



# BERMUDA HOUSE OF ASSEMBLY

## Official House Minutes

*July 12, 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. 19**

**Friday, July 12th, 2013**

**Members Present:** His Honour the Speaker, Jeanne J. Atherden, Kenneth L. Bascome, Glenn A. Blakeney, Walton D. Brown, Derrick V. Burgess, David G. Burt, 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, 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.

**10:05 a.m.** Prayer

Sessions House,  
12th July, 2013.

**Confirmation of Minutes:**

Minutes to the Meeting of June, 21st 2013, were confirmed.

Minutes to the Meeting of June 28th 2013, were deferred.

**10:05 a.m.**

**Announcements by the Speaker:**

His Honour the Speaker announced the absences of the Premier Mr. L. C. Cannonier; the Opposition Leader Mr. M. A. R. Bean; Mr. S. D. Richards and Mr. W. H. Roban.

**10:09 a.m.**

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

MR. S. G. CROCKWELL read the following communication to His Honour the SPEAKER.

TO HIS HONOUR THE SPEAKER:-

I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Draft Order entitled:-

“Hotels Concession (Fairmont Hamilton) (No.2) Order 2013”

MR. S. G. CROCKWELL  
Minister of Tourism Development & Transport

**10:10 a.m.**

**Statements by Ministers and Junior Ministers:**

MR. M. H. DUNKLEY made a Ministerial Statement regarding the “Bermuda Omnibus Survey 2<sup>nd</sup> Quarter 2013”.

MR. R. W. E. SCOTT made a Ministerial Statement regarding the “NatWest Island Games 2013”.

MS. P. J. GORDON-PAMPLIN made a Ministerial Statement regarding the “Updated Report on the Pink Conference on Breast Cancer”.

MR. S. G. CROCKWELL made Ministerial Statements regarding the “World Cup – Big Game Classic Marlin Tournament” and the four major fishing Tournaments going on in Bermuda.

MR. M. J. PETTINGILL made a Ministerial Statement regarding the “Legal Settlement with Architects of the New Magistrates Court Building”.

**Question Period:**

MR. D. V. BURGESS requested that questions on the Ministerial Statement by Mr. M. J. Pettingill be allowed to be asked at the next day of Meeting.

MR. SPEAKER agreed to the request from Mr. D. V. Burgess.

MR. M. J. SCOTT asked Mr. M. H. Dunkley a question regarding his statement on the "Bermuda Omnibus Survey 2<sup>nd</sup> Quarter 2013.

MR. M. J. SCOTT asked Mr. M. H. Dunkley a second question.

MR. M. J. SCOTT asked Mr. M. H. Dunkley a third question.

MR. C. W. D. BROWN asked Mr. M. H. Dunkley a supplementary question.

MR. Z. J. S. DESILVA asked Ms. P. J. Gordon-Pamplin a question on her statement on the "Updated Report on the Pink Conference on Breast Cancer".

MS. P. J. GORDON-PAMPLIN answered in writing the following questions from Mr. Z. J. DeSilva.

1. Would the Honourable Minister please inform this Honourable House what will be the effect of shifting the cost of premiums for Future Care from higher-income Bermudians to lower-income Bermudians?

**A1. When the higher FutureCare (FC) premium was instituted, there was NO differentiation with respect to ability to pay, as the previous administration never implemented means testing. Those who signed on to FutureCare in the second and third tranche paid \$600, irrespective of their ability to pay. There is therefore, no evidence to support the statement that premium has been shifted from higher-income Bermudians to lower-income Bermudians, as both demographics would have been included in the first tranche as well as the second and third. It is incorrect to suggest that those who paid the higher premium on the second and third intakes were financially better off than those who were included in the first intake, because the previous administration made no distinction.**

2. Would the Honourable Minister please inform this Honourable House whether the Ministry is opposed to using means testing in Future Care?

**A2. The Minister is not opposed to using means testing for FutureCare at some point in the future, but for means testing to be viable, a proper structure for**

**determining eligibility would have to be developed and put into place.**

3. Would the Honourable Minister please inform this Honourable House if a decision will be made to increase the Future Care prescription benefit?

