



**BERMUDA**  
**HOUSE OF ASSEMBLY**

**Official House Minutes**

*November 8, 2013*

**Electronic Version**

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

**Speaker**

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

**No. 1**

**Friday, 8th November, 2013**

Pursuant to the Proclamation of His Excellency the Governor, Mr. George Fergusson, published in the official Gazette on Tuesday 29th October 2013 convening the Legislature, the several Members assembled at the Sessions House.

**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, 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, Kim N. Wilson.

**10:09 a.m.**

Prayer

**10:15 a.m.**

MS. S. ROBERTS-HOLSHOUSER moved that Orders 14 and 21 be suspended to enable her to move that a message be sent to His Excellency the Governor, which was agreed to.

On the motion of Ms. S. Roberts-Holshouser, the following message was sent to His Excellency the Governor:

(No. 1)

MAY IT PLEASE YOUR EXCELLENCY:

We are directed by the House of Assembly to inform Your Excellency that the House has met.

Sessions House,  
8th November, 2013

His Honour the SPEAKER appointed the following Honourable Members to deliver the message:

MS. S. E. JACKSON

MR. R. P. COMMISSIONG

**Messages from the Governor:**

The following message was received from His Excellency the Governor:

Mr. George Fergusson  
Governor and Commander-in-Chief

(No. 1)

I have the honour to inform the House of Assembly that I will deliver the Speech on the occasion of the Convening of Parliament at 11:00 a.m. today, Friday, 8th November, 2013 on the Cabinet Office Lawn.

At the hour appointed, namely 11:00 a.m., the attendance of the Honourable House was requested on the Cabinet Office Lawn where His Excellency was pleased to open the present Session with the following speech:

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

Bermudians throughout their long history have proven to be innovative, pragmatic, resilient and smart.

These characteristics have been revealed most particularly in times of economic challenge and change.

The Island's motto, "Whither the Fates Lead Us", speaks to these very traits; reflecting Bermuda's innate, time-tested ability to adapt to the ups and downs of an often turbulent world. And the record shows that Bermuda knows not only how to survive, but how to prosper and thrive.

Together, Bermudians have experienced remarkable success, merging the wisdom of centuries with the skills and know-how of current generations — always building for a better tomorrow.

In a world that appears ever segmented and self-absorbed, we remain a living community in every sense of the word: anchored to neighbourhoods and social clubs, maintained by everyday courtesies and revealed in town hall meetings and radio call-in shows; all of us living within the life of this great Island. This is something to preserve and build on.

But today our community once again faces a test of great significance for its future.

The scourge of unemployment takes its toll on thousands every day, draining self-esteem and straining family life. Gun violence erupts to shatter families and demoralize communities. Massive debt and alarming annual spending deficits hobble our ability to act, narrowing future choices.

Do Bermudians have what it takes to weather the storm, as we have done throughout history? Do we have what it takes to adapt and change, to solve problems and emerge stronger and more together than before?

The Government is unreservedly confident Bermudians can and will do it.

Progress will depend not just on Government actions to fulfill its mandate for change; but on people understanding that "we are all in this boat together" and that decisions taken to keep the boat afloat are decisions taken to keep everyone afloat.

The challenge for everyone will be to exercise patience and understanding while efforts to solve longstanding problems take hold. The scale and complexity of the challenges we face is such that society-wide improvements will not happen as fast as they need to happen.

Progress will also depend on collaboration and willingness to sacrifice for the good of the Island. This summer's successful negotiations with the Bermuda Trade Union Congress (the BTUC) for a contract that took into account Government's debt situation stands as an example of collaboration and shared sacrifice.

The challenge for Government will be to spread the spirit of shared sacrifice to all stakeholder groups, particularly those who can help relieve people's hardships. To that end, and in keeping with a promise made in negotiations with the BTUC, the Government initiated discussions on the cost of food and electricity. As a result, The MarketPlace, Supermart and Lindo's will expand food cost relief by introducing 10% discounted shopping on Wednesdays for one year with effect from 1 December 2013.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

It is time for us all to play our part. It is time to use these tough times as an opportunity to right the ship, everyone pulling together to fix the Island so that it works better for families and students, for seniors and workers...for everyone.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The Government's operating vision is to achieve social and economic equity for all Bermudians, leaving no one behind.

It is a vision made possible by the deeply compassionate nature of Bermudians and the widely felt yearning for a society that is more fair, free and just. It is a vision that depends on economic growth.

The Government will make progress to implement the vision in the first instance by meeting the practical day-to-day needs of people: safe communities, schools that enable their children to live productive lives; and good-paying jobs that make it possible for Bermudians to support their families.

Bermuda in recent years faltered in these crucial areas, nowhere more so than in the economy's diminished capacity to generate and maintain enough jobs to keep Bermudians working.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of Assembly**

The Government's primary objective since coming to office has been to give Bermudians a new chance, by breathing life back into the economy so that it is growing jobs, not losing them; giving people a chance to provide for their loved ones and to carry themselves through each day with pride and purpose.

