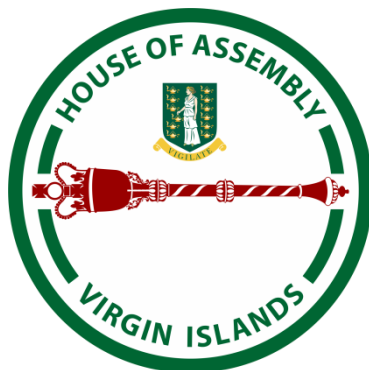


**FOURTH SITTING OF THE FOURTH SESSION
OF THE THIRD HOUSE OF ASSEMBLY
OF THE VIRGIN ISLANDS**



**TO BE HELD ON
THURSDAY, 13TH DECEMBER, 2018
AT THE HOUSE OF ASSEMBLY
ROAD TOWN, TORTOLA
AT 10:00 A.M.**

AMENDED

ORDER OF THE DAY

ORDER OF THE DAY

1) Prayers

2) Administration of Oaths

3) Confirmation of Minutes

- Confirmation of Minutes for the Meeting of Thursday 13th September, 2018
- Confirmation of Minutes for the Meeting of Tuesday 2nd October, 2018
- Confirmation of Minutes for the Meeting of Thursday 15th November, 2018

4) Announcements by the Speaker

5) Statements by Ministers

6) Presentation of Papers

a) The Premier and Minister of Finance to lay on the table the following documents:

- i) British Virgin Islands Financial Services Commission – Annual Report 2016;
- ii) British Virgin Islands Financial Services Commission – Revenue and Expenditure Budget 2018;
- iii) British Virgin Islands Financial Services Commission – Strategic Work Plan 2018;
- iv) Statutory Instrument 2018 No. 50 - Stamps, Souvenir Sheet and First Day Cover (Royal Wedding of the Duke and Duchess of Sussex) Order, 2018;
- v) Statutory Instrument 2018 No. 16 - Financial Services (Fees)(Amendment) Regulations, 2018;
- vi) Statutory Instrument 2018 No. 17- Financial Services (Fees)(Amendment) (No.2) Regulations, 2018;
- vii) Statutory Instrument 2018 No. 18-BVI Business Companies Act (Amendment of Schedule 1) Order, 2018;
- viii) Statutory Instrument 2018 No. 19 - Anti-Money Laundering (Amendment) Regulations, 2018;
- ix) Statutory Instrument 2018 No. 24 – Micro Business Companies (Amendment of Schedule 1) Order, 2018;

- x) Statutory Instrument 2018 No. 45 – Financial Services (Fees) (Amendment)(No.3) Regulations, 2018;
- xi) Statutory Instrument 2018 No. 46 – BVI Business Companies Act (Amendment of Schedule 1)(No.3) Order, 2018;
- xii) Statutory Instrument 2018 No. 48 – Segregated Portfolio Companies (Mutual Funds)(Amendment) Regulations, 2018;
- xiii) Statutory Instrument 2018 No. 49 - Segregated Portfolio Companies (BVI Business Company)(Amendment) Regulations, 2018;
- xiv) Statutory Instrument 2016 No. 77 - BVI Business Companies Act (Amendment of Schedule 1)(No.2) Order, 2016;
- xv) Statements of Reallocation Between Votes – Reallocation Warrants Schedule No. 1 of 2009, Reallocation Warrants Schedule No. 1 of 2010, Reallocation Warrants Schedule No. 1 of 2011, Reallocation Warrants Schedule No. 1 of 2012, Reallocation Warrants Schedule No. 1 of 2013, Reallocation Warrants Schedule No. 1 of 2014, Reallocation Warrants Schedule No. 1 of 2015, Reallocation Warrants Schedule No. 1 of 2016, Reallocation Warrants Schedule No. 1 of 2017;
- xvi) Office of the Auditor General – Special Report Elmore Stoutt High School Perimeter Wall;
- xvii) Office of the Auditor General – Report of the Auditor General on the Accounts of the Virgin Islands 2014;
- xviii) Accountant General – Annual Financial Statements Financial Year 2014;
- xix) Office of the Auditor General – Report of the Auditor General on the Accounts of the Virgin Islands 2015; and
- xx) Accountant General – Annual Financial Statements Financial Year 2015.

