



# SENATE OF BERMUDA

## Official Senate Minutes

*March 28, 2012*

### Electronic Version

**Senator the Hon. Carol A.M. Bassett, JP  
President**

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**BERMUDA**

**PROCEEDINGS OF THE SENATE**

**SESSION OF 2011 - 2012**

**No. 13**

**WEDNESDAY, 28<sup>th</sup> MARCH, 2012**

**PRESENT:**

- Senator the Hon. Mrs. C.M. BASSETT, J.P.,  
PRESIDENT
- Senator Mrs. J.E. DILLAS-WRIGHT,  
M.B.E., J.P., VICE-PRESIDENT
- Senator J.S. JARDINE
- Senator the Hon. Ms. K.N. WILSON, J.P.
- Senator E.D.G. BURT, J.P.
- Senator J.D. SMITH, O.B.E., C.P.M., J.P.
- Senator A.L.V. INGHAM, J.P.
- Senator D.V.S. RABAIN
- Senator M.H. DUNKLEY, J.P.
- Senator Ms. A.J. DANIELS, J.P.
- Senator M.M. FAHY, J.P.

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**10:02a.m.**

On the motion of Senator Mrs. J.E. Dillas-Wright, consideration of the minutes of the meetings of Wednesday, 21<sup>st</sup> March, Friday, 23<sup>rd</sup> March and Monday, 26<sup>th</sup> March, 2012 was deferred.

**10:03a.m.**

Senator A.L.V. Ingham tabled the following Written Answers to Parliamentary Questions submitted by Senator M.H. Dunkley at the Senate meeting of 21<sup>st</sup> March 2012:-

**PARLIAMENTARY QUESTIONS**

**Q1.** Would the Junior Minister please provide the Senate with a listing of the position/job title and the total salary and benefits paid for each compensated member of the Bermuda

Health Council? (Names do not have to be provided.)

**A1.** As a Quango, the Bermuda Health Council (BHeC) is not legislated to publicly disclose compensation details of its employees. The BHeC ensures fairness and accountability around the setting of compensation by benchmarking all salaries against Government positions and PS scales, which are approved by the Board. As a result, the Junior Minister is not in a position to disclose the personal compensation details of the employees of the BHeC. The Junior Minister can however confirm that the BHeC salaries for the eight positions in existence, range from Government PS8 to PS44, which is in line with similar Government positions.

**Q2.** Would the Junior Minister please inform the Senate as to the total salary, benefits package and length of contract for the Medical Administrator (formerly Chief of Staff) of the Bermuda Hospitals Board?

**A2.** As a Quango, BHB is not legislated to publicly disclose staff employment details including compensation. It ensures fairness and accountability around the setting of compensation for executive positions, including the Chief of Staff, through the Compensation Committee which is chaired by Board members and receives independent, expert advice. As a result, the Junior Minister is not in a position to disclose the personal compensation details of one of its employees. The Junior Minister can however confirm that the current Chief of Staff's contract continues until 2014.

**Q3.** Would the Junior Minister please provide the Senate with the percentages of Claims on GEHI, HIP and FutureCare that are not paid within 30 days?

**A3.** GEHI: GEHI does not fall under the remit of the Ministry of Health; therefore the Junior Minister is unable to provide the information requested.

HIP & FutureCare:

The complete statistics on claims category for each of the Plans are not currently available;

but are being developed and will be available during the third quarter of the Fiscal Year.

Senator A.L.V. Ingham tabled the following Written Answers to Parliamentary Questions submitted by Senator Ms. A.J. Daniels at the Senate meeting of 21<sup>st</sup> March 2012:-

**PARLIAMENTARY QUESTIONS**

**Q1.** Would the Junior Minister please provide the Senate with clarification of the total number of units and the cost of building for the Low Cost Family Housing units at 15 Orange Hole in St. David's?

**A1.** The total number of units built at 15 Orange Hole was three (3). The cost of building the three (3) units was \$963,140.13 (Nine Hundred and Sixty-Three Thousand, One Hundred and Forty Dollars and Thirteen Cents).

**Q2.** Would the Junior Minister please inform the Senate as to the names of the companies or contractors which built the units at Orange Hole, and please provide details on how many of the units each company built and the total amount paid to each company?

