



BERMUDA HOUSE OF ASSEMBLY

Official House Minutes

December 5, 2014

Electronic Version

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

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**Proceedings
of the
Honourable House of Assembly
Session of 2014-2015**

No. 5

Friday, December 5, 2014

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, 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, Suzann Roberts-Holshouser, Dennis P. Lister, Trevor G. Moniz, Nandi S. Outerbridge, 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, Jamahl S. Simmons, N. H. Cole Simons, Glenn C. Smith, Jefferson C. Sousa, Michael A. Weeks, Kim N. Wilson.

10:05 a.m. Prayer

(No.1)

Confirmation of Minutes:

Minutes to the Meeting of 28 November, 2014, were deferred.

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

10:06 a.m.

Announcements by the Speaker:

His Honour the Speaker announced the following Members appointed to the Joint Select Committee on Sex Offenders:

MR. M. J. PETTINGILL, MS. S. ROBERTS-HOLSHOUSER, MR. Z. J. S. DESILVA, MS. K. N. WILSON.

I am pleased to inform your Honourable House that the Senate has agreed to the establishment of a Parliamentary Joint Select Committee to examine, review and make recommendations on the existing legislation regarding sex offenders, the necessity for a public sex offenders' register and related matters, as per the Resolution approved by your Honourable House on 21st November 2014; and I am further pleased to announce the appointment of Senator Renee D.L. Ming, JP and Senator Lynne A. Woolridge, JP to serve as the Senate's representatives on the said Parliamentary Joint Select Committee.

His Honour the Speaker announced the Annual General Meeting of the Commonwealth Parliamentary Association Bermuda Branch on December, 18th 2014.

Senator Joan E. Dillas-Wright, M.B.E., J.P.
ACTING PRESIDENT

His Honour the Speaker reminded Members of the presentation being held in the Library at 12:30p.m., by Dr. Kirk who will be making a brief presentation on Shared Parenting.

3rd December, 2014

10:07 a.m.

10:10 a.m.

Messages from the Senate:

Statements by Ministers and Junior Ministers:

His Honour the Speaker read the following Message from the Senate:

MR. M. H. DUNKLEY made a Ministerial Statement regarding the "America's Cup Bid".

DR. E. G. GIBBONS made a Ministerial Statement regarding the "35th America's Cup".

His Honour the Speaker acknowledged the presence of Senator Vic Ball and former Legal Assistant to the House Ms. Jaleesa Simons.

MR. E. T. RICHARDS made two Ministerial Statements regarding the "Joint Ministerial Council 2014" and the "Government Guarantee – Morgan's Point Development".

10:45 a.m.

Question Period:

MR. M. H. DUNKLEY provided oral responses to parliamentary questions from MR. W. H. ROBAN.

1. Will the Honourable Minister please inform this Honourable House if Mr. Larry Covington still has responsibility for Bermuda as an FCO Police Advisor to the Overseas Territories and Bermuda?

MR. W. H. ROBAN asked MR. M. H. DUNKLEY a supplementary question.

2. Will the Honourable Minister please advise this Honourable House when was the last time Mr. Covington visited Bermuda in an official capacity?

MR. W. H. ROBAN asked MR. M. H. DUNKLEY a second supplementary question.

MR. E. D. G. BURT asked MR. M. H. DUNKLEY a supplementary question.

MR. E. D. G. BURT asked MR. M. H. DUNKLEY a second supplementary question.

MR. M. A. R. BEAN asked DR. E. G. GIBBONS a question on his Ministerial Statement on the 35th America's Cup.

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

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

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

MR. E. D. G. BURT asked DR. E. G. GIBBONS a supplementary question.

11:01 a.m.

MR. E. D. G. BURT asked DR. E. G. GIBBONS a second supplementary question.

MR. J. C. SOUSA asked DR. E. G. GIBBONS a supplementary question.

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

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

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

MR. M. A. R. BEAN asked MR. E. T. RICHARDS a question relating to his Ministerial Statement on the Joint Ministerial Council 2014.

MR. M. A. R. BEAN asked MR. E. T. RICHARDS a supplementary question.

MR. M. A. R. BEAN asked MR. E. T. RICHARDS a second supplementary question.

MR. M. A. R. BEAN asked MR. E. T. RICHARDS a second question.

MR. M. A. R. BEAN asked MR. E. T. RICHARDS a third question.

MR. C. W. D. BROWN asked MR. E. T. RICHARDS a question.

MR. C. W. D. BROWN asked MR. E. T. RICHARDS a second question.

MR. C. W. D. BROWN asked MR. E. T. RICHARDS a supplementary question.

MR. C. W. D. BROWN asked MR. E. T. RICHARDS a third question.

