



# **BERMUDA HOUSE OF ASSEMBLY**

## **Official House Minutes**

*March 07, 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. 13**

**Friday, March 7th, 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, Zane J. S. DeSilva, Michael H. Dunkley, Lovitta F. Foggo, Wayne L. Furbert, Dr. Edmund G. Gibbons, Patricia J. Gordon-Pamplin, Susan E. Jackson, Dennis P. Lister, Terry E. Lister, Trevor G. Moniz, Nandi S. Outerbridge, Mark J. Pettingill. Everard T. Richards, Sylvan D. Richards, Walter H. Roban, Suzann Roberts-Holshouser, 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, Kim N. Wilson.

**10:06 a.m.** Prayer

**Confirmation of Minutes:**

Minutes to the Meetings of the 3rd and 5th of March, 2014, were deferred.

**10:04 a.m.**

**Papers and other Communications to the House:**

MR. E. T. RICHARDS 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 following:-

“Supplementary Estimate No.2 for the Financial Year 2012/13”;

“Supplementary Estimate No.1 for the Financial Year 2013/14”;

“Government Fees Amendment Regulations 2014”;  
and

“Government Fees (Trade Marks and Service Marks) Amendment Regulations 2014”.

MR. E. T. RICHARDS  
Minister of Finance

Sessions House,  
7<sup>th</sup> March, 2013.

MR. T. G. MONIZ 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, the “Bermuda Health Council Annual Report 2012/13.”

MR. T. G. MONIZ  
Minister of Health and the Environment  
Sessions House,  
7<sup>th</sup> March, 2013

**10:11 a.m.**

**Question Period:**

His Honour the Speaker announced that questions asked in Parliament should not be published in the public prior to being answered in Parliament. His Honour the Speaker informed Members that he will be referring the matter to the Standing Orders Committee.

MR. L. C. CANNONIER answered orally to the following questions from MR. E. D. G. BURT:-

**Q1.** Will the Honourable Premier please inform this Honourable House if he and any of the Principals of Landow & CO. Builders [Bethesda, MD] have met, spoken via telephone, or corresponded via email, since his Personal Explanation given to this Honourable House on May 31, 2013.

Q2. Will the Honourable Premier please confirm to this Honourable House if the “Exchange of Information” trip to Washington DC, detailed in his Personal Explanation of May 31, 2013, was the first time the Honourable Premier had met any of the Principals of Landow & CO. Builders [Bethesda, MD].

MR. M. J. PETTINGILL referred to Standing Order 19(11)b, under Rules of Debate.

10:30 a.m. - MS. K. N. WILSON  
 10:36 a.m. - MR. E. D. G. BURT  
 10:39 a.m. - MR. M. J. PETTINGILL  
 10:39 a.m. - MR. M. A. R. BEAN

His Honour the Speaker ruled on the sub judice issue with regards to the questions asked, citing Standing Orders 19 (11)b, under Rules of Debate, 17 (5)(g)(vi) under Questions, and Standing Order 2(1) and (2) conduct of Business. His Honour the Speaker took the view that any public comments become sub judice and ruled regarding precedents set in this Honourable House. Reference can be made, but should not show prejudice before the party.

MR. E. D. G. BURT again asked MR. L. C. CANNONIER his two questions.

MR. L. C. CANNONIER declined to answer the questions as he did not want to prejudice himself in this matter.

MR. G. A. BLAKENEY asked MR. L. C. CANNONIER a supplementary question.

**11:05 a.m.**

MR. T. E. LISTER asked MS. P. J. GORDON-PAMPLIN an oral question regarding Government owned buildings.

MR. T. E. LISTER asked MS. P. J. GORDON-PAMPLIN a supplementary question.

MR. Z. J. S. DESILVA asked MS. P. J. GORDON-PAMPLIN a supplementary question.

MS. S. ROBERTS-HOLSHOUSER asked MS. P. J. GORDON-PAMPLIN a supplementary question.

MR. T. E. LISTER asked MS. P. J. GORDON-PAMPLIN a supplementary question.

MR. T. E. LISTER asked MS. P. J. GORDON-PAMPLIN a second question.

**Congratulatory and Obituary Speeches:**

MR. J. C. SOUSA associated himself with congratulatory remarks for Mr. Kenneth Defontes.

MR. M. H. DUNKLEY sent congratulations to the new Commandant of the Bermuda Police Service and the Assistant Commandant; sent congratulations to Ms. Donna Hendrickson who was promoted to the position of Emergency Dispatch Supervisor at the Bermuda Fire Service.

