



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

June 28, 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. 17

Friday, June 28th, 2013

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, Legay C. Cannonier, Rolfe P. Commissiong, Shawn G. Crockwell, Nandi S. Davis, Zane J. S. DeSilva, Michael H. Dunkley, Lovitta F. Foggo, Wayne L. Furbert, Dr. Edmund G. Gibbons, Patricia J. Gordon-Pamplin, Susan E. Jackson, Suzann Roberts-Holshouser, Dennis P. Lister, Terry E. Lister, Trevor G. Moniz, Mark J. Pettingill. Everard T. Richards, Sylvan D. Richards, Walter H. Roban, Leah K. Scott, Michael J. Scott, R. Wayne E. Scott, W. Lawrence Scott, N. H. Cole Simons, Glenn Smith, Jefferson C. Sousa, Michael A. Weeks, Kim N. Wilson.

10:04 a.m. Prayer

Planning under the provisions of section 4 of the Fisheries Act 1972.

Confirmation of Minutes:

MR. S. D. RICHARDS
Minister of Environment and Planning

Minutes to the Meetings of June 14th, 2013 and June 21st, 2013 were deferred.

Sessions House,
28th June, 2013.

Announcements by the Speaker:

DR. E. G. GIBBONS read the following communication to His Honour the SPEAKER.

His Honour the SPEAKER announced the release of the Eighth Annual Report of the Ombudsman of Bermuda for the year 2012.

TO HIS HONOUR THE SPEAKER:

The SPEAKER announced the following Member will be absent from the House today Mr. E. D. G. Burt, who is attending the 3rd Westminster Workshop on the Public Accounts Committee at Westminster.

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

The SPEAKER congratulated Ms. N. S. Outerbridge on her return after recently being married.

“Bermuda Small Business Development Corporation Annual Report 2007 – 2009”

DR. E. G. GIBBONS
Minister of Economic Development

10:07 a.m.

Papers and other Communications to the House:

Sessions House,
28th June, 2013.

MR. S. D. RICHARDS read the following communication to His Honour the SPEAKER.

MR. S. D. RICHARDS, on behalf of Ms. P. J. Gordon-Pamplin 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 information of the Honourable House of Assembly the following:-

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

“The Fisheries (Protected Areas) Amendment Order 2013” made by the Minister of Environment &

“The Dental Hygienists Amendment Regulations 2013” made by the Minister of Health and Seniors

under the provision of section 8 of the Dental Practitioners Act 1950.

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

Sessions House,
28th June, 2013

10:10 a.m.

Statements by Ministers and Junior Ministers:

MR. M. J. PETTINGILL made an announcement regarding the "Stewards of Children Training"

MR. S. D. RICHARDS made Ministerial Statements regarding the "Bermuda Conservation GeoTour" and the "Re-launch of the Department of Environmental Protection's Website".

MR. R. W. SCOTT made a Ministerial Statement regarding the "Road to Social Recovery"

MR. M. H. DUNKLEY made a Ministerial Statement regarding "G.E.D. SUCCESSES – The Department of Corrections"

DR. E. G. GIBBONS made a Ministerial Statement regarding "Stephen Lund Appointed CEO of the BBDC"

10:43 p.m.

Question Period:

MR. W. L. FURBERT asked MR. R. W. SCOTT a question on his Ministerial Statement on the Road to Social Recovery.

MR. G. A. BLAKENEY asked MR. R. W. SCOTT a question.

MR. G. A. BLAKENEY asked MR. R. W. SCOTT a supplementary question.

MS. K. N. WILSON asked MR. R. W. SCOTT a question.

MS. K. N. WILSON asked MR. R. W. SCOTT a second question.

MS. K. N. WILSON asked MR. R. W. SCOTT a second question.

MR. W. L. FURBERT asked MR. R. W. SCOTT a supplementary question on Mr. G. A. Blakeney's question.

MR. G. A. BLAKENEY asked MR. R. W. SCOTT a second supplementary question.

MR. M. A. R. BEAN asked DR. E. G. GIBBONS a question on his Ministerial Statement on Stephen Lund Appointed CEO of the BBDC.

