



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

July 26, 2013

Electronic Version

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

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**Proceedings
of the
Honourable House of Assembly
Session of 2013**

No. 21

Friday, July 26th, 2013

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, 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, Terry E. 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, N. H. Cole Simons, Glenn C. Smith, Jefferson C. Sousa, Michael A. Weeks.

10:00 a.m. Prayer

Confirmation of Minutes:

Minutes to the meetings of July 5th and 12th July, 2013 were confirmed.

Minutes to the meeting of 19th July, 2013 were deferred.

10:06 a.m.

Announcements by the Speaker:

His Honour the Speaker announced the absences of Mr. Zane DeSilva and Ms. Kim Wilson.

His Honour the Speaker announced the appointment of the following Members to a Joint Select Committee to examine the Legislature's Management Structure and Governance:-

MR. N. H. C. SIMONS, MS. L. F. FOGGO, MS. J. J. ATHERDEN, MR. T. E. LISTER, MR. K. L. BASCOME.

10:07 a.m.

Papers and other Communications to the House:

MR. M. H. DUNKLEY 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 "National Training Board 2011-2012 Annual Report" Made by the Minister of Public Safety under the provisions of section 4 of the Fisheries Act 1972.

MR. M. H. DUNKLEY
Minister of Public Safety

Sessions House,
26th July, 2013.

Statements by Ministers and Junior Ministers:

MR. L. C. CANNONIER made a Ministerial Statement regarding the "Government Negotiations with Bermuda Trade Union Congress 2013".

MR. M. H. DUNKLEY made a Ministerial Statement regarding the Progress Report and Update on the "Throne Speech 2013".

DR. E. G. GIBBONS made a Ministerial Statement regarding the "Increase in Company Incorporations".

MR. M. J. PETTINGILL made a Ministerial Statement regarding the "Update on Legal Settlement with Architects of New Magistrates' Court Building".

MR. R. W. E. SCOTT made a Ministerial Statement regarding the Progress Report and Update on the "Team Bermuda at the NatWest Island Games 2013".

MR. R. W. E. SCOTT made a Ministerial Statement regarding the "Ministry Name Change".

MR. S. D. RICHARDS made a Ministerial Statement regarding the "Department of Planning Updates and Performance".

Question Period:

MR. W. H. ROBAN asked MR. L. C. CANNONIER a question on his Statement regarding "Government Negotiations with Bermuda Trade Union Congress 2013".

MR. W. H. ROBAN asked MR. L. C. CANNONIER a question.

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MR. E. D. G. BURT asked MR. L. C. CANNONIER a supplementary question.

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MR. E. D. G. BURT asked MR. L. C. CANNONIER a supplementary question.

MR. M. A. R. BEAN asked MR. M. H. DUNKLEY a supplementary question on his Ministerial Statement on the "Update on the Throne Speech".

MR. M. A. R. BEAN asked MR. M. H. DUNKLEY a supplementary question.

MR. M. A. R. BEAN asked MR. M. H. DUNKLEY a supplementary question.

MR. M. A. R. BEAN asked MR. M. H. DUNKLEY a supplementary question.

MR. M. A. R. BEAN asked MR. M. H. DUNKLEY

a supplementary question.

MR. M. A. R. BEAN asked MR. M. H. DUNKLEY a supplementary question.

MS. P. J. GORDON-PAMPLIN answered in writing the following questions from Mr. Z. J. DeSilva.

1. Would the Honourable Minister please inform this Honourable House how Government intends to support seniors with the removal of the Geriatric Subsidy from the Bermuda Hospitals Board (BHB)?

A1. During the 11/12 fiscal year, an attempt was made to cap the Government's subsidy exposure by putting a Memorandum of Understanding in place between the Government and the Bermuda Hospitals Board (BHB). When, for legal reasons, this was not possible, the decision was taken to pay the legislated subsidies (youth, aged and indigent) and to provide a grant to CCU with the budget balance that remained.

This practice was continued for the 12/13 year, but with the failure of the previous administration to effectively manage the increasing costs of health care, the budget provided proved to be insufficient to allow for any more than a \$4 million grant for geriatric subsidy. As a result, the ministry of health and seniors had to request a supplementary budgetary allocation from the finance ministry to contribute towards this shortfall. In addition, seniors who qualify will continue to get financial assistance, and existing clients will be evaluated to determine whether they still need such assistance.