7) Notices of Motions Given Orally

- a) The Premier and Minister of Finance to give notice that, at a later stage in the proceedings, he would seek leave to move the Motions standing in his name under Item 9(1)(i) through (xvi) on the Order of the Day.
- b) The Leader of the Opposition and Member for the First District to give notice that, at a later stage in the proceedings, he would seek leave to ask the Questions standing in his name under Item 8(i) through (iii) on the Order of the Day.

8) Questions and Answers to Questions

- i) **The Leader of the Opposition and Member for the First District to ask the Honourable Premier and Minister of Finance the following questions:**

Question 1

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House of the total sum paid or to be paid in settlement by the Central Government and all Statutory Bodies and privately held companies owned by the Government of the Virgin Islands of all civil and/or criminal matters related to contractual obligations for the period November 2011 through 2018 and further;

- i) Provide a detailed listing by name, amount, date and purpose;
- ii) State whether or not there exists any unsettled claims awaiting hearing or judgment as at November 30th, 2018; and
- iii) If yes, provide a listing of all unsettled claims.

Question 2

Madam Speaker, would the Premier and Minister of Finance please state and then present this Honourable House with:

- i) A list of all consultants hired under his Ministries and Statutory Bodies and their respective amounts for the years 2012 to 2018; and,
- ii) A copy of each contract/agreement for the consultants indicated on the list in (i) above.

Question 3

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House, to date, of all agencies or persons acting as collecting agencies on behalf of the Government of the Virgin Islands that were engaged or contracted by his Government from December 2011 to present?

- i) List the amount paid to each whether through contracts or purchase orders or otherwise;
- ii) The reason for hiring each;
- iii) If the Central Tender Process was used, and if not why not?

Question 4

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House of all agencies or persons acting as collecting agencies that were engaged or contracted by each Statutory Body and wholly owned private companies of the Government of the Virgin Islands from December 2011 to present?

- i) List the amount paid to each whether through contracts or purchase orders or otherwise;
- ii) The reason for hiring each;
- iii) If the Central Tender Process was used and if not, why not?

Question 5

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House of the amount drawn down, to date, from the \$65 million dollars CDB loan approved in the House of Assembly in December 2017;

- i) State what projects, to date, have been or will be charged to the current drawn down funds, and the amounts budgeted to each project; and
- ii) State the name of the bank in which the drawn down funds have been deposited.

Question 6

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House if all government and statutory bodies projects to be charged to the \$65 million dollars CDB loan will be conducted in full and complete compliance with the Virgin Islands Recovery and Development Agency Act, 2018 that was recently passed in the House of Assembly;

- i) If not, why not?
- ii) From (i), above please list the projects.

Question 7

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House, to date, of the total interest expense billed and / or paid to date by the Government of the Virgin Islands on the \$65 million dollars CDB loan since being approved in December 2017?

Question 8

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House of the current procedures to be followed prior to the drawdown of funds from the \$65 million dollars CDB loan, and state;

- i) The names of the offices or officers empowered or authorized to instruct drawdowns; and
- ii) The total interest paid, to date, by the Government of the Virgin Islands on the draw down amount?

Question 9

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House in full detail of his government's plans for the current vacant spot which once was the location for the Palm Grove Plaza; and state what agreement has been made for the return of the current lessees.

- ii) **The Leader of the Opposition and Member for the First District to ask the Honourable Minister for Communications and Works the following questions:**

Question 1

Madam Speaker, would the Minister for Communications and Works please state for this Honourable House, to date, both the approved budgeted sum for the Georgie Hill project inclusive of commitments for land payments; and further, to date, provide a comprehensive listing of all contracts, purchase orders, and land payments issued for this project by names, amounts and purpose?