**A2.** The names of the companies responsible to build the units at Orange Hole were Bermuda Composite Construction and Bermuda Building Services. Bermuda Composite Construction built 17 units and was paid a total of \$5,191,595.55 (Five Million, One Hundred and Ninety-One Thousand, Five Hundred and Ninety-Five Dollars and Fifty-five cents) and Bermuda Building Services built 3 units and was paid a total of \$895,827.13 (Eight Hundred and Ninety-Five Thousand, Eight Hundred and Twenty-Seven Dollars and Thirteen Cents).

**Q3.** Would the Junior Minister please inform the Senate as to the original budgeted cost for the Low Cost Family Housing at Orange Hole and the number of units originally planned for this project?

**A3.** The original budgeted cost for the Low cost Family Housing at Orange Hole was \$5,178,991.70 (Five Million, One Hundred and Seventy-Eight Thousand, Nine Hundred and Ninety-One Dollars and Seventy Cents). The number of units originally planned for the project was 20 units.

Senator E.D.G. Burt tabled the following Written Answers to Parliamentary Questions submitted by Senator M.M. Fahy at the Senate meeting of 21<sup>st</sup> March 2012:-

**PARLIAMENTARY QUESTIONS**

**Q1.** Would the Junior Minister please inform the Senate as to the number of prohibited breed dogs that have been licensed since the conclusion of the amnesty announced by Government on 15<sup>th</sup> July 2011 and ended on 31<sup>st</sup> August 2011, including details on the breeds of dogs that were licensed, the dates of the licences and the reason the licences were issued?

**A1.** Members of this Honourable Senate may be aware that the Government offered an amnesty to owners of illegal dogs of all breeds and that amnesty programme officially concluded on 31<sup>st</sup> August, 2011. All told, owners of some one hundred and seventy-five (175) dogs took advantage of the amnesty.

The question posed by the Honourable Senator referred to *'dogs that are of a prohibited breed'*. I note that the term 'prohibited breed' was only adopted in late December 2011 when the Minister of Environment, Planning and Infrastructure Strategy announced the new policy regarding dogs, and refers to ten (10)

specific dog breeds, the wolf and crosses thereof.

Twenty-six (26) dogs that fall into the prohibited breed category have been newly licensed by the Department of Environmental Protection since 31<sup>st</sup> August 2011:

- Eighteen (18) dogs fell within the Amnesty Programme having been presented near the close of the Amnesty but whose data was not entered until after the closing date. Of these eighteen

(18), seventeen (17) were pitbulls and one (1) was an American Bulldog.

- Two (2) entries (1.1%) represent an anomalous situation that involved an elderly owner of two (2) pitbulls whose appeal for inclusion under the Amnesty Programme following its conclusion was granted.
- Two (2) dogs were elderly pitbulls whose births pre-dated even the earlier restricted policy.
- One (1) addition represented an approved import of an elderly, spayed pitbull belonging to a Bermudian family returning to take up residency after a prolonged absence from the Island.
- Three (3) entries (1.7% of total) are being probed for their circumstances.

**Q2.** Would the Junior Minister please inform the Senate as to the number of prohibited or restricted breed dogs that were licensed and spayed or neutered during the amnesty period from 15<sup>th</sup> July 2011 to 31<sup>st</sup> August 2011, including details on the breeds of dogs that were licensed and spayed or neutered, the dates of the licences and whether in each case the property where the dogs are kept was inspected?

**A2.** Of the one hundred and seventy-five (175) dogs that have benefited from the Department's amnesty programme, one hundred and three (103) are of a prohibited or restricted breed and are currently licensed and spayed/neutered. Statistics pertaining to these animals are as follows:

- Ninety-seven (97) Pitbull-type dogs
- Five (5) American Bulldogs
- One (1) German Shepherd

Property inspections did not occur in relation to the Amnesty Programme, as that was not a condition of the amnesty.

**Q3.** Would the Junior Minister please inform the Senate as to the number of prohibited or restricted breed dogs that have been seized and destroyed since the conclusion of the amnesty on 31<sup>st</sup> August 2011, including details on the breeds of dogs destroyed and the dates the dogs were destroyed?

**A3.** The Department of Environmental Protection reports the seizure and destruction of thirty-four (34) dogs of the targeted breeds since the conclusion of the Amnesty Programme:

- Thirty-three (33) Pitbull-type dogs and crosses thereof;
- One (1) American Bulldog;

Additionally, nine (9) dogs of the targeted breeds were surrendered to the Department by their owners for euthanasia.

