



BERMUDA
HOUSE OF ASSEMBLY

Official House Minutes

May 31, 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

No. 13

Friday, May 31, 2013

Members Present: His Honour the Speaker, Jeanne J. Atherden, Kenneth L. Bascome, Marc A. R. Bean, Derrick V. Burgess, David G. Burt, Craig L. Cannonier, Shawn G. Crockwell, Rolfe P. Commissiong, Nandi S. Davis, Zane J.S. DeSilva, Michael H. Dunkley, Lovitta F. Foggo, Wayne L. Furbert, Dr. Edmund G. G. Gibbons, Susan E. Jackson, Dennis P. Lister, Terry E. Lister, Trevor G. Moniz, Everard T. Richards, Sylvan D. Richards, Walter H. Roban, Suzann Roberts-Holshouser, Ms. Leah K. Scott, Michael J. Scott, W. Lawrence Scott, R. Wayne E. Scott, Glen C. Smith, Jefferson C. Sousa, Kim N. Wilson.

10:04 a.m. Prayer

DR. E. G. GIBBONS
Minister of Economic Development

Madam Deputy SPEAKER, MS. S. ROBERTS-HOLSHOUSER in the speaker chair.

Sessions House,
31st May, 2013.

Confirmation of Minutes:

Minutes to the Meeting of May 17th 2013 were confirmed.

MR. S. D. RICHARDS, on behalf of MS. P. J. GORDON-PAMPLIN, read the following communication to His Honour the SPEAKER.

Announcements by the Speaker:

Madam Deputy Speaker announced that the following Members will be absent from the House today Ms. P. J. Gordon-Pamplin, Mr. N. H. C. Simons, and Mr. M. J. Pettingill.

TO HIS HONOUR THE SPEAKER:

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

Madam Deputy Speaker also announced that the Mr. Speaker will be absent for AM portion of proceedings.

“Pharmacy and Poisons Regulations 2013”

MS. P. J. GORDON-PAMPLIN
Minister of Health and Seniors

Papers and other Communications to the House:

DR. E. G. GIBBONS read the following communication to His Honour the SPEAKER.

Sessions House,
31st May, 2013.

TO HIS HONOUR THE SPEAKER:

Petitions:

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

MS. N. S. DAVIS presented the petition of The Bermuda Maritime Museum Association Act 1978 requesting amendments to amendments to its incorporating Act. The petition was referred to the Joint Select Committee on Private Bills.

“Financial Statements of the CedarBridge Academy for the Year end 31st March 2010”

10:06 a.m.

Statements by Ministers and Junior Ministers:

MR. M. H. DUNKLEY made a Ministerial Statement regarding the “Exercise Island Warrior 13, the Bermuda Regiment’s Overseas Camp 2013”, and “The Breach of Security at Westgate Correctional Facility”.

MR. T. G. MONIZ made Ministerial Statements addressing the "Outstanding Arrears"; An Update on Malabar Kitchner Close Water Situation; and Heritage Wharf Construction Project".

MR. S. D. RICHARDS made Ministerial Statements regarding the “Adoption of Protocol and Procedures for Special Development Orders.

DR. E. G. GIBBONS made Ministerial Statements regarding the "Aviation Policy Consultative Conference”; “BermudaSat1”; and "CedarBridge Academy’s 2010 Audited Financial Statements".

MR. E. T. RICHARDS made a Ministerial Statement regarding the “Update on the UK and US foreign Accounts Transaction Compliance Act Intergovernmental Model 2 Negotiations".

MR. S. G. CROCKWELL made Ministerial Statements regarding the “CHRIS Conference and Hotel Investors Summit"; and the “Charter Ferry Millennium”

MR. R. W. SCOTT made a Ministerial Statement regarding the “Development Strategic Planning Workshop and Town Hall Meeting” conducted by his ministry.

11:35 a.m.

MR. R. P. COMMISSIONG in the Chair.

11:37 a.m.

Madam Deputy Speaker in the Chair.

11:45 a.m.

Question Period:

MR. W. L. FURBERT asked Mr. S. G. CROCKWELL a question on the Gaming Referendum with reference to his Ministerial Statement on the CHRIS Conference and Hotel Investors Summit.