The Government's focus has been on rebuilding the economic foundation of the Island, to unblock the job-creating power of the private sector and restore confidence in the Island as a place to do business.

Growing the economy, getting more people and dollars to our shores, is the most direct way to generate the jobs, paycheques and opportunity that Bermudians need. It is also surest way to generate the revenue necessary to pay for social programmes and pay down the Island's debt.

Measures to refresh the Island's attractiveness to international business and investors are a critical part of the Government's economic turnaround plan.

The damaging impact brought about by the departure of thousands of international workers and their families is a warning Bermuda must heed. Their departures represent the outer layers of a sector of the economy that generates more than half of the Island's total economic activity.

Steps to reverse this trend — to stop the bleeding — are being taken because jobs and opportunity at all levels of the economy depend on an international sector that is thriving, not diminishing.

Bermudians can play their part in the turnaround by recognizing the importance of international business to their personal well-being and to the larger community.

The Island cannot succeed for its people without the participation of the outside world. Only by opening our doors to foreign investors, only by attracting more people to our shores, can we achieve the kind of recovery that grows jobs and incomes.

This is nothing new for Bermuda. The Island has always relied on foreign investment to grow the

economy — whether through investors building hotels, allies constructing military bases or international businesses setting up shop. The infusion of foreign capital and activity across generations has generated opportunity for Bermudians in untold ways — in careers and business opportunities, in scholarships and the building of family homes, in public works from road paving to cruise ship piers, and in Bermuda's remarkable standard of living compared to most other countries.

The underlying challenge in maintaining this symbiotic relationship between non-Bermudians and Bermudians is for the Government to make sure Bermudian opportunity and workplace rights are protected while international workers are made welcome. Maintaining this balance is one of the Government's most important duties. The passage in October of increased penalties for employers who breach immigration rules alongside the Incentives for Job Makers Act is an example of the Government maintaining that balance.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of Assembly**

The Government is embarked on a five-year plan to recover lost ground and revive the Island's ability to meet the needs and potential of Bermudians, to help them grow individually and collectively in ways that make the Island strong and more secure, from generation to generation.

Although the plan is long-term and involves all sectors of public life, there is room within the timeframe to gauge whether Bermuda is starting to move in right direction. For example:

- Since the Government passed payroll tax exemptions for employers to hire out-of-work Bermudians, the Island has recorded two consecutive quarters of job growth, with preliminary figures showing a total of 420 Bermudians hired between 1 April and 30 September.
- Through the first three quarters of 2013, Bermuda recorded the highest number of local and international company formations since 2008, ending five years of relatively consistent decline in total companies on the Register and setting the stage for further job creation.
- In June, Police reported the lowest crime statistics since 2000, while public opinion polling showed Bermudians feeling safer.

These are encouraging signs and they represent a good start toward recovery and renewal. But Bermuda is not out of danger. There remains much to be done.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of Assembly**

Today's Throne Speech outlines the Government's legislative agenda for Year 2 of its five-year plan to improve the quality of life for Bermudians, building an economy and providing a system of government that works for them.

The Finance Ministry will continue its two-track strategy to renew growth while imposing discipline on the public purse; building on initiatives put in place this year. The SAGE Commission has completed its six-month 'under the hood' investigation of the operations and structure of Government. Its work has been conducted in an open and transparent manner, inviting wide public participation. Government will now continue the process.

The Commission's complete report will be tabled in the House of Assembly later this month for full Parliamentary debate. The Government will subsequently put forward a plan to implement the Commission's recommendations, with consultation on proposed change being an integral part of the process.

The work of the SAGE Commission represents an historic opportunity to re-set the foundation of governance in Bermuda; streamlining Government processes, improving delivery of services, making them more efficient, cost-effective, transparent and user friendly.

Legislation will be amended to strengthen debt collection and enforcement measures. The Government is currently owed approximately \$70 million in unpaid taxes. Collected monies will be deposited into the Consolidated Fund to support social programmes without incurring additional debt.

The Finance Ministry, with its Government partners, will continue efforts to restore confidence in Bermuda as a place to do business. Confidence is the lynchpin for economic growth and the jobs that come with it. With confidence, investors invest in projects that keep societies moving forward; without it, hotels do not get built, infrastructure ages and waterfronts do not get redeveloped.

Steps to regain that confidence are difficult to quantify, but the success of Bermuda's \$750 million bond issue last summer indicates that major investors have confidence in the Government's economic turnaround plan.

The Finance Ministry will complete the remainder of its strategic borrowing requirements later this month with a \$BD50 million bond issue in Bermuda. The bonds offer Bermudians a chance to invest in the Island and achieve a higher return on their investment dollars.

The Ministry will take steps toward the formation of an Office of the Contractor General to oversee Government projects from tendering to completion, to ensure rules, guidelines and policies are strictly enforced and to identify unfair practices or offensive conduct. An Office of the Contractor General will be an important step toward transparency, best value and more effective control of Government spending.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of Assembly**

The Ministry of Economic Development is committed to facilitating sustainable economic growth and job creation. Over the past year, it has worked closely with other key ministries through the Cabinet Committee for Economic Development to make progress on infrastructure and resort development and will continue to do so.