MR. M. A. WEEKS sent congratulations to Ms. Yolanda Ming a volunteer reading coordinator who organized a literacy Reading Day; associated himself with congratulating Ms. Nakita Robinson on National Reading Day.

MS. J. J. ATHERDEN associated herself with congratulating Donna Hendrickson and Organizers of Red Flag launch of the Child Development program.

MR. R. W. E. SCOTT congratulations to BLTA on their recognition of World Tennis Day.

**Introduction of Bills:**

MR. E. T. RICHARDS moved for leave to introduce and read for the first time by its title a Bill entitled the "Institute of Chartered Accountants of Bermuda Amendment Act 2014".

MR. T. G. MONIZ moved for leave to introduce and read for the first time by its title a Bill entitled the "Health Insurance (Miscellaneous) Amendment Act 2014".

DR. E. G. GIBBONS moved for leave to introduce and read for the first time by its title a Bill entitled the "Companies Amendment Act 2014".

MR. N. H. C. SIMONS requested permission to move order number 8 on the Order Paper to Order number 1. His Honour the Speaker declined this request.

**11:25 a.m.**

**Orders of the Day:**

MR. E. T. RICHARDS moved that the House do now resume in Committee of Supply to consider the Estimates of Revenue and Expenditure for 2014/2015, which was agreed to.

MS. S. E. JACKSON in the chair.

MR. T. G. MONIZ moved Heads 21 Ministry of Health and the Environment HQ, 22 Department of Health, 24 Hospitals, and 91 Health Insurance.

**12:30 p.m.**

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

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

**2:00 p.m.**

The Committee Resumed

MS. S. ROBERTS-HOLSHOUSER in the Chair.

MR. T. G. MONIZ continued.

3:00 p.m. - MR. D. P. LISTER in the Chair.

3:45 p.m. - MR. Z. J. S. DESILVA

4:54 p.m. - MS. J. J. ATHERDEN

4:55 p.m. - MR. T. G. MONIZ moved Heads 21 Ministry of Health and the Environment HQ, 22 Department of Health, 24 Hospitals, and 91 Health Insurance to be approved, which was agreed to.

**4:55 p.m.**

MR. S. G. CROCKWELL moved Heads 48 Ministry of Tourism Development and Transport HQ, 30 Marine and Ports, 31 Airport Operations, 34 Transport Control Department, 35 Public Transportation, 57 Civil Aviation, 73 Maritime Administration.

6:00 p.m. - MS. S. E. JACKSON in the Chair.

6:50 p.m. - MR. W. L. A. SCOTT

7:00 p.m. - MR. C. W. D. BROWN in the Chair.

7:49 p.m. - MR. T. E. LISTER

8:25 p.m. - MR. W. L. FURBERT

8:40 p.m. - MR. S. G. CROCKWELL

MR. S. G. CROCKWELL moved Heads 48 Ministry of Tourism Development and Transport HQ, 30 Marine and Ports, 31 Airport Operations, 34 Transport Control Department, 35 Public Transportation, 57 Civil Aviation, 73 Maritime Administration to be approved, which was agreed to

MR. S. G. CROCKWELL moved that the Committee rise, report progress and ask for leave to sit again, which was agreed to.

The Committee rose.

The House resumed.

The report of the Committee was agreed to.

**8:58 p.m.**

On the motion of MR. E. T. RICHARDS the Bill entitled the "Restaurants (Temporary Customs Duty Relief) Amendment Act 2014" was then read a second time.

9:02 p.m. - MR. E. D. G. BURT

9:03 p.m. - MR. W. L. FURBERT

9:05 p.m. - MR. T. E. LISTER

9:06 p.m. - MR. E. T. RICHARDS

The Bill was committed.

9:10 p.m. - MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. E. T. RICHARDS moved clauses 1-3 of the Bill.

9:10 p.m. - MR. W. L. FURBERT

9:11 p.m. - MR. E. T. RICHARDS

9:12 p.m. - MR. E. D. G. BURT

9:14 p.m. - MR. T. E. LISTER

9:15 p.m. - MR. S. D. RICHARDS

Clauses 1 – 3, 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.

**9:18 p.m.**

On the motion of MR. E. T. RICHARDS the Bill entitled the "Hotels (Temporary Customs Duty Relief) Amendment Act 2014" was then read a second time.

9:20 p.m. - MR. E. D. G. BURT

9:21 p.m. - MR. W. L. FURBERT  
 9:21 p.m. - MR. T. E. LISTER

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. E. T. RICHARDS moved clauses 1-3 of the Bill.

