



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

July 11, 2014

Electronic Version

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

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**Proceedings
of the
Honourable House of Assembly
Session of 2013-2014**

No. 27

Friday, July 11th, 2014

Members Present: His Honour the Speaker, Jeanne J. Atherden, Kenneth L. Bascome, L. Craig Cannonier, Shawn G. Crockwell, Michael H. Dunkley, Dr. Edmund G. Gibbons, Patricia J. Gordon-Pamplin, Susan E. Jackson, Terry E. Lister, Trevor G. Moniz, Nandi S. Outerbridge, Mark J. Pettingill, Everard T. Richards, Sylvan D. Richards, Suzann Roberts-Holshouser, Leah K. Scott, R. Wayne E. Scott, N. H. Cole Simons, Glenn C. Smith, Jefferson C. Sousa.

10:06 a.m. Prayer

I have the honour to attach and submit for the consideration of the Honourable House of Assembly the following:-

Confirmation of Minutes:

Minutes to the meetings of June 27 and July 4 2014 were confirmed.

"Lease between the Bermuda Land Development Company Limited and the Bermuda Housing Trust";

10:06 a.m.

"Agreement to lease between the West End Development Corporation and the South Basin Development Ltd.";

Announcements by the Speaker:

His Honour the Speaker acknowledged former MP Neville Darrell, who was sitting in the Public Gallery.

"Agreement between West End Development Corporation and South Basin Development ";

His Honour the Speaker announced the absence of Mr. G. A. Blakeney.

"Sub-lease Agreement between South Basin Development Ltd. and the Department of Marine and Ports ";

His Honour the Speaker informed Members that he met with the Premier and the Leader of the Opposition relating to a letter from the Governor regarding a request for a Commission of Inquiry.

"Agreement to sub-lease between the West End Development Corporation, the South Basin Development Ltd. and the Department of Marine and Ports ";

Message from the Governor:

"Land Reclamation Agreement between the West End Development Corporation and the Government of Bermuda";

His Honour the Speaker read Excerpts of the letter from the Governor relating to the recent motion brought by Mr. C. W. D. Brown on the loss and disposition of property and adverse possession claims.

All proposed to be made by the Minister of Public Works under the provisions of the Base Lands Development Act 1996.

Papers and other Communications to the House:

MS. P. J. GORDON-PAMPLIN
Minister of Public Works

MS. P. J. GORDON-PAMPLIN read the following communication to His Honour the SPEAKER.

Sessions House,
11th July, 2014.

TO HIS HONOUR THE SPEAKER:

His Honour the Speaker acknowledged former MP Jon Brunson who was sitting in the Public Gallery.

DR. E. G. GIBBONS, 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 following:-

“Bermuda College Audited Financial Statements 2006 – 2009”, proposed to be made

DR. E. G. GIBBONS
Minister of Education and Economic Development

Sessions House,
11th July, 2014.

10:21 a.m.

Statements by Ministers and Junior Ministers:

MR. M. H. DUNKLEY made a Ministerial Statements regarding the “The Bermuda Regiment, Shaping the Future” and the “Bid for the 2017 America’s Cup”.

MR. R. W. E. SCOTT made a Ministerial Statement regarding the “XX Commonwealth Games 2014”.

DR. E. G. GIBBONS made a Ministerial Statement regarding the “Bermuda College: Audited Financial Statements 2006 – 2009”.

MS. J. J. ATHERDEN made a Ministerial Statement regarding “A Review of Bermuda’s Reefs”.

10:50 a.m.

Question Period:

MR. T. G. MONIZ presented an oral response to questions from Mr. T. E. Lister.

MR. T. E. LISTER asked Mr. T. G. Moniz a supplementary question.

MR. T. E. LISTER asked Mr. T. G. Moniz a second supplementary question.

MR. T. E. LISTER asked Mr. T. G. Moniz a second question.

MR. T. E. LISTER asked Mr. T. G. Moniz a second supplementary question.

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

Q1. Would the Honourable Minister please inform this Honourable House with the total number of CCTV Security Cameras that have been installed island-wide under the contract awarded to BAS-Serco as of 28th May, 2014?

A1. As of the 8th July 2014, there are 47 cameras in 34 separate locations. As of the 28th May 2014, there were between 31-36 cameras deployed between 23-27 locations. We do not track how many cameras there are on a day to day basis making it difficult to get a precise count on the 28th of May.

