



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

March 14, 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. 16

Friday, March 14th, 2014

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.

10:03 a.m. Prayer

Confirmation of Minutes:

Minutes to the Meetings of the 7th and 10th of March, 2014, were confirmed.

Minutes to the Meeting of the 12th of March, 2014, was deferred.

10:07 a.m.

Papers and other Communications to the House:

MR. S. D. 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 information of the Honourable House of Assembly the following:-

"Draft Deed of Variation of Development Agreement between the Corporation of Hamilton and Par-la-Ville Hotel and Residences Ltd".

MR. S. D. RICHARDS
Junior Minister of Home Affairs

Sessions House,
14th March, 2014.

10:08 a.m.

Statements by Minister and Junior Ministers:

MR. S. G. CROCKWELL made a Ministerial Statement regarding the Policy for Public Services Vehicles Window Tint.

Question Period:

MR. E. T. RICHARDS provided oral responses to parliamentary questions from Mr. T. E. Lister relating to customs duty deferrals.

Q1. Will the Honourable Minister please provide for this Honourable House a listing of all duty deferrals issued by the Ministry of Finance, which are still unpaid, for the period January 1st 1999 to March 31st 2012?

A1. In response to the first question, we enclose a summary listing of all deferrals granted, which are still wholly or partly unpaid, for the period 1 January 1999 to 31 December 2012. We have removed the names from this list. You will see from the enclosed summary that, as of 10 March 2014, the total amount of unpaid duty and surcharges deferred from the period January 1, 1999 to December 31, 2012 was \$997,601.20. The foregoing amount includes duty deferred by importers under the Economic Development Act 1968 (\$983,809.18) and duty and surcharges deferred as a result of an ad hoc simplified procedure issued by the Collector of

Customs (\$13,792.02) under section 35A of the Revenue Act 1898. Of the total amount of unpaid duty and surcharges deferred (\$997,601.20), the combined total amount of deferrals not yet due for payment is \$444,699.42. The combined total amount overdue for payment is \$552,901.78. With two exceptions, all the beneficiaries of overdue deferrals have made, and are expected to continue to make, payments to reduce the amount due. The two exceptions owe a combined balance of \$69,525.14. We consider all these amounts to be collectable; and the Customs Department will continue to take steps to recover the outstanding duty due.

Q2. Would the Honourable Minister please inform this Honourable House if there is any concern, relating to the other parties likelihood, to make the payment on the due date for the duty deferrals not yet due for repayment.

A2. I turn now to the second question concerning current duty deferrals (not yet due for payment). In reply, I would say that the Customs Department has no particular reason to suppose that any of the several relevant debtors will default on their duty payment obligation. Having said that, I am also mindful that such duty deferrals are unsecured, and that most extend over a number of years; and therefore, they have by their very nature an attendant risk of default. In closing, I would comment that in counterpoise to any risk of default, the Customs Department retains the first charge to the duty on the relevant imported goods, and is endowed with broad powers to seize and sell historic and future imported goods to recover duty owed. Notwithstanding these powers, as part of its mandate “to facilitate legitimate trade”, the Department in practice seeks to exhaust all other, less punitive, methods of collection in the first instance – seizing goods or launching debt collection proceedings only as a last resort.

MR. T. E. LISTER asked Mr. E. T. Richards a supplementary question.

MR. T. E. LISTER asked Mr. E. T. Richards a second supplementary question.

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MR. T. E. LISTER asked Mr. E. T. Richards a supplementary question.

MR. T. E. LISTER asked Mr. E. T. Richards a second supplementary question.

His Honour the Speaker welcomed Mrs. Holy Richardson, Principal of Port Royal School and the students who were sitting in the Public Gallery.

MR. W. L. A. SCOTT asked Mr. S. G. Crockwell a question on his Ministerial Statement on the Policy for Public Services Vehicles Window Tint.

MR. W. L. A. SCOTT asked Mr. S. G. Crockwell a supplementary question.

MR. W. L. A. SCOTT asked Mr. S. G. Crockwell a second question.

MR. E. D. G. BURT asked Mr. S. G. Crockwell a question.

Congratulatory and Obituary Speeches:

MS. L. F. FOGGO congratulated Ms. Sadia Wilson, a young gymnast who is doing well in representing Bermuda overseas in the U.K.

MR. T. E. LISTER sent condolences to the family of the late Mrs. Lois Wilson; associated Mr. S. G. Crockwell with his remarks.

DR. E. G. GIBBONS associated himself with condolences to the family of the late Mrs. Lois Wilson and her Husband Mr. Calvin Wilson.

Introduction of Bills:

MS. P. J. GORDON-PAMPLIN introduced and read for the first time by its title a Bill entitled the "Morgan's Point Resort Act 2014".

MR. E. T. RICHARDS introduced and read for the first time by its title a Bill entitled the "Customs Tariff Amendment Act 2014".

Notices of Motion:

MR. N. H. C. SIMONS gave notice that at the next day of meeting he proposed to move the following motion:-

"That this Honourable House approves the Report of the Parliamentary Joint Select Committee on Parliamentary Governance and Reform together with the appendices tabled 5th March, 2014".