9:34 p.m. - MR. E. D. G. BURT  
 9:35 p.m. - MR. Z. J. S. DESILVA  
 9:36 p.m. - MR. W. L. FURBERT  
 9:38 p.m. - MR. E. T. RICHARDS  
 9:43 p.m. - MR. T. E. LISTER  
 9:50 p.m. - MR. W. L. FURBERT  
 9:54 p.m. - MR. R. P. COMMISSIONG

MR. E. T. RICHARDS moved Clauses 1 – 3, 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.

**10:04 p.m.**

On the motion of MR. S. D. RICHARDS the Bill entitled the "Municipalities Amendment Act 2014" was then read a second time.

10:04 p.m. - MR. W. H. ROBAN  
 10:10 p.m. - MR. E. D. G. BURT  
 10:15 p.m. - MR. R. P. COMMISSIONG  
 10:19 p.m. - MR. G. A. BLAKENEY  
 10:29 p.m. - MR. C. W. D. BROWN  
 10:34 p.m. - MS. K. N. WILSON  
 10:46 p.m. - MR. W. L. A. SCOTT  
 10:56 p.m. - MR. Z. J. S. DESILVA  
 11:06 p.m. - MR. M. A. R. BEAN  
 11:23 p.m. - MR. T. E. LISTER  
 11:42 p.m. - MR. S. D. RICHARDS

The Bill was committed.

11:45 p.m. - MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. S. D. RICHARDS moved clauses 1-6 of the Bill.

11:50 p.m. - MS. K. N. WILSON

11:51 p.m. - MR. S. D. RICHARDS  
 11:54 p.m. - MS. K. N. WILSON  
 11:55 p.m. - MR. S. D. RICHARDS  
 11:56 p.m. - MS. K. N. WILSON  
 11:57 p.m. - MR. S. D. RICHARDS  
 11:58 p.m. - MS. K. N. WILSON  
 11:59 p.m. - MR. S. D. RICHARDS

Saturday March 8th 2014

Clauses 1-6 were affirmed on division by 18 Ayes and 15 Noes.

**Ayes**

1. Ms. J. J. Atherden
2. Mr. K. L. Bascome
3. Mr. L. C. Cannonier
4. Mr. S. G. Crockwell
5. Mr. M. H. Dunkley
6. Dr. E. G. Gibbons
7. Ms. P. J. Gordon-Pamplin
8. Ms. S. E. Jackson
9. Mr. T. G. Moniz
10. Ms. N. S. Outerbridge
11. Mr. M. J. Pettingill
12. Mr. E. T. Richards
13. Mr. S. D. Richards
14. Ms. L. K. Scott
15. Mr. R. W. E. Scott
16. Mr. G. C. Smith
17. Mr. N. H. C. Simons
18. Mr. J. C. Sousa

**Noes**

1. Mr. M. A. R. Bean
2. Mr. G. A. Blakeney
3. Mr. C. W. D. Brown
4. Mr. D. V. Burgess
5. Mr. E. D. G. Burt
6. Mr. R. P. Commissiong
7. Mr. Z. J. S. Desilva
8. Ms. L. F. Foggo
9. Mr. W. L. Furbert
10. Mr. T. E. Lister
11. Mr. D. P. Lister
12. Mr. W. H. Roban
13. Mr. W. L. A. Scott
14. Mr. M. A. Weeks
15. Ms. K. N. Wilson

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.

Order numbers 9 - 10 were carried over to the next day of business.

**12:09 p.m.**

On the motion of MR. S. D. RICHARDS the three Agreements entitled the "Ground Lease for Hamilton's Water Front between the Corporation of Hamilton and the Allied Trust and Allied Development Partners Ltd." , the "Corporation Agreement in respect of the development of the Hamilton Water Front between the Corporation of Hamilton and Allied Development Partners Ltd.", and the "Development Agreement between the Corporation of Hamilton, the Allied Trust and Allied Development Partners Ltd. in respect of the redevelopment of the Hamilton Harbour and Water Front", was then read a second time, were taken under consideration.

The House agreed to consider all three Agreements simultaneously.

MR. S. D. RICHARDS moved that the three said Agreements be voided, which was affirmed on division by 18 Ayes and 14 Noes.

