



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

November 29, 2013

Electronic Version

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

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

No. 4

Friday, November 29th, 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, 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, Mark J. Pettingill, Everard T. Richards, Sylvan D. Richards, Walter H. Roban, Suzann Roberts-Holshouser, 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.

10:06 a.m. Prayer

Confirmation of Minutes:

Minutes to the Meeting of 15th November, 2013, was confirmed.

Minutes of the Meeting of the 22th November, 2013 were deferred.

10:09 a.m.

Announcements by the Speaker:

His Honour the SPEAKER announced the following Member will be absent from the House today: - Mr. G. A. Blakeney, he is abroad.

His Honour the Speaker announced that the Corporation of Hamilton Leases should have been tabled on November 22, 2013 for the consideration of the House and not for the information of the House. The Leases have therefore been added to the Order Paper for the consideration of the House.

10:10 a.m.

Papers and other Communications to the House:

DR. E. G. GIBBONS 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:-

“CedarBridge Academy 2011 Financial Statements at March 31, 2011”.

DR. E. G. GIBBONS
Minister of Economic Development

Sessions House,
29th November, 2013

10:12 a.m.

Petitions:

MS. N. S. DAVIS presented the Petition by Bridge Re Limited requesting to enact the "Bridge Re Limited Amendment Act 2013". The Petition was referred to the Joint Select Committee on Private Bills.

10:15 a.m.

Statements by Ministers and Junior Ministers:

MR. L. C. CANNONIER made a Ministerial Statement regarding the “Joint Ministerial Council: London 25th – 28th November, 2013”.

DR. E. G. GIBBONS made a Ministerial Statement regarding the “CedarBridge Academy’s 2011 Audited Financial Statements”.

MS. P. J. GORDON-PAMPLIN made a Ministerial Statement regarding the "The Dissolution of Healthcare Partners Limited".

MR. S. G. CROCKWELL made a Ministerial Statement regarding the "Clarification of the 2014 Cruise Ship Schedule".

10:23 a.m.

Question Period:

MS. L. F. FOGGO asked Ms. P. J. Gordon-Pamplin for an oral response in relation to written response number 3 which was received from Ms. P. J. Gordon-Pamplin.

MS. L. F. FOGGO asked Ms. P. J. Gordon-Pamplin a supplementary question.

MS. L. F. FOGGO asked Ms. P. J. Gordon-Pamplin a second supplementary question.

MR. L. C. CANNONIER gave an oral response to a written question asked by Mr. M. A. R. Bean.

MR. C. W. D. BROWN asked Mr. L. C. Cannonier a question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a supplementary question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a second supplementary question.

MR. M. A. R. BEAN asked Mr. L. C. Cannonier a second question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a supplementary question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a supplementary question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a second supplementary question.

MR. M. A. R. BEAN asked Mr. L. C. Cannonier a question.

MR. W. L. A. SCOTT asked Mr. L. C. Cannonier a supplementary question.

MR. W. L. A. SCOTT asked Mr. L. C. Cannonier a second supplementary question.

10:46 a.m.

MR. C. W. D. BROWN asked Mr. L. C. Cannonier a question on his Ministerial Statement on the Joint Ministerial Council: London 25th – 28th November, 2013.

MR. C. W. D. BROWN asked Mr. L. C. Cannonier a supplementary question.

MR. C. W. D. BROWN asked Mr. L. C. Cannonier a second supplementary question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a supplementary question.

MR. M. A. R. BEAN asked Mr. L. C. Cannonier a supplementary question.

MR. M. A. R. BEAN asked Mr. L. C. Cannonier a second supplementary question.

MS. K. N. WILSON asked Mr. L. C. Cannonier a supplementary question.

MR. W. H. ROBAN asked Mr. L. C. Cannonier a supplementary question.

MS. K. N. WILSON asked Mr. L. C. Cannonier a third question.

MR. C. W. D. BROWN asked Mr. L. C. Cannonier a supplementary question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a supplementary question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a second supplementary question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a second question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a third question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a supplementary question.

MR. E. D. G. BURT asked Mr. L. C. Cannonier a second supplementary question.

11:25 a.m.

MR. W. H. ROBAN asked Dr. E. G. Gibbons a question on his Ministerial Statement on CedarBridge Academy's 2011 Audited Financial Statements.

MR. Z. J. S. DESILVA asked Ms. P. J. Gordon-Pamplin a question on her Statement Relating to the Dissolution of Healthcare Partners Limited.

MR. Z. J. S. DESILVA asked Ms. P. J. Gordon-Pamplin a supplementary question.

MR. Z. J. S. DESILVA asked Ms. P. J. Gordon-Pamplin a second question.

MR. Z. J. S. DESILVA asked Ms. P. J. Gordon-Pamplin a supplementary question.

MR. T. E. LISTER asked Ms. P. J. Gordon-Pamplin a supplementary question.