MR. W. L. FURBERT asked Mr. S. G. CROCKWELL a second question on his Ministerial Statement on the CHRIS Conference and Hotel Investors Summit.

MR. M. J. SCOTT asked Mr. T. G. Moniz a question on his Ministerial Statement on the Malabar Kitchner Close Water Situation.

MR. M. J. SCOTT asked Mr. T. G. Moniz a supplementary question on his Ministerial Statement on the Malabar Kitchner Close Water Situation.

MR. M. J. SCOTT asked Mr. T. G. Moniz a second question on his Ministerial Statement on the Malabar Kitchner Close Water Situation.

MR. D. V. BURGESS asked Mr. T. G. Moniz a question on his Ministerial Statement on the Malabar Kitchner Close Water Situation.

MR. D. V. BURGESS asked Mr. T. G. Moniz a second question on his Ministerial Statement on the Malabar Kitchner Close Water Situation.

MR. D. V. BURGESS asked Mr. T. G. Moniz a supplementary question on his Ministerial Statement on the Malabar Kitchner Close Water Situation.

MR. D. V. BURGESS asked Mr. T. G. Moniz a third question on his Ministerial Statement on the Malabar Kitchner Close Water Situation.

MR. W. H. ROBAN asked Mr. T. G. Moniz a question on his Ministerial Statement on the Malabar Kitchner Close Water Situation.

MR. D. V. BURGESS asked Mr. T. G. Moniz a supplementary question on his Ministerial Statement on the Malabar Kitchner Close Water Situation.

MR. M. J. SCOTT asked Mr. T. G. Moniz a question on his Ministerial Statement on the Malabar Kitchner Close Water Situation.

MR. G. A. BLAKENEY asked Dr. E. G. Gibbons a question on his Ministerial Statement on the Aviation Policy Consultative Conference.

MR. G. A. BLAKENEY asked Dr. E. G. Gibbons a supplementary question on his Ministerial Statement on the Aviation Policy Consultative Conference.

MR. G. A. BLAKENEY asked Dr. E. G. Gibbons a second question on his Ministerial Statement on the BermudaSat.

MR. G. A. BLAKENEY asked Dr. E. G. Gibbons a supplementary question on his Ministerial Statement on the BermudaSat1.

MR. G. A. BLAKENEY asked Dr. E. G. Gibbons a third question on his Ministerial Statement on the BermudaSat1.

MR. G. A. BLAKENEY asked Dr. E. G. Gibbons a supplementary question on his Ministerial Statement on the BermudaSat1.

MR. M. A. R. BEAN asked Dr. E. G. Gibbons a question on his Ministerial Statement on the BermudaSat1.

MR. W. L. SCOTT asked Dr. E. G. Gibbons a question on his Ministerial Statement on the BermudaSat1.

MR. R. P. COMMISSIONG asked Mr. M. H. Moniz a question on his Ministerial Statement on the Heritage Wharf Construction Project, Minister T. G. Moniz not in seat.

MR. D. P. LISTER remarked that Mr. T. G. Lister was not in his seat and requested that the Minister be present to respond to questions.

12:15 p.m.

MR. R. P. COMMISSIONG asked Mr. T. G. Moniz a question on his Ministerial Statement on the Heritage Wharf Construction Project.

MR. R. P. COMMISSIONG asked Mr. T. G. Moniz a supplementary question on his Ministerial Statement on the Heritage Wharf Construction Project.

MR. D. V. BURGESS asked Mr. T. G. Moniz a question on his Ministerial Statement on the Heritage Wharf Construction Project.

MR. D. V. BURGESS asked Mr. T. G. Moniz a supplementary question on his Ministerial Statement on the Heritage Wharf Construction Project.

MR. D. V. BURGESS asked Mr. T. G. Moniz a second question on his Ministerial Statement on the Heritage Wharf Construction Project.

MR. D. V. BURGESS asked Mr. T. G. Moniz a supplementary question on his Ministerial Statement on the Heritage Wharf Construction Project.

MR. W. L. SCOTT asked Mr. S. G. Crockwell a question on his Ministerial Statement on the Charter Ferry Millennium.

