



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

March 16, 2012

Electronic Version

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

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No. 17

Friday, 16th March, 2012

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. P.A. Cox, Mr. S.D.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. D.O. Hunt, Mrs. L.A. Jackson, Mr. E.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.H. Roban, Mr. M.J. Scott, Mr. W.A. Scott, Mr. N.H.C. Simons, Dame Jennifer Smith, Mr. C.F.B. Swan, Mr. H.K.E. Swan, Mr. D.D.M. Tucker, M.A. Weeks.

10:05 a.m.

The minutes of the Meeting of 9th March, 2012 were confirmed. Confirmation of the minutes of

the Meeting of 12th and 14th March, 2012 was deferred.

Mr. D.V. BURGESS read the following communication to His Honour the SPEAKER.

TO HIS HONOUR THE SPEAKER:

I have the honour to attach and submit for the consideration of the Honourable House of Assembly the “Merchant Shipping (Fees) Regulations 2012”, proposed to be made by the Minister responsible for Transport under the provisions of Section 250 of the Merchant Shipping Act 2002.

D.V. BURGESS
Minister of Transport

Sessions House,
16th March, 2012.

Mr. M.A.R. BEAN made a Ministerial Statement concerning Long Line Fishing.

Mr. W.L. FURBERT, Minister of Business Development and Tourism, answered in writing as follows to written questions addressed to him by Mr. C.F.B. Swan.

Q1. Would the Honourable Minister please provide this Honourable House with a list of all consultants hired and working in the period from April 1, 2011 to the present for the Ministry of Business Development and Tourism, including the names, the company they work for, and the company’s address?

A1. Graham Wood, Management Ltd.- PO Box HM 2081, Hamilton HMMX
Kenneth Edward Taylor Robinson, Talisman, 13 Garthowen Road, Devonshire DV07.

Q2. Would the Honourable Minister please inform this Honourable House as to the terms of reference, including fees for which each consultant has been retained?

A2. Graham Wood: The contract is for the period October 1, 2011- March 31, 2012. The fees are \$120.00 per hour to a maximum of \$49,000. Mr. Wood has been retained as the Privacy Project Manager to assist with progressing the development of privacy legislation. Terms of reference include: undertaking the second phase of stakeholder consultation on the privacy model including holding further sector meetings, providing a report on the feedback from the second phase of the consultation and preparing related documentation for the briefings, monitoring international privacy developments that may have implications on the proposed Bermuda privacy model and identifying and assisting in the preparation of materials required for public consultation.

Kenneth Robinson: Maximum Payout - \$130,000.00, Hourly Rate - \$150.00 per hour.
September 1st 2011 to August 31st 2012. Terms of reference include: supporting the Ministry of Business Development and Tourism regarding the formation of policy and public service delivery in Bermuda, facilitating the establishment of new business and promoting new ways of enhancing competitiveness.

Q3. Would the Honourable Minister please inform this Honourable House as to the total compensation that each consultant has received to date, including payments for expenses such as travel, accommodation and meals?

A3. Graham Wood: Total to date paid is \$31,200.00 in fees.

Kenneth Robinson: Total to date paid is \$15,225.00 in fees.

10:11 a.m.

Mr. H.K.E. SWAN extended condolences to Mr. Peter Romatar on the passing of his daughter, Ms. Judithika Romatar, who was tragically killed in a car accident; congratulated Mr. and Mrs. Dickinson on the opening of their variety Store in St. George's; congratulated Mr. Jim Moniz on his participation in a Cricket Tournament in Denmark where he is living.

Mr. C.F.B. SWAN congratulated Master Works on its 25th Anniversary; associated Mr. N.H.C. Simons, Mr. H.K.E. Swan and Dame Jennifer Smith with his remarks.

Dr. E.G. GIBBONS associated himself with obituary remarks to the Romatar family; associated himself with the congratulatory remarks to Master Works Foundation, especially to Mr. Tom Butterfield and Ms. Allison Outerbridge.

Dame JENNIFER SMITH expressed condolences to the family of US Congressman Donald Payne, Sr. who was a Congressman for 23 years; expressed condolences to the family of Mrs. Helen Irene Francis who was a former teacher; associated Mrs. L.A. Jackson, Mr. N.H.C. Simons, Mr. D.V. Burgess and all other MPs; congratulated the editor and writers of Bermuda College's newspaper, "Real Talk"; congratulated Ms. Teneika Eve and Ms. Leonie Dill on being awarded Outstanding Educator and Outstanding Employee of the Year, respectively, at the Bermuda College.

Ms. P.A. COX introduced a Bill entitled the "Bermuda Monetary Authority Amendment Act 2012".

10:23 a.m.

Ms. P.A. COX moved that the House do now resume in Committee of Supply to consider the Estimates of Revenue and Expenditure for 2012/13, which was agreed to.

Mr. T.G. MONIZ in the Chair.

