEDINGS OF THE SENATE**

**SESSION OF 2014-2015**

**No. 7**

**WEDNESDAY, 17<sup>th</sup> DECEMBER, 2014**

**PRESENT:**

- Senator the Hon. Mrs. C.M. BASSETT, J.P.,  
PRESIDENT
- Senator Mrs. J.E. DILLAS-WRIGHT,  
M.B.E., J.P., VICE-PRESIDENT
- Senator J.S. JARDINE, J.P.
- Senator the Hon. M.M. FAHY, J.P.
- Senator Mrs. L.A. WOOLRIDGE, J.P.
- Senator Ms. A.L. SWAN, J.P.
- Senator J.C. BARON, J.P.
- Senator V.E.R.C. BALL, J.P.
- Senator D.V.S. RABAIN, J.P.
- Senator Ms. R.D.L. MING, J.P.

**10:03a.m.**

On the motion of Senator Mrs. J.E. Dillas-Wright, the minutes of the meeting of Wednesday, 10<sup>th</sup> December 2015 were taken as read and confirmed; and consideration of the minutes of the meeting of Monday, 15<sup>th</sup> December 2014 was deferred.

**Orders of the Day**

**10:05a.m.**

Senator the Hon. M.M. Fahy moved for leave of the Senate to consider Item numbers 1 and 2 on the Order Paper simultaneously, as the two draft Orders were very similar in nature and their provisions -- which was agreed to.

Senator the Hon. M.M. Fahy moved that the Senate do now take under consideration the two draft Orders entitled:-

“The Employment (Protected Disclosures) Order 2014”; and

“The Good Governance (Protected Disclosures) Order 2014”

-- which was agreed to.

Senator Fahy spoke on the two Draft Orders.

- 10:07a.m. Senator Ms. R.D.L Ming.
- 10:08a.m. Senator Fahy replied.

Senator the Hon. M.M. Fahy moved that the two said draft Orders be approved, and that the following messages be sent to His Excellency the Governor:

**“MAY IT PLEASE YOUR EXCELLENCY:**

The Senate, having had under consideration the draft Order entitled “The Employment (Protected Disclosures) Order 2014”, proposed to be made by the Minister responsible for workforce development under the provisions of section 29A(5) of The Employment Act 2000, has the honour to inform Your Excellency that the Senate has approved the said draft Order.”;

and

**“MAY IT PLEASE YOUR EXCELLENCY:**

The Senate, having had under consideration the draft Order entitled “The Good Governance (Protected Disclosures) Order 2014”, proposed to be made by the Premier under the provisions of section 3(7) of The Good Governance Act 2012, has the honour to inform Your Excellency that the Senate has approved the said draft Order.”

-- which was agreed to and ordered accordingly.

**10:09a.m.**

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

Monetary Authority Amendment Act 2014” be now read a second time -- which was agreed to.

10:15a.m. Senator Ms. R.D.L. Ming spoke on the Bill.  
 10:16a.m. Senator J.S. Jardine.  
 10:20a.m. Senator Fahy replied.

The Bill was accordingly read a second time.

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

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

The Bill was accordingly read a third time.

Senator the Hon. M.M. Fahy moved that the Bill entitled “The Bermuda Monetary Authority Amendment Act 2014” do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency’s assent.

**10:23a.m.**

Senator V.E.R.C. Ball moved that the Bill entitled “The Casino Gaming Act 2014” be now read a second time -- which was agreed to.

Senator Ball spoke on the Bill.

10:54a.m. Senator D.V.S. Rabain.  
 11:18a.m. Senator J.S. Jardine.  
 11:36a.m. Senator J.C. Baron.  
 11:40a.m. Senator Mrs. L.A. Woolridge.  
 11:43a.m. Senator Ms. A.L. Swan.  
 11:49a.m. Senator Ms. R.D.L. Ming.  
 12:04p.m. Senator Mrs. J.E. Dillas-Wright.  
 12:14p.m. Senator the Hon. M.M. Fahy.

12:25p.m. Senator the Hon. the President.

**12:30p.m.**

Senator the Hon. the President ordered that the Senate do now adjourn for lunch.