Q2. Would the Honourable Minister please provide this Honourable House with the expenditure to date under the contract awarded to BAS-Serco as of 28th May, 2014?

A2. To date no payments have been made. Payments will not commence until the CCTV network is substantially complete.

Q3. Would the Honourable Minister please provide this Honourable House with the list of all sub-contractors with areas of responsibility doing work for the duration of the contract awarded to BAS-Serco?

A3. As of this date, the contractors who have worked on or continue to work on the project are as follows:

Contractor:

BAS Serco-Operator - Bermudian company

Sub-Contractors:

CCS Group Ltd: responsible for implementation and system maintenance - Bermudian company

ITS Ltd: responsible for AV Services - Bermudian company

LOCUS: responsible for GIS & CAD design services - Bermudian company

Keen Electrical: responsible for electrical services - Bermudian company

Sea-M Electrical: responsible for electrical services - Bermudian company

K.W. Constable Electrical: responsible for electrical services - Bermudian company

P&M Electrical: responsible for electrical services - Bermudian company

High Point Maintenance: responsible for High lift/Access Services - Bermudian company

X-caliber Ltd: responsible for installation Services - Bermudian company

Ocean Interiors: responsible for construction services - Bermudian company

Correia Construction: responsible for construction services - Bermudian company

BELCO: responsible for electrical supply and pole installations - Bermudian company

Redline: responsible for wireless design - Canadian company

B-Quad: responsible for wireless implementation - US company

MR. S. D. RICHARDS to provided written responses to parliamentary questions from Mr. W. H. Roban. Responses to be available at the next meeting day.

MR. S. D. RICHARDS to provide oral responses to parliamentary questions from Mr. C. W. Brown. Responses to be available at the next meeting day.

11:06 a.m.

Congratulatory and Obituary Speeches:

MR. R. W. E. SCOTT sent congratulations to the Bermuda Track and Field Team and the Swimming Team on their recent competition held abroad; sent congratulations to former Ombudsman Ms. Arlene Brock who is the first Bermudian to receive the Fulbright Scholarship.

MR. S. G. CROCKWELL expressed congratulations to Mr. Stephen Todd as the new CEO of the Bermuda Hotel Association; sent congratulations to Mr. John Harvey on his retirement; associated himself with congratulating Ms. Arlene Brock.

MR. T. E. LISTER associated himself with congratulating BerNews; sent congratulations to Ms. Wanda Richardson and Ms. Kelly Anne Smith on their recent promotions at Argus Insurance.

MR. J. C. SOUSA congratulated Mr. Eugene Lima and all those involved in the Portuguese Festival held recently.

MR. N. H. C. SIMONS congratulated Warwick Academy for receiving a 100% passing rate on exams; associated Members of the Government and the independent Member; sent congratulations to Brittaney Ferreira, and Wendy Tuxworth of Bermuda High School, they received exceptionally high marks on their IB program.

MS. N. S. OUTERBRIDGE sent congratulations to Miss Bermuda 2014, Ms. Lillian Lightbourne, on winning the Crown; sent congratulations to Ms. Malika Trott-Seymour the local organizer of the Miss Bermuda contest.

DR. E. G. GIBBONS congratulated the recipients of the Ace Foundation Awards; sent congratulations to BHS and Warwick Academy on receiving International Baccalaureate Certificates.

MS. S. ROBERTS-HOLSHOUSER sent congratulations to Ms. Donnie Pink who had an exhibit on hats held at the BSOA.

MR. J. C. SOUSA recognized young Bermudian star/actor Sergio Harford, who is appearing in the CBS series "EXTANT".

MS. J. J. ATHERDEN sent congratulations to the Speech pathology team who received "Best of Bermuda Award" for the best Government Department of jumpers who participated in the jump rope competition overseas.

MR. G. C. SMITH sent congratulations to Bermuda Big Game Classic organizers.

MR. T. G. MONIZ sent congratulations to the Centre for Justice, which held a one day conference at BUEI.

MS. P. J. GORDON-PAMPLIN associated herself with congratulating the new Miss Bermuda.

MR. M. H. DUNKLEY associated himself with congratulating Sergio Harford; associated himself with congratulating Miss Bermuda; congratulated the Department of Corrections on their recent GED graduates; associated Mr. K. L. Bascome and Mr. G.

C. Smith; sent congratulations to Dennis Lister, Lloyd Telford and David Greene on the launching of the electric car, on an environmentally friendly initiative.