The Ministry has also worked with the business community to create a more welcoming environment for both existing and new business. The results are reflected in the rising number of new local and international companies on the Register through the first three quarters of the year. By 30 September 2013, 19,270 companies were registered, representing the largest total number ever on the Register.

While the full effect of these newly registered companies will not be felt immediately, over time the Government expects to see more widespread economic benefits from these companies. Not all, but many, will be renting office space, hiring staff, and purchasing goods and services from local providers.

The Bermuda Business Development Corporation — now called the Bermuda Business Development Agency (the BDA) — was formed with Ministry support in April as a public-private partnership. The BDA was established to promote Bermuda as a business centre and to help develop and diversify our international business sector. The new CEO and

Board have already begun to implement strategies designed to bring business, economic growth and jobs to Bermuda.

The BDA's proactive approach prompted the hosting of a two-day Asset Management Summit in Bermuda earlier in the summer where US-based hedge fund lawyers and prime brokers provided invaluable feedback which led to recent amendments to the Investment Funds Act. The amendments were the centrepiece of a well-coordinated Business Development mission to New York to capitalize on the momentum and encourage more financial service businesses to choose Bermuda.

The newly launched International Business Concierge service — coordinated by the Ministry and the BDA — has already directly assisted 26 companies to set up operations in Bermuda, including the forerunner of a new potential industry of biotech, life-science and high-end medical diagnostic companies.

To provide further economic stimulus to the island's retail sector, the Ministry has been working with the Chamber of Commerce and the Registrar of Companies to introduce legislative amendments to the Public Holidays Act 1947 to increase the flexibility afforded to businesses with regard to their opening times.

The high cost of energy is an important factor for residents and business alike and it is an issue that companies and developers consider when looking at the Island as a potential domicile. Following the successful launch of the Regulatory Authority in January of 2013, the Ministry of Economic Development will move the regulation of Energy to this independent body. This move will involve changes to the Energy Act 2009 and the Regulatory Authority Act 2011. One of the aims of this initiative is to help lower the cost of energy for consumers.

The Bermuda Energy Working Group has been formed and comprises a diverse group of energy professionals, independent engineers, non-governmental organizations and interested members of the public, working in collaboration to provide advice and guidance to the Department of Energy. One of their primary tasks is to develop equitable interconnection agreements for independent power producers to contribute to the production of electricity, a development that can lead to price competition, diversified energy production, and increased use of renewable energy sources and the opportunity for lower-cost fuels such as natural gas.

The Ministry of Economic Development will also be working with the Bermuda Economic Development Corporation (BEDC) and the Office of Project Management and Procurement to boost small business by ensuring that up to 20% of Government spending on goods and services is awarded to small business. Small businesses on the BEDC register will be able to avail themselves of BEDC advisory and financing services as well as Government tender offers aimed at small businesses.

Work to strengthen and grow the Departments of Civil Aviation and Maritime Administration will continue through 2014. These are important departments for Bermuda as they oversee the Aircraft and Shipping registers. The focus in 2014 is to ensure that these departments are properly staffed to meet international requirements and to provide a growing revenue stream for the country. In addition, the Ministry will continue to develop Bermuda's satellite and space business, following the successful "bringing into use" of Bermuda's satellite slot in April.

The Ministry, working with the Home Affairs Ministry, will move forward with proposals to improve property market conditions. Issues with holding, acquiring and conveying land will be clarified and streamlined through amendments to the Companies Act 1981 and consequential amendments to the Bermuda Immigration and Protection Act 1956.

The amendments should prove beneficial to both commercial and residential markets, providing confidence and certainty. In addition, they will build on the initiative behind the recently passed Incentives for Job Makers Act to deepen the bond with existing companies and ensure their continuing presence and employment of Bermudians.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The Ministry of Home Affairs is committed to strengthening the regulatory environment for the rapidly changing labour market. The Government, consequently, is forming a tripartite committee, representing unions, business and Government, to review Bermuda's labour laws with a view to the consolidating and modernizing the legislative infrastructure.

The Committee will look at the role that labour law plays in job retention and creation and to devise an

infrastructure that is fairer, more responsive and more inclusive.

Seven labour laws will be impacted by the Review. The Ministry will solicit the assistance of the International Labour Organization (ILO) as a part of the process.

In order to conform to human rights obligations under the European Convention on Human Rights, the Government will move forward with amendments to the Bermuda Immigration and Protection Act 1956 to provide pathways to Bermuda status for persons born in Bermuda or persons who have been adopted by Bermudian parents.

The Ministry will initiate community-wide consultation to encourage direct inward investment in the Island through a commercial immigration programme that supports business, job and career opportunities for Bermudians.