11:20 a.m.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a supplementary question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a second supplementary question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a second question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a supplementary question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a third question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a supplementary question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a second supplementary question.

MS. K. N. WILSON asked MR. E. T. RICHARDS a question.

MS. K. N. WILSON asked MR. E. T. RICHARDS a supplementary question.

11:28 a.m.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a question on his Ministerial Statement regarding Governments Guarantee for the Morgan's Point Development.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a supplementary question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a second supplementary question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a second question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a supplementary question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a second supplementary question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a third question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a supplementary question.

MR. C. W. D. BROWN asked MR. E. T. RICHARDS a supplementary question.

MR. C. W. D. BROWN asked MR. E. T. RICHARDS a second supplementary question.

MR. D. V. BURGESS asked MR. E. T. RICHARDS a supplementary question.

MR. W. L. FURBERT asked MR. E. T. RICHARDS a supplementary question.

MR. M. A. R. BEAN asked MR. E. T. RICHARDS a supplementary question.

MR. G. A. BLAKENEY asked MR. E. T. RICHARDS a supplementary question.

MR. Z. J. S. DESILVA asked MR. E. T. RICHARDS a supplementary question.

MR. Z. J. S. DESILVA asked MR. E. T. RICHARDS a second supplementary question.

MR. M. A. R. BEAN asked MR. E. T. RICHARDS a second supplementary question.

MR. G. A. BLAKENEY asked MR. E. T. RICHARDS a second supplementary question.

MR. E. D. G. BURT asked MR. E. T. RICHARDS a second supplementary question.

MR. D. V. BURGESS asked MR. E. T. RICHARDS a second supplementary question.

MR. M. A. R. BEAN asked MR. E. T. RICHARDS a second supplementary question.

11:46 a.m.

Congratulatory and Obituary Speeches:

MS. L. K. SCOTT congratulated the organisers of the College Fair at CedarBridge Academy.

MR. J. S. SIMMONS congratulated Mr. Alfred Maybury and Bishop Steven Jones for addressing issues affecting young Bermudians; congratulated Bernews on its fifth year of existence; Congratulated Mr. Patrick Tannock who has encouraged young black people who are moving up the echelons of XL;

congratulated his wife, Mrs. Sherri Simmons on their 14th anniversary.

DR. E. G. GIBBONS expressed sympathy on the passing of Mr. Peter Woolcock a political/satirical Cartoonist; associated himself with congratulating Bernews and Patrick Tannock.

MR. D. V. BURGESS associated himself with remarks for Mr. Peter Woolcock; congratulated the workers on the Docks in particular to Mr. Warren Jones who is the CEO of Polaris and has a good working relationship with the Dock workers.

MR. S. G. CROCKWELL associated himself with condolences for Mr. Peter Woolcock, whom he found very engaging; congratulated the persons responsible for the Folk Life apprenticeship programme; associated Mr. R. W. Scott with his comments.

MR. D. P. LISTER expressed condolences on the passing of Mr. Trevor Cann.

MR. Z. J. S. DESILVA associated himself with condolences on the passing of Mr. Trevor Cann; sent congratulations to Goslings on hosting a successful Belmont Invitational Golf Classic; sent congratulations to Patrick Horgan III who won the Bermuda Open; congratulated Bermuda Pro Golfer Mr. Dwayne Pearman.

MS. P. J. GORDON-PAMPLIN associated herself with congratulating Gosling's; Congratulated Micha Rogers who presented the Bermuda Flag to the San Francisco Team; congratulations to organisers of the America's Cup reception.

MR. M. A. WEEKS congratulated Ms. Nakia O'Brian on the official opening of her new restaurant on Parsons Road called "Wild Wings"; associated the whole House; Congratulations to Theresa Perozzi who has now retired from the Boxing arena.

MS. J. J. ATHERDEN sent congratulations to organisers of the Community Educational Development Programme on their Annual Christmas Luncheon and the Bermuda Regiment for organising a Senior's luncheon; congratulated Lorrain's Rest Home for their family day; associated herself with remarks for Gosling's.

12:15 p.m.

Introduction of Bills:

MR. T. G. MONIZ introduced and read for the first time by its title the Bill entitled the "Bermuda Bar Amendment Act 2014".

12:16 p.m.

Orders of the Day:

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

DR. E. G. GIBBONS requested that Order number 2 be placed after Order number 5, which was agreed to

MS. P. J. GORDON-PAMPLIN moved for Consideration of the "Land Valuation and Tax (Postponement of Preparation of Quinquennial Draft Valuation List) Order 2014", which was agreed to.