**10:04a.m.**

Senator E.D.G. Burt moved that the Senate resolve itself into a Committee of the Whole for further consideration of "The Appropriation Act 2012", together with the Estimates of Revenue and Expenditure for the Year 2012/2013 -- which was agreed to.

The Senate resolved itself into Committee of the Whole, Senator Mrs. J.E. Dillas-Wright in the Chair.

**10:04a.m.**

Senator the Hon. Ms. K.N. Wilson moved that the Committee do now resume consideration of HEAD 87 – Ministry of Justice Headquarters; HEAD 03 – Judicial Department; HEAD 25 – Department of Corrections; HEAD 74 – Department of Court Services; and HEAD 88 – National Drug Control --- which was agreed to.

Senator Wilson spoke on the Heads.

11:38a.m. Senator M.M. Fahy spoke on the Heads.

12:04p.m. Senator Wilson replied.

Senator the Hon. Ms. K.N. Wilson moved that Heads 87, 03, 25, 74 and 88 be approved and stand as part of the Bill --- which was agreed to.

**12:04p.m.**

Senator A.L.V. Ingham moved that the Committee do now take under consideration HEAD 21 - Ministry of Health Headquarters; HEAD 22 - Department of Health; HEAD 24 - Hospitals; and HEAD 91 - Health Insurance -- which was agreed to.

Senator Ingham spoke on the Heads.

**12:33p.m.**

Senator Mrs. J.E. Dillas-Wright, in the Chair, ordered that the Senate do now adjourn for lunch.

The Senate adjourned for lunch at 12:33p.m. and resumed in Committee of the Whole at 2:15p.m.

2:15p.m. Senator Ingham, cont'd.

**2:57p.m.**

Senator Mrs. J.E. Dillas-Wright, in the Chair, acknowledged the presence in the Public Gallery of the Minister of Health, the Hon. Zane DeSilva, JP, MP and the Executive Director of the Bermuda Health Council, Dr. Jennifer Attride-Stirling.

3:38p.m. Senator M.H. Dunkley spoke on the Heads.

4:10p.m. Senator Ingham replied.

Senator A.L.V. Ingham moved that Heads 21, 22, 24 and 91 be approved and stand as part of the Bill -- which was agreed to.

**4:15p.m.**

Senator D.V.S. Rabain moved that the Committee do now take under consideration HEAD 71 - Ministry of Youth, Families and Sports Headquarters; HEAD 23 - Child and Family Services; HEAD 55 - Financial Assistance; and HEAD 56 - Human Affairs --- which was agreed to.

Senator Rabain spoke on the Heads.

4:27p.m. Senator Ms. A.J. Daniels spoke on the Heads.

**4:35p.m.**

The Chairman acknowledged the presence in the Public Gallery of the Minister of Youth, Families and Sports, the Hon. Glenn Blakeney, JP, MP.

5:47p.m. Senator Rabain replied.

Senator D.V.S. Rabain moved that Heads 71, 23, 55 and 56 be approved and stand as part of the Bill -- which was agreed to.

**5:47p.m.**

Senator E.D.G. Burt moved that the Committee do now take under consideration HEAD 12 - Customs; HEAD 58 - Interest on Debt; and HEAD 59 - Sinking Fund Contribution -- which was agreed to.

Senator Burt spoke on the Heads.

6:27p.m. Senator M.H. Dunkley spoke on the Heads.

7:00p.m. Senator M.M. Fahy.

7:06p.m. Senator Burt replied.

Senator E.D.G. Burt moved that Heads 12, 58 and 59 be approved and stand as part of the Bill -- which was agreed to.

**7:11p.m.**

Senator E.D.G. Burt moved that the following HEADS be approved and stand as part of the Bill:-

