

**Proceedings  
of the  
Honourable House of Assembly  
Session of 2018-2019**

**No. 18**

**Friday, 22<sup>nd</sup> March, 2019**

**Members Present:** His Honour the Speaker, Jeanne J. Atherden, C. Walton Brown, Derrick V. Burgess, E. David G. Burt, Wayne M. Caines, L. Craig Cannonier, Rolfe P. Commissiong, Zane J.S. De Silva, Curtis L. Dickinson, Michael H. Dunkley, Thomas C. Famous, Lovitta F. Foggo, Wayne L. Furbert, Patricia J. Gordon-Pamplin, Dennis J. Lister III, Renee D.L. Ming, Trevor G. Moniz, R. Scott Pearman, Diallo V.S. Rabain, Sylvan D. Richards, Walter H. Roban, Michael J. Scott, W. Lawrence Scott, N. H. Cole Simons, Jamahl S. Simmons, Scott A. Simmons, Ben A. Smith, H. Kim E. Swan, Neville S. Tyrell, Michael A. Weeks, Kim N. Wilson.

**10:04 a.m.**

Prayers

Minutes of the Meetings of March 13<sup>th</sup> and March 15<sup>th</sup> were confirmed. Minutes of the Meeting of March 18<sup>th</sup>, 2019 were deferred.

**10:05 a.m.**

HIS HONOUR THE SPEAKER announced that Lt. Col.. D.A. Burch, Ms. L.K. Scott, Ms. S.E. Jackson and Ms. T.S. Furbert will be absent from today's meeting.

HIS HONOUR THE SPEAKER announced /requested Members to clear their personal belongings from their desks in the Chamber as the Sessions House will be undergoing renovations soon.

HIS HONOUR THE SPEAKER informed Members of the Parliamentary Strengthening Seminar taking place May 1<sup>st</sup> and 2<sup>nd</sup>, 2019.

**10:07 a.m.**

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

MR. W.H. ROBAN, on behalf of MR. E.D.G. BURT, read the following communication to 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 "Information Commissioner's Office 2018 Annual Report"

Mr. E.D.G. Burt  
Premier

MR. W.H. ROBAN, on behalf of MR. E.D.G. BURT, read the following communication to 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 "The Information

Commissioner's Office Financial Statements for the year ending 31 March 2016" and "The Information Commissioner's Office Financial Statements for the year ending 31 March 2017"

Mr. E.D.G. Burt  
Premier

MR. W.L. FURBERT read the following communication to 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:

- "Customs Duty (BELCO North Power Station) Remission Order 2019";
- "Customs Tariff Standing Authorisation (Temporary Importation of Vessels, Aircraft, and Transport Containers) Amendment Notice 2019";
- "Revenue (Simplified Entry Inwards) (Humanitarian Aid) Amendment Notice 2019";
- "Customs Duty (Bermuda Tourism Authority) Remission Order 2018";
- "Revenue (Customs Traveller Declaration) Amendment Notice 2018";
- "Customs Duty (FryDays Bermuda Limited) Remission Order 2018"; and
- "Exchange Control Amendment Regulations 2018"

Mr. W.L. Furbert  
Junior Minister of Finance

**10:09 a.m.**

**Statements by Ministers and Junior Ministers.**

MR. W.H. ROBAN read a Ministerial Statement entitled "The Government's Policy Directions regarding the Sale of BELCO".

MR. W.M. CAINES read a Ministerial Statement entitled "BPS: Recruit Foundation Course 79 Passing Out Parade; DCOP Darrin Simons; Parish Constable Programme".

MR. W.M. CAINES read a Ministerial Statement entitled "No Fly Zones for Drones".

MR. D.V.S. RABAIN read a Ministerial Statement entitled "Update of Plan 2022 – A Strategic Plan for Public School Education".

**10:53 a.m.**

Mr. Speaker welcomed students from Bermuda High School, who were accompanied by their teacher Ms. Kim Rose.

MR. Z.J.S. DESILVA read a Ministerial Statement entitled "Public Bus Service".

**10:58 a.m.**

**Question Period.**

MR. L.C. CANNONIER asked a question to MR. W.M. CAINES on his Ministerial Statement entitled "No Fly Zones for Drones".

MR. L.C. CANNONIER asked a supplementary question.

MR. B.A. SMITH asked a question.

MR. L.C. CANNONIER asked a supplementary question.

MRS. P.J. GORDON-PAMPLIN asked a supplementary question.

MRS. P.J. GORDON-PAMPLIN asked a second supplementary question.

