



SENATE OF BERMUDA

Official Senate Minutes

March 21, 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. 9

FRIDAY, 21st 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.
 Senator M.G. DANIELS, J.P.

10:01a.m.

On the motion of Senator Mrs. J.E. Dillas-Wright, consideration of the minutes of the meeting of Wednesday, 19th March, 2014 was deferred.

Senator the Hon. M.M. Fahy, as Minister of Home Affairs, made a Ministerial Statement on "Revised Procedures for File Review in The Department of Planning".

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 Mrs. J.E. Dillas-Wright in the Chair.

10:07a.m.

Senator N.S. Brangman moved that HEAD 48 - Ministry of Tourism Development and Transport Headquarters; HEAD 30 - Marine and Ports; HEAD 31 - Airport Operations; and HEAD 35 - Public Transportation be now considered - which was agreed to.

Senator Brangman spoke on the Heads.

11:13a.m. Senator D.V.S. Rabain spoke on the Heads.

11:32a.m. Senator J.S. Jardine.
 11:43a.m. Senator the Hon. the President.
 11:48a.m. Senator M.G. Daniels.
 12:04p.m. Senator Ms. R.D.L. Ming.
 12:05p.m. Senator Brangman replied.

Senator N.S. Brangman moved that Heads 30, 31 and 35 be approved - which was agreed to.

12:08p.m.

Senator N.S. Brangman moved that HEAD 33 - Tourism be now considered - which was agreed to.

Senator Brangman spoke on the Head.

12:30p.m.

Senator Mrs. J.E. Dillas-Wright, in the Chair, ordered that the Senate do now adjourn for lunch.

The Senate adjourned for lunch at 12:30p.m., and resumed in Committee at 2:15p.m.

2:15p.m. Senator N.S. Brangman continued on Heads 48 and 33.

(2:50p.m. Senator J.S. Jardine in the Chair.)

3:03p.m. Senator M.G. Daniels spoke on the Heads.

3:13p.m. Senator D.V.S. Rabain.

3:18p.m. Senator Brangman replied.

Senator N.S. Brangman moved that Heads 48 and 33 be approved – which was agreed to.

3:22p.m.

Senator J.C. Baron moved that HEAD 83 – Ministry of National Security Headquarters; HEAD 06 – Defence; HEAD 07 – Police; HEAD 25 – Corrections; and HEAD 88 – Department for National Drug Control be now considered - which was agreed to.

Senator Baron spoke on the Heads.

3:34p.m. The Chairman acknowledged the presence of Deputy Premier and Minister of National Security, Hon Michael Dunkley, JP, MP, as well as the Permanent Secretary to the Ministry of National Security, Maj. Marc Telemaque, in the Public Gallery.

4:43p.m. Senator M.G. Daniels spoke on the Heads.

5:13p.m. Senator Mrs. J.E. Dillas-Wright.

5:16p.m. Senator Ms. R.D.L. Ming.

5:20p.m. Senator Baron replied.

Senator J.C. Baron moved that Heads 83, 06, 07, 25 and 88 be approved – which was agreed to.

5:26p.m.

Senator J.C. Baron moved that HEAD 87 – Ministry of Legal Affairs Headquarters; HEAD 04 – Attorney-General’s Chambers; HEAD 74 – Department of Court Services; and HEAD 75 – Department of Public Prosecutions be now considered - which was agreed to.

Senator Baron spoke on the Heads.

(6:16p.m. Senator Mrs. J.E. Dillas-Wright in the Chair.)

6:37p.m. Senator Ms. R.D.L. Ming spoke on the Heads.

6:42p.m. Senator M.G. Daniels.

6:58p.m. Senator J.S. Jardine.

7:05p.m. Senator Baron replied.

Senator J.C. Baron moved that Heads 87, 04, 74 and 75 be approved - which was agreed to.

7:13p.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.

7:14p.m.

Senator the Hon. M.M. Fahy moved that the Senate do now take under consideration the draft Regulations entitled "The Government Fees Amendment Regulations 2014" -- which was agreed to.

Senator Fahy spoke on the Regulations.

7:18p.m. Senator D.V.S. Rabain.
7:19p.m. Senator Fahy replied.

Senator the Hon. M.M. Fahy moved that the said draft Regulations be approved, and that the following message be sent to His Excellency the Governor:

"MAY IT PLEASE YOUR EXCELLENCY:

The Senate, having had under consideration the draft Regulations entitled "The Government Fees Amendment Regulations 2014", proposed to be made by the Minister of Finance under the provisions of Section 2 of The Government Fees Act 1965, has the honour to inform Your Excellency that the Senate has approved the said draft Regulations."

-- which was agreed to and ordered accordingly.

7:21p.m.

Senator the Hon. M.M. Fahy moved that the Senate do now take under consideration the draft Regulations entitled "The Government Fees (Trade Marks and Service Marks) Amendment Regulations 2014" -- which was agreed to.

Senator Fahy spoke on the Regulations.