In addition, the Ministry will introduce a Good Samaritan Act to provide legal protection to those who donate food to people in need.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of Assembly**

Electoral reform is an ever-evolving process in democratic societies. The aim is to improve the responsiveness of electoral processes to public desires and expectations. The Government, accordingly, will move forward with absentee balloting for travellers and students away in college and measures to extend the days for advance poll for travellers. These proposals will require amendments to the Parliamentary Election Act 1978 as well as other consequential amendments.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of Assembly**

The formation of the Tourism Authority represents a turning point in the history of Bermuda tourism, whereby the private enterprise structure of the new Authority will ensure an unprecedented level of accountability for the performance of the industry. Work is currently underway to complete the structure of the newly created Authority, with 31 March 2014 set for completion of the transition.

The mission of the Tourism Authority, using the National Tourism Plan as a core planning document, is to revitalize the industry; helping it to compete

more effectively in the global marketplace for both visitors and investors, and to grow jobs and career opportunities for Bermudians.

In related work, the Ministry of Tourism Development and Transport will work with other ministries to streamline and modernize the Hotel Concessions Act. Amendments will be designed to attract developers for new tourism resorts and products and to facilitate the upgrading of existing properties, with provisions to encourage job creation and training programmes for Bermudian hospitality workers.

The Department of Marine and Ports Services will update the Marine Board Act 1962 to keep pace with international best practice in marine safety and security and to address needs specific to local boating fleets. This will help the Department proactively manage illegally moored boats and small vessel wreck removals and reduce operating costs. The Department will also review Bermuda's border and port security with partner agencies in concert with the recently completed National Security Review.

The Department will continue the digital mapping of vessel moorings island-wide through 2014. The GPS positioning of all moorings will lead to operational and management efficiencies, reductions in boat owner operating costs and growth in Department revenues.

The Department of Airport Operations, in conjunction with the aerospace company Boeing-Jeppesen, will carry out a feasibility study for Bermuda to become a certified Air Navigation Service Provider. This would enable Bermuda-based Air Traffic Controllers to provide air traffic management services to aircraft arriving or departing here — a service currently provided by the US Federal Aviation Authority (FAA) — and create the potential for Bermudian job opportunities in air traffic control.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of Assembly**

An effective transportation system is an essential component for economic growth and development. The Ministry of Tourism Development and Transport will continue working with all segments of the transportation industry to develop a system that better serves visitors and residents and that works better for operators. Broad-based consultations will continue through the year with a view to amending the 1951 Motor Car Act to achieve these improvements.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The Government has created a Gaming Committee that is currently reviewing and analyzing existing material on gaming, as well as gathering new information on the subject. The committee is also considering various operating and governance models including the establishment of a Gaming Commission.

The Government is committed to having a referendum on gaming in the first quarter of 2014. The referendum will be preceded by a substantive public information campaign.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The Bermuda Police Service has spared no effort to meet the challenge of the rise of guns, gangs, drugs and violence in Bermuda. Since 2009, the police have delivered strong enforcement, genuine community engagement and rigorous investigative efforts leading to convictions and a commensurate reduction in crime. During the same period, police pay and benefits have been significantly increased to address judicial findings of a lack of parity. Having achieved this parity, the Government will engage the Bermuda Police Association in a constructive dialogue to review and revise the Conditions of Service Order to better reflect a modern benefits structure and to take account of these economic times.

Operation Ceasefire has been more fully implemented through various initiatives since the 2012 election. The strengthened community arm of the Inter-Agency Gang Task Force is now tasked with developing a Bermuda-styled “call-in” procedure. This will engage community and moral voices in direct interaction with individuals involved in gangs, challenging them on the effect of their lifestyle on others and presenting alternatives for their productive return to the mainstream of the community.

The Government promised to implement a “cash back for communities” programme whereby the proceeds of crime were put back into communities most affected by violence and anti-social behaviour. The legislative platform for this initiative has been laid with amendments to the Proceeds of Crime Act 1997. With funds realized from seizures made to date and funds designated for the Confiscated Assets Fund in the next six months, the Government will allocate

funding to support Team Street Safe, the anti-gang mediation programme, whose mandate includes providing alternative opportunities to those who seek to transition out of the gang lifestyle.

In addition, the Government will provide funds to Focus Counselling and the Family Centre to help families in need, and to support short-term jobs initiatives to provide work for out-of-work Bermudians. Other organizations will be considered as additional funding becomes available.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The Government encourages those who drink alcohol to do so responsibly. Licensed premises will be required to effect a stricter regime for the service of alcohol. Amendments to the Liquor Licence Act 1974 will require mandatory ID checks for bars and nightclubs while other licence holders will be empowered to require proof of age before serving alcohol to patrons of their premises. The Government will continue the consultation with the owners and operators of licensed premises to ensure that these requirements do not adversely affect their ability to run successful establishments.

Following the success of the recent Island Games and recognizing the international success of Bermuda’s competitors in shooting events, the Government will conduct a full review of the Firearms Act 1973 with a view to developing a legal framework and safety regime that supports competitive, sport shooting for Bermuda.

