



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

July 04, 2014

Electronic Version

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

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

No. 26

Friday, July 4th, 2014

Members Present: His Honour the Speaker, Jeanne J. Atherden, Kenneth L. Bascome, Marc A. R. Bean, Glenn A. Blakeney, Walton D. Brown, Derrick V. Burgess, David G. Burt, L. Craig Cannonier, Rolfe P. Commissiong, Shawn G. Crockwell, Zane J. S. DeSilva, Michael H. Dunkley, Lovitta F. Foggo, Wayne L. Furbert, Dr. Edmund G. Gibbons, Patricia J. Gordon-Pamplin, Susan E. Jackson, Dennis P. Lister, Terry E. Lister, Trevor G. Moniz, Nandi S. Outerbridge, Everard T. Richards, Sylvan D. Richards, Walter H. Roban, Suzann Roberts-Holshouser, 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

TO HIS HONOUR THE SPEAKER:-

Confirmation of Minutes:

I have the honour to attach and submit for the consideration of the Honourable House of Assembly

Minutes to the meeting of June 27, 2014 were deferred.

10:06 a.m.

the "Public Access to Information Amendment Regulations 2014".

Announcements by the Speaker:

MR. M. H. DUNKLEY
Minister of National Security

His Honour the Speaker announced that Mr. Raoul Ming is acting as Sergeant- at-Arms for today's meeting.

Sessions House,
4th July, 2014

10:06 a.m.

MR. E. T. RICHARDS read the following communication to His Honour the SPEAKER.

Papers and other Communications to the House:

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

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 "Government Fees Amendment (No.3) Regulations 2014".

I have the honour to attach and submit for the information of the Honourable House of Assembly the "DNDC Annual Programme Performance Report for the Year 2013-2014".

MR. M. H. DUNKLEY
Minister of National Security

Sessions House,
4th July, 2014

Sessions House,
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10:08 a.m.

Statements by Ministers and Junior Ministers:

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

MR. M. H. DUNKLEY made Ministerial Statements regarding the "Public Access to Information Amendment Act 2014", the "DNDC Annual Programme Performance Report", and the "Parole Board Report 2013".

MR. R. W. E. SCOTT made a Ministerial Statement regarding the "Bermuda Campaign and Bermuda National Library Summer Reading Programme".

DR. E. G. GIBBONS made Ministerial Statements regarding the "Update on the Consultation Process for Proposed Amendments to the Education Act 1996", and the "NASA's Global Learning and Observations to Benefit the Environmental (Globe) Programme Agreement".

10:35 a.m.

MS. J. J. ATHERDEN made a Ministerial Statement regarding "Summer Food".

MS. P. J. GORDON-PAMPLIN made a Ministerial Statement regarding the "Evaluation of Global House".

10:40 a.m.

Question Period:

MR. M. A. R. BEAN asked Mr. M. H. Dunkley a question on his Ministerial Statement on Public Access to Information Legislation.

MR. M. A. R. BEAN asked Mr. M. H. Dunkley a supplementary question.

MR. M. A. R. BEAN asked Mr. M. H. Dunkley a second supplementary question.

MR. M. A. R. BEAN asked Mr. M. H. Dunkley a second question.

MR. E. D. G. BURT asked Mr. M. H. Dunkley a supplementary question.

MR. E. D. G. BURT asked Mr. M. H. Dunkley a second supplementary question.

MR. E. D. G. BURT asked Mr. M. H. Dunkley a question.

MR. E. D. G. BURT asked Mr. M. H. Dunkley a supplementary question.

MR. E. D. G. BURT asked Mr. M. H. Dunkley a second supplementary question.

MR. E. D. G. BURT asked Mr. M. H. Dunkley a second question.

MR. E. D. G. BURT asked Mr. M. H. Dunkley a second supplementary question.

MR. E. D. G. BURT asked Mr. M. H. Dunkley a third question.

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

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

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

MS. K. N. WILSON asked Mr. M. H. Dunkley a question.

MS. K. N. WILSON asked Mr. M. H. Dunkley a supplementary question.

11:05 p.m.

MS. K. N. WILSON asked Mr. M. H. Dunkley a second supplementary question.

MS. K. N. WILSON asked Mr. M. H. Dunkley a second question.

MS. K. N. WILSON asked Mr. M. H. Dunkley a supplementary question.

MR. T. E. LISTER asked Mr. M. H. Dunkley a supplementary question.

MR. Z. J. S. DESILVA asked Mr. M. H. Dunkley a supplementary question.

His Honour the Speaker read Standing Order 11(2) (iii) in relation to Members speaking while another Member has the floor.

MR. W. H. ROBAN asked Ms. J. J. Atherden a question regarding her Ministerial Statement on Summer Food Safety.

MR. T. E. LISTER asked Dr. E. G. Gibbons a question relating to his Ministerial Statement on the Update on the Consultation Process.

MR. T. E. LISTER asked Dr. E. G. Gibbons a supplementary question.