MR. W. L. FURBERT asked DR. E. G. GIBBONS a question.

MR. M. A. R. BEAN asked DR. E. G. GIBBONS a supplementary question.

MR. G. A. BLAKENEY asked DR. E. G. GIBBONS a question.

MR. W. L. FURBERT asked DR. E. G. GIBBONS a supplementary question.

MS. S. ROBERTS-HOLSHOUSER asked MR. M. H. DUNKLEY a question.

MR. W. L. FURBERT asked MR. M. H. DUNKLEY a supplementary question.

MR. Z. J. S. DESILVA asked MR. M. H. DUNKLEY a question.

MR. Z. J. S. DESILVA asked MR. M. H. DUNKLEY a second question.

11:06 a.m.

Congratulatory and Obituary Speeches:

MR. D. V. BURGESS expressed condolences to the family of the late Mr. Verneil Richardson who was a tragically killed; a big thank you to Pastor Leroy Bean and his organizers CARTEL who tried to diffuse an already tense situation; congratulations to CARE Learning Centre on its recent graduation and associated all Members.

DR. E. G. GIBBONS expressed condolences to the family of the late Dr. James Martin whom he described as one of the world's greatest computer scientist; he associated Mr. L. C. Cannonier with these remarks; associated himself with remarks for CARE Learning Centre.

MR. Z. J. S. DESILVA congratulated the Bermuda Health Foundation on its recent awards ceremony where Dr. Malcolm Brock received the Salute to Service Award; associated Ms. P. J. Gordon-Pamplin.

MR. M. H. DUNKLEY associated himself with remarks for Dr. James Martin; congratulated the organizers of Ms. Bermuda Pageant and the new Ms. Bermuda Ms. Catherine Arnfield; associated himself with congratulating Ms. D. N. I. Butterfield's CARE Learning Centre.

MR. R. P. COMMISSIONG congratulated the Ascendant Group on their recent achievements on their STEM Camp concerning being held this summer.

MS. S. ROBERTS-HOLSHOUSER congratulations to Ms. Felice Organizer of the recent Bermuda Pow Wow which took place recently in St. David's; associated Ms. L. F. Foggo and Mr. R. P. Commissiong.

MS. L. F. FOGGO congratulated Ms. Neletha Butterfield who has celebrated 30 years of service in Education. Congratulations to Clearwater Middle School and St. David's Primary School on their recent graduations held.

MS. S. E. JACKSON congratulated L. A. Jackson and Ms. Jene Legere on their successful dance business and expressed how they have contributed to the Performing Arts in Bermuda; through their donation of dance scholarships to Bermudian individuals, associated the whole House; congratulated to the Jackson School of Performance on their 60th Anniversary.

MR. R. W. SCOTT expressed sympathy on the passing of Heather Whalen's mother of Ms. Vinton Walker.

MR. W. H. ROBAN associated himself with condolences for Dr. James Martin; associated himself with congratulatory remarks for Ascendant Group and CARE Computer School.

MR. G. C. SMITH congratulated the graduation Class of the Seventh Day Adventist Church and their recent G. E. D. Graduates.

Mr. T. E Lister congratulated Ms. Sherry Bucci, the new Director of the CDP (Child Development Programme); congratulations to Ms. Dianna Dill who has had a long career as a teacher and will soon be

retiring; Congratulations to Mr. Stanfield Smith Principal of Northlands Primary School who will also be retiring soon; congratulations to Dr. Glenn Bascome who has made a significant contribution and served 40 years as a teacher at Sandy's Secondary School, who will also be retiring soon.

Congratulations to a young lady Ms. Shannon Williams from Sandy's Middle School who had an outstanding school year.

MS. J. J. ATHERDEN congratulated BLTA on its recent tournament.

Ms. K. N. WILSON congratulated the ladies of AKA (Alpha Kappa Alpha) who honoured and accepted new Members in their Chapter.

MR. K. L. BASCOME congratulated the BHB (Bermuda Hospital Board) for the service and care he received for the last week was over and above Somerfield Academy which cleaned up areas of St. Georges.