Ms. P.A. Cox moved Heads 10, 11, 28, 38, 58 and 59 – Ministry of Finance HQ, Accountant General, Social Insurance, Office of the Tax Commissioner, Interest on Debt and Sinking Fund Contribution.

12:30 p.m.

Ms. P.A. COX moved that the House do now recess for lunch, which was agreed to.

The Chairman ordered that the Committee resume at 2:00 p.m.

2:00 p.m.

The Committee resumed.

Mr. H.K.E. SWAN in the Chair.

2:00 p.m. – Ms. P.A. COX continued.

2:42 p.m. – Mr. E.T. RICHARDS

2:42 p.m. – Mr. D.D.M. TUCKER in the Chair.

3:30 p.m. – Mrs. P.J. GORDON PAMPLIN in the Chair.

3:54 p.m. – Mr. C.F.B. SWAN

3:55 p.m. – Ms. P.A. COX

Heads 10, 11, 28, 38, 58 and 59 were agreed to as printed.

3:55 p.m.

Ms. P.A. COX moved Heads 9, 14, 26 and 51 – Cabinet Office.

5:15 p.m. – Mr. D.D. BUTLER in the Chair.

5:25 p.m. – Mr. L. C. CANNONIER

6:08 p.m. – Dr. E.G. GIBBONS

6:50 p.m. – Ms. P.A. COX

Heads 9, 14, 26 and 51 were agreed to as printed.

Ms. P.A. COX moved that the Committee rise, report progress and asked for leave to sit again, which was agreed to.

6:55 p.m. – Mr. SPEAKER in the chair.

Item number 2 on the Order Paper was carried over.

6:56 p.m.

On the motion of Ms. P.A. Cox, the Bill entitled the “Public Service Superannuation Temporary Amendment Act 201” was then read a second time.

7:06 p.m. – Mr. E.T. RICHARDS

7:12 p.m. – Mr. H.K.E. SWAN

7:21 p.m. – Mrs. P.J. GORDON PAMPLIN

7:25 p.m. – Dr. E.G. GIBBONS

7:35 p.m. – Ms. P.A. COX

The Bill was committed.

Mr. D.D.M. TUCKER in the Chair.

Ms. Cox moved Clauses 1 – 3.

7:39 p.m. – Mr. E.T. RICHARDS

7:40 p.m. – Ms. P.A. COX

Clauses 1 – 3, as printed, were agreed to.

The Preamble was agreed to.

The House resumed.

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

7:41 p.m.

Ms. P.A. COX moved that consideration be given in the House to draft Regulations entitled the “Government Fees Amendment Regulations 2012”.

7:50 p.m. – Mr. E.T. RICHARDS

7:50 p.m. – Ms. P.A. COX

Ms. P.A. COX moved that the said draft Regulations be approved and that the following message be sent to His Excellency the Governor.

7:59 p.m.

(No. 6)

MAY IT PLEASE YOUR EXCELLENCY:

The House of Assembly, having had under consideration draft Regulations entitled the “Government Fees Amendment Regulations 2012”, proposed to be made by the Minister responsible for Finance under the provisions of Section 2 of the Government Fees Act 1965, has the honour to inform Your Excellency that the House has approved the said draft Regulations.

P.A. COX

Premier and Minister of Finance

- which was agreed to.

7:51 p.m.

Ms. P.A. COX moved that consideration be given in the House to draft Regulations entitled the “Government Fees (Trade Marks and Service Marks) Amendment Regulations 2012”.

7:58 p.m. – Mr. E.T. RICHARDS

7:58 p.m. – Ms. P.A. COX

Ms. P.A. COX moved that the said draft Regulations be approved and that the following message be sent to His Excellency the Governor.

(No. 7)

MAY IT PLEASE YOUR EXCELLENCY:

The House of Assembly, having had under consideration draft Regulations entitled the Government Fees (Trade Marks and Service Marks) Amendment Regulations 2012” proposed to be made by the Minister of Finance under the provisions of Section 2 of the Government Fees Act 1965, has the honour to inform Your Excellency that the House has approved the said draft Regulations.

P.A. COX

Premier Minister of Finance

Sessions House,
16th March 2012.

Ms. P.A. COX, under the provisions of Standing Order 25, asked for leave to withdraw a Resolution in her name regarding the Ministers and Members of the Legislature Salaries, notice of which was given on 14th March, 2012.

Ms. P.A. COX moved that a Notice of Motion with respect to a previous Resolution pursuant to Section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 be withdrawn, which was agreed.

Ms. P.A. COX moved that Standing Order 14 be suspended to enable her to table a new Resolution and move the following motion, which was agreed to.

BE IT RESOLVED that previous Resolutions of this House made pursuant to Section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 be revoked;

AND BE IT RESOLVED that pursuant to Section of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 the annual salaries payable to Members listed in Part A and Officers listed in Part B of the table below (column 3) of the Legislature shall have effect from April 1, 2012 to March 31, 2013.