MR. W. L. A. SCOTT gave notice that at the next day of meeting he proposed to move the following motion:-

"That this Honourable House takes note of the short and long term advantages that can arise in relation to the establishment of an Airport Authority for Bermuda".

MR. C. W. D. BROWN gave notice that at the next day of meeting he proposed to move the following motion:-

"That this Honourable House accepts the recommendations cited in the Select Committee Report on Elections together with the Goudie Opinion tabled 10th March, 2014".

10:30 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. R. W. E. SCOTT moved Heads 71 Ministry of Community, Culture and Sports HQ, 20 Youth, Sport and Recreation, 23 Child and Family Services, 55 Financial Assistance, and 52 Community and Cultural Affairs.

12:00 p.m. - MR. M. A. WEEKS

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.

- 2:01p.m. - MR. M. A. WEEKS continued.
- 2:41p.m. - MR. J. C. SOUSA
- 2:47p.m. - MR. R. W. E. SCOTT
- 3:04p.m. - MR. M. A. WEEKS
- 3:05p.m. - MR. R. W. E. SCOTT
- 3:06p.m. - MR. W. L. FURBERT
- 3:18p.m. - MR. R. W. E. SCOTT
- 3:22p.m. - MR. E. D. G. BURT
- 3:24p.m. - MR. R. W. E. SCOTT
- 3:35p.m. - MR. R. P. COMMISSIONG
- 3:36p.m. - MR. R. W. E. SCOTT
- 3:37p.m. - MR. W. H. ROBAN
- 3:39p.m. - MR. R. P. COMMISSIONG
- 3:40p.m. - MR. W. L. FURBERT
- 3:40p.m. - MR. Z. J. S. DESILVA
- 3:44p.m. - MR. W. H. ROBAN
- 3:46p.m. - MR. M. A. WEEKS
- 3:48p.m. - MR. R. W. E. SCOTT
- 3:54p.m. - MR. Z. J. S. DESILVA
- 3:55p.m. - MR. W. L. FURBERT
- 3:59p.m. - MR. E. D. G. BURT
- 4:03p.m. - MR. R. W. E. SCOTT
- 4:06p.m. - MR. Z. J. S. DESILVA
- 4:09p.m. - MR. W. H. ROBAN
- 4:11p.m. - MR. W. L. FURBERT
- 4:11p.m. - MR. M. A. WEEKS
- 4:13p.m. - MR. R. W. E. SCOTT
- 4:19p.m. - MR. W. H. ROBAN
- 4:21p.m. - MR. E. D. G. BURT
- 4:24p.m. - MR. R. W. E. SCOTT

MR. R. W. E. SCOTT moved Heads 71 Ministry of Community, Culture and Sports HQ, 20 Youth, Sport and Recreation, 23 Child and Family Services, 55 Financial Assistance, and 52 Community and Cultural Affairs be approved, which was agreed to.

MR. R. P. COMMISSIONG in the Chair.

4:34p.m.

MR. L. C. CANNONIER moved Heads 1 Governor and Staff, 2 Legislature, 63 Parliamentary Registrar, and 85 Ombudsman's Office.

- 5:19p.m. - MR. M. A. R. BEAN
- 6:01p.m. - MR. C. W. D. BROWN
- 6:10p.m. - MR. E. D. G. BURT
- 6:15p.m. - MR. M. H. DUNKLEY
- 6:17p.m. - MR. L. C. CANNONIER
- 6:31p.m. - MR. E. D. G. BURT
- 6:31p.m. - MR. L. C. CANNONIER

MR. L. C. CANNONIER moved Heads 1 Governor and Staff, 2 Legislature, 63 Parliamentary Registrar, and 85 Ombudsman's Office be approved, which was agreed to.

MR. C. W. D. BROWN in the Chair.

6:34p.m.

MR. S. D. RICHARDS moved Head 60 Workforce Development.

7:21p.m. - MR. R. P. COMMISSIONG
 7:21p.m. - MR. T. E. LISTER
 8:00p.m. - MR. J. C. SOUSA
 8:01p.m. - MR. S. D. RICHARDS

MR. S. D. RICHARDS moved Head 60 Workforce Development be approved, which was agreed to.

MR. S. D. RICHARDS 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.

8:03 p.m.

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

8:21p.m. - MR. W. H. ROBAN
 8:40p.m. - MS. K. N. WILSON
 8:45p.m. - MR. E. T. RICHARDS

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. S. D. RICHARDS moved clauses 1-16 of the Bill.

9:00p.m. - MR. W. H. ROBAN

MR. S. D. RICHARDS moved clauses 17-33 of the Bill.

9:09p.m. - MR. W. H. ROBAN
 9:14p.m. - MS. K. N. WILSON

9:20p.m. - DR. E. G. GIBBONS
 9:21p.m. - MR. S. D. RICHARDS
 9:24p.m. - MR. W. H. ROBAN
 9:27p.m. - MS. K. N. WILSON
 9:27p.m. - MR. S. D. RICHARDS
 9:29p.m. - MS. K. N. WILSON
 9:31p.m. - MR. W. H. ROBAN
 9:39p.m. - MR. S. D. RICHARDS

MR. S. D. RICHARDS moved clauses 34-54 of the Bill.

