



SENATE OF BERMUDA

Official Senate Minutes

March 24, 2014

Electronic Version

Senator the Hon. Carol A.M. Bassett, JP

President

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BERMUDA

PROCEEDINGS OF THE SENATE

SESSION OF 2013-2014

No. 10

MONDAY, 24th MARCH, 2014

PRESENT:

Senator the Hon. Mrs. C.M. BASSETT, J.P.,
PRESIDENT
Senator Mrs. J.E. DILLAS-WRIGHT,
M.B.E., J.P., VICE-PRESIDENT
Senator J.S. JARDINE, J.P.
Senator the Hon. M.M. FAHY, J.P.
Senator N.S. BRANGMAN, J.P.
Senator Mrs. L.A. WOOLRIDGE, J.P.
Senator Ms. A.L. SWAN, J.P.
Senator J.C. BARON, J.P.
Senator D.V.S. RABAIN, J.P.
Senator Ms. R.D.L. MING, J.P.

10:02a.m.

On the motion of Senator Mrs. J.E. Dillas-Wright, consideration of the minutes of the meetings of Wednesday, 19th February and Friday, 21st March, 2014 was deferred.

Senator the Hon. M.M. Fahy presented for the information of Senate "The Financial Statements of the Government of Bermuda Consolidated Fund as at 31st March, 2013".

Senator the Hon. M.M. Fahy presented for the information of Senate the following draft Orders:-

"The Investment Business Amendment Order 2014", made by the Minister of Finance under the provisions of section 17(8) of the Investment Business Act

2003 and acting on the advice of the Bermuda Monetary Authority;

"The Investment Funds Amendment Order 2014", made by the Minister of Finance under the provisions of section 43(4) of the Investment Funds Act 2006 and acting on the advice of the Bermuda Monetary Authority; and

"The Trusts (Regulation of Trust Business) Amendment Order 2014", by the Minister of Finance under the provisions of section 12(4) of the Trusts (Regulation of Trust Business) Act 2001 and acting on the advice of the Bermuda Monetary Authority.

10:03a.m.

Senator J.C. Baron presented for the information of Senate the "**Corporate Landholding Policy**" as at Friday, 14th March 2014"; as issued by the Ministry of Education and Economic Development.

Senator the Hon. M.M. Fahy presented for the consideration of Senate a "Deed of Variation of Development Agreement between The Corporation of Hamilton (the Landlord) and Par-la-Ville Hotel and Residences Ltd. (the Tenant)"; and he gave notice that at the next day of meeting, he would move that the said Agreement be approved.

The following Public Bills were brought up from the Honourable House of Assembly, and given a First Reading in the Senate:-

"The Companies Amendment Act 2014";

"The Customs Tariff Amendment Act 2014";

"The Criminal Code Amendment Act 2014"; and

"The Morgan's Point Resort Act 2014".

Orders of the Day

10:05a.m.

Senator the Hon. M.M. Fahy moved that the Senate do now resolve itself into a Committee of the Whole for further consideration of "The Appropriation Act 2014", together with the Estimates of Revenue and Expenditure for the Year 2014/2015 -- which was agreed to.

The Senate resolved itself into Committee of the Whole, Senator J.S. Jardine in the Chair.

10:07a.m.

Senator Mrs. L.A. Woolridge moved that the Committee do now take under consideration HEAD 21 – Ministry of Health and Environment Headquarters; HEAD 22 – Department of Health; HEAD 24 – Hospitals; HEAD 72 – Environmental Protection; and HEAD 91 – Health Insurance --- which was agreed to.

Senator Woolridge spoke on the Heads.

12:23p.m. Senator Ms. R.D.L. Ming spoke on the Heads.

12:34p.m. Senator D.V.S. Rabain.

12:36p.m. Senator Woolridge replied.

Senator Mrs. L.A. Woolridge moved that Heads 21, 22, 24, 72 and 91 be approved --- which was agreed to.

12:37p.m.