**A3. Our information is that some FutureCare clients require minimal prescription benefits, and others require over and above what is offered. Once an actuarial study has been completed, an appropriate revision of benefits will be considered.**

**Had there been money left in the consolidated fund by the previous administration that would have enabled additional benefits to be offered to all FutureCare clients, that would have been the first order of business. The prescription benefits had not been amended by the prior administration, notwithstanding the contention of the former Minister that benefits were running out. This OBA administration will re-evaluate the shabby treatment meted out to our seniors under the former administration and adjustments will be made based on actuarial extrapolations which also will include sustainability considerations.**

MR M. H. DUNKLEY answered in writing to the following questions from Mr. W. H. Roban

1. Would the Honourable Minister please provide this Honourable House with a list of job categories for the work permits issued to Contractors Crisson Construction, On Site Engineering, Sunrise Contractors, and other members of the consortium who have been awarded the contract for Heritage Wharf?

**Response: See attached.**

2. Would the Honourable Minister please provide this Honourable House a description of the specialist area of work that each of the job categories is expected to carry out for the duration of the project at Heritage Wharf?

**Response: specialist work to be carried out is in accordance with the functional job title and comments as per attached.**

dates when the work permits issued were approved?

3. Would the Honourable Minister please provide this Honourable House with the

**Response: see attached.**

RESPONSES TO PARLIAMENTARY QUESTIONS - HERITAGE WHARF PROJECT, 12 JULY 2013						
COMPANY	JOB TITLE	START DATE	END DATE	# of Permits	Actual	Date issued
MINISTRY OF PUBLIC WORKS	GEOTECHNICAL ENGINEER	9-Feb-13	10-May-13	1	1	
MINISTRY OF PUBLIC WORKS	PROJECT MANAGER	1-Mar-13	1-Jun-13	3	3	Feb-13
MINISTRY OF PUBLIC WORKS	PROJECT MANAGER	1-Mar-13	1-Jun-13	1	1	Feb-13
MINISTRY OF PUBLIC WORKS	CRANE OPERATOR	8-Mar-13	8-Jun-13	1	1	Feb-13
MINISTRY OF PUBLIC WORKS	COMMERCIAL DIVER WELDER	8-Mar-13	8-Jun-13	1	1	Feb-13
MINISTRY OF PUBLIC WORKS	PILE DRIVER	8-Mar-13	8-Jun-13	1	1	Feb-13
MINISTRY OF PUBLIC WORKS	DIVER & STEEL PILE INSTALLER	1-Mar-13	1-Jun-13	7	8	
MINISTRY OF PUBLIC WORKS	ENGINEER/PROJECT MANAGER	19-Mar-13	19-Jun-13	2	3	Mar-13
MINISTRY OF PUBLIC WORKS	GEOTECHNICAL ENGINEER	18-Mar-13	18-Jun-13	2	2	Mar-13
MINISTRY OF PUBLIC WORKS	WELD INSPECTOR	15-Mar-13	15-Jun-13	1	1	Mar-13



MR. M. H. DUNKLEY answered in writing the following questions from Mr. M. J. Scott.

**Q1. Would the Honourable Minister please provide this Honourable House with the total number of work permit holders who are required to sign the Declaration (to be signed by all non-Bermudian Work Permit Holders) launched on March 15, 2013?**

**Response:**

At April 1, 2013, there were 6,782 persons on active standard work permits. All of these work permit holders were required to sign the Declaration by April 30, 2013.

**2. Would the Honourable Minister please provide this Honourable House with the number of Declarations that have been completed and submitted to the Department of Immigration and Ministry since the launch of the programme from March 15, 2013 to date?**

**Response:**

As at May 31, 2013 a total of 4,186 Declarations had been received by the Department of Immigration. Please note however that the June numbers have not been finalized and therefore this number is now higher.

**3. Would the Honourable Minister please provide this Honourable House with the total number of Declarations (to be signed by non-Bermudian Work Permit Holders) that remain outstanding?**

Response: As at May 31, 2013 a total of 2,596 Declarations remained outstanding. This number has now decreased in accordance with June submissions.

MR. T. G. MONIZ answered in writing the following questions from Mr. D. V. Burgess

**Q1. Would the Honourable Minister please inform this Honourable House as to who and how much the Government pays to insure its vehicles and property annually?**

**Response 1**

For both Property and Motor vehicle insurance policies, the insurer is Argus Insurance.

Company Ltd. Centurion Insurance Services Limited, a division of Argus Insurance, is the Government's insurance broker. As such, all payments for Government insurance policies are funnelled through the same. In turn, they are responsible for remitting funds to the appropriate insurer for any claims.

The total dollar amount paid is outlined in the table below in response to Q2.