MS. P. J. GORDON-PAMPLIN associated herself with comments for Stanfield Smith and Dr. Glenn Bascome; congratulations to Chewstick on their night of poetry; associated himself with comments regarding the recent BLTA Tournament.

11:50 a.m.

Introduction of Bills:

MR. E. T. RICHARDS moved for leave to introduce and read for the first time by its title a Bill entitled the "Government Loans Amendment Act 2013".

Orders of the Day:

MR. R. W. SCOTT moved that the House do now take under consideration the following message, as received from the Senate at the last day of meetings:-

(No.2)

TO HIS HONOUR THE SPEAKER AND MEMBERS OF THE HONOURABLE HOUSE OF ASSEMBLY:

The Senate has the honour to return to Your Honourable House the accompanying Public Bill entitled "The Human Rights Amendment Act 2013", recommending the concurrence of Your Honourable

House in the following suggested amendments, which it is proposed should be made to the Bill:-

1. That Clause 6 of the Bill be deleted in its entirety; and
2. In consequence, that the remaining Clauses 7 to 14 of the Bill be re-numbered as Clauses 6 to 13.

Senator the Hon. Carolanne M. Bassett, J. P.
PRESIDENT

Senate Chamber,
19th June, 2013.

- which was agreed to.

MR. R. W. SCOTT moved that the Public Bill entitled "The Human Rights Amendment Act 2013" be amended in the House as follows:-

1. That Clause 6 of the Bill be deleted in its entirety; and
2. In consequence, that the remaining Clauses 7 to 14 of the Bill be re-numbered as Clauses 6 to 13.

11:54 a.m. - MS. K. N. WILSON
11:55 a.m. - MR. M. J. PETTINGILL
12:00 p.m. - MS. P. J. GORDON-PAMPLIN

The motion of MR. R. W. SCOTT to amend the public Bill entitled "The Human Rights Amendment Act 2013" was agreed to.

MR. R. W. SCOTT moved that a suitable message be sent to the Senate informing the Honourable President and Members of the Senate that the House has amended the Public Bill entitled the "The Human Rights Amendment Act 2013" as suggested by the Senate, which was agreed to.

(No. 21)

TO THE HONOURABLE THE PRESIDENT
AND MEMBERS OF THE SENATE:

The House of Assembly returns herewith to your Honourable House the Bill entitled "The Human Rights Amendment Act 2013" and informs your Honourable House that the House of Assembly has amended the said Bill as suggested by your Honourable House.

Hon. K. H. R. HORTON
Speaker

Sessions House
28th June, 2013

MS. L. K. SCOTT moved that the House do now take under consideration the draft Order entitled "Hotels Concession (Fairmont Hamilton) Order 2013", which was agreed to.

12:10 p.m. - MR. W. L. FURBERT
12:19 p.m. - MS. S. E. JACKSON
12:21 p.m. - MR. G. A. BLAKENEY

12:30 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.

The House Resumed.

2:13 p.m. - MR. M. A. R. BEAN
2:20 p.m. - DR E. G. GIBBONS

MS. L. K. SCOTT moved that the said draft Order be approved and that the following message be sent to His Excellency the Governor:-

(No. 22)

MAY IT PLEASE YOUR EXCELLENCY:

The House of Assembly, having had under consideration draft Order entitled the "Hotels Concession (Fairmont Hamilton) Order 2013", proposed to be made by the Minister of Tourism Development and Transport under the provisions of Section 3 of the Hotel Concessions Act 2000, has the honour to inform Your Excellency that the House has approved the said draft Order.

2:30 p.m.

On the motion of MR. R. W. SCOTT, the Bill entitled the "Financial Assistance Amendment Act 2013" was then read a second time.

2:35 p.m. - MR. M. A. WEEKS
2:36 p.m. - MR. G. A. BLAKENEY
3:00 p.m. - MR. T. E. LISTER
3:08 p.m. - MR. M. J. SCOTT

3:16 p.m. - MR. W. L. FURBERT
 3:21 p.m. - MS. S. ROBERTS-HOLSHOUSER
 3:26 p.m. - MR. R. W. E. SCOTT

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. R. W. SCOTT moved clauses 1-3 of the Bill.

