



# BERMUDA HOUSE OF ASSEMBLY

## Official House Minutes

*May 17, 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. 12**

**Friday, May 17, 2013**

**Members Present:** His Honour the Speaker, Jeanne J. Atherden, Kenneth L. Bascome, Marc A. R. Bean, Walton D. Brown, 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, Patricia J. Gordon-Pamplin, Susan E. Jackson, Dennis P. Lister, Terry E. Lister, Trevor G. Moniz, Mark J. Pettingill, 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, N. H. Cole Simons, Glen C. Smith, Jefferson C. Sousa, Kim N. Wilson.

**10:06 a.m.** Prayer

**Confirmation of Minutes:**

Minutes to the meetings of 8th, 11th, 13th, 15th, and 18th of March, 2013 were confirmed.

**10:11 a.m.**

**Announcements by the Speaker:**

MR. SPEAKER reported on his visit to Westminster Houses of Parliament

MR. SPEAKER announced that he had received a Special Report by the Ombudsman concerning the update on UK Environment Charter

MR. SPEAKER also received a Report by the Ombudsman on the Clinical and Corporate Governance Review of the Bermuda Hospitals Board

**10:13 a.m.**

**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:

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

“The DNDC Newsletter”

MR. M. H. DUNKLEY  
Minister of Public Safety

Sessions House,  
17<sup>th</sup> May, 2013.

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 "Hotels Concession (Fairmont Southampton) Order 2013" proposed to be made by the Minister of Tourism Development and Transport under

the provisions of section 3 and 4 of the Hotels Concession Act 2000.

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

Sessions House,  
17<sup>th</sup> May, 2013.

MR. E. T. RICHARDS read the following communications 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 following:-

"The Confiscated Assets Fund Financial Statements as at March 31, 2008"

"The Government Borrowing Sinking Fund Financial Statements as at March 31, 2012 "

"The Government Reserves Fund Financial Statements as at March 31, 2012"

"The Ministers and Members of the Legislature Pension Fund Financial Statements as at March 31, 2010"

"The Credit Unions (Forms) Regulations 2013"

"The Credit Unions Appeal Tribunal Regulations 2013 and the Credit Unions (Form) Regulations 2013 Commencement Notice 2013"

"The Credit Unions Appeal Tribunal Regulations 2013"

MR. E. T. RICHARDS  
Minister of Finance

Sessions House,  
17<sup>th</sup> May, 2013.

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

TO HIS HONOUR THE SPEAKER:

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

"The Human Rights Commission Annual Reports for 2010 and 2011"

MR. M. H. DUNKLEY  
Minister of Public Safety

Sessions House,  
17<sup>th</sup> May, 2013.

MS. P. J. GORDON-PAMPLIN read the following communication to His Honour the SPEAKER.

TO HIS HONOUR THE SPEAKER:

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

"The Corporate and Clinical Governance Review for Bermuda Hospitals Board"

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

Sessions House,  
17<sup>th</sup> May, 2013.

**10:19 a.m.**

**Statements by Minister and/or Junior Ministers:**

MR. R. W. SCOTT made two Ministerial Statements on the "Pepsi ICC World Cricket League Division 3 Tournament" and the Human Rights Commission Annual Reports 2010 and 2011.

MR. M. H. DUNKLEY made a Ministerial Statement regarding the Updates on the Fight against Guns, Gangs, Drugs and Violence.

MS. P. J. GORDON-PAMPLIN made a Ministerial Statement regarding the 'Corporate and Clinical Governance Review of the Bermuda Hospitals Board'.

**10:36 a.m.**

**Question Period:**

MR. M. A. WEEKS asked Mr. R. W. SCOTT a question on his Ministerial Statement on the Human Rights Report.

MR. M. A. WEEKS asked a second question on his Ministerial Statement on the Human Rights Report.

MR. M. A. WEEKS asked a supplementary question on his Ministerial Statement on the Human Rights Board.

MR. G. A. BLAKENEY asked Mr. W. R. Scott a question on the Pepsi ICC World Cricket League Division 3 Tournament

MR. Z. J. S. DESILVA asked Ms. P. GORDON-PAMPLIN a question on her Ministerial Statement on the Corporate and Clinical Governance Review for Bermuda Hospitals

MR. Z. J. S. DESILVA asked Ms. P. GORDON-PAMPLIN a second question.

MR. Z. J. S. DESILVA asked Ms. P. GORDON-PAMPLIN a third question.

MR. Z. J. S. DESILVA asked Ms. P. GORDON-PAMPLIN a supplementary question.