**Q2. Would the Honourable Minister please inform this Honourable House as to the total dollar value of claims for the years 2009, 2010, 2011 and 2012, by vehicle and property payments received?**

Response 2				
Main Fleet policy M111CV000468				
Policy year (commencing 1 <sup>st</sup> April)	Claims Paid	Claims Outstanding	Total incurred	Premium
2009-2010	\$205,361	\$Nil	\$205,361	\$675,000.00
2010-2011	\$224,465	\$15,300	\$239,765	\$725,000.00
2011-2012	\$301,981	\$229,881	\$531,862	\$725,000.00
2012-2013	\$138,852	\$62,800	\$201,652	\$690,000.00
Main Property policy F111FR000176				
Policy year (commencing 1 <sup>st</sup> April)	Claims Paid	Claims Outstanding	Total incurred	Premium
2009-2010	\$0.00	\$0.00	\$0.00	\$8,584,876.90
2010-2011	\$188,660.00	\$0.00	\$188,660.00	\$8,635,389.00
2011-2012	\$380,076.00	\$0.00	\$380,076.00	\$8,660,736.75
2012-2013	\$0.00	\$0.00	\$0.00	\$8,810,737.00

**Congratulations and Obituary Speeches:**

MR. M. J. SCOTT expressed condolences for the late Ms. Sheila A. Dickinson-Claridge; associated all Members of the House; Ms. Claridge was a very caring health care worker and will be greatly missed.

MS. S. ROBERTS-HOLSHOUSER congratulated Ms. Debbie Ray Ray-Rivers on being awarded the CableVision Community Service Award. Ms. Ray-Rivers was the founder of SCARS in Bermuda and is very active in her work against child abuse.

MR. Z. J. S. DESILVA expressed condolences to the family of the late Mr. Nat Chambers a former policeman; associated himself with condolences for the late Ms. Sheila Dickinson-Calridge; associated himself with congratulatory remarks made for Ms. Debbie Ray-Rivers; congratulations to Ms. Roshena Masters and all the staff at Lefroy House on their very successful Open House.

MR. M. H. DUNKLEY associated himself with

condolences for the late Ms. Sheila A. Dickinson-Claridge; condolences to the late Ms. Beatrice Francis; associated all Members; congratulated Ms. Wendy McDonnell on her retirement as Commissioner of Education; associated himself with comments for Debbie Ray-Rivers; congratulations to Mr. Jon Brunson on his work with Ms. Debbie Ray-Rivers; congratulations to directors of Knowledge Quest on their very important work in providing scholarships for Bermudian Students.

MR. D. V. BURGESS congratulated the Hamilton Parish Hot Peppers Youth Football Team on their great success at a Tournament held in Florida. The under 12 team won the Gold Medal for their age group.

MR. R. W. E. SCOTT associated himself with comments for Debbie Ray-Rivers and Mr. Jon Brunson; expressed condolences to the late Ms. Maybelline Dickinson.

MR. R. P. COMMISSIONG expressed condolences for the late Ms. Roderika Pitcher who has passed away at a young age.

MR. E. T. RICHARDS associated himself with condolences for the late Ms. Sheila A. Dickinson-Claridge; she was very passionate about healthcare; associated himself with congratulating Ms. Wendy McDonnell on her retirement as Commissioner of Education.

MR. S. G. CROCKWELL expressed condolences for the late Mrs. Evangeline Rawlins; associated himself with condolences for the late Ms. Roderika Pitcher;

congratulations to the Royal Caribbean Cruise Line scholarship winners.

MR. D. P. LISTER associated himself with condolences for the late Ms. Sheila A. Dickinson-Claridge; he remembers her from working at the hospital; condolences for the family of the late Ms. Sandra Fubler; congratulations to Mr. Kelly Zuill on his 50 years as a radio Gospel show host in Bermuda; associated all Members of the House.

MS. S. E. JACKSON associated herself with remarks of condolences for Debbie Bierman.

MR. N. H. C. SIMONS associated himself with condolences for the late Ms. Rodrika Pitcher; associated himself with congratulations for Debbie Ray-Rivers and to Mr. Jon Brunson; also associated himself with condolences for the late Ms. Sheila A.

Dickinson-Claridge and for the late Mrs. Evangeline Rawlins.

MR. M. J. PETTINGILL associated himself with congratulating Ms. Debbie Ray-Rivers and to Mr. Jon Brunson; congratulated Mr. Terry Ray; Bermuda's first female ferry pilot.

MS. P. J. GORDON-PAMPLIN associated herself with remarks for Lefroy House and Ms. Roshena Masters; associated herself with remarks to the family of the late Ms. Sheila Dickinson-Claridge; associated herself with remarks of condolences for the late Ms. Rodericka Pitcher; congratulated the Red Cross on their "Tina Turner" concert event held at the Fairmont Southampton Princess; associated herself with condolences for the family of the late Ms. Sandra Fubler.