3:33 p.m. - MR. M. A. WEEKS
 3:35 p.m. - MR. G. A. BLAKENEY
 3:37 p.m. - MR. T. E. LISTER
 3:38 p.m. - MR. M. J. SCOTT
 3:40 p.m. - MR. G. A. BLAKENEY
 3:42 p.m. - MR. R. W. E. SCOTT
 3:45 p.m. - MR. M. J. SCOTT
 3:47 p.m. - MR. R. W. E. SCOTT

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

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

3:50 p.m.

On the motion of MR. R. W. SCOTT, the Bill entitled the "Child Care Allowance Amendment Act 2013" was then read a second time.

3:53 p.m. - MR. M. A. WEEKS
 3:55 p.m. - MR. T. E. LISTER
 3:58 p.m. - MR. G. A. BLAKENEY
 4:12 p.m. - MS. L. F. FOGGO
 4:17 p.m. - MS. S. ROBERTS- HOLSHOUSER
 4:21 p.m. - MR. W. L. FURBERT
 4:34 p.m. - DR. E. G. GIBBONS
 4:42 p.m. - MR. D. V. BURGESS
 4:46 p.m. - MR. M. J. SCOTT
 4:52 p.m. - MS. J. J. ATHERDEN
 4:55 p.m. - MS. K. N. WILSON
 5:06 p.m. - MR. M. A. R. BEAN

5:21 p.m. - MR. R. W. E. SCOTT

The Bill was committed.

5:33 p.m. - MS. R. ROBERTS-HOLSHOUSER in the Chair.

MR. R. W. E. SCOTT moved clauses 1-3 of the Bill

5:33 p.m. - MR. M. A. WEEKS
 5:35 p.m. - MS. K. N. WILSON
 5:39 p.m. - MR. W. L. FURBERT
 5:49 p.m. - MR. G. A. BLAKENEY
 5:53 p.m. - MR. D. V. BURGESS
 5:54 p.m. - MR. M. A. R. BEAN
 6:00 p.m. - MS. P. J. GORDON-PAMPLIN
 6:07 p.m. - MR. M. J. SCOTT
 6:12 p.m. - MR. G. A. BLAKENEY
 6:16 p.m. - MR. M. J. PETTINGILL
 6:20 p.m. - MR. R. W. E. SCOTT

- which on division, was affirmed Ayes 17, Noes 13.

Ayes

1. Ms. J. J. Atherden
2. Mr. K. L. Bascome
3. Mr. C. L. Cannonier
4. Ms. N. S. Davis-Outerbridge
5. Mr. M. H. Dunkley
6. Dr. E. G. G. Gibbons
7. Ms. P. J. Gordon-Pamplin
8. Ms. S. E. Jackson
9. Mr. T. G. Moniz
10. Mr. M. J. Pettingill
11. Mr. E. T. Richards
12. Mr. S. D. Richards
13. Ms. L. K. Scott
14. Mr. R. W. Scott
15. Mr. N. H. C. Simons
16. Mr. G. C. Smith
17. Mr. J. C. Sousa

Noes

1. Mr. M. A. R. Bean
2. Mr. G. A. Blakeney
3. Mr. W. D. Brown
4. Mr. D. V. Burgess
5. Mr. R. P. Commissiong
6. Ms. L. F. Foggo
7. Mr. W. L. Furbert
8. Mr. W. H. Roban
9. Mr. W. L. Scott
10. Mr. M. J. Scott
11. Mr. D. P. Lister
12. Mr. T. E. Lister
13. Mrs. K. N. Wilson

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

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

6:32 p.m.

On the motion of DR. E. G. GIBBONS, the Bill entitled the "Bermuda Government Scholarships Amendment Act 2013" was then read a second time.