MS. L. F. FOGGO asked Dr. E. G. Gibbons a supplementary question.

MS. L. F. FOGGO asked Dr. E. G. Gibbons a second question.

MR. C. W. D. BROWN asked Dr. E. G. Gibbons a question.

11:25 p.m.

Congratulatory and Obituary Speeches:

MR. W. L. A. SCOTT sent congratulations to Ms. Jackie Zuill on her retirement from Delta Airlines; sent congratulations to HOTT 107.5FM and Magic 102.7FM on their 10th Anniversary; sent congratulations to Hon. Alex Scott on receiving his CBE investiture at Buckingham Palace.

MR. Z. J. S. DESILVA sent condolences to the family of the late Mr. Basil Gibbons; associated S. G. Crockwell; associated himself with congratulations to HOTT 107.5FM and Magic 102.7FM

DR. E. G. GIBBONS congratulated organizers of the Early Childhood Education Conference which took place at Bermuda College, in particular Dr. Tucker.

MR. T. E. LISTER sent condolences to the family of the late Dr. Gary Burgess.

MS. S. E. JACKSON congratulated Jackson School of Performing Arts on their recital currently being held; congratulated the Department of Corrections for consistent leadership.

MR. M. A. R. BEAN sent congratulations to the family of the late Mr. Jonathan Burch DeCosta.

MR. J. C. SOUSA sent congratulations to Dennis Watson who was congratulated by the Mayor of New York on his mentoring program for black youth.

MR. D. V. BURGESS expressed condolences on the passing of Ms. Ethel Godwin, former employee of BIU.

MS. P. J. GORDON-PAMPLIN congratulated 5 employees of Public Works who received their Diplomas in Small Engine Repair.

11:45p.m.

MS. L. F. FOGGO associated herself with remarks for those graduates at CedarBridge Academy and Berkeley Institute in particular Ms. Tahira Butterfield who constantly maintained her grades within the 90 percentile the entire time at CedarBridge Academy; congratulated Clear Water Middle School, Delwood Middle School and St. David's Primary for their high passing rate to the next level; sent congratulations to Ms. Capri Smith for an outstanding job with the patients in the extended care unit at King Edward VII Memorial Hospital.

MS. N. S. OUTERBRIDGE extended best wishes to the contestants of the Miss Bermuda contest; sent congratulations to Mr. Ryan Robinson-Perinchief who will be traveling to the Czech Republic to participate in a debating contest.

MR. M. A. WEEKS congratulated Ms. N. D. I Butterfield on the 30th graduating ceremony of CARE Computer School; sent congratulations to Ms. Yolanda Ming, coordinator of the reading program at CedarBridge Academy; associated himself with remarks for HOTT 107.5FM; associated himself with remarks for Ms. Ethel Godwin.

MS. J. J. ATHERDEN associated herself with remarks for Ms. Ethel Godwin; sent condolences to the family of the late Mr. Frank Farmer.

MR. C. W. D. BROWN sent congratulations to the participants in the Gay Pride Parade in Toronto recently.

MR. M. H. DUNKLEY associated himself with congratulating Ms. Jackie Zuill; associated himself with condolences to Mr. Jonathan Burch DeCosta and Dr. Gary Burgess.

MR. M. J. SCOTT associated himself with congratulating the Inter Island Communications; associated himself with condolences to Dr. Gary Burgess.

His Honour the Speaker gave some remarks relating to the passing of Dr. Gary Burgess.

12:00p.m.

Introduction of Bills:

MR. M. H. DUNKLEY introduced and read for the first time by its title the Bill entitled the "Public Access to Information Amendment Act 2014".

MS. J. J. ATHERDEN introduced and read for the first time by its title the Bill entitled the "Nursing Amendment Act 2014".

MR. E. T. RICHARDS introduced and read for the first time by its title the Bill entitled the "Land Valuation and Tax Amendment Act 2014".

MR. S. D. RICHARDS introduced and read for the first time by its title the Bill entitled the "Development and Planning Amendment Act 2014".

MR. E. D. G. BURT introduced and read for the first time by its title the Bill entitled the "Statutory Interest Rate Reduction Act 2014".

12:11p.m.

MR. E. T. RICHARDS moved that the House do now recess for lunch, which was agreed to.

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

2:02 p.m.

The House Resumed.

Orders of the Day:

Order numbers 1-12 were carried over to the next day of meeting.

2:02p.m.

MR. C. W. D. BROWN moved the following motion, notice of which was given on May 16, 2014:-

“That this Honourable House take note of the historic losses in Bermuda of citizens’ property through theft of property, dis-possession of property and adverse possession claims; and be it resolved that this Honourable House calls on His Excellency the Governor to establish a Commission of Inquiry into all such known claims and to determine, where possible, the viability of any such claims and make recommendations for any victims of wrongful action to receive compensation and justice.”