MR. T. E. LISTER asked Ms. P. J. Gordon-Pamplin a second supplementary question.

MR. M. A. WEEKS asked Ms. P. J. Gordon-Pamplin a question.

MR. M. J. SCOTT asked Ms. P. J. Gordon-Pamplin a question.

11:34 a.m.

MR. W. L. A. SCOTT asked Mr. S. G. Crockwell a question on his Ministerial Statement regarding the Clarification of the 2014 Cruise Ship Schedule.

MR. M. A. R. BEAN asked Mr. S. G. Crockwell a question.

MR. M. A. R. BEAN asked Mr. S. G. Crockwell a supplementary question.

MR. M. J. SCOTT asked Mr. S. G. Crockwell a question.

11:39 a.m.

Congratulations and Obituary Speeches:

MR. R. W. E. SCOTT sent congratulations to the performers who participated in the Premiers Concert; sent congratulations to Zeco Lewis who was named freshman of the year; associated Mr. J. C. Sousa and Mr. W. L. A. Scott with these remarks.

MS. L. F. FOGGO sent congratulations to the prize giving recipients of the Berkeley Institute.

MS. N. S. OUTERBRIDGE sent congratulations to Ms. Kristin White the Development Officer of St. Georges Foundation.

MR. T. E. LISTER sent congratulations to the four Bermudians who have joined the ranks of the society of Chartered Accountants; associated the whole House with these remarks; associated himself with the remarks of congratulations to the Berkeley Institute Students and the Premiers Concert.

DR. E. G. GIBBONS expressed sympathy on the passing of the late Mr. David White, former editor of the Royal Gazette; associated Mr. K. L. Bascome with these comments; sent congratulations to the winners of the Tech Awards 2013; associated himself with the remarks for the Berkeley Institute Prize giving.

MR. W. L. A. SCOTT sent congratulations to Bernews on putting out good news about the youth on their website.

MR. J. C. SOUSA thanked and congratulated Fairmont Hamilton Group on their Management Training programme, in particular Jacob Tucker who was working at the Fairmont Hotel in Dubai

MR. E. D. G. BURT associated himself with congratulating Zeco Lewis who was named freshman of the year; associated the entire House.

MS. J. J. ATHERDEN congratulated the family and staff of Victor Scott School on their homecoming celebration; associated Mr. C. W. Brown with these comments.

MS. S. ROBERTS-HOLSHOUSER associated herself with tributes to the family of Mr. David White.

MR. M. H. DUNKLEY associated himself with condolences for the family of Mr. David White; associated Mr. N. H. C. Simons with these

comments; associated himself with remarks for the Premiers Concert; associated Ms. P. J. Gordon-Pamplin; congratulations to Organizer of the Premiers Concert Ms. Jennifer Phillips.

12:00 a.m.

Introduction of Bills:

MR. L. C. CANNONIER introduced and read for the first time by its title a Bill entitled the "Gaming Referendum Act 2013".

MR. E. T. RICHARDS introduced and read for the first time by its title a Bill entitled the "Customs Tariff Amendment (No.3) Act 2013".

MS. P. J. GORDON-PAMPLIN introduced and read for the first time by its title a Bill entitled the "Pharmacy and Poisons Amendment Act 2013".

MR. M. J. PETTINGILL introduced and read for the first time by its title a Bill entitled the "Liquor Licence Amendment Act 2013".

12:05 p.m.

Notices of Motion:

MR. M. H. DUNKLEY gave notice that at the next day of meeting he proposed to move the following motion:

"That this Honourable House authorise, in accordance with section 37(1) of the Municipalities Act 1923, the giving of a guarantee up to a maximum of \$18M by the Corporation of Hamilton, for the purpose of developing a hotel on the site of the Par-la-Ville car park."

12:06 p.m.

Orders of the Day:

On the motion of MR. M. J. PETTINGILL the Bill entitled the "U.S.A. Bermuda Tax Convention Amendment Act 2013" was then read a second time.

12:14 p.m. - MS. K. N. WILSON
12:16 p.m. - MR. E. T. RICHARDS
12:26 p.m. - MR. M. A. R. BEAN

12:35 p.m.

MR. L. C. CANNONIER moved that the House do now recess for lunch, which was agreed to. His Honour the SPEAKER ordered that the House resume for business at 2:05 p.m.

2:05 p.m.

The House resumed.

2:07 p.m. - MR. M. A. R. BEAN continued.
2:18 p.m. - MR. C. W. D. BROWN
2:25 p.m. - MR. W. H. ROBAN
2:37 p.m. - MR. N. H. C. SIMONS
2:45 p.m. - MR. M. J. SCOTT
2:56 p.m. - DR. E. G. GIBBONS
3:02 p.m. - MR. M. J. PETTINGILL

His Honour the SPEAKER announced the presence of former Member of the Cabinet Minister Gerald Simons. O.B.E. in the Chambers.