The Senate adjourned for lunch at 12:30p.m. and resumed at 2:15p.m.

**2:15p.m.**

Senator the Hon. the President acknowledged the presence of the Minister of Tourism Development and Transport, the Hon. Shawn G. Crockwell, JP, MP, in the Public Gallery.

2:15p.m. Senator V.E.R.C. Ball replied on the Public Bill entitled “The Casino Gaming Act 2014”.

The Bill was accordingly read a second time.

**2:24p.m.**

Senator V.E.R.C. Ball moved that the Senate resolve itself into Committee of the Whole for further consideration of the Bill -- which was agreed to.

The Senate resolved itself into a Committee of the Whole, Senator Mrs. J.E. Dillas-Wright in the Chair.

Senator V.E.R.C. Ball moved that Clauses 1 to 3 of the Bill be approved and stand as part of the Bill -- which was agreed to.

**2:25p.m.**

Senator V.E.R.C. Ball moved Clause 4.

Senator D.V.S. Rabain moved that Clause 4 of the Bill be amended as follows:-

**By inserting the following new sub-clause (3) after sub-clause (2):**

**“(3) Any Person who in connection with the Minister’s order to designate a site pursuant to subsection (1)**

**(a) corruptly asks, receives, or obtains, or agrees, or attempts to receive or obtain, any property or benefit of any kind for himself or for any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done in connection with the Minister’s order; or**

**(b) corruptly gives, confers, or procures, or promises or offers to give or confer or to procure or attempt to procure, to, upon, or for, any person, any property or benefit of any kind on account of any such act or omission on the part of the Minister or member of the Commission,**

**commits an offence and shall be liable upon summary conviction to a fine of \$50,000 or to imprisonment for five years, or both; and on conviction on indictment to an unlimited fine or imprisonment for 15 years, or both.”**

Senators Rabain, V.E.R.C. Ball, Madam President, Ms. R.D.L. Ming, Mrs. L.A. Woolridge, M.M. Fahy, and J.S. Jardine all spoke on Clause 4 and the proposed Amendment by Senator Rabain.

**2:53p.m.**

The proposed Amendment to Clause 4 by Senator Rabain was Defeated on Division by 7 votes to 3 as follows:-

AYES:  
Senator D.V.S. Rabain, Senator Ms. R.D.L. Ming and Senator the Hon. the President.

NOES:

Senator the Hon. M.M. Fahy, Senator Mrs. L.A. Woolridge, Senator Ms. A.L. Swan, Senator J.C. Baron, Senator V.E.R.C. Ball, Senator J.S. Jardine and Senator Mrs. J.E. Dillas-Wright (in the Chair).

Senator V.E.R.C. Ball moved that Clause 4, as printed, be approved and stand as part of the Bill -- which was agreed to.

Senator V.E.R.C. Ball moved that Clauses 5 to 37 of the Bill be approved and stand as part of the Bill -- which was agreed to.

**3:07p.m.**

Senator V.E.R.C. Ball moved Clause 38.

Senator D.V.S. Rabain moved that Clause 38 of the Bill be amended as follows:-

**By inserting the following new sub-clauses (5) and (6) after sub-clause (4):**

**“(5) Any Person who in connection with the Commission granting or refusing a licence pursuant to subsection (1)**

**(a) corruptly asks, receives, or obtains, or agrees, or attempts to receive or obtain, any property or benefit of any kind for himself or for any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done in connection with the granting or refusal of a licence; or**

**(b) corruptly gives, confers, or procures, or promises or offers to give or confer or to procure or attempt to procure, to, upon, or for, any person, any property or benefit of any kind on account of any such act or omission on the part of the Minister or any member of the Commission,**

**commits an offence and shall be liable upon summary conviction to a fine of \$50,000 or to imprisonment for five years,**

**or both; and on conviction on indictment to an unlimited fine or imprisonment for 15 years, or both.**

**(6) In any case where an offence has been committed under Section 4 or Section 38 of this Act, any licence issued in connection with the said offence shall be void ab initio."**

Senators Rabain, V.E.R.C. Ball, Ms. R.D.L. Ming, and M.M. Fahy all spoke on Clause 38 and the proposed Amendment by Senator Rabain.

