

**Proceedings
of the
Honourable House of Assembly
Session of 2017-2018**

No. 36

Friday, 20th July, 2018

Members Present: His Honour the Speaker, Jeanne J. Atherden, C. Walton D. Brown, Lt. Col. David A. Burch, Derrick V. Burgess, E. David G. Burt, Wayne M. Caines, Rolfe P. Commissiong, Zane J.S. De Silva, Curtis L. Dickinson, Michael H. Dunkley, Chris T. Famous, Lovitta F. Foggo, Tinee S. Furbert, Wayne L. Furbert, Patricia J. Gordon-Pamplin, Susan E. Jackson, Dennis J. Lister III, Renee D.L. Ming, R. Scott Pearman, Diallo V.S. Rabain, Sylvan D. Richards, Walter H. Roban , Leah K. Scott, Michael J. Scott, W. Lawrence Scott, Jamahl S. Simmons, Scott A. Simmons, N.H. Cole Simons, H. Kim. E. Swan, Neville S. Tyrrell, Michael A. Weeks, Kim N. Wilson.

10:05 a.m.

Prayers

Minutes of the Meeting of 13th July, 2018 were confirmed.

HIS HONOUR THE SPEAKER announced that the following Members will be absent from today's meeting: Hon. T.G. Moniz, Mr. L.C. Cannonier and Mr. B.A. Smith

Papers and Communications to the House:

MR. C.W.D. BROWN 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
“Annual Report of the Registrar General for the year ending 31st December, 2017”

Mr. C.W.D. Brown
Minister of Home Affairs

10:07 a.m.

Statements by Ministers and/or Junior Ministers:

MR. C.W.D BROWN read a Ministerial Statement regarding the “Annual Report of the Registry General 2017”.

MR. C.W.D. BROWN read a Ministerial Statement on “A New Entertainers Policy for Immigration”.

MS. L.F. FOGGO read a Ministerial Statement on the “Public Service Bursary Award Scheme”.

LT. COL. D.A. BURCH read a Ministerial Statement on “Farming in Bermuda”.

LT. COL. D.A. BURCH read a Ministerial Statement on the “Report on Ministry of Public Works”.

MR. W.M. CAINES read a Ministerial Statement regarding the “Bermuda Fire and Rescue Service Update”.

MR. W.M. CAINES read a Ministerial Statement entitled “Cybersecurity Update”.

MR. D.V.S. RABAIN read a Ministerial Statement entitled the “Parental Involvement Committee”.

MR. D.V.S. RABAIN read a Ministerial Statement on the “2018 Scholarship Recipients-Department of Workforce Development”.

12:03 p.m.

Report of Committees:

MR. R.P. COMMISSIONG presented a Report of the Parliamentary Joint Select Committee on the Establishment of a Living Wage in Bermuda.

12:09 a.m.

Question Period:

HON. W.M. CAINES provided written responses to parliamentary questions from HON M.H. DUNKLEY on his Ministerial Statement entitled “Department Of Corrections Update”.

1: What are the specific programmes offered by Corrections?

A1: The list of programmes offered at the Department of Corrections is extensive. Programmes include:

- Sex Offender Treatment Programme
- Violence Reduction Programme
- Residential Drug Treatment (Right Living House)
- Aftercare for Residential Drug Treatment (Right Living House Aftercare)
- In-House Drug Treatment at Westgate which is the equivalent of intensive outpatient treatment
- Drug Education
- Thinking For a Change (a cognitive problem solving group)
- CALM (Anger Management)
- Life Skills
- GED

- Advanced Learning through College Courses or Vocational Training
- Robotics (a new instructor will be needed)
- Sewing
- Art
- Agriculture (including Animal Husbandry, Beekeeping and Gardening)
- Parenting
- Emotional Awareness
- Therapeutic Yoga
- Computer Instruction
- Public Speaking
- Writing Project
- Restorative Justice
- Business Studies

Programmes in Development include:

- Motor Mechanics
- Aquaponics Lab
- Plant Nursery (Ornamental Plants and Flowers)
- Solar Project

2: Do you still have vacancies for psychologists? What is the status of recruitment?

A2: The Psychologist Job Description review is in its final stage. The Department plans to run an advertisement to fill 2 vacancies as soon as the Department of Human Resources is satisfied with the final version.

In the meantime, the Department has established vendor contracts with outside psychologists to

complete risk assessments and other tasks while the recruitment process is completed.

3: What are the mandatory programmes provided and what happens if inmates refuse to participate?

A3: Case Plans are developed based on clinical assessments, the offense committed and the inmate's history. There are no mandatory programmes; however, if an inmate refuses to participate in programmes, that decision can impact their classification to a lower security designation (such as preventing them from being able to move to The Farm). There is also the risk of the inmate being given a charge and/or losing remission time.