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the chair.

MR. M. J. PETTINGILL moved Clauses 1-2

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

MR. M. J. PETTINGILL moved Clause 3 and the amendments to clause 3 as follows:-

That the U.S.A. Bermuda Tax Convention Amendment Act 2013 be amended in clause 3, new subsection 1(A), by deleting "28 days" and substituting "21 days".

-which was agreed to.

MR. M. J. PETTINGILL moved Clauses 3-8

3:23 p.m. - MR. Z. J. S. DESILVA
3:24 p.m. - MR. M. J. PETTINGILL
3:24 p.m. - MS. K. N. WILSON
3:24 p.m. - MR. M. J. PETTINGILL
3:25 p.m. - MS. K. N. WILSON
3:28 p.m. - MR. M. J. PETTINGILL

Clauses 3 – 8, as printed, were agreed to as amended.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Chair reported the adoption of the Bill, as amended, which was agreed to.

3:35 p.m.

On the motion of MR. M. J. PETTINGILL the Bill entitled the "International Co-operation (Tax Information Exchange Agreements) Amendment Act 2013" was then read a second time.

3:40 p.m. - MS. K. N. WILSON

3:41 p.m. - MR. E. D. G. BURT

3:41 p.m. - MR. M. J. PETTINGILL

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the chair.

MR. M. J. PETTINGILL moved Clauses 1-2

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

MR. M. J. PETTINGILL moved Clause 3 and the amendments to clause 3 as follows:-

That the International Co-operation (Tax Information Exchange Agreements) Amendment Act 2013 be amended in clause 3, new subsection (2), by deleting "28 days" and substituting "21 days".

-which was agreed to.

MR. M. J. PETTINGILL moved Clauses 3-9

3:54 p.m. - MS. K. N. WILSON

3:54 p.m. - MR. M. J. PETTINGILL

3:55 p.m. - MS. K. N. WILSON

3:56 p.m. - MR. M. J. PETTINGILL

Clauses 3 – 9, as printed, were agreed to as amended.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Chair reported the adoption of the Bill, as amended, which was agreed to.

3:58 p.m.

On the motion of MR. M. H. DUNKLEY the Bill entitled the "Firearms Amendment (No.2) Act 2013" was then read a second time.

4:03 p.m. - MR. M. J. SCOTT

4:06 p.m. - MR. S. D. RICHARDS

4:11 p.m. - MR. R. P. COMMISSIONG

4:13 p.m. - MR. K. L. BASCOME

4:15 p.m. - MR. W. L. FURBERT

4:20 p.m. - MR. J. C. SOUSA

4:23 p.m. - MR. T. E. LISTER

4:26 p.m. - MR. E. D. G. BURT

4:27 p.m. - MR. Z. J. S. DESILVA

4:30 p.m. - MR. M. A. R. BEAN

4:35 p.m. - MR. D. P. LISTER

4:42 p.m. - MS. S. ROBERTS-HOLSHOUSER

4:44 p.m. - MR. M. A. WEEKS

4:44 p.m. - MR. M. H. DUNKLEY

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the chair.

MR. M. H. DUNKLEY moved Clauses 1-3

4:49 p.m. - MR. N. H. C. SIMONS

Clauses 1 – 3, as printed, were agreed to as printed.

The preamble was agreed to.

The Committee rose.

The House resumed.

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

4:58 p.m.

MR. SPEAKER in the Chair.

Items Number 4 and 13 on the Order Paper were carried over to the next day of meeting.

4:59 p.m.

DR. E. G. GIBBONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "U.S.A. Bermuda Tax Convention 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 "U.S.A. Bermuda Tax Convention

Amendment Act 2013" was then read the third time and passed.

5:00 p.m.

DR. E. G. GIBBONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "International Co-operation (Tax Information Exchange Agreements) 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 "International Co-operation (Tax Information Exchange Agreements) 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 "Firearms Amendment (No.2) Act 2013" be now read the third time, which was agreed to.

On the motion of MR. M. H. DUNKLEY, the Bill entitled the "Firearms Amendment (No.2) Act 2013" was then read the third time and passed.

5:00 p.m.

MR. L. C. CANNONIER moved that the House, adjourn to Friday, November 29th 2013 at 10:00 a.m., which was agreed to.

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

5:01 p.m. - MR. Z. J. S. DESILVA

5:21 p.m. - MS. P. J. GORDON-PAMPLIN

5:41 p.m. - MS. L. F. FOGGO

5:49 p.m. - MS. J. J. ATHERDEN

5:55 p.m. - MR. R. P. COMMISSIONG

6:06 p.m. - MR. M. J. SCOTT

6:25 p.m. - MR. E. D. G. BURT

6:35 p.m. - MR. C. W. D. BROWN

6:45 p.m.

The House adjourned to Friday, 6th December, 2013 at 10:00 a.m.