**3:11p.m.**

The proposed Amendment to Clause 38 by Senator Rabain was Defeated on Division by 7 votes to 3 as follows:-

AYES:

Senator D.V.S. Rabain, Senator Ms. R.D.L. Ming and Senator the Hon. the President.

NOES:

Senator the Hon. M.M. Fahy, Senator Mrs. L.A. Woolridge, Senator Ms. A.L. Swan, Senator J.C. Baron, Senator V.E.R.C. Ball, Senator J.S. Jardine and Senator Mrs. J.E. Dillas-Wright (in the Chair).

Senator V.E.R.C. Ball moved that Clause 38, as printed, be approved and stand as part of the Bill -- which was agreed to.

Senator V.E.R.C. Ball moved that Clauses 39 to 203 of the Bill be approved and stand as part of the Bill -- which was agreed to.

Senator V.E.R.C. Ball moved that Schedules 1 and 2 of the Bill be approved and stand as part of the Bill -- which was agreed to.

Senator V.E.R.C. Ball moved that the Preamble be approved and stand as part of the Bill -- which was agreed to.

Senator V.E.R.C. Ball moved that the Title be approved and stand as part of the Bill -- which was agreed to.

Senator V.E.R.C. Ball moved that the Bill be adopted -- which was agreed to.

The Committee rose.

The Senate resumed.

Senator Mrs. J.E. Dillas-Wright reported the adoption of the Bill, as printed -- which was agreed to.

Senator V.E.R.C. Ball moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator V.E.R.C. Ball moved that the Bill entitled "The Casino Gaming Act 2014" do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency's assent.

On the motion of Senator D.V.S. Rabain, item number 5 on the Order Paper was carried over to the next day of meeting.

**Congratulatory &/or Obituary Speeches**

**3:31p.m.**

Senator D.V.S. Rabain associated himself with previous congratulatory remarks for Ms. Kim Wilkerson, SVP and General Counsel at XL Insurance (Bermuda) Ltd.

Senator Rabain congratulated the Harrington Sound Primary School on its wonderful Christmas concert presentation; and he congratulated the Community groups

in Smith's Parish organizing to raise funds for Breast Cancer Awareness and to arrange a Community Walk to raise awareness about various community concerns.

Senator Ms. R.D.L. Ming congratulated the East End Primary School on their wonderful Christmas Play presentation; and she congratulated Senator Marc Daniels on his recent Birthday celebration. All Senators associated themselves with these remarks.

Senator Rabain congratulated former Senator, Mr. E. David Burt, JP, MP and Mrs. Burt on the birth of a Baby Girl earlier in the day at K.E.M.H. All Senators associated themselves with these remarks.

**3:35p.m.**

Senator the Hon. M.M. Fahy moved that, at its rising, the Senate adjourn to Wednesday, 18<sup>th</sup> February 2015 -- which was agreed to.

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

3:35p.m. Senator D.V.S. Rabain spoke on the Adjournment Motion.  
 3:36p.m. Senator Mrs. L.A. Woolridge.  
 3:39p.m. Senator J.S. Jardine.  
 3:41p.m. Senator V.E.R.C. Ball.

3:44p.m.

Senator Mrs. J.E. Dillas-Wright moved that the following Message be sent to His Excellency the Governor:-

**"MAY IT PLEASE YOUR EXCELLENCY:**

The Senate has the honour to present its compliments to Your Excellency and Mrs. Fergusson and family, and respectfully extends its Greetings for a Very Happy Christmas and a Prosperous New Year."

-- which was agreed to and ordered accordingly.

3:45p.m. Senator Ms. A.L. Swan, continued on the Adjournment Motion.  
 3:49p.m. Senator J.C. Baron.  
 3:58p.m. Senator M.M. Fahy.

**4:05p.m.**

Adjourned until Wednesday, 18<sup>th</sup> February, 2015.

**PRESIDENT**

**ORDERS OF THE DAY**

**Wednesday – 18<sup>th</sup> February, 2015**

(1) Third Reading: The Commissions of Inquiry Amendment Act 2014.