MR. Z. J. S. DESILVA asked Ms. P. GORDON-PAMPLIN a second supplementary question.

MR. M. H. DUNKLEY Minister of Public Safety and spokes person in the House for Ministry of Home Affairs, answered in writing as follows to written questions addressed to him by Shadow Minister of Home Affairs Mr. W. H. Roban.

**Q1. Would the Honourable Minister please provide this Honourable House with the number of investigations conducted and completed by the Compliance Section of the Department of Immigration from January 1, 2012 – December 17, 2012?**

Response: See below

**Q2. Would the Honourable Minister please provide this Honourable House with details of the different categories and types of investigations conducted by the Compliance Section of the Department of Immigration from January 1, 2012 – December 17, 2013?**

**Compliance Section Case Statistics for January 1, 2012 - December 17, 2012**

<b><u>CASE TYPE</u></b>	<b><u>TOTALS</u></b>
<b>Settle Affairs &amp; Leave Bermuda after application refused by Minister/Board</b>	63
<b>Deportation</b>	13

<b>File Summaries For Appeal Against Minister's Decision</b>	15
<b>General Investigation</b> (Complaints from Public, Requests from Minister &Imm Board & CIO etc.)	319
<b>Immigration Notices</b> (Persons Asked to respond to Natural Justice)	16
<b>Marriage Application</b> (Vetting on behalf of Registry General's Department involving Non-Bermudian marrying a Bermudian)	298
<b>Report of Non-Bermudian Spouse Separated From Bermudian Spouse</b>	41
<b>Purge</b> (Work Permit Expired & there is no record of Departure from Bda)	113
<b>Records Search</b> (i.e. Statement for Court/Police)	27
<b>Spousal Interview</b>	1
<b>Stop List</b> (Addition/Removal)	45
<b>Termination of Employment</b> (To confirming departure)	11
<b>Visa Application</b> (Vetting for British High Commission)	140
<b>Visa Waiver</b> (Vetting for Minister)	18
<b>Visitor Extensions</b> (Approval & Refusal)	221
<b>Total number of enquiries conducted by Compliance Section</b>	<b>1341</b>

**Congratulatory and Obituary Speeches:**

MR. J. C. SOUSA congratulated the Devonshire Cougars on winning the Triple Crown Trophy this year. A special congratulation to B. F. A. President Larry Mussenden.

MR. R. W. SCOTT associated himself with the remarks concerning the Devonshire Cougars. Congratulated Premier L. C. Cannonier who is celebrating his 50th birthday today. Congratulations to the medal winners in the Carifta Games held in Bahamas and Jamaica.

MR. W. H. ROBAN expressed sympathy for the family of the late Gladstone Willard Trott. Sent out condolences to the family of the late Harold "Doc" Dowling, a well known Member of North Village Social Club, and lastly congratulations to Carifta Games Participant Juma Mouchette.

MR. L.C. CANNONIER expressed sympathy to the family of hero Mr. Phillip "Hunky" Lamb who served in World War One. Congratulations to the Norwegian Cruise Line for dedicating their service to Bermuda. Congratulations to the former Government for arranging the contract for the "Breakaway" to come into Bermuda and singled out Pilot Rudy Cann on bringing the ship into Bermuda. Congratulated the Committee involved in the National Prayer Gathering event held at City Hall.

**11:00 a.m.**

MR. W. L. FURBERT expressed sympathy for the passing of Mrs. Rosalie Johnson, associated himself with the comments regarding the arrival of the "Breakaway" and congratulated Mr. Jonathan Smith and Ms. Lucinda Spurling on the production of the documentary "Rare Bird".

MR. S. G. CROCKWELL sent condolences to the family of the late Julian Van-Lowe; associated himself with comments for the NCL "Breakaway" and congratulated taxi drivers, and T.C.D staff for their assistance.

MS. L. F. FOGGO expressed condolences for the hardship experienced by the Mello and Paynter family in St. David's. Associated herself with the comments for Mr. Phillip "Hunky" Lamb whom she described as a great story teller; congratulations to the management of St. David's Cricket club in the stellar arrangement for the recent Pepsi ICC Tournament. Congratulated newly appointed

Chief Inspector Calvin Smith whose service on the Police force has been stellar.

MRS. S. ROBERTS-HOLSHOUSER congratulated Ruth Thomas and Co. on an event they put on over the Easter holiday. Congratulated the Mayor of St. George's on the recent Peppercorn ceremony; associated herself with the comments in tribute to the family of Mr. Phillip "Hunky" Lamb.