Question 2

Madam Speaker, would the Minister for Communications and Works please tell this Honourable House when the West End/Sopher's Hole Ports facility will be reopened to accommodate ferries and their passengers coming from the United States Virgin Islands?

Question 3

Madam Speaker, would the Minister for Communications and Works please tell this Honourable House when the public road approaching the West End/Sopher's Hole Jetty will be repaired and resurfaced?

Question 4

Madam Speaker, would the Minister for Communications and Works please tell this Honourable House when the Zion Hill public road on the northern and southern sides will be repaired and resurfaced?

Question 5

Madam Speaker, within the last three years, would the Minister for Communications and Works please inform this Honourable House of the total number of contracts/works issued by the BVI Ports Authority that required the BVI Ports Authority Board's approval but did not receive such approval?

- i) List the total amount of the aforementioned in dollars; and
- ii) List each contract/work order, its respective amounts, the contractor for each, the date each was issued, and whether or not the tender process was used for each, and if not why not.

Question 6

Madam Speaker, would the Minister for Communications and Works please inform this Honourable House of each project submitted from the Ministry of Communications and Works to the Ministry of Finance/CDB to be funded by the \$65 million CDB loan that was approved by the House of Assembly in December 2017 and state;

- i) The date each project was submitted?
- ii) The date Cabinet approved each project?
- iii) The projected cost of each project?
- iv) The commencement date of each project?
- v) If the tender process will be used for each project and if not, why not? And if yes, describe the process to be used.

Question 7

Madam Speaker, would the Minister for Communications and Works kindly inform this Honourable House of the timetable for reinstallation of street lights in the following areas of the First District;

- i) Carrot Bay (especially in all the back roads).
- ii) Little Apple Bay, Cappoon's Bay, Smuggler's Cove, and Long Bay?
- iii) West End, Belmont and Frenchman's Cay?

Question 8

Madam Speaker, would the Minister for Communications and Works please provide and disclose;

- i) A listing of contracts, work orders or requisitions issued for services on the collection and treatment systems of the Cane Garden Bay sewage facility from 2015 to date;

- ii) The primary reasons why the current systems were not upgraded or repaired since 2015;
 - iii) The total estimated cost of replacing the existing systems and the estimated start and completion dates; and
 - iv) The estimated costs of repairing and making functional, the existing collection and treatment systems and the estimated time for completion.
- iii) **The Leader of the Opposition and Member for the First District to ask the Honourable Minister for Education and Culture the following questions:**

Question 1

Madam Speaker, would the Minister for Education and Culture please inform this Honourable House of each project submitted by the Ministry of Education and Culture to the Ministry of Finance and by extension CDB to be funded by the \$65 million CDB loan that was approved by the House of Assembly in December 2017? and state

- i) The date each project was submitted?
- ii) The date Cabinet approved each project?
- iii) The projected cost of each project?
- iv) The commencement date of each project?
- v) If the tender process will be used for each project and if not, why not? And if yes, describe the process to be used.

Question 2

Madam Speaker, would the Minister for Education and Culture please inform this Honourable House when the basketball courts at Capoon's Bay and Carrot Bay will be fully repaired so that the public, especially the First District community, could use the recreational facilities once again; and

- i) State the commencement date when each Government owned recreation facility in the Territory will be repaired?

Question 3

Madam Speaker, would the Minister for Education and Culture please inform this Honourable House if the certificate received upon successful completion of the G.E.D. will be recognized by his Ministry and the Government of the Virgin Islands to have the same value as the school leaving certificate of the Virgin Islands;

- i) If not, why not?
- ii) If yes, please explain?