HEAD 01 – Governor and Staff; HEAD 02 – Legislature Department; HEAD 05 – Office of the Auditor General; HEAD 08 – Public Service Commission; HEAD 85 – Ombudsman’s Office; HEAD 92 – Internal Audit; HEAD 26 – Department of Human Resources; HEAD 10 – Ministry of Finance Headquarters; HEAD 11 – Accountant General; HEAD 28 – Social Insurance; HEAD 38 – Office of the Tax Commissioner; HEAD 80 – Project Management & Procurement; HEAD 04 – Attorney-General’s Chambers; HEAD 75 – Department of Public Prosecutions; HEAD 30 – Marine & Ports; HEAD 34 – Transport Control Department; HEAD 73 - Maritime Administration; HEAD 20 – Youth, Sport and Recreation; HEAD 13 – Post Office; HEAD 18 – Libraries; HEAD 52 – Community and Cultural Affairs; HEAD 93 – Ministry of Government Estates and Information Services Headquarters; HEAD 19 – Archives; HEAD 29 – Registry General; HEAD 43 – Information Technology Office; HEAD 81 – Public Lands & Buildings; HEAD 84 – E-Government; HEAD 06 – Defence; HEAD 45 – Fire Services; HEAD 39 – Registrar of Companies; HEAD 67 – E-Commerce; HEAD 42 – Rent Commissioner; HEAD 46 – Telecommunications; HEAD 49 – Land Valuation; HEAD 89 – Energy; HEAD 96 – Sustainable Development; HEAD 97 – Land, Surveys & Registration; HEAD 53 – Bermuda Housing Corporation; HEAD 68 – Parks; and HEAD 69 – Conservation Services

-- which was agreed to.

Senator E.D.G. Burt moved that the Capital Account Estimates be approved and stand as part of the Bill – which was agreed to.

Senator E.D.G. Burt moved that Clauses 1 to 6 of the Bill, together with Schedules A to C, inclusive, be approved and stand as part of the Bill – which was agreed to.

Senator E.D.G. Burt moved that the Preamble be approved – which was agreed to.

Senator E.D.G. Burt moved that the Title stand as part of the Bill – which was agreed to.

Senator E.D.G. Burt moved that the Bill entitled “The Appropriation Act 2012” be adopted – which was agreed to.

The Committee rose and the Senate resumed.

The Senate adopted the Report of the Committee.

**7:14p.m.**

Senator E.D.G. Burt moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator E.D.G. Burt moved that the Bill entitled “The Appropriation Act 2012” do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency’s assent.

**7:15p.m.**

Senator the Hon. Ms. K.N. Wilson moved that Item number 6 on the Order Paper be considered by the Senate prior to item number 2 – which was agreed to.

Senator J.D. Smith moved that the Senate do now take under consideration the draft Regulations entitled “The Merchant Shipping (Fees) Regulations 2012” -- which was agreed to.

Senator Smith spoke on the Regulations.

7:17p.m. Senator J.S. Jardine spoke on the Regulations.

7:18p.m. Senator Mrs. J.E. Dillas-Wright.

7:20p.m. Senator Smith replied.

Senator J.D. Smith moved that the said draft Regulations be approved and that the following Message be sent to His Excellency the Governor:-

**“MAY IT PLEASE YOUR EXCELLENCY:**

The Senate, having had under consideration draft Regulations entitled “The Merchant Shipping (Fees) Regulations 2012”, proposed to be made by the Minister responsible for Maritime Administration under the provisions of section 250 of The Merchant Shipping Act 2002, has the honour to inform Your Excellency that the Senate has approved the said draft Regulations.”

-- which was agreed to and ordered accordingly.

**7:22p.m.**

Senator A.L.V. Ingham moved that the Public Bill entitled “The Health Insurance Amendment Act 2012” be now read a second time -- which was agreed to.

- 7:25p.m. Senator M.H. Dunkley spoke on the Bill.
- 7:34p.m. Senator Mrs. J.E. Dillas-Wright.
- 7:38p.m. Senator E.D.G. Burt.
- 7:38p.m. Senator Ingham replied.

The Bill was accordingly read a second time.

Senator A.L.V. Ingham moved that Rule 26 be suspended in respect of this Bill -- which was agreed to.

Senator A.L.V. Ingham moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator A.L.V. Ingham moved that the Bill entitled “The Health Insurance Amendment Act 2012” do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency’s assent.

**7:42p.m.**

Senator A.L.V. Ingham moved that the Senate do now take under consideration the draft Regulations entitled “The Health Insurance (Standard Hospital Benefit) Amendment Regulations 2012” -- which was agreed to.

Senator Ingham spoke on the Regulations.

7:50p.m. Senator M.H. Dunkley spoke on the Regulations.

7:51p.m. Senator Ingham replied.

Senator A.L.V. Ingham moved that the said draft Regulations be approved, and that the following message be sent to His Excellency the Governor:

**“MAY IT PLEASE YOUR EXCELLENCY:**

The Senate, having had under consideration draft Regulations entitled “The Health Insurance (Standard Hospital Benefit) Amendment Regulations 2012”, proposed to be made by the Minister responsible for Health under the provisions of section 40(1) of The Health Insurance Act 1970, has the honour to inform Your Excellency that the Senate has approved the said draft Regulations.”

