



# BERMUDA HOUSE OF ASSEMBLY

## Official House Minutes

*June 14, 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. 15**

**Friday, June 14th, 2013**

**Members Present:** His Honour the Speaker, Jeanne J. Atherden, Kenneth L. Bascome, Mr. Marc A. R. Bean, Walton D. Brown, Derrick V. Burgess, David G. Burt, 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, 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.

**10:05 a.m.** Prayer

Sessions House,  
14th June, 2013

**Confirmation of Minutes:**

Minutes of the Meeting of the 7th June 2013, were deferred.

MR. S. G. CROCKWELL read the following communication to His Honour the SPEAKER

Minutes to the Meeting of May 31st 2013, were confirmed.

TO HIS HONOUR THE SPEAKER:

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

**Announcements by the Speaker:**

The SPEAKER announced the following Members will be absent from the House today; - Mr. G. Blakeney, Ms. N. S. Davis, and Mr. L. C. Cannonier

“Hotels Concession (Fairmont Hamilton) Order 2013”

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

**10:06 a.m.**

**Papers and other Communications to the House:**

Sessions House,  
14th June, 2013

MR. T. G. MONIZ, on behalf of Mr. E. T. Richards, read the following communication to His Honour the SPEAKER.

**10:08 a.m.**

**Statements by Ministers and Junior Ministers:**

TO HIS HONOUR THE SPEAKER:

MS. P. J. GORDON-PAMPLIN made Ministerial Statements regarding the “Third Pan American Conference on Obesity-PACO III” and “Rejected Hospital Subsidy Claims ”.

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

“The Bermuda Monetary Authority 2012 Annual Report”

MR. M. H. DUNKLEY made Ministerial Statements regarding the “Bermuda Police Service Cadet Programme” and the “Captains-In-Charge Substance Abuse Treatment Facility”.

MR. E. T. RICHARDS  
Minister of Finance

MR. S. G. CROCKWELL made Ministerial Statements regarding the "Dumpster Trailers " and the "Caribbean Council of Tourism Ministers Meeting and Caribbean Week 2013".

**10:43 a.m.**

DR. E. G. GIBBONS made Ministerial Statements regarding the "ILS Business Trip to London" and "Bermuda Asset Management Summit".

**Report of Committee:**

MS. S. ROBERTS-HOLSHOUSER presented a report from the Joint Select Committee on Private Bills.

**10:50 a.m.**

**Question Period:**

DR. E. G. GIBBONS presented an oral response to questions from Mr. C. W. Brown.

MR. C. W. BROWN asked Dr. E. G. Gibbons a supplementary question regarding recipients of the Bermuda Government Scholarships and their benefits under the Bermuda Scholarships Act 2008.

MR. C. W. BROWN asked Dr. E. G. Gibbons a supplementary question.

MR. C. W. BROWN asked Dr. E. G. Gibbons a second question.

MR. Z. J. S. DESILVA asked Ms. P. J. Gordon-Pamplin a question about her statement on her attendance at the 3rd Pan American Conference on Obesity-PACO III.

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 third question.

MR. Z. J. S. DESILVA asked Ms. P. J. Gordon-Pamplin a question on her statement on Rejected Hospital Subsidy Claims.

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 third question.

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

MR. D. V. BURGESS asked Mr. S. G. Crockwell a question on his statement on Dumpster Trailers.

MR. W. H. ROBAN asked Mr. S. G. Crockwell a question Dumpster Trailers.

MR. W. L. FURBERT asked Mr. S. G. Crockwell a question on Caribbean Council of Tourism Ministers Meeting and Caribbean Week 2013.

MR. W. L. FURBERT asked Mr. S. G. Crockwell a second question.

MR. W. L. FURBERT asked Mr. S. G. Crockwell a third question.

MR. E. D. G. BURT asked Dr. E. G. Gibbons a question on his Statement regarding the ILS Business Trip to London.

MR. E. D. G. BURT asked Dr. E. G. Gibbons a supplementary question.

MR. E. D. G. BURT asked Dr. E. G. Gibbons a second supplementary question.

MR. E. D. G. BURT asked Dr. E. G. Gibbons a second question.

**Congratulatory and Obituary Speeches:**

MR. R. W. E. SCOTT congratulated several sporting personalities such as Tyrone Smith, Rodney Trott and Gavin Manders.

MR. M. H. DUNKLEY expressed condolences to the family of the late Mr. Henry "Harry" Tucker and associated Mr. K. L. Bascome.

Congratulations to Caitlin Insurance on their donation of 1Million dollars to the Bermuda Hospital Trust Fond; associated Mr. Z. J. S. Desilva and P. J. Gordon-Pamplin; congratulations to Renaissance Re on their 20 year anniversary.