9) **Public Business**

1) **Government Business**

Introductions and First Readings

- (i) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Police (Amendment) Act, 2018**”;
- (ii) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Criminal Code (Amendment) Act, 2018**”;
- (iii) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Economic Substance (Companies and Limited Partnerships) Act, 2018**”;
- (iv) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Supplementary Appropriation (2007) Act, 2018**”;
- (v) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Supplementary Appropriation (2008) Act, 2018**”;
- (vi) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Supplementary Appropriation (2009) Act, 2018**”;
- (vii) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Supplementary Appropriation (2010) Act, 2018**”;
- (viii) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Supplementary Appropriation (2011) Act, 2018**”;
- (ix) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Supplementary Appropriation (2012) Act, 2018**”;
- (x) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Supplementary Appropriation (2013) Act, 2018**”;

Suspension of Standing Order 52(2) and (3)

- (xi) The Premier and Minister of Finance to move a Motion for the Suspension of Standing Order 52(2) and (3) to allow for the Second and Third Readings of the Bill entitled, “**Economic Substance (Companies and Limited Partnerships) Act, 2018**”;

Second and Third Readings

- (xii) The Premier and Minister of Finance to move a motion for the Second and Third Readings of the Bill entitled, “**Economic Substance (Companies and Limited Partnerships) Act, 2018**”.
- (xiii) **The Premier and Minister of Finance to move the following motion:**

WHEREAS the Appropriation Act in respect of the 2019 financial year may not come into operation by the beginning of the financial year;

AND WHEREAS section 105 of the Virgin Islands Constitution Order 2007, (U.K.S.I. 2007 No. 1678) gives power to the House of Assembly by resolution to empower the Minister of Finance to authorise the withdrawal from the Consolidated Fund of monies necessary to carry on the services of the Government after the start of the new financial year, and the use of those funds for up to four months or the coming into operation of the Appropriation Act, whichever is the earlier;

NOW THEREFORE BE IT RESOLVED that the House of Assembly of the Virgin Islands approves

- (a) the withdrawal from the Consolidated Fund of
 - (i) an amount of one hundred sixteen million, six hundred and sixty thousand, nine hundred dollars (\$116,660,900) in respect of the Recurrent Budget of the Territory for part of fiscal year 2019;
 - (ii) an amount of twenty million, two hundred and ninety-three thousand, seven hundred dollars (\$22,293,700) to be applied and expended as follows: two million, five hundred and fifty thousand dollars (\$2,550,000) to fund approved capital acquisitions; six million, seven hundred and twenty eight thousand, seven hundred dollars (\$6,728,700) and thirteen million and fifteen dollars (\$13,015,000) to fund capital project from local and loan resources, respectively;

- (b) the continuance of expenditure on approved capital projects financed from external sources and like projects which may be approved not later than 30th April, 2019.

2019 PROVISIONAL GENERAL WARRANT SCHEDULE

Head	Amount
1011 House of Assembly	1,493,000
1012 Cabinet Office	252,500
1013 Public Prosecutions	568,700
1014 Complaints Management	96,600
1015 Registrar of Interests	10,600
1016 Human Rights Commission	2,100
1017 Office of the Auditor General	245,400
2108 Office of the Governor	246,800
2109 Deputy Governor's Office	1,890,500
2110 Human Resources	1,108,200
2112 Comprehensive Disaster Management	326,600
2113 Supreme Court	1,171,200
2114 Civil Registration and Passport Administration	444,500
2115 Magistracy	328,200
2116 Commercial Court	439,100
2117 Attorney General's Chambers	935,900
2118 Police	6,090,800
2220 Premier's Office Policy Planning and Administration	5,969,200
2221 Ship Registration and Marine Safety	337,100
2222 Statistical Services	311,600
2223 Immigration Services	987,400
2225 Town and Country Planning	261,000
2226 Trade and Investment Promotions	488,000
2228 International Affairs	660,700
2329 Finance Policy Planning and Administration	3,277,500
2330 Customs	1,823,400
2331 Inland Revenue	504,300
2332 Internal Audit	267,900
2333 Post Office	759,000
2334 Treasury Operations	827,200
2335 Information Technology	1,465,400