- 2:40p.m. - MR. T. G. MONIZ
- 2:50p.m. - MR. W. H. ROBAN
- 3:24p.m. - MS. S. ROBERTS-HOLSHOUSER
- 3:32p.m. - MR. Z. J. S. DESILVA

His Honour the Speaker addressed a person in the Public Gallery who applauded to a remark made in the House.

- 3:46p.m. - MR. L. C. CANNONIER
- 3:58p.m. - MR. G. A. BLAKENEY

MR. E. T. RICHARDS moved to amendment motion of Mr. C. W. D. Brown as follows.

- 4:10p.m. - MR. E. T. RICHARDS
- 4:23p.m. - MR. C. W. D. BROWN
- 4:31p.m. - MR. M. J. SCOTT
- 4:35p.m. - MR. E. D. G. BURT
- 4:40p.m. - MR. Z. J. S. DESILVA
- 4:48p.m. - MR. W. H. ROBAN
- 4:55p.m. - MS. P. J. GORDON-PAMPLIN
- 5:07p.m. - MR. W. L. A. SCOTT
- 5:12p.m. - MS. K. N. WILSON
- 5:18p.m. - MR. D. V. BURGESS
- 5:29p.m. - MR. W. L. FURBERT
- 5:33p.m. - MR. M. A. R. BEAN

MR. E. T. RICHARDS moved that the amendment be approved.

- 6:00p.m. - MR. C. W. D. BROWN
- 6:03p.m. - MR. M. H. DUNKLEY
- 6:04p.m. - MR. T. G. MONIZ
- 6:05p.m. - MR. M. A. R. BEAN
- 6:06p.m. - MR. T. G. MONIZ
- 6:11p.m. - DR. E. G. GIBBONS
- 6:12p.m. - MR. M. J. SCOTT
- 6:15p.m. - MR. T. G. MONIZ
- 6:16p.m. - MR. M. J. SCOTT
- 6:17p.m. - MR. T. G. MONIZ
- 6:18p.m. - MR. M. J. SCOTT

His Honour the Speaker ordered a 15minutes recess to confer.

His Honour the Speaker returned to the chair.

His Honour the Speaker brought to the attention of Members Standing Order 26(2)(1) and Standing Order 26(2)(1) which states:-

(1) "A Member shall not vote on any subject in which he or she has a direct personal or pecuniary interest, peculiar to such Member as distinguished from the public at large, and if the right of any such Member to vote shall be challenged by any other Member on this ground such Member shall not be entitled to vote if the Speaker shall determine that the Member whose right to vote is in question is disqualified by this Rule from voting."

(2) "After a vote on any question has been taken no Member may challenge, whether by substantive motion or otherwise, the right of any other Member to vote on that question, save and except as set out herein."

His Honour the Speaker restated the amendment by Mr. E. T. Richards:-

"That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dis-possession of property and adverse possession claims; and explore solutions to these injustices, inclusive of a 'Commission of Inquiry'".

His Honour the Speaker ruled that any Member who has a direct personal or pecuniary interest as it related to the above amendment shall rise and declare their interest and abstain from voting.

Members who rose to abstain:

6:54p.m. - MR. D. V. BURGESS - abstain
 6:54p.m. - MR. M. H. DUNKLEY - abstain
 6:58p.m. - MR. N. H. C. SIMONS - abstain
 6:59p.m. - DR. E. G. GIBBONS - abstain

7:00p.m. - MS. S. ROBERTS-HOLSHOUSER
 7:01p.m. - MS. L. F. FOGGO

MR. E. T. RICHARDS moved that his amendment be approved, which on division was defeated 13 Ayes to 15 Noes.

Ayes

1. Ms. J. J. Atherden
2. Mr. K. L. Bascome
3. Mr. L. C. Cannonier
4. Mr. S. G. Crockwell
5. Ms. P. J. Gordon-Pamplin
6. Ms. S. E. Jackson
7. Mr. T. G. Moniz
8. Ms. N. S. Outerbridge
9. Mr. E. T. Richards
10. Mr. S. D. Richards
11. Mr. R. W. E. Scott
12. Mr. G. C. Smith
13. Mr. J. C. Sousa

Noes

1. Mr. M. A. R. Bean
2. Mr. G. A. Blakeney
3. Mr. C. W. D. Brown
4. Mr. E. D. G. Burt

5. Mr. R. P. Commissiong
6. Mr. Z. J. S. DeSilva
7. Ms. L. F. Foggo
8. Mr. W. L. Furbert
9. Mr. D. P. Lister
10. Mr. W. H. Roban
11. Ms. S. Roberts-Holshouser
12. Mr. M. J. Scott
13. Mr. W. L. A. Scott
14. Mr. M. A. Weeks
15. Ms. K. N. Wilson

MR. C. W. D. BROWN moved to approve his motion.

- which was agreed to by voice vote.

Oder Numbers 14-16 were carried over to the next day of meeting.

MR. M. H. DUNKLEY moved that the House do now adjourn to Friday July 11, 2014, which was agreed to.

7:15 p.m.

The House adjourned to July 11, 2014 at 10:00 a.m.