Senator J.S. Jardine, in the Chair, ordered that the Senate do now adjourn for lunch.

The Senate adjourned for lunch at 12:37p.m., and resumed in Committee at 2:16p.m.

2:16p.m. Senate resumed in Committee, Senator Mrs. J.E. Dillas-Wright in the Chair.

2:17p.m.

Senator the Hon. M.M. Fahy moved that the Committee do now take under consideration HEAD 32 – Department of Planning; HEAD 93 – Ministry of Home Affairs Headquarters; and HEAD 60 – Workforce Development --- which was agreed to.

Senator Fahy spoke on the Heads.

3:15p.m. Senator D.V.S. Rabain spoke on the Heads.

3:40p.m. Senator J.S. Jardine.

3:45p.m. Senator Fahy

4:02p.m. Senator the Hon. the President.

4:03p.m. Senator Fahy.

4:06p.m. Senator Ms. R.D.L. Ming.

4:07p.m. Senator Fahy.

4:09p.m. Senator Ms. R.D.L. Ming.

4:09p.m. Senator Fahy.

4:10p.m. Senator D.V.S. Rabain.

4:11p.m. Senator Fahy.

Senator the Hon. M.M. Fahy moved that Heads 93, 32 and 60 be approved --- which was agreed to.

4:12p.m.

Senator Mrs. L.A. Woolridge moved that the Committee do now take under consideration HEAD 49 – Land Valuation; HEAD 68 – Parks; HEAD 69 – Conservation Services; HEAD 81 – Public Lands & Buildings; HEAD 82 – Works & Engineering; and HEAD 97 – Land, Surveys & Registration -- which was agreed to.

Senator Woolridge spoke on the Heads.

4:25p.m. Senator Mrs. J.E. Dillas-Wright, in the Chair, acknowledged the presence of the Permanent Secretary to the Ministry of Public Works, Ms. Marva O'Brien, in the Chamber.

(5:10p.m. Senator J.S. Jardine in the Chair.)

5:24p.m. Senator D.V.S. Rabain spoke on the Heads.

5:50p.m. Senator N.S. Brangman.

5:52p.m. Senator Ms. R.D.L. Ming.

6:05p.m. Senator J.S. Jardine.

6:06p.m. Senator Woolridge replied.

Senator Mrs. L.A. Woolridge moved that Heads 49, 68, 69, 81, 82 and 97 be approved --- which was agreed to.

6:12p.m.

Senator the Hon. M.M. Fahy moved that the Committee do now take under consideration HEAD 63 – Parliamentary Registrar’s Office; HEAD 85 – Ombudsman’s Office; and HEAD 92 – Internal Audit --- which was agreed to.

Senator Fahy spoke on the Heads.

6:18p.m. Senator J.S. Jardine, in the Chair, acknowledged the presence of the Permanent Secretary to the Cabinet Office, Ms. Rosie Azhar, in the Chamber.

6:39p.m. Senator Ms. R.D.L. Ming spoke on the Heads.

6:49p.m. Senator J.S. Jardine.

6:52p.m. Senator Fahy.

6:57p.m. Senator J.S. Jardine, in the Chair, acknowledged the presence of the Financial Secretary, Mr. Anthony Manders, in the Chamber.

6:58p.m. Senator Ms. R.D.L. Ming.

6:59p.m. Senator Fahy replied.

Senator the Hon. M.M. Fahy moved that Heads 63, 85 and 92 be approved --- which was agreed to.

7:00p.m.

Senator the Hon. M.M. Fahy moved that the Committee rise, report progress and ask for leave to sit again -- which was agreed to.

The Chairman reported that the Committee had risen, reported progress and requested leave to sit again for further consideration of the Bill.

The Committee rose and the Senate resumed.

The Committee was accordingly granted leave to sit again.

7:02p.m.

Senator the Hon M.M. Fahy moved that the Public Bill entitled “The Customs Department Amendment Act 2014” be now read a second time -- which was agreed to.