MR. R. P. COMMISSIONG associated himself with the tribute for Harold (Doc) Dowling and he associated many members with these remarks; congratulated The Premier of Bermuda on his birthday today.

MR. M. H. DUNKLEY- associated himself with the condolences for Mr. Phillip "Hunky" Lamb. Expressed condolences to the family of Mr. Lawrence Christopher Hilgrove Dill; condolences to the family of Mr. Charles Arthur "Charlie" Harris for their loss. Sent condolences to the family of Ms. Anita Ione Woolridge; A heartfelt condolences to the family of the late Mr. John Raymond Baptiste, congratulations to Chief Inspectors Calvin Smith and Steven Donnelly. Congratulations to Chief Inspector Nicholas Pedro of the Bermuda Police Service who graduated from the FBI National Academy. Congratulations to Mr. Lloyd Burchall on his new appointment as Fire Chief. Congratulations to 24 year old Dr. Wannita Benjamin who recently graduated from medical school at Ashton University, in Birmingham, UK and is now working as a fulltime optometrist (eye doctor) at Vision Care in Hamilton.

MR. D. V. BURGESS sent congratulations to the family of Mr. Dane Darrell a young man who passed recently.

MS. K. L. SCOTT condolences to the family of Ms. Julie Stevens, condolences to the family of Mr. Cal Simons. Congratulations

to Mr. Edward " Ice Water" Smith and his wife on receiving the Cable Vision Award, congratulations to Michelle Wade of Teen Services for her commendable work for the Teen Services Awards, congratulations to Outstanding Teen Latonya Fray.

MR. M. A. WEEKS associated himself with the congratulatory remarks for the participants of the Carifta Games; also associated himself with the remarks for Devonshire Cougars on winning the Triple Crown. Associated himself with the congratulatory remarks for Mr. Calvin Smith and associated himself with the condolences to Harold "Doc" Dowling.

MR. T. E. LISTER associated himself with the remarks on the passing of Harold "Doc" Dowling; Condolences for the family of outstanding educator Mr. Solomon Kawaley the father of our Chief Justice; condolences to the family of Mr. Darren Swan a young man who passed recently; condolences to the family of Mr. Vince Richardson; condolences to the family of the late Ms. Marjorie Grant, congratulations to Carla Zuill celebrating her birthday today. Congratulation to Carifta Winners, congratulations to BCB on putting on the recent Cricket Tournament and associated himself with the remarks for Mr. Lloyd Burchall.

MR. N. H. C. SIMONS congratulated Anthony Philip who was appointed as CEO of AIG; condolences to the family of Ms. Barbara Simons mother of Natalie Adderley; associated himself with the remarks for Solomon Kawaley, and the comments congratulating the Carifta Game winners.

MR. C. W. BROWN congratulation to the public interest group "two words and a comma"; associated himself with the comments for Carifta Medal winners.

MS. J. J. ATHERDEN associated herself with the remarks of sympathy for the family of Ms. Barbara Simons, congratulations to the organizers of the Women in Sports; congratulations to the family of Outstanding Teen Latonya Fray; associated herself with the tributes paid to Mr. V. K. Richards and congratulated Kiwanis Club on their "Night of Song".

MR. M. J. SCOTT expressed condolences to the families of Mr. Anson Simmons, William Pitt, Mr. Earl Simons and Ms. Angela Proctor; he associated himself with the tribute to Ms. Trott of Trotts Drapery; also associated himself with the comments sent out to Chief Inspectors on their promotion.

MR. S. D. RICHARDS sent congratulations to organizers of the Caitlin End to End Walk.

MR. W. L. SCOTT associated himself with the remarks for Natalie Simons and a thanks and congratulation to Joulanda Brown Robinson on her retirement.

MS. P. J. GORDON-PAMPLIN associated herself with the comments for the Women in Sport; the Caitlin End to End and expressed condolences to the family of Mr. Darren Swan for their loss. Condolences to the family of Jurina Monique Diana Smith who tragically died in a vehicle accident; associated herself with condolences for Harold "Doc" Dowling; condolences to the family of Irene Trott.

MS. K. N. WILSON expressed sympathy to family of Mr. Myron Gallaway, and Mr. Anson Simons; associated herself with the comments to the organizers of "Women in Sports" in particular Donna Watson and Deborah Jones Hunter; Congratulations to Mrs. Earla Dean who completed ten years of

service as a passionate and committed teacher in the prisons; associated herself with the comments for Ed and Lois Smith and congratulations to sister Betty Jean Gilbert on the VIP Annual Award.