During this legislative session, the Government will introduce amendments to the Defence Act 1965 to eliminate conscription. Additionally, further amendments to the Act will provide for a revised legal and disciplinary system for the Bermuda Regiment in accordance with EU standards for the modern military.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The Ministry of Public Safety, in keeping with the Government’s commitment to public sector efficiency, has identified synergies within its various departments. Accordingly, the parole responsibilities of the Department of Court Services will be transferred to the Department of Corrections. This will properly separate the probation and parole functions in a best practice model that promotes the

efficient management of both systems of supervision to the benefit of clients and the general public. Similarly, the Government will complete earlier plans to strengthen border control by placing the control of those elements currently responsible for this critical function under the Ministry of Public Safety.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The time has come for leadership in the public debate on marijuana. Therefore, in this Session, the Government will produce a public consultation paper on the decriminalization of marijuana and an examination of its wider uses. This will inform the community of the competing research on this drug, its uses and the potential impact any shift in policy might have on the Island. The people's representatives must lead a sensible, mature public discussion on this issue.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The prohibition of alcohol sales by retail outlets on Sundays has been a feature of Bermudian society for a long time. However, times have changed. Locals and tourists alike wish to be able to purchase beer, wines and spirits on a Sunday.

Accordingly, Government will amend the Liquor Licence Act 1974 to allow for the purchase of wine and spirits on Sundays from retail outlets that are permitted to operate in accordance with the Public Holidays Act 1947.

The recent Privy Council decision that reduced the sentences of two convicted murderers has caused disquiet in the community and has given rise to concern about the efficacy of the criminal justice system in relation to serious offences.

In order to satisfy the public demand for adequate penalties and sanctions for murder and serious crime, Government will amend the Criminal Code 1907 to ensure that in cases of murder and other serious offences, a judge will be able to set the minimum amount of time that must be served before the offender becomes eligible for parole.

During this Parliamentary Session, Government will also promulgate regulations to support the recent amendment to the Proceeds of Crime Act 1997 that made provision for civil proceedings before the

Supreme Court to allow for recovery of property obtained through unlawful conduct.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

Every country has a moral responsibility to ensure that its vulnerable populations are given the greatest possible protection.

Children are protected under the Children Act 1998 and there is some protection for seniors under the Senior Abuse Register Act 2008. But there is little in the way of protection for persons who are between the ages of 19 years and 64 years and who may have cognitive or other disabilities which make them vulnerable to many forms of abuse.

The Ministry of Health and Seniors will therefore put forward a Vulnerable Persons Act to protect the most vulnerable from predators and those who may do them harm. In addition, the Ministry will strengthen the provisions of the Senior Abuse Register Act 2008 to provide greater protection for vulnerable seniors.

The Bermuda Health Council Act 2004 and the Public Health Act 1949 will be amended to introduce controls on the entry of new, high-cost health technology, which has contributed significantly to rising health care costs.

In Bermuda's health care system there is limited control over the introduction of new health technology. Consequently, Bermuda has very high rates of equipment per capita compared to other high-income countries. This high capacity inevitably leads to high utilization, as providers have an incentive to seek a return on their investment. The result is equipment use that is not always medically necessary and that increases health costs. The introduction of a mechanism to control the entry of equipment to the Island will have a positive impact on the cost of healthcare while allowing for the importation of appropriate equipment to meet the health needs of our population.

Bermuda, like most other countries, has an ageing population. While "Ageing in Place" is the Government's policy, Bermuda will need additional long-term care beds for both the elderly and the disabled. The Government will therefore produce a strategy for the care of the elderly and disabled who are no longer able to stay in their own homes.

Because long-term care is an expensive proposition, a long-term care plan must take into account the needs

of the community, the ability of families to pay for care, and the role and financial capacity of the Government.

Vulnerable seniors and the disabled cannot be abandoned in their time of need. Neither can their families be bankrupted by trying to manage and pay for their care. Government has a role, but that role must be limited by policy and the ability of families to afford appropriate care.

The Ministry of Health and Seniors will amend the Bermuda Hospitals Board Act 1970 to provide legal protection, or “shield legislation”, for physicians and officers of the Bermuda Hospitals Board (BHB) involved in Quality Improvement and Peer Review activities performed on behalf of the BHB. The practice of good medicine requires regular review and critique by peers, but without shield legislation this important step to ensure good quality care can be stifled. It is international best practice to complete these reviews.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The mission of the Ministry of Community, Culture and Sports is to strengthen the social fabric of Bermuda through policies and programmes that support, empower and protect people and communities.

Earlier this year, the Ministry launched a pilot project to help people transition from needing financial assistance to becoming self-sufficient. This Community Driven Development (CDD) programme focused on training a group of unemployed and under-employed women to develop skills and competencies for defined business projects. The training included skills workshops, work shadowing, volunteer work and preparations of a business plan.

The Ministry will expand the CDD programme in the coming year to engage a second group of women on financial assistance. A separate initiative to engage able-bodied men on financial assistance will also be launched.