**Ayes**

1. Ms. J. J. Atherden
2. Mr. K. L. Bascome
3. Mr. L. C. Cannonier
4. Mr. M. H. Dunkley
5. Dr. E. G. Gibbons
6. Ms. P. J. Gordon-Pamplin
7. Ms. S. Roberts-Holshouser
8. Ms. S. E. Jackson
9. Mr. T. G. Moniz
10. Ms. N. S. Outerbridge
11. Mr. M. J. Pettingill
12. Mr. E. T. Richards
13. Mr. S. D. Richards
14. Ms. L. K. Scott
15. Mr. R. W. E. Scott
16. Mr. G. C. Smith
17. Mr. N. H. C. Simons
18. Mr. J. C. Sousa

**Noes**

1. Mr. M. A. R. Bean
2. Mr. G. A. Blakeney
3. Mr. C. W. D. Brown
4. Mr. D. V. Burgess
5. Mr. E. D. G. Burt
6. Mr. R. P. Commissiong
7. Mr. Z. J. S. Desilva
8. Ms. L. F. Foggo
9. Mr. W. L. Furbert
10. Mr. T. E. Lister
11. Mr. D. P. Lister
12. Mr. W. H. Roban
13. Mr. W. L. A. Scott
14. Ms. K. N. Wilson

MR. S. D. RICHARDS moved that the following message be sent to His Excellency the Governor:

(No.9)

TO HIS EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration the "Ground Lease for Hamilton's Water Front between the Corporation of Hamilton and the Allied Trust and Allied Development Partners Ltd." has the honour to inform Your Excellency that the House has rejected the said Agreement.

- which was agreed to.

MR. S. D. RICHARDS moved that the following message be sent to His Excellency the Governor:

(No.10)

TO HIS EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration the "Corporation Agreement in respect of the development of the Hamilton Water Front between the Corporation of Hamilton and Allied Development Partners Ltd." has the honour to inform Your Excellency that the House has rejected the said Agreement.

- which was agreed to.

(No.11)

TO HIS EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration the "Development Agreement between the Corporation of Hamilton, the Allied Trust and Allied Development Partners Ltd. in respect of the redevelopment of the Hamilton Harbour and Water Front" has the honour to inform Your Excellency that the House has rejected the said Agreement.

- which was agreed to.

12:26 a.m.

On the motion of MR. E. T. RICHARDS the Draft Regulation entitled the "Bermuda Immigration and Protection (Land-Holding Charges) Amendment Regulations 2014" was then taken under consideration.

12:26 a.m. - MR. W. H. ROBAN  
 12:33 a.m. - MS. J. J. ATHERDEN  
 12:35 a.m. - MR. E. D. G. BURT  
 12:37 a.m. - MR. E. T. RICHARDS  
 12:44 a.m. - MR. T. E. LISTER  
 12:47 a.m. - MR. Z. J. S. DESILVA  
 12:50 a.m. - DR. E. G. GIBBONS  
 12:51 a.m. - MR. S. D. RICHARDS

MR. E. T. RICHARDS moved that the regulations be approved and that the following message be sent to His Excellency the Governor:

(No. 8)

MAY IT PLEASE YOUR EXCELLENCY:

The House of Assembly, having had under consideration Regulations entitled the "Bermuda Immigration and Protection (Land-Holding Charges) Amendment Regulations 2014", proposed to be made by the Minister of Home Affairs under the provisions of Section 102C (1) (a) of the Bermuda Immigration and Protection Act 1956, has the honour to inform Your Excellency that the House has approved the said Regulation.

- which was agreed to.

MR. Z. J. S. DESILVA moved Standing Order 21 (2) (c), to extend the Motion under his name on the Order Paper for a further 3 months (i.e. Order No.12).

Order numbers 13-15 were carried over to the next day of business.

MR. E. T. RICHARDS moved that Standing Order 21 be suspended to enable him to move that the Bill

entitled "Institute of Chartered Accountants of Bermuda Amendment Act 2014" be now read the third time, which was agreed to.

On the motion of MR. E. T. RICHARDS, the Bill entitled the "Institute of Chartered Accountants of Bermuda Amendment Act 2014" was then read the third time and passed.

MR. T. G. MONIZ moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Health Insurance (Miscellaneous) Amendment Act 2014" be now read the third time, which was agreed to.

On the motion of MR. T. G. MONIZ, the Bill entitled the "Health Insurance (Miscellaneous) Amendment 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 "Companies 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 "Companies Amendment Act 2014" was then read the third time and passed.

**12:56 a.m.**

MR. L. C. CANNONIER moved that the House, do adjourn to Monday, 10th March, 2014 at 10:00 a.m., which was agreed to.

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

12:56 p.m. - MR. Z. J. S. DESILVA  
 1:05 p.m. - MS. P. J. GORDON-PAMPLIN  
 1:14 p.m. - MR. D. V. BURGESS  
 1:15 p.m. - MR. R. P. COMMISSIONG  
 1:22 p.m. - MR. E. D. G. BURT  
 1:35 p.m. - MR. M. H. DUNKLEY

**1:45 a.m.**

The House adjourned to Monday, 10th March, 2014 at 10:00 a.m.