MRS. P.J. GORDON-PAMPLIN asked a question to MR. W.M. CAINES on his Ministerial Statement entitled “No Fly Zones for Drones”.

MR. N.H.C. SIMONS asked a question to MR. D.V.S. RABAIN on his Ministerial Statement entitled “Update of Plan 2022 – A Strategic Plan for Public School Education”.

MR. N.H.C. SIMONS asked a supplementary question.

MR. N.H.C. SIMONS asked a second question.

MR. N.H.C. SIMONS asked a supplementary question.

MRS. J.J. ATHERDEN asked a question to MR. D.V.S. RABAIN on his Ministerial Statement entitled “Update of Plan 2022 – A Strategic Plan for Public School Education”.

MRS. J.J. ATHERDEN asked a supplementary question.

MRS. P.J. GORDON-PAMPLIN asked a question to MR. Z.J.S. DESILVA on his Ministerial Statement entitled “Public Bus Service”.

MRS. P.J. GORDON-PAMPLIN asked a supplementary question.

MR. L.C. CANNONIER asked a question.

MR. L.C. CANNONIER asked a supplementary question.

MRS. P.J. GORDON-PAMPLIN asked a supplementary question.

MRS. P.J. GORDON-PAMPLIN asked a second supplementary question.

MRS. J.J. ATHERDEN asked a supplementary question.

MRS. J.J. ATHERDEN asked a second supplementary question.

MR. H.K.E. SWAN asked a supplementary question.

MRS. P.J. GORDON-PAMPLIN asked a supplementary question.

MRS. P.J. GORDON-PAMPLIN asked a second supplementary question.

**Congratulatory and /or Obituary Speeches:  
(Please refer to the House Hansard)**

**12:01 p.m.**

**Orders of the Day**

Order number 1 on the Order Paper was carried over.

MS. K.N. WILSON moved the second reading of the Bill entitled the “Liquor Licence Amendment Act 2019”, which was agreed to.

12:16 p.m. – MR. R.S. PEARMAN

12:22 p.m. – MR. J.S. SIMMONS

12:25 p.m. – MR. R.P. COMMISSIONG

12:27 p.m. – MR. M.J. SCOTT

**12:28 p.m.**

MR. W.H. ROBAN moved that the House do now adjourn for lunch and resume at 2:00 p.m., which was agreed to.

**2:00 p.m.**

The House resumed.

2:02 p.m. – MR. M.J. SCOTT continued.

2:11 p.m. – MR. T.C. FAMOUS

(MR. D.V. BURGESS acting as Speaker)

**2:16 p.m.**

Mr. Speaker acknowledged the presence of Mrs. Miranda Lister and her students from T.N. Tatem School who are forming a debating club.

2:17 p.m. – MR. L.C. CANNONIER

2:25 p.m. – MR. E.D.G. BURT

2:30 p.m. - MRS. P.J. GORDON-PAMPLIN

2:34 p.m. – MS. K.N. WILSON

**2:35 p.m.**

The Bill was Committed.

(MR. D.V. BURGESS in the Chair)

MS. K.N. WILSON moved Clauses 1 to 8, which was agreed to.

2:39 p.m. - MR. R.S. PEARMAN

Clauses 1 to 8 were agreed to, as printed.

MS. K.N. WILSON moved Clauses 9 to 19, which was agreed to.

2:43 p.m. - MR. R.S. PEARMAN

2:44 p.m. - MRS. P.J. GORDON-PAMPLIN

2:45 p.m. – MR. E.D.G. BURT

2:45 p.m. - MRS. P.J. GORDON-PAMPLIN

2:46 p.m. – MR. M.H. DUNKLEY

2:50 p.m. - MS. K.N. WILSON

Clauses 9 to 19 were agreed to, as printed.

MS. K.N. WILSON moved Clauses 20 to 24, which was agreed to.

2:50 p.m. - MR. R.S. PEARMAN

2:53 p.m. - MS. K.N. WILSON

**2:55 p.m.**

Clauses 20 to 24 were agreed to, as printed.

MS. K.N. WILSON moved the Schedule.

Schedule was agreed to, as printed.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as printed, which was agreed to.

**2:58 p.m.**

MS. K.N. WILSON, on behalf of MR. C.L. DICKINSON moved the second reading of the Bill entitled the “Customs Tariff Amendment Act 2019”, which was agreed to.