Mr. W. L. SCOTT asked Mr. S. G. Crockwell a second question on his Ministerial Statement on the Charter Ferry Millennium.

Mr. W. L. SCOTT asked Mr. S. G. Crockwell a third question on his Ministerial Statement on the Charter Ferry Millennium.

MR. M. A. R. BEAN under Standing Order 17(9) (b) asked the Hon. Premier a question concerning Members accepting gifts and if the Ministerial Code of conduct had been changed since 2002.

MR. M. A. R. BEAN asked Mr. L. C. CANNONIER a supplementary question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

MR. M. A. R. BEAN asked Mr. L. C. CANNONIER a second supplementary question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

MR. E. D. G. BURT asked Mr. L. C. CANNONIER a supplementary question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

MS. K. N. WILSON asked Mr. L. C. CANNONIER a supplementary question to Mr. M. A. R. BEANS's question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

MS. K. N. WILSON asked Mr. L. C. CANNONIER a second supplementary question to Mr. M. A. R. BEANS's question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

MS. K. N. WILSON asked Mr. L. C. CANNONIER a first question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

MS. K. N. WILSON asked Mr. L. C. CANNONIER a second question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

12:30 p.m.

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

Madam Deputy SPEAKER ordered that the House resume for business at 2:00 p.m.

2:00 p.m.

The House resumed.

Question Period Continued:

2:00 p.m.

Madam Deputy SPEAKER in the Chair.

2:01 p.m.

MR. E. D. G. BURT asked Mr. L. C. CANNONIER a supplementary question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

MR. D.V. BURGESS asked Mr. L. C. CANNONIER two supplementary question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

MR. M. J. SCOTT asked Mr. L. C. CANNONIER two supplementary question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

MR. E. D. G. BURT asked Mr. E. T. Richards a question on his Ministerial Statement.

MR. Z. J. S. DESILVA asked Mr. L. C. CANNONIER two supplementary questions concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

MR. Z. J. S. DESILVA asked Mr. M. H. Dunkley a question concerning his Ministerial Statement.

MR. Z. J. S. DESILVA asked Mr. M. H. Dunkley a second question concerning his Ministerial Statement.

MR. Z. J. S. DESILVA asked Mr. M. H. Dunkley a supplementary question concerning his Ministerial Statement.

Mr. W. L. SCOTT asked Mr. L. C. CANNONIER a supplementary question to Mr. M. A. R. BEANS's question concerning Members accepting gifts and if the Ministerial Code 2002 had been adhered to.

2:14p.m.

His Honour the SPEAKER in the Chair.

Congratulatory and Obituary Speeches:

MR. T. G. MONIZ expressed condolences for the family of the late Mr. Roderick DeCouto (Husband of former Member Hon. Ann Cartwright DeCouto).

Despite leaving school at 13 years of age Mr. DeCouto was a very successful entrepreneur and Realtor; active in the Chamber of Commerce.

MR. D. V. BURGESS sent congratulations to Bishop Nicholas Bayard Dill on his consecration as the Anglican Bishop of Bermuda. He will do a great job; congratulations to Hamilton Parish Workmen's Club on winning the Shield Cup and their promotion to Premier Division of the Bermuda Football Association.

MR. L. C. CANNONIER expressed condolences to the Hon. Member Mrs. P. J. Gordon-Pamplin on the passing of her beloved mother Ms. Mildred Bean, a lovely lady who will be sadly missed; congratulations to T N T Tatem Middle School on winning the Beast Float Competition in the Bermuda Day Parade; and congratulations to other Bermuda Day Parade Competitors and winners, and the Marathon Derby winners.

MR. W. H. ROBAN associated himself with the remarks for Bishop Nicholas Dill on his consecration; congratulations to Grace Methodist Church on the celebration of their 113th anniversary of service and communion in Bermuda; he associated Mr. M. H. Dunkley and Ms P. J. Gordon-Pamplin with these remarks.