12:26 p.m. - MR. D. P. LISTER

12:29 p.m. - MS. P. J. GORDON-PAMPLIN

MS. P. J. GORDON-PAMPLIN moved that the said draft Order be approved and that the following message be sent to His Excellency the Governor:

(No.5)

MAY IT PLEASE YOUR EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration the draft Order entitled the "Land Valuation and Tax (Postponement of Preparation of Quinquennial Draft Valuation List) Order 2014", proposed to be made by the Minister of Public Works under the provisions of Section 26(2) of the Land Valuation and Tax Act 1967, has the honour to inform Your Excellency that the House has approved the said draft Order.

- which was agreed to.

12:30 p.m.

MR. M. H. DUNKLEY 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.

2:02 p.m.

The House Resumed.

MR. E. T. RICHARDS moved for leave of the House to have Order number 1 withdrawn from the Order Paper, which was agreed to.

On the motion of MR. M. H. DUNKLEY the Bill entitled the "Cannabinoid Pharmaceutical Products Act 2014", was then read a second time.

Mr. Speaker Acknowledged the presence of one of Bermuda's Great Professional Footballers, Mr. Shawn Goater, in the Public Gallery.

2:09 p.m. - MR. W. H. ROBAN
2:37 p.m. - MR. G. A. BLAKENEY
2:51 p.m. - MS. J. J. ATHERDEN
3:03 p.m. - MR. C. W. D. BROWN
3:12 p.m. - MR. J. S. SIMMONS
3:17 p.m. - DR. E. G. GIBBONS
3:32 p.m. - MR. S. G. CROCKWELL
3:42 p.m. - MR. R. P. COMMISSIONG
3:50 p.m. - MR. M. J. PETTINGILL
3:55 p.m. - MR. M. J. SCOTT
4:04 p.m. - MR. L. C. CANNONIER
4:13 p.m. - MS. S. ROBERTS-HOLSHOUSER
4:20 p.m. - MR. M. H. DUNKLEY

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. M. H. DUNKLEY moved clauses 1-5 of the Bill.

4:27 p.m. - MR. W. H. ROBAN
4:27 p.m. - MR. M. H. DUNKLEY
4:28 p.m. - MR. W. H. ROBAN
4:28 p.m. - MR. M. H. DUNKLEY
4:28 p.m. - MR. R. P. COMMISSIONG
4:29 p.m. - MR. M. H. DUNKLEY
4:29 p.m. - MR. R. P. COMMISSIONG
4:30 p.m. - MR. M. H. DUNKLEY
4:31 p.m. - MR. W. H. ROBAN
4:32 p.m. - MR. M. H. DUNKLEY
4:32 p.m. - MR. W. H. ROBAN
4:33 p.m. - MR. M. H. DUNKLEY
4:33 p.m. - MR. R. P. COMMISSIONG
4:34 p.m. - MR. M. H. DUNKLEY

4:35 p.m. - MR. W. H. ROBAN
4:36 p.m. - MR. M. H. DUNKLEY

Clauses 1-5, 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.

On the motion of DR. E. G. GIBBONS the Bill entitled the "Bermuda College Amendment Act 2014", was then read a second time.

4:40 p.m. - MS. L. F. FOGGO
4:55 p.m. - MR. C. W. D. BROWN
5:00 p.m. - DR. E. G. GIBBONS

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the Chair

DR. E. G. GIBBONS moved clauses 1-14 of the Bill and the Schedules.

Clauses 1-14 and the Schedules, 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.

5:10 p.m.

MR. E. T. RICHARDS moved for Consideration of the "Bermuda College Buildings Reserve (Closure of Fund) Order 2014", which was agreed to.

5:15 p.m. - MS. L. F. FOGGO
5:15 p.m. - MR. C. W. D. BROWN

MR. E. T. RICHARDS moved that the said draft Order be approved and that the following message be sent to His Excellency the Governor:

(No.6)

MAY IT PLEASE YOUR EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration the draft Order entitled the "Bermuda College Buildings Reserve (Closure of Fund) Order 2014", proposed to be made by the Minister of Finance under the provisions of Section 14 of the Bermuda College Buildings Reserve Fund Act 1987, has the honour to inform Your Excellency that the House has approved the said draft Order.

- which was agreed to.

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

His Honour the Speaker announced that under provisions of Standing Order 14(4) the order for the Opposition Bills will be considered as follows:

- Commissions of Inquiry Amendment Act 2014
- Debtor's Amendment Act 2014
- Public Holidays Amendment Act 2014
- Statutory Interest Rate Reduction Act 2014

- which was agreed to.

5:24 p.m.

MR. C. W. D. BROWN under the provisions of Standing Order 22 and 48 withdrew the former "Commissions of Inquiry Amendment Act 2014" and table an amended version entitled the "Commissions of Inquiry Amendment Act 2014", which was agreed to.