- 6:49 p.m. - MR. C. W. D. BROWN
- 7:06 p.m. - MS. L. F. FOGGO
- 7:25 p.m. - MR. N. H. C. SIMONS
- 7:58 p.m. - MR. D. V. BURGESS
- 8:02 p.m. - MS. J. J. ATHERDEN
- 8:16 p.m. - MR. T. E. LISTER
- 8:23 p.m. - MS. P. J. GORDON-PAMPLIN
- 8:38 p.m. - MR. R. P. COMMISSIONG
- 8:45 p.m. - MR. M. J. SCOTT

8:53 p.m. - DR. E. G. GIBBONS

The Bill was committed

MS. S. ROBERTS-HOLSHOUSER in the Chair

DR. E. G. GIBBONS moved clauses 1-8 of the Bill.

- 9:05 p.m. - MR. C. W. D. BROWN
- 9:12 p.m. - MR. R. P. COMMISSIONG
- 9:14 p.m. - MR. T. E. LISTER
- 9:19 p.m. - DR. E. D. G. GIBBONS
- 9:25 p.m. - MR. C. W. D. BROWN
- 9:25 p.m. - MR. R. P. COMMISSIONG

9:26 p.m. - DR. E. D. G. GIBBONS

Clauses 1-8, as printed, were agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

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

Order numbers 6-10 were carried over to the next meeting day.

9:30 p.m.

MR. R. W. SCOTT moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Financial Assistance Amendment Act 2013" be now read the third time, which was agreed to.

On the motion of MR. R. W. SCOTT, the Bill entitled the "Financial Assistance Amendment Act 2013" was then read the third time and passed.

MR. R. W. SCOTT moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Child Care Allowance Amendment Act 2013" be now read the third time, which was agreed to.

On the motion of MR. R. W. SCOTT, the Bill entitled the "Child Care Allowance Amendment Act 2013" was then read the third time and passed.

DR. E. G. GIBBONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "The Bermuda Government Scholarship 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 "The Bermuda Government Scholarships Amendment Act 2013" was then read the third time and passed.

MS. N. S. OUTERBRIDGE moved that the following petition, together with the Report of the Joint Select Committee on Private Bills which was presented on June, 14, 2013 be now considered:-

The petition of The Philadelphia Financial Life Assurance Company (Bermuda) Ltd. requesting Flexibility in structuring its long-term insurance policies as appears in the Bill entitled "The Philadelphia Financial Life Assurance Company (Bermuda) Ltd. Act 2013" which accompanies this petition.

MS. N. S. OUTERBRIDGE moved for leave to introduce and read the first time by its title the following Private Bill:

"The Philadelphia Financial Life Assurance Company (Bermuda) Ltd. Act 2013".

MS. N. S. OUTERBRIDGE moved that the prayers of the petitioners be granted and, to give effect thereto, that without prejudice leave be granted to bring in the proposed Bill reprinted to accord with the recommendations of the Joint Select Committee on Private Bills for the amendment thereof, which was agreed to.

His Honour the SPEAKER stated that the necessary certificates had been furnished.

MS. N. S. OUTERBRIDGE'S motion was thereupon agreed to and the said private Bill was then read the first time by its title only.

"The Philadelphia Financial Life Assurance Company (Bermuda) Ltd. Act 2013".

MS. N. S. OUTERBRIDGE moved that under the provisions of Standing Order 33 (7) (a) the remaining stages of the said private Bill be taken forthwith, which was agreed to.

On the motion of MS. N. S. OUTERBRIDGE, the said private Bill "The Philadelphia Financial Life Assurance Company (Bermuda) Ltd. Act 2013", was then read the second time in the House by its title only

On the motion of MS. N. S. OUTERBRIDGE, the Clauses and the preamble of the said Private Bill were agreed to.

On the motion of MS. N. S. OUTERBRIDGE, the said private Bill "The Philadelphia Financial Life Assurance Company (Bermuda) Ltd. Act 2013", was then read the third time in the House by its title only and passed.

9:35 p.m.

MR. L. C. CANNONIER moved that the House, adjourn to Friday, July, 5th 2013 at 10:00 a.m., which was agreed to.

9:36 p.m. - MR. D. V. BURGESS

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

9:36 p.m.

The House adjourned to Friday, 5th July, 2013 at 10:00 a.m.