2. Would the honourable minister please inform this honourable house what plans the government has to support the BHB in the management of the continuing care unit (CCU)?

a2. The management of the CCU falls under the purview of the BHB, and the government support relating thereto will be generally in accordance with inherited legacy practices, while an alternative solution is developed for a more appropriate model.

3. Would the honourable minister please inform this honourable house what budget provisions have been made to support the re-opening of the indigent clinic?

a3. This government does not intent to reopen the indigent clinic. This government has committed to open a medical clinic, the final financial models for which are being completed, and will be shared with the house of assembly as soon as they are ready – along with eligibility rules for utilization.

MR. T. G. MONIZ answered in writing the following questions from Mr. D. V. Burgess.

In particular MP Burgess' questions relate to:-

1. The stamp duty paid to Government for all equipment brought into Bermuda for the Heritage Wharf upgrade job.
2. The total cost to transport the equipment into and back out of Bermuda.
3. The total cost to rent the equipment from overseas to undertake the Heritage Wharf upgrade works.

Accordingly, the Ministry wishes to advise that as the accounts for the project are still live and the job is still in progress, the figures would not be definitive as they will change before the job is completed. Against this information, the Ministry would prefer not to be accused of misleading the House with incorrect information.

As a matter of course, the Ministry is not in the practice of running audits on construction projects that are not complete. Further, the Ministry can advise that all financial information will be available to the auditor after the works have been completed and the project accounts settled.

11:50 a.m.

Introduction of Bills:

MR. M. J. PETTINGILL moved for leave to introduce and read for the first time by its title a Bill entitled the "Proceeds of Crime and Related Measures Amendment Act 2013".

MR. M. J. PETTINGILL moved for leave to introduce and read for the first time by its title a Bill entitled the "Transnational Organised Crime Act 2013".

12:30 p.m.

MR. L. C. CANNONIER moved that the House do now recess for lunch, which was agreed to.

His Honour the Speaker ordered that the House resume at 2:00 p.m.

2:05 p.m.

Notices of Motions:

DR. E. G. GIBBONS gave notice that at the next day of meeting he proposed to move the following motion:-

That this Honourable House take note of the Discussion Paper entitled "A Discussion Paper – Inclusive and Special Education 2013: Getting it Right for Every Child."

2:10 p.m.

Orders of the Day:

On the motion of MR. M. H. DUNKLEY spokes person for Minister of Home Affairs in The House; the Bill entitled the "Bermuda Immigration and Protection Amendment Act 2013" was then read a second time.

- 2:15p.m. - MR. W. H. ROBAN
- 2:52 p.m. - MR. T. G. MONIZ
- 3:06 p.m. - MR. D. V. BURGESS
- 3:11 p.m. - MR. C. W. D. BROWN

3:23 p.m. - MR. M. H. DUNKLEY

The Bill was committed.

3:29 p.m. - MS. R. ROBERTS-HOLSHOUSER in the Chair

MR. M. H. DUNKLEY moved clauses 1-6 of the Bill.

- 3:35 p.m. - MR. W. H. ROBAN
- 3:36 p.m. - MR. E. D. G. BURT
- 3:37 p.m. - MR. W. H. ROBAN
- 3:43 p.m. - MR. M. H. DUNKLEY
- 3:44 p.m. - MR. C. W. D. BROWN

3:45 p.m. - MR. M. H. DUNKLEY

Clauses 1 – 6, as printed, were agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

3:47 p.m.

On the motion of MR. S. G. CROCKWELL the Bill entitled the "Traffic Offences (Penalties) Amendment Act 2013" was then read a second time.

3:49 p.m. - MR. W. L. A. SCOTT

3:49 p.m. - MR. S. G. CROCKWELL

The Bill was committed.

3:50 p.m. - MS. R. ROBERTS-HOLSHOUSER in the Chair

MR. S. G. CROCKWELL moved clauses 1-4 of the Bill.

3:55 p.m. - MR. W. L. A. SCOTT

3:55 p.m. - MR. S. G. CROCKWELL

3:57 p.m. - MR. W. L. A. SCOTT

3:58 p.m. - MR. S. G. CROCKWELL

4:00 p.m. - MR. W. L. A. SCOTT

4:01 p.m. - MR. S. G. CROCKWELL

4:01 p.m. - MR. M. J. SCOTT

4:02 p.m. - MR. S. G. CROCKWELL

Clauses 1 – 4, as printed, 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.

4:05p.m.