MR. C. W. D. BROWN expressed condolences for the family of the late Ms. Tanya Symonds.

MR. J. C. SOUSA sent condolences to the family of the late Beatrice Faries.

MR. E. D. G. BURT associated himself with remarks to the family of the late Ms. Sheila Dickinson-Claridge; associated himself and Mr. M. J. Scott with remarks of condolences for the family of the late Ms. Tanya Symonds.

HIS HONOUR THE SPEAKER associated himself with sentiments for Curtis Dickinson and the late Ms. Sheila Dickenson-Claridge.

#### **Introduction of Bills:**

MR. M. H. DUNKLEY moved for leave to introduce and read for the first time by its title a Bill entitled the "Bermuda Immigration and Protection Amendment Act 2013"

MR. S. G. CROCKWELL moved for leave to introduce and read for the first time by its title a Bill entitled the "Traffic Offences (Penalties) Amendment Act 2013"

**11:35 a.m.**

#### **Orders of the Day:**

On the motion of MR. S. G. CROCKWELL moved to suspend Standing Order 22 so that he could proceed with consideration of the Draft Order entitled the "Hotels Concession (Fairmont Hamilton) (No.2) Order 2013".

-which was agreed to.

On the motion of MR. S. G. CROCKWELL the Draft Order entitled the "Hotels Concession (Fairmont Hamilton) (No.2) Order 2013", was then taken under consideration.

11:44 a.m. - MR. W. L. FURBERT

11:50 a.m. - MR. T. E. LISTER

12:08 p.m. - MR. E. D. G. BURT

12:22 p.m. -MS. K. N. WILSON

**12:30 p.m.**

MR. M. H. DUNKLEY moved that the House do now recess for lunch, which was agreed to.

His Honour the Speaker ordered that the House resume at 2:00 p.m.

**2:00 p.m.**

The House resumed.

2:01 p.m. -MS. K. N. WILSON

2:17 p.m. - MR. M. J. SCOTT

2:28 p.m. - DR. E. G. GIBBONS

2:40 p.m. - MR. Z. J. S. DESILVA

2:47 p.m. - MR. S. G. CROCKWELL

MR. S. G. CROCKWELL moved that the said draft Order be approved and that the following message be sent to His Excellency the Governor:

(No. 23)

MAY IT PLEASE YOUR EXCELLENCY:

The House of Assembly, having had under consideration draft Order entitled the "Hotels Concession (Fairmont Hamilton) (No.2) Order 2013" proposed to be made by the Minister of Tourism and Transport under the provisions of Section 3 of the Hotels Concession Act 2000, has the honour to inform Your Excellency that the House has approved the said draft Regulations, which was agreed to.

-which was agreed to and ordered accordingly.

**3:05 p.m.**

MS. P. J. Gordon-Pamplin moved the following motion:-

“That this Honourable House take 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.”

3:25p.m. - MS. S. ROBERTS-HOLSHOUSER in the Chair.

**3:06 p.m.**

Madam Deputy Speaker recognized the presence of former Member and Shadow Minister of Health and Seniors Mrs. Louise A. Jackson, MBE, JP, in the Speakers Gallery.

4:07 p.m. - MR. Z. J. S. DESILVA

4:29 p.m. - DR. E. G. GIBBONS

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

5:12 p.m. - His honour the SPEAKER in the Chair.

5:15 p.m. - MR. N. H. C. SIMONS

The house took note of the Report.

Item numbers 2 and 3 on the Order paper were carried over to the next day of meeting.

**5:44 p.m.**

MR. M. H. DUNKLEY moved that the House, do adjourn to Friday, 19th July, 2013 at 10:00 a.m., which was agreed to.

5:44 p.m. - MS. K. N. WILSON

6:02 p.m. - MR. E. D. G. BURT

6:23 p.m. - MR. M. J. SCOTT

6:39 p.m. - MR. W. L. FURBERT

6:40 p.m. - MS. S. ROBERTS-HOLSHOUSER in the Chair.

6:54 p.m. - His honour the SPEAKER in the Chair.

6:55 p.m. - MR. S. G. CROCKWELL

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

7:07 p.m. - MR. W. L. A. SCOTT

7:15 p.m. - MR. E. T. RICHARDS

7:30 p.m. - MR. R. P. COMMISSIONG

7:35 p.m. - MR. M. H. DUNKLEY

**7:55 p.m.**

The House adjourned to Friday, 19th July, 2013 at 10:00 a.m.