3:09 p.m. - MRS. P.J. GORDON-PAMPLIN

3:17 p.m. – MR. M.H. DUNKLEY

3:35 p.m. – MR. D.V. BURGESS

3:40 p.m. – MRS. J.J. ATHERDEN

4:02 p.m. – MR. W.L. FURBERT

4:13 p.m. - MR. L.C. CANNONIER

4:21 p.m. – MR. Z.J.S. DESILVA

4:30 p.m. - MS. K.N. WILSON

**4:30 p.m.**

The Bill was Committed.

(MR. D.V. BURGESS in the Chair)

**4:38 p.m.**

MS. K.N. WILSON moved Clause 1, which was agreed to.

Clause 1 was agreed to, as printed.

**4:40 p.m.**

MS. K.N. WILSON moved clause 2, with an amendment to clause 2 as follows:

[NOTE: text in red is amended]:

In clause 2(1) delete and replace headings 17.04 and 18.06 as follows--

Headin g	Tariff Code		Unit for duty	Unit of Classifi cation	Rate of duty
17.04		Sugar confectionery (including white chocolate), not containing cocoa.			
	1704.100	- Chewing gum, whether or not sugar-coated	value	1. kg	25%
	1704.90	- Other:			
	<b>1704.901</b>	<b>--- Breakfast cereals</b>	<b>value</b>	<b>1. kg</b>	<b>0%</b>
	1704.902	--- Other, containing added sugar	value	1.kg	75%
	1704.909	-- Other	value	1. kg	25%
18.06		Chocolate and other food preparations containing cocoa.			

1806.10	- Cocoa powder, containing added sugar or other sweetening matter				
1806.101	--- Containin g added sugar	value	1. kg	75%	
1806.109	--- Other	value	1. kg	25%	
1806.20	- Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg				
1806.201	--- Containin g added sugar	value	1. kg	75%	
1806.209	--- Other	value	1. kg	25%	
	- Other, in blocks, slabs or bars :				
1806.310	-- Filled				
1806.311	--- Containin g added sugar	value	1. kg	75%	
1806.319	--- Other	value	1. kg	25%	
1806.320	-- Not filled				
1806.321	--- Containin g added sugar	value	1. kg	75%	
1806.329	--- Other	value	1. kg	25%	
1806.90	- Other :				
	<b>1806.901</b>	<b>--- Breakfast cereals</b>	<b>value</b>	<b>1. kg</b>	<b>0%</b>
1806.902	--- Other, containing added sugar	value	1.kg	75%	
1806.909	--- Other	value	1. kg	25%	”

4:42 p.m. - MRS. P.J. GORDON-PAMPLIN  
4:44 p.m. - MS. K.N. WILSON  
4:44 p.m. – MR. W.L. FURBERT  
4:45 p.m. - MS. K.N. WILSON  
4:45 p.m. - MRS. P.J. GORDON-PAMPLIN  
4:46 p.m. - MS. K.N. WILSON

Clause 2 was agreed to, as amended.

**4:46 p.m.**

MS. K.N. WILSON moved Clause 3, which was agreed to.

Clause 3 was agreed to, as printed.

MS. K.N. WILSON moved that the Bill be reported to the House, as amended, which was agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

**4:48 p.m.**

MR. W.L. FURBERT, on behalf of MR. C.L. DICKINSON, moved the second reading of the Bill entitled the “Customs Tariff Amendment (No. 2) Act 2019”, which was agreed to.

4:56 p.m. - MRS. P.J. GORDON-PAMPLIN  
5:01 p.m. - MR. D.V.S. RABAIN  
5:05 p.m. – MRS. J.J. ATHERDEN  
5:07 p.m. – MR. W.L. FURBERT

The Bill was Committed.

(MR. D.V. BURGESS in the Chair)

**5:15 p.m.**

MR. W.L. FURBERT moved Clause 1, which was agreed to.

Clause 1 was agreed to, as printed.

MR. W.L. FURBERT moved Clause 2, with an amendment to clause 2 as follows:

In Clause 2, paragraph (e), by deleting and substituting the word “ans” with the word “and”;

5:23 p.m. - MRS. P.J. GORDON-PAMPLIN  
5:26 p.m. – MR. W.L. FURBERT  
5:28 p.m. - MRS. P.J. GORDON-PAMPLIN

Clause 2 was agreed to, as amended.