HON. W.M. CAINES provided written responses to parliamentary questions from HON M.H. DUNKLEY on his Ministerial Statement entitled "Department Of Corrections Update".

1: What is the number of acting positions in the senior ranks; and the number of vacancies to be filled?

A1: Senior ranks within the Department of Corrections include: Assistant Commissioner, Chief Officer, Principal Officer, and Divisional Officer.

- At the Assistant Commissioner rank there are 2 established posts and zero vacancies.
- At the Chief Officer rank there are 5 established posts. Two of these posts are filled, leaving 3 vacancies. As a result, there are 3 persons acting in the Chief Officer position. The promotions process for these posts has already commenced and the 3 vacancies will be filled once the recommendations are approved by the Public Service Commission.
- There are 10 established posts at the Principal Officer rank. Seven of these are filled leaving three vacancies. There are

currently 5 persons acting at the Principal Officer rank. It should be noted that once promotions at the Chief Officer rank have been effected, there will be 6 Principal Officer vacancies. Interviews for these vacancies took place on 19th July.

- There are 27 established Divisional Officer posts. Twenty-one of these are filled, leaving 6 vacancies. There are currently 7 persons acting at the Divisional Officer rank. Once Principal Officer promotions take place, there will be 11 Divisional Officer vacancies. The recruitment process has already commenced with interviews scheduled to take place in August.

2: Currently the position of Commissioner is an Acting one. What are the plans? How long will it be acting?

A2: The substantive post holder, Col. Eddie Lamb, was seconded to the Ministry of Finance for a 9 month period, commencing February 2018. Assistant Commissioner K. Joell-Benjamin is acting in the Commissioner post until his return.

3: What are the recommendations on ranking of the Strategic Plan?

A3: The Strategic Plan contains sensitive security information. The plan must be reviewed by Cabinet before I am able to provide any details of it.

MRS. P.J. GORDON-PAMPLIN asked a question to Mr. C.W.D. Brown on his Ministerial Statement on "A New Entertainers Policy for Immigration".

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

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

MR. N.H.C. SIMONS asked a question to Lt. Col. D.A. Burch on his Ministerial Statement on “Farming in Bermuda”.

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

Mr. N.H.C. Simons asked a second supplementary question.

MRS. J.J. ATHERDEN asked a question to Lt. Col. D.A. Burch on his Ministerial Statement on the “Report on Ministry of Public Works”.

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

MRS. J.J. ATHERDEN asked a third question.

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

Mr. N.H.C. Simons asked a supplementary question.

Mr. N.H.C. Simons asked a second supplementary question.

MR. M.H. DUNKLEY asked a question to Mr. W.M. Caines on his Ministerial Statement regarding the “Bermuda Fire and Rescue Service Update”.

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

MR. M.H. DUNKLEY asked a second question.

Mr. M.H. Dunkley asked a supplementary question.

MR. M.H. DUNKLEY asked a third question.

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

MRS. P.J. GORDON-PAMPLIN asked a question to Mr. D.V.S. Rabain on his Ministerial Statement entitled the “Parental Involvement Committee”.

12:30 p.m.

LT. COL. D.A. BURCH moved that the House do now adjourn for lunch and resume at 2:00p.m., which was agreed to.

2:00p.m.

The House resumed.

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

2:22 p.m.

Introduction of Bills:

MR. W.H. ROB AN, on behalf of MR. E.D.G. BURT, introduced and read for the first time by its title a Bill entitled "Bermuda Monetary Authority Amendment (No.2) Act 2018".

MR. W.H. ROB AN, on behalf of MR. E.D.G. BURT, introduced and read for the first time by its title a Bill entitled "Banks and Deposit Companies Amendment Act 2018".

MR. W.H. ROB AN, on behalf of MR. E.D.G. BURT, introduced and read for the first time by its title a Bill entitled "Chartered Professional Accountants of Bermuda Amendment Act 2018".

MR. C.W.D. BROWN, on behalf of MS. K.N. WILSON, introduced and read for the first time by its title a Bill entitled "Proceeds of Crime (Miscellaneous) (No.4) Act 2018".

2:24 p.m.

Orders of the Day

MR. W.L. FURBERT, on behalf of Mr. E.D.G. Burt, moved the second reading of the Bill entitled "Payroll Tax Amendment Act 2018", which was agreed to.

2:36p.m. - Mrs. J.J. Atherden
2:55p.m. – Mr. N.H.C. Simons
3:01p.m. – Mrs. P.J. Gordon-Pamplin
3:14p.m. – Mr. R.S. Pearman
3:24p.m. – Mr. M.H. Dunkley
3:32p.m. – Mr. E.D.G. Burt
3:34p.m. – Mr. W.L. Furbert

The Bill was Committed.

MR. D.V. BURGESS in the Chair.