MR. R. W. SCOTT congratulated Bermuda Day Cycle Race Winners in male and female divisions and the junior winners, the Bermuda Marathon winners; congratulations to Jessica Lewis on her success on the wheelchair events overseas representing Bermuda; congratulations to West Pembroke Primary School Girls Pride Cheerleading Team on winning the Bermuda Youth Got Talent event; congratulations to organizers and Ministry staff on the success of the Bermuda Day Parade.

MR. E. D. G. BURT congratulations to organizers and winners of the Bermuda Youth Got Talent Event. - Ms. Kelly Hunt and all at the Coalition for the Protection of Children organized by the BYGT event; congratulations to Nahki Wells on scoring a goal at Wembley Stadium in England for Bradford City Football Club, first Bermudian to score a Goal at Wembley Stadium.

MR. K. L. BASCOME associated himself with the congratulatory remarks for Mr. Anthony Philip on his recent appointment as CEO of AIG Bermuda; associated himself with remarks made in the last meeting for Mr. Noel Pearman; congratulations to

Mr. Kyle Wade of St. George's on introducing special cell phones charger service to Bermuda.

2:33 p.m.

MRS. S. ROBERTS-HOLSHOUSER associated herself with the remarks for Bishop N. Dill, a very young Bishop, and wished him well.

MR. J. C. SOUSA congratulations to Warwick Parish and Bermuda on the naming of Warwick Long Bay Beach as one of the top 100 Beaches in the World by CNN; associated himself with the remarks for all Bermuda Day Marathon Winners and the Bermuda Day Parade Winners; congratulations to Bermuda day/Heritage Month sponsors.

MR. M. H. DUNKLEY associated himself with condolences for the family of the late Ms. Mildred Bean and the late Mr. Roderick DeCouto; condolences to the family of the late Mr. Damien S. Turini; condolences to the families of the late Mr. William Tucker, The Late Mr. Andrew Harris, and the Late Mr. Angelo Botelho; associated himself with the congratulatory remarks for Bishop Dill, and Nahki Wells; associated himself with congratulating the Coalition for Protection of Children and Bermuda Youth Got Talent Event; congratulations to Caron Bermuda on events and their important work in Bermuda; congratulations to Mr. Graham Pewter; congratulations to W. O. 2. Bernard Pitman on 40 years of service in the Bermuda Regiment Band.

MR. S. G. CROCKWELL congratulations to Mr. Scott Nearon on his recent graduation from Morehouse College in Atlanta, Mr. Nearon is also a member of the Alpha Fraternity; congratulations to Schrodgers in Bermuda on sponsoring swimming events; and congratulations to several outstanding swimmers on their success.

MR. R. P. COMMISSIONG congratulations to Jelani Scott on his success in the Bermuda Monetary Authority's Graduate Training Programme; son of C. S. Mr. Donald Scott; associated Mr. M. A. R. Bean.

DR. E. G. GIBBONS congratulations to the 2013 graduates of the Bermuda College; associated all

Members of the House; associated himself with the remarks for the late Mr. Roderick DeCouto a very hard working Bermudian; public servant on several Government Boards; associated himself with the

condolences of the late Ms. Mildred Bean and the late Mr. William Tucker; associated himself with the congratulatory remarks for Bishop Dill and West Pembroke Cheerleading Team on winning the Bermuda Youth Got Talent Event.

MR. T. E. LISTER Congratulations to Tyler Butterfield on winning the 2013 Marathon Derby, associated Mr. G. C. Smith; congratulations to 9 year old Selah Tuzo for winning the Bermuda Day Marathon Junior Classic for Girls; associated himself with the congratulatory remarks to Nahki Wells on his Football success in England, and scoring a goal at Wembley Stadium at Bradford City F. C.

MR. M. J. SCOTT associated himself with the remarks for the late Mr. Roderick DeCouto and the late Mrs. Mildred Bean; associated himself with congratulations to Bishop Dill; congratulations to "Paws and Claws" Pet supply store on their opening in Somerset.

MR. L. K. SCOTT Congratulations to Delta Sorority on their 100th Anniversary in Bermuda.

2:45 p.m.

MR. L. C. CANNONIER made a personal explanation statement regarding his travel in a private jet courtesy of the party interested in possible development of Tourism properties in Bermuda.