**5:29 p.m.**

MR. W.L. FURBERT moved an amendment to clause 3 as follows:

In Clause 3:

- (a) in paragraph (a), CPC 4110 by:
  - (i) deleting the row containing the words “Qualifying Goods” and “All Goods”;
  - (ii) deleting and substituting the words “End-Use Conditions or Restrictions” with the words “Qualifying Goods”;

(b) inserting after paragraph (b) the following:

“(ba) by revoking and replacing CPC 4169 with the following table:

Description	Medical equipment and supplies
CPC	4169
Duty Rate	0%
Eligible Beneficiary	All importers
Qualifying Goods	<ol style="list-style-type: none"> <li>1. Mechano-therapy braces; walking canes; seat canes; and cane tips.</li> <li>2. Oxygen cylinders and regulators; oxygen concentrators; oxygen masks and cannulas; oxygen-conserving devices; oxygen resuscitation bags; and other similar appliances, specifically designed for oxygen, respiratory or aerosol therapy including peak flow meters.</li> <li>3. Apnoea monitors and positive airway pressure (PAP) machines.</li> <li>4. Ostomy supplies.</li> <li>5. Equipment designed to compensate for decreased vision or hearing.</li> <li>6. Diabetic equipment and supplies.</li> <li>7. Lymphedema sleeves and equipment.</li> <li>8. Equipment designed to compensate for speech impediment.</li> <li>9. Renal dialysis equipment.</li> <li>10. Other equipment which assists disabled people with severe handicap to their limbs.</li> <li>11. Food supplements.</li> <li>12. Assistive technology devices or equipment that compensate for physical, mental or learning disabilities.</li> <li>13. Parts of and accessories to qualifying goods.</li> </ol>

End-Use Conditions / Restrictions	<ol style="list-style-type: none"> <li>1. The goods must be used to compensate for a physical, mental or learning disability or to treat or monitor a chronic medical condition.</li> <li>2. The Chief Medical Officer must certify that food supplements are eligible for this relief.</li> </ol>
Specific Controls / Diversion	
Construction	For the avoidance of doubt, the general provisions of this Schedule shall be construed as one with this CPC.

5:30 p.m. - MRS. P.J. GORDON-PAMPLIN

5:31 p.m. – MR. W.L. FURBERT

5:32 p.m. - MRS. P.J. GORDON-PAMPLIN

5:34 p.m. – MR. W.L. FURBERT

Clause 3 was agreed to, as amended.

**5:35 p.m.**

MR. W.L. FURBERT moved Clause 4, which was agreed to.

Clause 4 was agreed to, as printed.

MR. W.L. FURBERT moved that the Bill be reported to the House, as amended, which was agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

Order number 5 on the Order Paper was carried over.

**5:38 p.m.**

MR. W.L. FURBERT, on behalf of MR. C.L. DICKINSON, pursuant to the powers conferred by Section 96 of the Constitution, moved for consideration in Committee of Supply of the “Supplementary Estimate No. 3 for Financial Year 2017/18”, which was agreed to.

(Mr. D.V. Burgess in the Chair)

**5:41 p.m.**

MR. D.V.S. RABAIN moved that Item number 1 – Head 17 – Ministry of Education be approved.

5:46 p.m. – MRS. P.J. GORDON-PAMPLIN

5:49 p.m. – MR. N.H.C. SIMONS

5:50 p.m. - MR. D.V.S. RABAIN

5:50 p.m. – MR. N.H.C. SIMONS

5:54 p.m. - MR. D.V.S. RABAIN

5:55 p.m. – MR. N.H.C. SIMONS

5:56 p.m. – MRS. P.J. GORDON-PAMPLIN

5:56 p.m. - MR. D.V.S. RABAIN

5:57 p.m. – MRS. P.J. GORDON-PAMPLIN

5:58 p.m. - MR. D.V.S. RABAIN

5:58 p.m. – MR. N.H.C. SIMONS

5:59 p.m. - MR. D.V.S. RABAIN

Item number 1 – Head 17 – Ministry of Education was agreed to, as printed.

**6:01 p.m.**

MR. Z.J.S. DESILVA, on behalf of LT. COL. D.A. BURCH, moved that Item number 2 – Head 82 – Ministry of Public Works be approved.

6:04 p.m. – MR. L.C. CANNONIER

Item number 2 – Head 82 - Ministry of Public Works was agreed to, as printed.

**6:06 p.m.**

MR. W.L. FURBERT, on behalf of MR. C.L. DICKINSON, moved that the “Supplementary Estimate No. 3 for Financial Year 2017/18” be approved as printed, which was agreed to.

The Committee rose.

The House resumed.

The Supplementary Estimate was reported to the House, as printed, which was agreed to.

**6:08 p.m.**

MR. E.D.G. BURT moved that consideration be now given to the following Resolution:

“**BE IT RESOLVED** that previous resolutions of this House made pursuant to Section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 be revoked.