9:41p.m. - MR. W. H. ROBAN
 9:45p.m. - MR. S. D. RICHARDS
 9:46p.m. - MR. W. H. ROBAN
 9:48p.m. - MS. K. N. WILSON
 9:50p.m. - DR. E. G. GIBBONS
 9:51p.m. - MR. S. D. RICHARDS

MR. S. D. RICHARDS moved clauses 1-54 of the Bill, as printed, which 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 3-5 were carried over to the next day of business.

MR. E. T. RICHARDS moved that the House do now take under consideration the Regulations entitled "Government Fees Amendment Regulations 2014", which was agreed to.

10:01p.m. - MR. E. D. G. BURT
 10:13p.m. - MR. M. H. DUNKLEY
 10:14p.m. - MS. P. J. GORDON-PAMPLIN
 10:15p.m. - MR. E. T. RICHARDS
 10:17p.m. - MR. E. D. G. BURT
 10:18p.m. - MR. E. T. RICHARDS

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

(No. 12)

MAY IT PLEASE YOUR EXCELLENCY:

The House of Assembly, having had under consideration Regulation entitled the "Government

Fees Amendment Regulations 2014”, 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 Regulation.

- which was agreed to.

MR. E. T. RICHARDS moved that the House do now take under consideration the Regulations entitled “Government Fees (Trademarks and Service Marks) Amendment Regulations 2014”, which was agreed to.

10:31p.m. - MR. E. D. G. BURT

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

(No. 13)

MAY IT PLEASE YOUR EXCELLENCY:

The House of Assembly, having had under consideration Regulations entitled the “Government Fees (Trademarks and Service Marks) Amendment Regulations 2014”, 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 Regulation.

- 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 a second time.

10:42p.m. - MR. W. L. FURBERT
 10:44p.m. - MR. T. E. LISTER
 10:50p.m. - MR. E. T. RICHARDS

The Bill was Committed.

MRS. S. ROBERTS-HOLSHOUSER in the Chair.

MR. E. T. RICHARDS moved Clauses 1-17

10:55p.m. - MR. W. L. FURBERT
 10:55p.m. - MR. E. T. RICHARDS

Clauses 1-17 as printed were agreed to.

The Preamble was agreed to.

The Committee rose, the House resumed.

The Chairperson reported the adoption of the Bill, as printed, 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 a second time.

11:10p.m. - MR. W. H. ROBAN
 11:37p.m. - MS. J. J. ATHERDEN
 11:55p.m. - MR. M. J. SCOTT

Saturday 15th March 2014

12:10a.m. - MR. E. D. G. BURT
 12:27a.m. - MR. T. G. MONIZ

The Bill was Committed.

12:40 a.m. - MRS. S. ROBERTS-HOLSHOUSER in the Chair.

MR. T. G. MONIZ moved Clauses 1-5

12:44a.m. - MR. W. H. ROBAN
 12:45a.m. - MR. E. D. G. BURT
 12:45a.m. - MR. W. H. ROBAN
 12:47a.m. - MR. T. G. MONIZ
 12:49a.m. - MR. E. D. G. BURT
 12:51a.m. - MR. T. G. MONIZ
 12:52a.m. - MR. W. H. ROBAN
 12:54a.m. - MR. T. G. MONIZ
 12:55a.m. - MR. E. D. G. BURT
 12:56a.m. - MR. T. G. MONIZ
 12:57a.m. - MR. E. D. G. BURT
 12:58a.m. - MR. W. H. ROBAN
 1:00a.m. - MR. R. P. COMMISSIONG
 1:00a.m. - MR. T. G. MONIZ
 1:05a.m. - MR. M. J. SCOTT
 1:06a.m. - MR. T. G. MONIZ

Clauses 1-5 as printed were agreed to.

The Preamble was agreed to.

The Committee rose, the House resumed.

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

Order numbers 10-16 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 the "Charities Act 2014" be now read the third time, which was agreed to.

On the motion of MR. S. D. RICHARDS, the Bill entitled the "Charities Act 2014" was then read a third time by title only and passed.

MR. E. T. RICHARDS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the "Institute of Chartered Accountants of Bermuda Amendment Act 2014" be now read the third time, which was agreed to.

On the motion of MR. S. D. RICHARDS, the Bill entitled the "Institute of Chartered Accountants of Bermuda Amendment Act 2014" was then read a third time by title only and passed.

MR. T. G. MONIZ moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the "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 a third time by title only and passed.

1:13 a.m.

MR. L. C. CANNONIER moved that the House, at its rising do adjourn to Monday, 17th 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.

1:13a.m. - MR. T. E. LISTER

1:24a.m. - MR. E. D. G. BURT

1:28a.m. - MR. M. J. PETTINGILL

1:39a.m. - DR. E. G. GIBBONS

1:41 a.m.

The House adjourned to Monday, 17th March, 2014 at 10:00 a.m.