Senator the Hon. M.M. Fahy moved that the said draft Regulations be approved, and that the following message be sent to His Excellency the Governor:

"MAY IT PLEASE YOUR EXCELLENCY:

The Senate, having had under consideration the draft Regulations entitled "The Government Fees (Trade Marks and Service Marks) Amendment Regulations 2014", proposed to be made by the Minister of Finance under the provisions of Section 2 of The Government Fees Act 1965, has the honour to inform Your Excellency that the Senate has approved the said draft Regulations."

-- which was agreed to and ordered accordingly.

7:30p.m.

Senator the Hon. M.M. Fahy moved that the Senate do now take under consideration the draft Regulations entitled "The Bermuda Immigration and Protection (Land-Holding Charges) Amendment Regulations 2014" -- which was agreed to.

Senator Fahy spoke on the Regulations.

7:32p.m. Senator Ms. R.D.L. Ming.
7:34p.m. Senator Fahy replied.

Senator the Hon. M.M. Fahy moved that the said draft Regulations be approved, and that the following message be sent to His Excellency the Governor:

"MAY IT PLEASE YOUR EXCELLENCY:

The Senate, having had under consideration the draft Regulations entitled "The Bermuda Immigration and Protection (Land-Holding Charges) Amendment Regulations 2014", proposed to be made by the Minister responsible for Immigration under the provisions of section 102C (1) (a) of The Bermuda Immigration and Protection Act

1956, has the honour to inform Your Excellency that the Senate has approved the said draft Regulations.”

-- which was agreed to and ordered accordingly.

7:35p.m.

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

7:37p.m. Senator M.G. Daniels spoke on the Bill.
 8:09p.m. Senator J.S. Jardine.
 8:16p.m. Senator D.V.S. Rabain.
 8:21p.m. Senator Ms. R.D.L. Ming.
 8:25p.m. Senator Mrs. J.E. Dillas-Wright.
 8:28p.m. Senator N.S. Brangman.
 8:32p.m. Senator the Hon. the President.

8:35p.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 Municipalities 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.

8:37p.m.

On the motion of Senator the Hon. M.M. Fahy, Senate agreed to consider item numbers 6 to 8 on the Order Paper together.

Senator the Hon. M.M. Fahy moved that the Senate do now take under consideration the following Hamilton Water Front Development Agreements:-

- “Ground Lease for Hamilton’s Water Front between the Corporation of Hamilton and the Allied Trust and Allied Development Partners Ltd.”;
- “Corporation Agreement in respect of the Development of the Hamilton Water Front between the Corporation of Hamilton and Allied Development Partners Ltd.”; and
- “Development Agreement between the Corporation of Hamilton , the Allied Trust and Allied Development Partners Ltd. in respect of the Redevelopment of the Hamilton Harbour and Water Front”

-- which was agreed to.

Senator Fahy spoke on the Agreements.

8:38p.m. Senator D.V.S. Rabain.
 8:42p.m. Senator Fahy replied.

Senator the Hon. M.M. Fahy moved that the said Agreements be rejected by the Senate and voided *ab initio* -- which was affirmed on Division by 8 votes to 3 as follows:

AYES:
 Senator the Hon. M.M. Fahy, Senator N.S. Brangman, Senator Mrs. L.A. Woolridge, Senator Ms. A.L. Swan, Senator J.C. Baron, Senator J.S. Jardine, Senator Mrs. J.E. Dillas-Wright, and Senator the Hon. the President.

NOES:
 Senator D.V.S. Rabain, Senator Ms. R.D.L. Ming and Senator M.G. Daniels.

A suitable Message was ordered to be forwarded to His Excellency the Governor

informing him of Senate's rejection of the three said Hamilton Water Front Development Agreements.

On the motion of Senator the Hon. M.M. Fahy, item numbers 9 to 17 on the Order Paper were carried over to the next day of meeting.

8:44p.m.

Senator the Hon. M.M. Fahy moved that, at its rising, the Senate adjourn to Monday, 24th March 2014 – which was agreed to.

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

8:44p.m. Senator D.V.S. Rabain.

8:48p.m.

Adjourned until Monday, 24th March, 2014.

(2) Second Reading: The Customs Department Amendment Act 2014.

(3) Second Reading: The Liquor Licence Amendment Act 2014.

(4) Second Reading: The Restaurants (Temporary Customs Duty Relief) Amendment Act 2014.
[Governor's Recommendation Signified]

(5) Second Reading: The Hotels (Temporary Customs Duty Relief) Amendment Act 2014.
[Governor's Recommendation Signified]

(6) Second Reading: The Corporate Service Provider Business Amendment Act 2014.

(7) Second Reading: The Health Insurance (Miscellaneous) Amendment Act 2014.

(8) Second Reading: The Charities Act 2014.

(9) Second Reading: The Institute of Chartered Accountants of Bermuda Amendment Act 2014.

(10) Second Reading: The Criminal Code Amendment (No. 2) Act 2014.

PRESIDENT

ORDERS OF THE DAY

Monday – 24th 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.