-- which was agreed to and ordered accordingly.

**7:52p.m.**

Senator A.L.V. Ingham moved that the Senate do now take under consideration the draft Regulations entitled “The Health Insurance (Health Service Providers and Insurers) (Claims) Regulations 2012” -- which was agreed to.

Senator Ingham spoke on the Regulations.

7:59p.m. Senator M.H. Dunkley spoke on the Regulations.

8:02p.m. Senator Ingham replied.

Senator A.L.V. Ingham moved that the said draft Regulations be approved, and that the following message be sent to His Excellency the Governor:

**“MAY IT PLEASE YOUR EXCELLENCY:**

The Senate, having had under consideration draft Regulations entitled “The Health Insurance (Health Service Providers and Insurers) (Claims) Regulations 2012”, proposed to be made by the Minister responsible for Health under the provisions of section 40 of The Health Insurance Act 1970, has the honour to inform Your Excellency that the Senate has approved the said draft Regulations.”

-- which was agreed to and ordered accordingly.

**8:03p.m.**

Senator A.L.V. Ingham moved that the Public Bill entitled “The Bermuda Hospitals Board Amendment Act 2012” be now read a second time -- which was agreed to.

8:07p.m. Senator M.H. Dunkley spoke on the Bill.

8:07p.m. Senator Mrs. J.E. Dillas-Wright.

8:08p.m. Senator Ingham replied.

The Bill was accordingly read a second time.

Senator A.L.V. Ingham moved that Rule 26 be suspended in respect of this Bill -- which was agreed to.

Senator A.L.V. Ingham moved that the Bill be now read a third time -- which was agreed to.

The Bill was accordingly read a third time.

Senator A.L.V. Ingham moved that the Bill entitled “The Bermuda Hospitals Board Amendment Act 2012” do now pass -- which was agreed to.

The Bill was accordingly passed and ordered to be laid before His Excellency the Governor for His Excellency’s assent.

On the motion of Senator M.H. Dunkley, item number 7 on the Order Paper was carried over to the next day of meeting.

**8:08p.m.**

Senator M.H. Dunkley expressed condolences for the family of the late Mr. Oliver Ronald Eugene “Ollie” Hassell, who was the father of the Permanent Secretary for Business Development and Tourism, Ms. Jasmin Smith.

Senator Ms. A.J. Daniels congratulated the Bermuda Amateur Swimming Association and each of the record-breakers who set new personal and Relay best times in the recent Best of the Best Series of swimming events held at the BASA Pool.

Senator Daniels also congratulated Stephanie Myles on setting new personal best times in the 800m and 1500m Freestyle swimming events at the Speedo western Canadian Championships held in Winnipeg in February.

Senator J. D. Smith congratulated the Bermuda Track & Field Association, BTFA President Ms. Donna Watson, the entire Bermuda National Track and Field Squad of Athletes and Coaches and the Organizing Committee on their tremendous dedication and focus in preparing to represent the best of Bermuda at the 2012 CARIFTA Games to be held in Bermuda at the National Sports Centre. All Senators joined in these remarks and in wishing every success for the 2012 Games and Bermuda’s athletes.

Senator the Hon. the President associated herself with the congratulatory and obituary remarks of all Senators.

**8:13p.m.**

Senator the Hon. Ms. K.N. Wilson moved that, at its rising, the Senate adjourn to



Wednesday, 18<sup>th</sup> April, 2012 – which was agreed to.

Senator the Hon. Ms. K.N. Wilson, moved that the Senate do now adjourn – which was agreed to.

**8:14p.m.**

Adjourned until Wednesday, 18<sup>th</sup> April, 2012.

**(Subsequent to the meeting, the next meeting was re-scheduled for Monday, 23<sup>rd</sup> April 2012.)**

**PRESIDENT**

**ORDERS OF THE DAY**

**Monday, 23<sup>rd</sup> April, 2012**

(1) Consideration of Motion to be moved by Senator M.H. Dunkley, notice of which was given on 7<sup>th</sup> December, 2011: “That the Senate take note of the ‘Report of the Parliamentary Joint Select Committee on the Causes of Violent Crime and Gun Violence in Bermuda’.”.