2372	International Tax Authority	518,500
2371	Miscellaneous	1,910,000
2436	Natural Resources and Labour Policy Planning and Administration	2,981,500
2437	Agriculture	619,000
2439	Conservation and Fisheries	793,200
2440	Labour	435,100
2470	Land and Seabed Management	457,200
2543	Education Policy, Planning and Administration	2,320,900
2544	Youth Affairs and Sports	449,300
2545	Education Quality Assurance and Standards	195,700
2546	Pre-primary and Primary Education	3,568,900
2547	Department of Culture	464,200
2548	Secondary Education	4,482,800
2564	Tertiary, Adult and Continuing Education	4,488,000
2550	Library Services	462,200
2551	Prison	1,252,500
2652	Health and Social Development Policy Planning and Administration	2,809,300
2653	Aged Care Services	920,900
2654	Waste Management	1,997,700
2655	Social Protection	19,489,800
2665	Public Health	642,600
2667	Children and Family Support Services	256,400
2668	Disability Services	137,000
2669	Community Services	176,200
2756	Communications and Works Policy Planning and Administration	1,208,700
2757	Facilities Management	637,800
2759	Fire and Rescue Services	932,100
2760	Water and Sewerage	10,519,000
2761	Motor Vehicles Licensing	348,800
2762	Public Works	2,345,200
2763	Telephone Services Management	353,700
4100	Pensions and Gratuities	6,226,900
4300	Public Debt	8,669,400
	Subtotal	<hr/> 116,660,900
	Capital Acquisitions – Loan	2,550,000
	Development Projects – Local	6,728,700
	Development Projects – Loan	13,015,000
	Subtotal	<hr/> 22,293,700 <hr/>

(xiv) **The Premier and Minister of Finance to move the following motion:**

BE IT RESOLVED that the House of Assembly of the Virgin Islands approves the sum of two million eighty-three thousand three hundred and seventy-nine dollars (\$2,083,379) as detailed in the Schedule which represents monies expended in excess of the amount appropriated by the House of Assembly for the year 2015.

(xv) **The Premier and Minister of Finance to move the following motion:**

BE IT RESOLVED that the House of Assembly of the Virgin Islands approves the supplementary estimate set out in the Schedule which represents monies to be expended under their respective Heads in variation of the amount appropriated by the Appropriation Act, 2017 (Act No. 1 of 2017) as follows:

- (a) Recurrent Expenditure of nine million, seven hundred fifty-three thousand, four hundred dollars (\$9,753,400.00) to be charged against the Consolidated Fund of the Territory.
- (b) Capital Acquisition Expenditure of two hundred twenty-six thousand, three hundred dollars (\$226,300.00) to be charged against the Consolidated Fund of the Territory.
- (c) Development Expenditure of eighty-six thousand, seven hundred dollars (\$86,700.00) to be charged against the Development Fund of the Territory by way of funds transferred from the Consolidated Fund.

(xvi) **The Premier and Minister of Finance to move the following motion:**

BE IT RESOLVED that the House of Assembly of the Virgin Islands approves the supplementary estimate set out in the Schedule which represents monies to be expended under their respective Heads in variation of the amount appropriated by the Appropriation Act, 2018 (No. 1 of 2018) as follows:

- (a) Recurrent Expenditure of eighteen million, six hundred forty-six thousand, eight hundred and fifty-one dollars (\$18,646,851) to be charged against the Consolidated Fund of the Territory.
- (b) Capital Acquisition Expenditure of five hundred and thirty thousand dollars (\$530,000) to be charged against the Consolidated Fund of the Territory.

- (c) Development Expenditure of thirteen million five hundred and forty-seven thousand, seventy-nine dollars (\$13,547,079) to be charged against the Development Fund of the Territory by way of funds transferred from the Consolidated Fund.

2) Private Members Business

10) Other Business

11) Adjournment