Congratulations to Hiscox on their Celebrity Cricket Festival held June 13th 2013.

MR. C. W. BROWN congratulated Mr. Dale Butler on his production of the Play "Climbing Jacob's Ladder" and his Giant Steps Band.

Congratulations to former commander of Bermuda Regiment Col Brian Gonsalves.

MR. S. D. RICHARDS congratulated organizer Mr. Gregory Darrell on last weekend's father and daughter dinner "Princesses for a Day" held at the Fairmont Hamilton Princess.

MR. W. L. FURBERT associated himself with tributes for Mr. Henry "Harry" Tucker; congratulations and thank you to David Cash who has stepped down as CEO of Endurance.

DR. E. G. GIBBONS associated himself with congratulatory remarks to Renaissance Re which he described as a uniquely Bermudian Company and associated himself with congratulating David Cash.

MR. N. H. C. SIMONS congratulated organizers of the Bermuda Captive Conference i.e. Mr. Peter Willit and associated Mr. E. T. Richards and Dr. E. G. Gibbons.

MS. P. J. GORDON-PAMPLIN congratulated the Bermuda Diabetes Association's Debbie Jones who brought in Dr. Robert H. Lustig a diabetic expert from University of California Endocrinologist.

MS. L. F. FOGGO associated herself with the congratulatory remarks for former MP. Mr. Dale Butler.

MS. S. ROBERTS-HOLSHOUSER congratulated BMDS Charitable Trust for giving bursaries to students in performing arts and for their participation in scripts for "Famous for Fifteen Minutes"

MR. K. L. BASCOME congratulated Dr. Jerry Wade who has just returned home as our Orthopedic Surgeon.

MR. S. G. CROCKWELL congratulated the David H. Allen Memorial Interns who were working overseas.

**11:49 a.m.**

The house sought permission to do Order number 3 first, which was agreed to.

On the motion of MR. R. W. SCOTT the Bill entitled the "The Human Rights Amendment Act 2013" was read a second time.

11:50 a.m. - MR. M. A. WEEKS

12:10 p.m. - MR. J. C. SOUSA

12:16 p.m. - MR. M. J. SCOTT

**12:31 p.m.**

MR. E. T. RICHARDS

HIS HONOUR THE SPEAKER moved that the House do now recess for lunch, which was agreed to.

His Honour the SPEAKER ordered that the House resume at 2:00 p.m.

**2:00 p.m.**

House resumed.

2:01 p.m. - MR. M. J. SCOTT resumed.

2:13 p.m. - MR. G. C. SMITH

2:18 p.m. - MR. W. L. SCOTT

2:30 p.m. - MR. S. G. CROCKWELL

2:38 p.m. - MR. C. W. D. BROWN

2:55 p.m. - MS. J. J. ATHERDEN

3:02 p.m. - MS. L. F. FOGGO

3:13 p.m. - MS. S. ROBERTS-HOLSHOUSER

3:18 p.m. - MR. W. L. FURBERT

3:38 p.m. - MS. P. J. GORDON-PAMPLIN

3:53 p.m. - MS. K. N. WILSON

4:11 p.m. - MS. L. K. SCOTT

4:13 p.m. - MR. W. H. ROBAN

4:41 p.m. - MR. N. H. C. SIMONS

4:41 p.m. - MS. S. ROBERTS-HOLSHOUSER in the chair.

4:50 p.m. - MR. Z. J. S. DESILVA

5:10 p.m. - MR. M. J. PETTINGILL

5:31 p.m. - MR. D. P. LISTER

5:45 p.m. - MR. E. T. RICHARDS

5:50 p.m. - MR. D. V. BURGESS

6:09 p.m. - MR. S. D. RICHARDS

6:09 p.m. - MR. SPEAKER in the chair.

6:15 p.m. - MR. E. D. G. BURT

6:35 p.m. - MS. S. E. JACKSON

6:36 p.m. - DR. E. G. GIBBONS

6:38 p.m. - MR. M. A. R. BEAN

7:10 p.m. - MR. M. H. DUNKLEY

7:28 p.m. - R. W. E. SCOTT

The Bill was committed.

**7:30 p.m.**

MS. S. ROBERTS-HOLSHOUSER in the chair.

MR. R. W. E. SCOTT moved Clauses 1-5

MR. W. L. FURBERT moved the following Amendment to Clause 4.