**MINISTERS AND MEMBERS OF THE LEGISLATURE
(SALARIES AND PENSIONS) ACT 1975**

I **HEREBY** do give notice that at the next day of meeting, I propose to move the following Resolution:

“**BE IT RESOLVED** that previous resolutions of this House made pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 be revoked;

AND BE IT RESOLVED that pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 the annual salaries payable to Members listed in Part A and Officers listed in Part B of the table below (column 3) of the Legislature shall have effect from April 1, 2012 to March 31, 2013 except in the case of the following Members of the House of Assembly:

- a) Hon. Stanley Lowe, OBE,JP, MP, Speaker of the House of Assembly
- b) Hon. W. Alexander Scott, JP, MP
- c) Hon. Walter Lister, JP, MP
- d) Hon. D. Neletha Butterfield, MBE,JP, MP
- e) Hon. Ashfield DeVent, JP, MP
- f) Hon. Wayne Perinchief, CPM,JP, MP
- g) Hon. Elvin James, JP, MP
- h) Hon. Louise Jackson, MBE, JP, MP

AND BE IT FURTHER RESOLVED that the salaries of Members and Officers of the Legislature shall revert to the salaries shown in column 2 of the table below with effect from April 1, 2013 or at the time of a General Election, whichever is sooner.

TABLE OF SALARIES

A. MEMBERS OF THE LEGISLATURE

	EXISTING (2)	PROPOSED (3)
(1) Senators	\$ 30,367	\$ 28,848
Members of the House of Assembly	\$ 56,023	\$ 53,222

B. OFFICERS OF THE LEGISLATURE

(Salaries additional to salaries as Senators or Members of the House of Assembly)

President of the Senate	\$ 15,181	\$ 14,442
Speaker, House of Assembly	\$ 26,569	\$ 25,241
Vice President, Senate	\$ 3,308	\$ 3,142
Deputy Speaker, House of Assembly	\$ 13,285	\$ 12,621
Premier	\$168,069	\$159,665
Deputy Premier	\$125,491	\$119,216
Minister of Finance	\$134,455	\$ 127,732
Attorney General	\$163,358	\$ 155,190
Other Ministers in House of Assembly	\$112,046	\$ 106,444
Other Ministers in the Senate	\$ 56,023	\$ 53,222
Opposition Leader	\$ 30,367	\$ 28,848
Junior Ministers in House of Assembly	\$ 11,387	\$ 10,818
Junior Ministers in Senate	\$ 11,425	\$ 10,854
Party Whips	\$ 7,593	\$ 7,213”

Hon. Paula A. Cox, JP, MP

Premier and Minister of Finance

8:03 p.m. – Mr. L.C. CANNONIER

8:04 p.m. – Mr. H.K.E. SWAN

8:08 p.m. – Ms. P.A. COX

The resolution was agreed to.

Mr. Z.J.S. DeSILVA moved that Standing Order 13 be suspended to enable him to introduce a Bill, which was agreed to.

Mr. Z.J.S. DeSILVA introduced a Bill entitled the “Bermuda Hospitals Amendment Act 2012”, together with the Regulations which are to be considered as a Schedule to the Bill.

Mr. H.K.E. SWAN asked for leave of the House to reinstate three motions standing in his name which appear on the Order Paper as Item numbers 11, 12 and 13.

Mr. SPEAKER moved that under Standing Order 25 (3), Item numbers 11, 12 and 13 remain on the Order Paper for an additional three calendar months or until such date as the said Order is discharged, whichever is earlier.

Mr. E.T. RICHARDS asked for leave of the House to reinstate the motion standing in his name relating to the findings in the Business Bermuda Report which appears on the Order Paper as Item number 10.

Mr. SPEAKER moved that under Standing Order 25 (3), Item number 10 remain on the Order Paper for an additional three calendar months or until such date as the said Order is discharged, whichever is earlier.

Ms. P.A. COX moved that Standing Order 21 be suspended to enable her to move that the Bill entitled the “Public Service superannuation Temporary Amendment Act 2012” be now read the third time, which was agreed to.

On the motion of Ms. P.A. Cox, the Bill entitled the “Public Service Superannuation Temporary Amendment Act 2012” was then read the third time and passed.

8:15 p.m.

Ms. P.A. COX moved that the House, at its rising, do adjourn to Monday, 19th March, 2012 at 10:00 a.m., which was agreed to.

8:16 p.m. – Mr. C.F.B. SWAN

8:23 p.m. – Mr. D.V. BURGESS

8:26 p.m. – Mr. H.K.E. SWAN

8:36 p.m. – Mr. W.L. FURBERT

8:43 p.m. – Mr. W.M. LISTER

8:45 p.m.

The House adjourned to Monday, 19th March, at 10:00a.m.