MR. C. W. D. BROWN suspended Standing Order 14(4) to table a new Bill entitled the Commissions of Inquiry Amendment Act 2014, which was agreed to.

MR. C. W. D. BROWN suspended Standing Order 29 to allow for a second reading of the Commissions of Inquiry Amendment Act 2014, which was agreed to.

5:25 p.m. - MR. T. G. MONIZ

5:29 p.m. - MR. C. W. D. BROWN

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. C. W. D. BROWN moved clauses 1-3 of the Bill.

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.

5:33 p.m.

On the motion of MR. W. L. FURBERT the Bill entitled the "Debtor's Amendment Act 2014", was then read a second time.

5:45 p.m. - MR. T. G. MONIZ

6:08 p.m. - MR. M. J. SCOTT

6:28 p.m. - MR. J. S. SIMMONS

6:34 p.m. - MR. S. G. CROCKWELL

6:48 p.m. - MR. D. V. BURGESS

6:56 p.m. - MR. Z. J. S. DESILVA

7:08 p.m. - MR. W. L. A. SCOTT

7:10 p.m. - MR. E. D. G. BURT

7:21 p.m. - MS. J. J. ATHERDEN

7:25 p.m. - MR. G. A. BLAKENEY

7:38 p.m. - MR. M. J. PETTINGILL

7:48 p.m. - MS. P. J. GORDON-PAMPLIN

7:55 p.m. - MS. S. ROBERTS-HOLSHOUSER

8:07 p.m. - MR. W. L. FURBERT

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. W. L. FURBERT moved clauses 1-5 of the Bill and the Schedules.

8:18 p.m. - MR. T. G. MONIZ

8:20 p.m. - MR. M. J. SCOTT

MR. M. A. R. BEAN moved that the Committee rise and report progress, which was agreed to.

The Committee rose.

The House resumed.

The Chairwoman reported the Committee has risen to report progress, which was agreed to.

On the motion of MR. M. A. WEEKS the Bill entitled the "Public Holidays Amendment Act 2014", was then read a second time.

8:46 p.m. - MR. R. W. E. SCOTT

8:52 p.m. - MR. M. A. WEEKS

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. M. A. R. BEAN moved that the Committee rise and report progress, which was agreed to.

The Committee rose.

The House resumed.

The Chairwoman reported the Committee has risen to report progress, which was agreed to.

9:00 p.m.

On the motion of MR. E. D. G. BURT the Bill entitled the "Statutory Interest Rate Reduction Act 2014", was then read a second time.

9:04 p.m. - MR. E. T. RICHARDS

9:07 p.m. - MR. G. A. BLAKENEY

9:09 p.m. - MR. N. H. C. SIMONS

9:11 p.m. - MR. E. D. G. BURT

The Bill was committed.

MS. S. ROBERTS-HOLSHOUSER in the Chair

MR. E. D. G. BURT moved clauses 1-2 of the Bill and the Schedules.

9:15 p.m. - MR. E. T. RICHARDS

MR. E. D. G. BURT moved that the Committee rise and report progress, which was agreed to.

The Committee rose.

The House resumed.

The Chairwoman reported the Committee has risen to report progress, which was agreed to.

Oder numbers 14-18 were carried over to the next meeting day.

MR. M. H. DUNKLEY moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Cannabinoid Pharmaceutical Products Act 2014" be now read the third time, which was agreed to.

On the motion of MR. M. H. DUNKLEY, the Bill entitled the "Cannabinoid Pharmaceutical Products Act 2014" 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 "Bermuda College Amendment Act 2014" be now read the third time, which was agreed to.

On the motion of DR. E. G. GIBBONS, the Bill entitled the "Bermuda College Amendment Act 2014" was then read the third time and passed.

MR. C. W. D. BROWN moved that Standing Order 21 be suspended to enable him to move that the Bill entitled "Commissions of Inquiry Amendment Act 2014" be now read the third time, which was agreed to.

On the motion of MR. C. W. D. BROWN, the Bill entitled the "Commissions of Inquiry Amendment Act 2014" was then read the third time and passed.

9:21 p.m.

MR. M. H. DUNKLEY moved that the House do adjourn to Friday, 12th December, 2014 at 10:00 a.m., which was agreed to.

MR. M. H. DUNKLEY moved that the House do now adjourn, which was agreed to.

9:25 p.m. - MS. J. J. ATHERDEN

9:26 p.m. - MR. W. L. A. SCOTT

9:30 p.m. - MR. W. H. ROBAN

9:32 p.m. - MR. Z. J. S. DESILVA

His Honour the Speaker adjourned the House due to discord in the Chamber.

9:50 p.m.

Adjourned to Friday, 12th December, 2014