MR. W.L. FURBERT moved Clauses 1-3,
which was agreed to.

3:52p.m. – Mrs. J.J. Atherden
3:53p.m. – Mr. W.L. Furbert

Clauses 1-3 were agreed to, as printed.

3:54 p.m.

MR. W.L. FURBERT moved Clauses 4-7,
which was agreed to.

3:58p.m. – Mr. R.S. Pearman
3:59p.m. – Mrs. J.J. Atherden
3:59p.m. – Ms. S.E. Jackson
4:00p.m. – Mr. W.L. Furbert
4:01p.m. – Mr. R.S. Pearman
4:02p.m. – Mr. W.L. Furbert

Clauses 4-7 were 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.

4:04 p.m.

MR. E.D.G. BURT moved the second reading
of the Bill entitled "Insurance Amendment
(No.2) Act 2018", which was agreed to.

4:12p.m. – Mrs. J.J. Atherden
4:18p.m. – Mrs. P.J. Gordon-Pamplin

The Bill was Committed.

MR. D.V. BURGESS in the Chair.

MR. E.D.G. BURT moved Clauses 1-10, which was
agreed to.

4:31p.m. – Ms. L.K. Scott
4:31p.m. – Mrs. P.J. Gordon-Pamplin
4:32p.m. – Mrs. J.J. Atherden
4:33p.m. – Mr. E.D.G. Burt
4:34p.m. – Ms. L.K. Scott

4:35p.m. – Mr. E.D.G. Burt
4:35p.m. – Ms. L.K. Scott
4:36p.m. – Mr. E.D.G. Burt
4:37p.m. – Mrs. J.J. Atherden
4:38p.m. – Mr. E.D.G. Burt
4:38p.m. – Mrs. J.J. Atherden
4:39p.m. – Mr. E.D.G. Burt

Clauses 1-10 were 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.

4:41 p.m.

MR. W.H. ROBAN moved the second reading of the
Bill entitled "Electricity Amendment Act 2018",
which was agreed to.

4:46p.m. – Ms. L.K. Scott

The Bill was Committed.

MR. D.V. BURGESS in the Chair.

MR. W.H. ROBAN moved Clauses 1-2, which was
agreed to.

4:48p.m. – Ms. S.E. Jackson
4:48p.m. – Mr. W.H. Roban
4:49p.m. – Ms. L.K. Scott
4:49p.m. – Mr. W.H. Roban

Clauses 1-2 were agreed to, as printed.

The Preamble was agreed to.

The Committee rose.

The House resumed.

4:52 p.m.

MR. W.H. ROBAN moved the second reading of the Bill entitled "Motor Car Amendment (No.2) (Tour Quadricycles) Act 2018", which was agreed to.

4:57p.m. – Ms. L.K. Scott
5:01p.m. – Mr. N.H.C. Simons
5:05p.m. – Lt. Col. D.A. Burch
5:26p.m. – Mr. S.D. Richards
5:34p.m. – Mr. M.J. Scott
5:43p.m. – Mr. M.H. Dunkley
5:57p.m. – Mr. Z.J.S. De Silva
6:11p.m. – Mr. W.M. Caines
6:16p.m. – Mr. H.K.E. Swan
6:27p.m. – Mr. J.S. Simmons
6:35p.m. – Mr. S.A. Simmons
6:43p.m. – Mr. W.H. Roban

The Bill was Committed.

MR. D.V. BURGESS in the Chair.

MR. W.H. ROBAN moved Clauses 1-6, which was agreed to.

6:52p.m. – Ms. L.K. Scott
6:54p.m. – Mrs. P.J. Gordon-Pamplin
6:55p.m. – Mr. W.H. Roban
6:57p.m. – Ms. L.K. Scott
6:58p.m. – Ms. S.E. Jackson
6:59p.m. – Mr. W.H. Roban

MR. W.H. ROBAN moved Clauses 1-6, which was agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

Order numbers 5-6 on the Order Paper were carried over.

7:03 p.m.

MR. J.S. SIMMONS moved the second reading of the Bill entitled "St. George's Resort Act 2018", which was agreed to.

7:08p.m. – Ms. L.K. Scott
7:09p.m. – Ms. R.D.L. Ming

(7:10p.m. Mr. D.V. Burgess in the Speaker's Chair)

(7:18p.m. Mr. Speaker in the Chair)

7:20p.m. – Mrs. J.J. Atherden
7:33p.m. – Mr. H.K.E. Swan
7:42p.m. – Mr. N.H.C. Simons
7:55p.m. – Ms. L.F. Foggo
8:06p.m. – Mrs. P.J. Gordon-Pamplin
8:25p.m. – Mr. J.S. Simmons
8:35p.m. – Mr. M.H. Dunkley
8:46p.m. – Mr. J.S. Simmons

The Bill was Committed.