11:34a.m.

Introduction of Bills:

MR. R. W. E. SCOTT moved for leave to introduce and read for the first time by its title and place on the order paper a Bill entitled the "Bermuda National Library Amendment Act 2014".

11:45 a.m.

Orders of the Day:

MR. S. G. CROCKWELL moved for consideration of the "Hotels Concession (Fairmont Hamilton Princess) Order 2014", which was agreed to.

11:45 a.m. - MR. T. E. LISTER
 11:55 a.m. - MS. N. S. OUTERBRIDGE
 12:00 p.m. - DR. E. G. GIBBONS

12:03 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.21)

TO HIS EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration the draft Order entitled the "Hotels Concession (Fairmont Hamilton Princess) Order 2014", proposed to be made 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.

12:07p.m.

MR. S. D. RICHARDS moved for consideration of the:-

"National Occupational Certificate (Landscape Gardener) Regulations 2014"; and the

"National Occupational Certificate (Designation of Occupations) Amendment Regulations 2014", which was agreed to.

12:19 p.m. - MR. J. C. SOUSA
 12:23 p.m. - MR. T. E. LISTER

12:24 p.m.

MR. E. T. RICHARDS moved that the House do now adjourn for lunch, which was agreed to.

His Honour the Speaker ordered that the House do now adjourn for lunch and resume at 2:00 p.m.

2:00 p.m.

The House resumed.

2:00 p.m. - MR. T. E. LISTER continued.

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

(No.22)

TO HIS EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration the draft Regulations entitled the "National Occupational Certificate (Landscape Gardener) Regulations 2014", proposed to be made under the provisions of Section 15(1) (a) and (g) of the National Occupational Certification Act 2004, has the honour to inform Your Excellency that the House has approved the said draft Regulations.

(No.23)

TO HIS EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration the draft Regulations entitled the "National Occupational Certificate (Designation of Occupations) Amendment Regulations 2014", proposed to be made under the provisions of Section 4 of the National Occupational Certification Act 2004 has the honour to inform Your Excellency that the House has approved the said draft Regulations.

- which was agreed to.

2:11 p.m.

On the motion of MR. E. T. RICHARDS the Bill entitled the "Pensions (Increase) Amendment Suspension Act 2014" was then read a second time.

2:13 p.m. - MR. T. E. LISTER
 2:13p.m. - MR. E. T. RICHARDS
 2:32p.m. - MR. G. C. SMITH
 2:37 p.m. - MS. P. J. GORDON-PAMPLIN
 2:49 p.m. - MR. E. T. RICHARDS

The Bill was committed.

2:49 p.m. - MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. E. T. RICHARDS moved clauses 1-7 of the Bill

Clauses 1 – 7, 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.

2:57p.m.

On the motion of DR. E. G. GIBBONS the Bill entitled the "Trustee Amendment Act 2014" was then read a second time.

3:05 p.m. - MS. L. K. SCOTT
 3:06 p.m. - DR. E. G. GIBBONS

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the Chair

DR. E. G. GIBBONS moved clauses 1-2.

DR. E. G. GIBBONS moved to amend clause 2 in the new section 47A, by deleting subsection (6) and substituting a new Subsection (6) as follows:-

"(6) No order may be made under subsection (1) which would prejudice a bona fide purchaser for value of any trust property without notice of the matters which allow the court to set aside the exercise of a power over or in relation thereto".

Clause 1 was agreed to, as printed.

Clause 2, as amended, was agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

Order numbers 7-21 were carried over to the next day of meeting.

3:18 p.m.

MR. E. T. RICHARDS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Pensions (Increase) Amendment and Suspension Act 2014" be now read the third time, which was agreed to.

On the motion of MR. E. T. RICHARDS, the Bill entitled the "Pensions (Increase) Amendment and Suspension Act 2014" was then read the third time and passed.

DR. E. G. GIBBONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Trustee Amendment Act 2014" be now read the third time, which was agreed to.

On the motion of DR. E. G. GIBBONS, the Bill entitled the "Trustee Amendment Act 2014" was then read the third time and passed.

3:20 p.m.

MR.M. H. DUNKLEY moved that the House do adjourn to Friday, July 18, 2014, which was agreed to.

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

3:20 p.m.

The House adjourned to Friday, 18th July, 2014 at 10:00 a.m.