Introduction of Bills:

MR. S. G. CROCKWELL introduced the following Public Bill for its first reading: "The Auxiliary Bicycles Amendment Act 2013".

Notices of Motions

MR. S. D. RICHARDS, on behalf of MS. P. J. GORDON-PAMPLIN, gave notice that at the next day of meeting she proposed to move the following motion:

“That this Honourable House takes note of the Report entitled ‘Clinical and Corporate Governance Review for the Bermuda Hospitals Board produced by Howard Associates’ together with the Special Report

of the Ombudsman relating to her review of the said Clinical and Corporate Governance Review and this Government’s vision and future direction for K.E.M.H”.

2:59 p.m.

Orders of the Day:

On the motion of DR. E. G. GIBBONS the Bill entitled the “Companies Amendment Act 2013” was then read a second time.

3:03 p.m. - MR. G. A. BLAKENEY

3:05 p.m. - MR. W. L. FURBERT

3:06 p.m. - DR. E. G. GIBBONS

The Bill was committed

MS. S. ROBERTS-HOLSHOUSER in the Chair

DR. E. G. GIBBONS moved clauses 1-4 of the Bill.

Clauses 1 – 4, as printed, were agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

MR. S. G. CROCKWELL carried over order #2

MR. M. H. DUNKLEY carried over order #3

3:12 p.m.

On the motion of MR. M. H. DUNKLEY the Bill entitled the "Prisons Amendment Act 2013" was then read a second time.

3:17 p.m. - MS. K. N. WILSON

3:20 p.m. - MR. T. E. LISTER

3:27 p.m. - MS. S. E. JACKSON

3:28 p.m. - MR. M. H. DUNKLEY

The Bill was committed

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. M. H. DUNKLEY moved clauses 1-5 of the Bill.

Clauses 1 – 5, as printed, were agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

3:36 p.m.

On the motion of MR. M. H. DUNKLEY the Bill entitled the "Fire Arms Amendment Act 2013", was then read a second time.

3:42 p.m. - MR. G. A. BLAKENEY

3:49 p.m. - MR. M. J. SCOTT

3:58 p.m. - MS. L. F. FOGGO

The Bill was committed

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. M. H. DUNKLEY moved clauses 1-5 of the Bill

Clauses 1 – 5, as printed, were agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

Item number 6 and 7 on the Order paper were carried over to the next day of meeting.

4:15 p.m.

DR. E. G. GIBBONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the "Companies Amendment Act 2013" 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 2013" was then read the third time and passed.

MR. M. H. DUNKLEY moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the "Prisons Amendment Act 2013" be now read the third time, which was agreed to.

On the motion of MR. M. H. DUNKLEY, the Bill entitled the "Prisons Amendment Act 2013" was then read the third time and passed.

MR. M. H. DUNKLEY moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the "The Fire Arms Amendment Act 2013" be now read the third time, which was agreed to.

On the motion of MR. M. H. DUNKLEY, the Bill entitled the "The Fire Arms Amendment Act 2013" was then read the third time and passed.

4:18 p.m.

MR. L. C. CANNONIER moved that the House do now adjourn to Friday June 7th 2013, which was agreed to.

4:18 p.m. - MR. M. J. SCOTT

4:39 p.m. - MR. W. L. SCOTT

4:55 p.m. - MR. W. H. ROBAN

5:09 p.m. - MR. Z. J. S. DESILVA

5:28 p.m. - MR. R. P. COMMISSIONG

(5:30 p.m. - MS. S. ROBERTS-HOLSHOUSER in the chair)

5:39 p.m. - MR. G. A. BLAKENEY

5:53 p.m. - MR. E. D. G. BURT

6:17 p.m. - MR. E. T. RICHARDS

6:26 p.m. - MR. T. E. LISTER

6:36 p.m. - MR. S. G. CROCKWELL

6:54 p.m. - MR. W. L. FURBERT

7:05 p.m. - MR. M. A. R. BEAN

7:28 p.m. - MR. D. V. BURGESS

7:47 p.m. - MS. K. N. WILSON

8:00 p.m. - MR. R. W. E. SCOTT

8:05 p.m.

The House adjourned to Friday, June 7th, 2013 at 10:00 a.m.