The Ministry has identified an opportunity to improve its ability to serve clients by consolidating client data from multiple human services agencies into one information system. The Human Services Information System will enable the Cross Ministry Intervention Team, which works with clients who have demonstrated an inability to provide for their

families, to be more effective and efficient in its work.

The Ministry has identified a need to incorporate a family mediation component into the Children Act 1998. The purpose is to provide mediation as a prerequisite to co-parenting orders rather than as a result of non-compliance with such orders. The Children Act will therefore be amended to require courts to order mediation before co-parenting orders are issued and also to consider mediation in child custody and access disputes. Provisions for co-parenting orders that recognize the importance of both parents in children’s lives will be introduced into the Children Act 1998. In addition, the Ministry will spearhead efforts to use mediation in ways that shift the consequences for failing to pay child maintenance from prison to more creative solutions that take account of the possible harm to children.

The Department of Youth, Sport and Recreation has made significant progress toward the development of a National Sports Policy. A draft policy will be forwarded to all stakeholders, including the National Sport Governing Bodies, for feedback. The policy envisions sporting organizations working in partnership toward the goal of sporting success in all areas: wide community participation, early recognition and development of sporting talent, training and respect for coaches, volunteers and administrators; a world class reputation for hosting international events and a worldwide reputation as a sporting country.

The Government is committed to building a more inclusive Bermuda; removing impediments and barriers wherever they exist so that people have fair opportunity in all endeavours.

In keeping to this goal, the Ministry of Community, Culture and Sports, through the Department of Human Affairs, will develop a National Gender Policy. The policy will establish a framework for including gender perspectives in all activities of Government and society, helping to bring equitable considerations to decision-making that involves the differing needs, constraints and priorities of men and women. The Department will collaborate with similar jurisdictions in the region to produce a policy that conforms to world best practices.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

Work on the transformation of the public education system to better serve the needs of students, parents

and the community will continue under the newly appointed Commissioner of Education.

Following consultation and debate of the Government's Green Paper on *Inclusive and Special Education* in the upcoming session, the Ministry will draft and table a White Paper on *Inclusive and Special Education*, setting out Government's plans and a clear framework to meet the needs of all students, including gifted students and those requiring additional educational support.

As part of its education reform plan, the Government is committed to implementing a modern, fully integrated technical curriculum beginning in the middle schools and continuing through Bermuda College. One step in the plan is the expansion of the student Career Pathways Programme, which has successfully enabled greater linkage with industry and the business community.

To expand the programme and ensure that students leave school with an international certification that they are employable, S3 students will be required to sit the Employability Certification Programme offered through City and Guilds. Employers who receive students directly out of our senior schools will know that they are getting an employee that understands the expectations and demands of work.

Bermuda's maintained schools have a long and distinguished history. However, their upkeep and attention to ongoing maintenance over those years has been inconsistent and often limited by the availability of funds.

In conjunction with the Ministries of Public Works and Environment and Planning, the Ministry will initiate an audit of the physical plant of maintained schools with the intent of establishing a facilities plan to address the state of schools.

This will ensure that the safety and health of our principals, teachers and students is at the forefront of the transformation of the education system.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The mission of the Ministry of the Environment and Planning is to lead Bermuda toward sustainability by managing our natural and built environments.

Through the Department of Environmental Protection, the Ministry will develop a national

strategy to revitalize the agriculture industry and strengthen the Island's food security.

Food security focuses not only on increasing local production but also developing safeguards, laws and policies to minimize the risk of interruptions to supply.

The National Agriculture Strategy will, among other things, aim to increase the protection of arable land and topsoil, encourage community and home gardening, tackle the challenging issue of government land leases for dairy and produce farming, and create opportunities in new technologies and job creation, within a modernized legal and policy framework.

Through the Department of Conservation Services, the Ministry will develop a system to better control invasive species, both plant and animal.

Invasive species, next to habitat destruction, pose the single biggest threat to the loss of biodiversity on small oceanic islands, according to the United Nations. Bermuda is no exception. The Island hosts at least 23 of the world's top 100 invasive species, including the kudzu vine, lionfish and the Mexican pepper tree.

The Ministry will specifically target the lionfish, which has the potential to destroy not only commercial fish species but all reef fish that preserve the Island's reef system. Working with private companies, non-government organizations and volunteers, the Government will implement the Lionfish Management Plan.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

As part of the Government's commitment to support St. George's, the Department of Parks will continue renovating Government-owned East End fortifications, which are an integral feature of the St. George's World Heritage Site. This year's efforts will focus on Alexandra Battery, Gates Fort and the Ferry Reach Martello Tower.

In order to rectify the current state of the St. George's Golf Course and to create job opportunities in the East End, the Parks Department will create a temporary jobs programme. The goal of this paid work programme will be to bring the St. George's golf course back up to a level where it can be maintained on an ongoing basis for the benefit of the community.

The Ministry of Environment and Planning, through the Department of Land Surveys and Registration, will also introduce Land Title Registration to provide a transparent, accessible and effective land information system — something that has not yet existed in Bermuda.