"In section 5 of the principle Act by inserting after subsection "(5)" the following new subsection (6) for the purpose of this section, nothing in this Act shall render void, any of the provisions outlined in the Matrimonial Causes Act 1974":-

- 7:41 p.m. - MR. M. J. PETTINGILL
- 7:48 p.m. - MR. E. D. G. BURT
- 7:50 p.m. - MR. D. V. BURGESS
- 7:51 p.m. - MR. C. W. D. BROWN
- 7:54 p.m. - MS. K. N. WILSON
- 8:05 p.m. - MR. Z. J. S. DESILVA
- 8:08 p.m. - MR. M. A. R. BEAN
- 8:12 p.m. - MR. S. G. CROCKWELL
- 8:16 p.m. - MR. E. D. G. BURT

-which on division, was defeated Noes 18, Ayes 12.

**Ayes**

- 1. Mr. M. A. R. Bean
- 2. Mr. D. V. Burgess
- 3. Mr. E. D. G. Burt
- 4. Mr. R. P. Commissiong
- 5. Mr. Z. J. S. DeSilva
- 6. Ms. L. F. Foggo
- 7. Mr. W. L. Furbert
- 8. Mr. T. E. Lister
- 9. Mr. D. P. Lister
- 10. Mr. W. L. Scott
- 11. Mr. M. A. Weeks
- 12. Mrs. K. N. Wilson

**Noes**

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

18. Mr. J. C. Sousa

- 8:26 p.m. - MR. E. D. G. BURT
- 8:27 p.m. - MR. R. W. E. SCOTT
- 8:32 p.m. - MR. E. D. G. BURT
- 8:33 p.m. - MR. W. L. FURBERT
- 8:35 p.m. - MR. R. W. E. SCOTT
- 8:36 p.m. - MR. E. D. G. BURT

MR. R. W. E. SCOTT moved Clauses 1-5, as printed, which was agreed to.

MR. R. W. E. SCOTT moved that Clause 6 of the Bill be amended as follows:

Moved that the Bill be Amended by:

- 1. deleting the current clause 6 of the Bill; and
- 2. renumbering the remaining Clauses of the Bill so that they number 13 Clauses.

- 8:39 p.m. - MR. M. A. R. BEAN
- 8:41 p.m. - MR. W. L. SCOTT
- 8:42 p.m. - MR. W. H. ROBAN
- 8:44 p.m. - MR. W. L. SCOTT
- 8:45 p.m. - MR. R. W. E. SCOTT
- 8:46 p.m. - MR. K. N. WILSON
- 8:52 p.m. - MR. M. J. PETTINGILL
- 8:58 p.m. - MR. W. L. SCOTT
- 9:01 p.m. - MR. E. D. G. BURT
- 9:05 p.m. - MR. R. W. E. SCOTT
- 9: 06 p.m. - MR. W. H. ROBAN
- 9:08 p.m. - C. W. D. BROWN
- 9:09 p.m. - MR. W. H. ROBAN
- 9:11 p.m. - MS. K. N. WILSON

-which on division, was defeated Noes 15, Ayes 14.

**Ayes**

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

**Noes**

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

Clause- 6, as printed was agreed to.

MR. R. W. E. SCOTT moved Clauses 7-14.

9:25 p.m. - MR. D. V. BURGESS

Clauses 7 – 14, 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.

**9:28 p.m.**

MR. S. G. CROCKWELL moved that consideration be given in the House to draft Order entitled the “Hotels Concession (Fairmont Southampton) Order 2013”.

9:33 p.m. - MR. W. L. FURBERT

9:39 p.m. - MR. T. E. LISTER

9:47 p.m. - MR. S. G. CROCKWELL

MR. S. G. CROCKWELL moved that the said draft Order be approved and that the following message be sent to His Excellency the Governor:

(No.20)

TO HIS EXCELLENCY THE GOVERNOR:

The House of Assembly, having had under consideration draft Order entitled the “Hotels Concession (Fairmont Southampton) Order 2013” proposed to be made under the provisions of Section

3 of the Hotels Concessions Act 2000 has the honour to inform Your Excellency that the House has approved the said draft Order.

- which was agreed to.

MR. R. W. E. SCOTT moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Human Rights Amendment Act 2013” be now read the third time and passed, which was agreed to.

On the motion of MR. R. W. E. SCOTT, the Bill entitled the “Human Rights Amendment Act 2013” was then read the third time and passed.

**9:49 p.m.**

MR.M. H. DUNKLEY moved that the House do adjourn to Friday, 21st June, 2013, which was agreed to.

9:49 p.m. - MR. Z. J. S. DESILVA

10:20 p.m. - MR. E. D. G. BURT

10:25 p.m. - MR. M. A. R. BEAN

10:30 p.m. - MR. M.H. DUNKLEY

**10:30 p.m.**

The House adjourned to Friday, 21st June, 2013 at 10:00 a.m.