**AND BE IT FURTHER RESOLVED** that pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 the annual salaries payable to Members of the Legislature listed in Part A and Officers of the Legislature listed in Part B of the table below shall be as set out in column 3 of the table with effect from 1 April 2019 to 30 June 2019.”

**TABLE OF SALARIES**



**A. MEMBERS OF THE LEGISLATURE**

(1)	EXISTING (2)	PROPOSED (3)
Senators	\$30,367	\$30,367
Members of the House of Assembly	\$56,023	\$56,023

**B. OFFICERS OF THE LEGISLATURE**

(Salaries additional to salaries as Senators or Members of the House of Assembly)

President of the Senate	\$15,181	\$15,181
Speaker, House of Assembly	\$26,569	\$26,569
Vice President, Senate	\$3,308	\$3,308
Deputy Speaker, House of Assembly	\$13,285	\$13,285
Premier	\$151,262	\$151,262
Deputy Premier*	\$112,942	\$112,942
Minister of Finance	\$121,010	\$121,010
(As a part-time Minister)	\$60,505	\$60,505
Attorney General	\$147,022	\$147,022
Other Ministers in House of Assembly	\$100,841	\$100,841
(As a part-time Minister)	\$50,421	\$50,421
Other Ministers in the Senate	\$100,841	\$100,841
(As a part-time Minister)	\$50,421	\$50,421
Opposition	\$30,367	\$30,367

Leader		
Junior Ministers in House of Assembly	\$11,387	\$11,387
Junior Ministers in Senate	\$11,425	\$11,425
Party Whips	\$7,593	\$7,593

\* Where the Deputy Premier is also the Minister of Finance, the additional salary shall be \$121,010.”

MR. E.D.G. BURT moved that the Resolution be approved, which was agreed to.

**6:09 p.m.**

MR. E.D.G. BURT moved that consideration be now given to the following Resolution:

“**WHEREAS** the House of Commons Foreign Affairs Committee has issued a report on the UK and its Overseas Territories and whereas this report represents an attempt to erode the Constitutional rights of Bermudians and is a retrograde approach to relations between the UK and Bermuda.

**BE IT RESOLVED** that this Honourable House rejects the unwarranted and unjustified attempt at intervention into Bermuda’s domestic affairs and calls on the UK Government to reject the Report and its retrograde recommendations with respect to Bermuda and the Overseas Territories.”

6:37 p.m. – MR. L.C. CANNONIER

6:52 p.m. – MR. Z.J.S. DESILVA

7:02 p.m. – MR. C.W.D. BROWN

7:17 p.m. – MR. M.J. SCOTT

7:45 p.m. – MR. R.P. COMMISSIONG

8:07 p.m. – MR. T.C. FAMOUS

8:33 p.m. – MR. H.K.E. SWAN

9:01 p.m. – MR. S.A. SIMMONS

9:18 p.m. – MR. J.S. SIMMONS

9:19 p.m. – MR. N.S. TYRRELL

**9:23 p.m.**

MR. E.D.G. BURT moved that the said Resolution be approved which was agreed to.

**9:29 p.m.**

MS. K.N. WILSON moved that Standing Order 21 be suspended to enable her to move that the Bill entitled the “Liquor Licence Amendment Act 2019” be now read a third time, which was agreed to.

On the motion of MS. K.N. WILSON, the Bill entitled the “Liquor Licence Amendment Act 2019” was then read the third time by its title only and passed.

MR. W.L. FURBERT, on behalf of MR. C.L. DICKINSON, moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Customs Tariff Amendment Act 2019” be now read a third time, which was agreed to.

On the motion of MR. W.L. FURBERT, the Bill entitled the “Customs Tariff Amendment Act 2019” was then read the third time by its title only and passed.

MR. W.L. FURBERT, on behalf of MR. C.L. DICKINSON, moved that Standing Order 21 be suspended to enable him to move that the Bill

entitled the “Customs Tariff Amendment (No. 2) Act 2019” be now read a third time, which was agreed to.

On the motion of MR. W.L. FURBERT, the Bill entitled the “Customs Tariff Amendment (No. 2) Act 2019” was then read the third time by its title only and passed.

**9:30 p.m.**

MR. E.D.G. BURT moved that the House do now adjourn, which was agreed to.

9:30 p.m. – MR. D.V. BURGESS

**9:45 p.m.**

The House adjourned until Friday, 29<sup>th</sup> March 2019 at 10:00 a.m.