The Registry will compile and maintain an electronic record of land ownership, guaranteeing legal ownership, rights and interests in registered land. This will provide confidence in property dealings by providing electronic public access to guaranteed information on registered land, including detailed records of land owned by non-Bermudian individuals and companies. The Land Title Registry Office will be a self-sufficient, revenue generating operation.

The Government will conclude its work on the future planning for our Exclusive Economic Zone (EEZ), which represents a vast circular area of ocean around the island extending 200 miles from our shores. Following extensive public consultation, the Department of Sustainable Development is analyzing the information gained through this process.

EEZ planning presents Bermuda with a significant opportunity to address our economic, social and environmental sustainability. Planning allows for consideration of a wide range of opportunities to stimulate direct foreign investment, strengthen our fishing industry and enhance Bermuda's global reputation as a leading steward of the high seas.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The Ministry of Public Works will progress the use of flood modelling to assist the community decision-making in the event of storms that threaten residents who live in low-lying areas. The Ministry will also initiate work to provide the public with hurricane shelters at the east and west ends of the Island, in addition to the centrally located CedarBridge Academy. Accordingly, the gymnasium roof at Clearwater Middle School in St. David's will be replaced as will the library roof at Sandy's Secondary Middle School. Completion of this work will give the Emergency Measures Organization more options to house residents during extreme weather.

The Ministry of Public Works, in conjunction with the Ministry of Economic Development, has recently established the Government Sustainable Energy Committee. The Committee is to develop strategies and practical plans for sustainable levels of energy consumption in all Government buildings and

systems. The goal is to reduce energy spending and consumption, the impact on the environment and the strain on Belco's existing supply infrastructure, in addition to providing positive examples to the private sector through the identification of best practices.

In keeping with this goal, the Ministry of Public Works will move forward with an LED street lighting pilot project between and around the two Trimingham Hill roundabouts. The pilot scheme is to assess the suitability of LED street lighting as a replacement for the existing system. Particular emphasis will be placed on the quality of the lighting, including input from road users, reduced energy consumption and savings in long-term maintenance and energy costs.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

In addition to those legislative items already mentioned, during this Session the Legislature will be invited to consider some new statutes and amendments to a number of existing Acts including:

Charities Bill  
Fire Safety Bill  
Agriculture Act 1930  
Bermuda Archives Act 1974  
Bermuda National Library Act 1946  
Bermuda National Parks Act 1986  
Corporate Service Provider Business Act 2012  
Clean Air Act 1991  
International Cooperation (Tax Information Exchange Agreements) Act 2005  
Insurance Act 1978  
Investment Business Act 2003  
Investment Funds  
Investment Business Act 2003  
Investment Funds Act 2006  
Land Valuation and Tax Act 1967  
Protected Species Act 2003  
Trusts (regulation of Trust Business) Act 2001  
USA-Bermuda Tax Convention Act 1986

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The Government remains deeply concerned about the plight of many Bermudians: the out-of-work father looking for a job, the mother who worries that her son is slipping into gang life; the high school student who can't find a place in the workforce, the senior who can't afford the electricity bill; and families struggling to care for an ageing parent.

Overlaying these daily difficulties, the Island faces an alarming combination of economic and fiscal challenges that are simply not sustainable. The momentum behind rising debt and deficits and an under-performing economy — all years in the making — must be broken.

The Government's mission is to defuse these challenges and rebuild the Island in ways that meet the everyday needs and dreams of all Bermudians.

Steps to revitalize the economy are steps to grow jobs and opportunity in all areas of life — for construction workers, electricians, plumbers, small businessmen, landlords, retailers and students looking for that first job.

Steps to reform governance are parts of a plan to lock in place a system that will be accountable, inclusive, transparent and fair, no matter the office holder.

Steps to wean young Bermudians away from gangs are steps toward safe communities and hope for the future.

Steps to teach people the skills to provide for their families are steps that will strengthen the social fabric.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

The Government sees our situation as an historic opportunity — an opportunity to restore and improve the quality of life and an opportunity to move forward on a unifying path toward a Bermuda that is fair, free and just.

This is the opportunity of our generation: to right the ship and renew our potential to grow in ways that leave us stronger and more secure, from generation to generation.

It is up to all of us, in this together, recognizing we have a duty to be our brother's keeper, making sure everyone gets opportunity to succeed; all of us pulling together for Bermuda, leaving no one behind.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

I am grateful for the convention which by tradition allows a Governor to add a few of his own words at the end of the Throne Speech. I say 'his own' words — but I am glad to note that no fewer than three of my fellow Governors are now women.

It is clear that the next six months will see change. The leadership of both main parties have acknowledged the need for change and spoken honestly and openly about it. Changes, both to address the Government's financial deficit and to modernise the public service, will cause some pain. The exact nature of the change will no doubt be the subject of discussion, to put it mildly, among the public, between the parties and perhaps within them, and understandably right across Bermuda. There is an excellent prospect that Bermuda will emerge, as it has in the past, stronger, fitter and, I hope fairer, including to those who lack the financial strength of others. I hope that the commendably broad agreement on much of the need for change, and its form, can be built on across the legislature and across Bermuda. There will not be complete agreement. But the stronger the consensus, the less painful, and more successful the changes may be and the greater the prospect of success.