7:06p.m. Senator D.V.S. Rabain spoke on the Bill.

7:06p.m. Senator Mrs. J.E. Dillas-Wright.

The Bill was accordingly read a second time.

Senator the Hon. M.M. Fahy moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator the Hon. M.M. Fahy moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator the Hon. M.M. Fahy moved that the Bill entitled “The Customs Department Amendment Act 2014” do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency's assent.

7:07p.m.

Senator J.C. Baron moved that the Public Bill entitled "The Liquor Licence Amendment Act 2014" be now read a second time -- which was agreed to.

- 7:12p.m. Senator D.V.S. Rabain spoke on the Bill.
- 7:13p.m. Senator J.S. Jardine.
- 7:15p.m. Senator the Hon. M.M. Fahy.
- 7:16p.m. Senator Baron replied.

The Bill was accordingly read a second time.

Senator J.C. Baron moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator J.C. Baron moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator J.C. Baron moved that the Bill entitled "The Liquor Licence Amendment Act 2014" do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency's assent.

7:18p.m.

Senator the Hon M.M. Fahy moved that the Public Bill entitled "The Restaurants (Temporary Customs Duty Relief) Amendment Act 2014" be now read a second time -- which was agreed to.

- 7:20p.m. Senator D.V.S. Rabain spoke on the Bill.
- 7:20p.m. Senator Mrs. J.E. Dillas-Wright.
- 7:21p.m. Senator Fahy replied.

The Bill was accordingly read a second time.

Senator the Hon. M.M. Fahy moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator the Hon. M.M. Fahy moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator the Hon. M.M. Fahy moved that the Bill entitled "The Restaurants (Temporary Customs Duty Relief) Amendment Act 2014" do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency's assent.

7:22p.m.

Senator the Hon M.M. Fahy moved that the Public Bill entitled "The Hotels (Temporary Customs Duty Relief) Amendment Act 2014" be now read a second time -- which was agreed to.

- 7:23p.m. Senator D.V.S. Rabain spoke on the Bill.
- 7:23p.m. Senator J.S. Jardine.
- 7:24p.m. Senator Fahy replied.

The Bill was accordingly read a second time.

Senator the Hon. M.M. Fahy moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator the Hon. M.M. Fahy moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator the Hon. M.M. Fahy moved that the Bill entitled "The Hotels (Temporary

Customs Duty Relief) Amendment Act 2014” do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency’s assent.

7:25p.m.

Senator the Hon M.M. Fahy moved that the Public Bill entitled “The Corporate Service Provider Business Amendment Act 2014” be now read a second time -- which was agreed to.

7:30p.m. Senator D.V.S. Rabain spoke on the Bill.
7:30p.m. Senator Fahy replied.

The Bill was accordingly read a second time.

Senator the Hon. M.M. Fahy moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator the Hon. M.M. Fahy moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator the Hon. M.M. Fahy moved that the Bill entitled “The Corporate Service Provider Business Amendment Act 2014” do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency’s assent.

7:32p.m.

Senator Mrs. L.A. Woolridge moved that the Public Bill entitled “The Health Insurance (Miscellaneous) Amendment Act 2014” be now read a second time -- which was agreed to.

7:40p.m. Senator Ms. R.D.L. Ming spoke on the Bill.

7:47p.m. Senator D.V.S. Rabain.
7:49p.m. Senator Mrs. J.E. Dillas-Wright.
7:51p.m. Senator J.S. Jardine.
7:52p.m. Senator the Hon. the President.
7:54p.m. Senator Woolridge replied.

The Bill was accordingly read a second time.

Senator Mrs. L.A. Woolridge moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator Mrs. L.A. Woolridge moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator Mrs. L.A. Woolridge moved that the Bill entitled “The Health Insurance (Miscellaneous) Amendment Act 2014” do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency’s assent.

7:58p.m.