MR. Z. J. S. DESILVA associated himself with condolences to the family of Mr. Dane Darrel and congratulated Mrs. Jubilee Edness a student from St. John University on being selected to attend the RIMS Conference held in Los Angeles; congratulations to the blood donor clinic; associated himself with the birthday wishes for the Premier, associated himself with congratulations for Devonshire Cougars on their Triple Crown win; congratulated Watford Sports Club on their Triple Crown Championship.

MR. M. A. R. BEAN associated himself with remarks for the late Ms. Angela Proctor, associated himself with condolences for the family of Mr. Darren Swan, and associated himself with the congratulations for Devonshire Recreation Club.

MR. E. D. G. BURT associated himself with the condolences to the family of the late Irene Trott; congratulated Winner Marcus Bean of the Alpha Phi Alpha Fraternity Beautillion, and associated himself with congratulating Devonshire Cougars.

MR. SPEAKER associated himself with all condolences and congratulations sent out to the public, condolences to Mr. Darren Swan, Ms. Angela Proctor, Mr. V. K. Richardson and Solomon Kawaley, congratulations to the new Chief Officer of the Fire Service Mr. Lloyd Burchall.

**12:10 p.m.**

**Introduction of Bills:**

MR. M. H. DUNKLEY introduced the following Public Bills for their first readings:-

"The Proceeds of Crime Amendment Act 2013";

"The Fire Arms Amendment Act 2013"; and

"The Prisons Amendment Act 2013".

MR. W. R. SCOTT introduced the Bill entitled the "Human Rights Amendment Act", for its first reading.

**12:14 p.m.**

**Notices of Motion:**

MR. C. W. BROWN - gave notice that at the next day of meeting, he would move the following Motion:

Whereas ensuring integrity and transparency in the electoral process is a cornerstone of democracy; be it resolved that this Honourable House establish a Select Committee on elections with the mandate of examining and reviewing any matter relating to elections and report its findings and recommendations to Parliament.

**12:16 p.m.**

**Orders of the Day:**

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

12:18 p.m. - MS. K. N. WILSON

12:20 p.m. - MR. M. H. DUNKLEY

Bill was committed

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. M. H. DUNKLEY moved clauses 1-2

Clauses 1 – 2, as printed, were agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

**12:21 p.m.**

Item number 1 on the Order paper was carried over to the next day of meeting.

MR. M. H. DUNKLEY moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the "Parole Board 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 "Parole Board Amendment Act 2013" was then read the third time and passed.

**12:26 p.m.**

MR. L. C. CANNONIER 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.

**2:00 p.m.**

MR. L. C. CANNONIER moved that the House do now adjourn to Friday 31st May 2013, which was agreed to.

2:01 p.m. - MR. W. H. ROBAN  
2:22 p.m. - MR. W. L. SCOTT  
2:38 p.m. - MR. S. G. CROCKWELL  
3:08 p.m. - MS. K. N. WILSON  
3:23 p.m. - MR. Z. J. S. DESILVA  
3:45 p.m. - MRS. P. J. GORDON-  
PAMPLIN

4:07 p.m. - MR. T. E. LISTER  
4:25 p.m. - MR. W. L. FURBERT  
4:44 p.m. - MR. M. J. PETTINGILL  
4:59 p.m. - MR. E. D. G. BURT  
5:14 p.m. - MR. R. W. SCOTT  
5:14 p.m. - MS. S. ROBERTS-  
HOLSHOUSER in the Chair.

5:22 p.m. - MR. T. G. MONIZ  
5:31 p.m. - MR. S. D. RICHARDS  
5:39 p.m. - MR. G. A. BLAKENEY  
5:44 p.m. - MR. R. P. COMMISSIONG  
5:48 p.m. - MR. SPEAKER in the Chair.  
5:49 p.m. - MR. D. V. BURGESS

6:15 p.m. - MS. S. ROBERTS-  
HOLSHOUSER  
6:25 p.m. - MR. M. A. R. BEAN  
6:48 p.m. - MS. K. L. SCOTT  
6:50 p.m. - MS. J. J. ATHERDEN  
6:57 p.m. - MR. M. H. DUNKLEY

7:15 p.m. - MR. L. C. CANNONIER  
7:24 p.m. - MR. SPEAKER wished all  
Members a happy Bermuda Day.

**7:25 p.m.**

The House adjourned to Friday, 31st May,  
2013 at 10:00 a.m.