On the motion of MR. S. G. CROCKWELL the Draft Order entitled the "Hotels Concession (Pink Beach

Club) Order 2013" was then taken under consideration.

4:10 p.m. - MR. W. L. FURBERT

4:11 p.m. - MR. S. G. CROCKWELL

4:15 p.m. - MR. T. E. LISTER

4:24 p.m. - MS. S. ROBERTS-HOLSHOUSER

4:26 p.m. - DR. E. G. GIBBONS

4:34 p.m. - MR. M. J. SCOTT

4:37 p.m. - MR. S. G. CROCKWELL

MR. S. G. CROCKWELL moved that the said draft Order be approved and that the following message be sent to His Excellency the Governor:-

(No. 23)

MAY IT PLEASE YOUR EXCELLENCY:

The House of Assembly, having had under consideration draft Order entitled the "Hotels Concession (Pink Beach Club) Order 2013", proposed to be made by the Minister of Tourism Development and Transport under the provisions of Section 3 of the Hotel Concessions Act 2000, has the honour to inform Your Excellency that the House has approved the said draft Order, which was agreed to.

4:39 p.m.

MR. T. G. MONIZ moved that the House do now take under consideration the draft Lease Agreement between the Government of Bermuda and Hamilton Properties Limited concerning all that property (estimated to measure 3.15 hectares in area) being the foreshore adjoining the Fairmont Hamilton Princess Hotel at 76 Pitt's Bay Road in Pembroke, as shown outlined in red on Ministry of Environment and Planning Drawing No. 5510/046/416, under the terms and conditions specified in the Agreement, which was agreed to.

4:45 p.m. - MR. D. V. BURGESS

4:45 p.m. - MR. T. G. MONIZ

4:46 p.m. - MR. D. V. BURGESS

4:46 p.m. - MR. T. G. MONIZ

4:46 p.m. - MR. D. V. BURGESS

4:51 p.m. - MR. M. A. R. BEAN

4:54 p.m. - MR. T. G. MONIZ

4:54 p.m. - MR. D. V. BURGESS

4:55 p.m. - DR. E. G. GIBBONS

4:58 p.m. - MR. W. L. FURBERT

4:59 p.m. - MR. C. W. D. BROWN

5:01 p.m. - MR. W. L. FURBERT

5:02 p.m. - MR. J. C. SOUSA

5:04 p.m. - MR. T. G. MONIZ

MR. T. G. MONIZ moved that the said Draft Lease Agreement be approved.

The House adjourned to Friday, 13th September, 2013 at 10:00 a.m.

- which was agreed to.

5:11 p.m.

MR. M. H. DUNKLEY moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Bermuda Immigration and Protection Amendment Act 2013" be now read the third time, which was agreed to.

On the motion of MR. M. H. DUNKLEY, the Bill entitled the "Bermuda Immigration and Protection Amendment Act 2013" was then read the third time and passed.

DR. E. G. GIBBONS on behalf of MR. S. G. CROCKWELL moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Traffic Offences (Penalties) Amendment Act 2013" be now read the third time, which was agreed to.

On the motion of DR. E. G. GIBBONS, the Bill entitled the "Traffic Offences (Penalties) Amendment Act 2013" was then read the third time and passed.

5:13 p.m.

MR. L. C. CANNONIER moved that the House, do adjourn to Friday, 13th September, 2013 at 10:00 a.m., which was agreed to.

MR. L. C. CANNONIER moved that the House do now adjourn, which was agreed to.

5:13 p.m. - MR. C. W. D. BROWN

5:31 p.m. - MR. W. H. ROBAN

5:44 p.m. - MR. K. L. BASCOME

5:50 p.m. - MR. T. G. MONIZ

5:56 p.m. - MR. R. P. COMMISSIONG

6:10 p.m. - MR. M. J. PETTINGILL

6:16 p.m. - MS. S. ROBERTS-HOLSHOUSER
in the Chair.

6:32 p.m. - MR. S. D. RICHARDS

6:51 p.m. - MR. G. A. BLAKENEY

7:07 p.m. - MS. J. J. ATHERDEN

7:26 p.m. - MS. P. J. GORDON-PAMPLIN

7:47 p.m. - MR. E. D. G. BURT

8:10 p.m. - MR. R. W. E. SCOTT

8:11 p.m. - MR. M. A. R. BEAN

8:35 p.m. - DR. E. G. GIBBONS

8:46 p.m. - MR. L. C. CANNONIER

5:31 p.m.