MR. D.V. BURGESS in the Chair.

MR. J.S. SIMMONS moved Clause 1, which was agreed to.

Clause 1 was agreed to as printed.

MR. J.S. SIMMONS moved Clause 2, with an amendment as follows:

"In clause 2, in the definition of "Property", delete "Department of Land Surveys and Registration" and substitute "Ministry of Public Works".

Clause 2 was agreed to as amended.

8:52 p.m.

MR. J.S. SIMMONS moved Clause 3, with an amendment as follows:

In clause 3(4), delete paragraph (a) and substitute:

"(a) the public shall have, free of charge, access to any beach and foreshore on the Property (save for any

hotel facilities or amenities the use of which may be reserved for hotel guests and the owners or occupiers of any resort residence only) provided that the Developer or any operator of the Hotel may, with the agreement of the Minister (acting reasonably), and subject to giving reasonable prior notice to the public, limit access at specified times and to specified areas of the beach and foreshore for the purposes of special events or for the maintenance or improvement of or repairs to any part of the beach or foreshore or any structures or equipment thereon; and”.

8:54p.m. – Ms. L.K. Scott

8:54p.m. – Ms. R.D.L. Ming

8:55p.m. – Mr. H.K.E. Swan

Clause 3 was agreed to as amended.

8:57 p.m.

MR. J.S. SIMMONS moved Clause 4, which was agreed to.

Clause 4 was agreed to as printed.

MR. J.S. SIMMONS moved Clause 5, with an amendment as follows:

“In clause 5(1), delete “Department of Land Surveys and Registration” and substitute “Ministry of Public Works”.

Clause 5 was agreed to as amended.

8:58 p.m.

MR. J.S. SIMMONS moved Clause 6, which was agreed to.

8:58p.m. – Ms. L.K. Scott

Clause 6 was agreed to as printed.

MR. J.S. SIMMONS moved Schedule 1, with an amendment as follows:

“In paragraph 2(1)(f) of Schedule 1, delete “installing such equipment in the Hotel or some other part of the

Resort, for a period of ten years beginning with the execution of the lease” and substitute “installing or using such equipment in the Hotel or some other part of the Resort, for a period beginning with the date of commencement of this Act and ending on the tenth anniversary of the opening date of the Hotel or other component of the Development”.

Schedule 1 was agreed to as amended.

9:00 p.m.

MR. J.S. SIMMONS moved Schedules 2-6, which was agreed.

9:01p.m. – Mr. H.K.E. Swan

Schedules 2-6 were agreed to as printed.

The Preamble was agreed to.

The Committee rose.

The House resumed.

Order numbers 8-9 on the Order Paper were carried over.

9:02 p.m.

MR. W.H. ROBAN, on behalf of Mr. E.D.G. Burt, moved that Standing Order 21 be suspended to enable him to move that the Bills entitled the “Payroll Tax Amendment Act (No.2) Act 2018” and “Insurance Amendment (No.2) Act 2018” be now read a third time, which was agreed to.

On the motion of Mr. W.H. Roban, the Bills entitled the “Payroll Tax Amendment Act (No.2) Act 2018” and the “Insurance Amendment (No.2) Act 2018” were then read the third time by their titles only and passed.

MR. W.H. ROBAN moved that Standing Order 21 be suspended to enable him to move that the Bills entitled the “Electricity Amendment Act 2018” and the “Motor Car Amendment (No.2) (Tour Quadricycles) Act 2018” be now read a third time, which was agreed to.

On the motion of Mr. W.H. Roban, the Bills entitled the “Electricity Amendment Act 2018” and “Motor Car Amendment (No.2) (Tour Quadricycles) Act 2018” were then read the third time by their titles only and passed.

MR. J.S. SIMMONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “St. George’s Resort Act 2018” be now read a third time, which was agreed to.

On the motion of Mr. J.S. Simmons, the Bill entitled the “St. George’s Resort Act 2018” was then read the third time by its title only and passed.

9:07 p.m.

MR. R.P. COMMISSIONG moved that Standing Order 14 be suspended to enable him to move the following motion:

“I hereby give notice that at the next day of meeting I propose to move the following motion;

“BE IT RESOLVED that this Honourable House consider and approve the “Report of the Parliamentary Joint Select Committee on the Establishment of a Minimum/Living Wage Regime” together with the recommendations contained in the Report.”

9:07 p.m.

MR. W.H. ROBAN moved that the House do now adjourn, which was agreed to.

9:07p.m. – Mrs. P.J. Gordon-Pamplin

9:27p.m. – Mr. R.P. Commissiong

9:28p.m. – Mr. E.D.G. Burt

9:36 p.m.

The House was adjourned until Friday, 27th July, 2018 at 10:00am.