Senator the Hon M.M. Fahy moved that the Public Bill entitled “The Institute of Chartered Accountants of Bermuda Amendment Act 2014” be now read a second time -- which was agreed to.

8:03p.m. Senator D.V.S. Rabain spoke on the Bill.
8:03p.m. Senator Mrs. J.E. Dillas-Wright.
8:03p.m. Senator Fahy replied.

The Bill was accordingly read a second time.

Senator the Hon. M.M. Fahy moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator the Hon. M.M. Fahy moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator the Hon. M.M. Fahy moved that the Bill entitled "The Institute of Chartered Accountants of Bermuda Amendment Act 2014" do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency's assent.

8:05p.m.

Senator the Hon M.M. Fahy moved that the Public Bill entitled "The Charities Act 2014" be now read a second time -- which was agreed to.

8:18p.m. Senator D.V.S. Rabain spoke on the Bill.

8:20p.m. Senator J.S. Jardine.

8:21p.m. Senator Mrs. J.E. Dillas-Wright.

8:22p.m. Senator the Hon. the President.

8:23p.m. Senator Fahy replied.

The Bill was accordingly read a second time.

Senator the Hon. M.M. Fahy moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator the Hon. M.M. Fahy moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator the Hon. M.M. Fahy moved that the Bill entitled "The Charities Act 2014" do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency's assent.

8:26p.m.

Senator J.C. Baron moved that the Public Bill entitled "The Criminal Code Amendment (No. 2) Act 2014" be now read a second time -- which was agreed to.

8:31p.m. Senator J.S. Jardine spoke on the Bill.

8:32p.m. Senator the Hon. M.M. Fahy.

8:32p.m. Senator Baron replied.

The Bill was accordingly read a second time.

Senator J.C. Baron moved that Standing Order 26 be suspended in respect of this Bill -- which was agreed to.

Senator J.C. Baron moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator J.C. Baron moved that the Bill entitled "The Criminal Code Amendment (No. 2) Act 2014" do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency's assent.

Congratulatory &/or Obituary Speeches

8:33p.m.

Senator Ms. R.D.L. Ming congratulated Senator Marc Daniels and his wife Kim on the birth of their first child, a baby daughter. All Senators associated themselves with these remarks.

Senator D.V.S. Rabain congratulated the distinguished Gentlemen of Alpha Phi Alpha in Bermuda on the wonderful success of their Leadership Forum conducted over the preceding weekend; and he commended young Eron Hill on his presentation at the Forum, noting that he was one of many distinguished Speakers.

Senator Rabain congratulated A.P.A. and the organizers of the Annual Black and Gold Ball, held at the Fairmont Southampton; and he noted the tremendous motivational presentation of the Guest Speaker, Mr. Gibson.

Senator Rabain congratulated Ms. Marionette Lambert of Devil's Hole on the recent celebration of her Birthday.

Senator J.C. Baron congratulated Mr. Jonathan Tankard and his business partners on the launch of their new business venture.

Senator the Hon. the President associated herself with the congratulatory remarks of all Senators.

8:38p.m.

Senator the Hon. M.M. Fahy moved that the Senate do now adjourn – which was agreed to.

8:38p.m.

Adjourned until Wednesday, 26th March, 2014.

PRESIDENT

ORDERS OF THE DAY

Wednesday – 26th March, 2014

(1) Resolution into Committee of the Whole for further consideration of The Appropriation Act 2014, together with the Estimates of Revenue and Expenditure for the Year 2014/2015.

(2) Second Reading: The Customs Tariff Amendment Act 2014.
[Governor's Recommendation Signified]

(3) Second Reading: The Companies Amendment Act 2014.

(4) Second Reading: The Criminal Code Amendment Act 2014.

(5) Second Reading: The Morgan's Point Resort Act 2014.

(6) Consideration of the 'Deed of Variation of Development Agreement Between the Corporation of Hamilton and Par-La-Ville Hotel and Residences Ltd.'.