**Madame President and Members of the Senate  
Mr. Speaker and Members of the House of  
Assembly**

I declare this Session of the Legislature open; and may God guide you and grant you wisdom in your deliberations.

**George Fergusson**  
**Governor and Commander-in-Chief**  
Bermuda  
8 November 2013

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On return to the House

MR. L. C. CANNONIER moved that Standing Orders 14 and 21 be suspended to enable him to move a motion relating to His Excellency the Governor's Speech from the Throne, which was agreed to.

MR. L. C. CANNONIER moved that the Speech with which His Excellency the Governor was pleased to open the Present Session of Parliament be taken as read and that the said Speech be set down for consideration as the first Order of the Day for the next day of meeting, which was agreed to.

**Confirmation of Minutes:**

The minutes of the Meetings of 27th of September and 2<sup>nd</sup> October, 2013 were confirmed.

**12:35 p.m.**

**Announcements by the Speaker:**

His Honour the SPEAKER announced that Mr. W. L. Furbert will be absent from the House today as he is on business overseas.

His Honour the SPEAKER announced the appointment of Members to the following Sessional Select Committees:-

House and Grounds Committee:

Ms. S. Roberts-Holshouser, Mr. J. C. Sousa, Mr. K. L. Bascome, Mr. D. V. Burgess and Mr. Z. J. S. Desilva.

Standing Orders and Privileges Committee:

Mr. K. H. R. Horton, Mr. L. C. Cannonier  
Mr. M. A. R. Bean, Mr. N. H. C. Simons  
Ms. L. F. Foggo, and Mr. T. E. Lister.

Regulations Committee:

Mr. G. C. Smith, Mr. K. L. Bascome, Ms. N. S. Outerbridge, Mr. G. A. Blakeney and Ms. K. N. Wilson.

Panel of Chairmen:

Ms. S. Roberts-Holshouser, Mr. G. C. Smith, Ms. S. E. Jackson, Mr. R. P. Commissiong, Mr. D. P. Lister and Mr. C. W. D. Brown.

His Honour the SPEAKER announced the appointment of Members to serve on the Joint Select Committee on mandatory random drug testing.

Sen. Joan Dillas-Wright, Ms. Nandi Outerbridge, Mr. Jeff Sousa, and Mr. Terry Lister.

**12:35 p.m.**

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

MR. M. H. DUNKLEY read the following communication to His Honour the SPEAKER:

I have the Honour to attach and submit for the information of the Honourable House of Assembly the "Annual Reports of The Registry General for the years ended 31<sup>st</sup> December 2011 and 31<sup>st</sup> December 2012".

MR. M. H. DUNKLEY  
Minister of Public Safety

Sessions House,  
8<sup>th</sup> November, 2013

**12:35 p.m.**

**Petitions**

MS. N. S. OUTERBRIDGE presented the following Petitions:-

The Petition of Reid Finance Limited requesting the consolidation and enactment of the Evergreen Life Limited Act 2008, as set out in the Bill entitled the "Evergreen Life Limited Consolidation and Amendment Act 2013" which accompanies this Petition.

The Petition of Reid Finance Limited requesting the enactment of a St. George's Limited Act 2013, regarding certain respects when structuring its long term insurance policies as set out in the Bill entitled the "St. George's Limited Act 2013".

The said two Petitions were referred to the Joint Select Committee on Private Bills for consideration and report.

**12:35 p.m.**

**Introduction of Bills:**

MR. M. A. R. BEAN moved for leave to introduce and read for the first time a Bill entitled the "Abolition of Conscription Act 2013".

MR. M. J. PETTINGILL Objected to this motion, citing S.O. 28(1).

"Except as provided in sub-paragraph (5) of this Rule and subject to the provisions of Standing Order 33 in the case of a Private Bill, any Member may move for leave to introduce and read a Bill for the first time by its title, which

motion shall be put forthwith and decided without amendment or debate."

-which was agreed to

MR. M. A. R. BEAN moved for leave to introduce under Standing Order 28(1) for the first time the "Abolition of Conscription Act 2013".

MR. M. H. DUNKLEY rejected the motion under the provision of Standing Order 28(5).

MR. M. A. R. BEAN expressed to His Honour the Speaker, having consulted with His Honour the Speaker, there are no financial implications in the Amendment as presented to the House.

MR. M. H. DUNKLEY rose to object to the granting for leave to introduce the "Abolition of Conscription Act 2013".

- which on division, was defeated Noes 14, Ayes 19

#### Noes

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

#### Ayes

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

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 Inclusive and Special Education 2013: Getting it Right for Every Child".

#### 12:55 p.m.

MR. L. C. CANNONIER moved that the House, do adjourn to Friday, 15th November, 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.

**1:03p.m.**

The House adjourned to Friday November 15th, 2013 at 10:00 a.m.