

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



**TO BE HELD ON
TUESDAY, 15TH JANUARY, 2019
AT THE HOUSE OF ASSEMBLY
ROAD TOWN, TORTOLA
AT 10:00 A.M.**

AMENDED

ORDER OF THE DAY

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- 1) **Prayers**
- 2) **Announcements by the Speaker**
- 3) **Statements by Ministers**
- 4) **Presentation of Papers**
 - a) **The Premier and Minister of Finance to lay on the table the following document:**
 - Land and Pier Development Review, Tortola (August 2018) – Final Report by KPMG
 - b) **The Minister for Communications and Works to lay on the table the following document:**
 - Review and Comments on the Cruise Pier Project Development – Audit Report submitted by KPMG & Charterland “Property Surveyors”
 - c) **The Minister for Education and Culture to lay on the table the following document:**
 - Annual Report of the Higher Education Licensing Board for the period April 2017 to April 2018
- 5) **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 7(1)(i) and (iv) on the Order of the Day.
 - b) The Minister for Health and Social and Development to give notice that, at a later stage in the proceedings, he would seek leave to move the Motion standing in his name under Item 7(v) on the Order of the Day.
 - c) The Member for the Third 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 6(i) through (iv) on the Order of the Day.
 - d) The 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 6(v) through (vii) on the Order of the Day.

- e) The Member for the Second 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 6(viii) through (x) on the Order of the Day.

6) Questions and Answers to Questions

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

Question 1

Madam Speaker, at the last Sitting the Minister for Education and Culture submitted a list of seven Schools for Rehabilitation, and four for Redevelopment to be funded by the \$65 million CDB loan, could the Honourable Premier and Minister of Finance please tell this Honourable House whether it is the intention of the Government to execute these projects? And if yes, under what authority is the Government able to do this considering the responsibilities of the Recovery and Development Agency?

Question 2

Madam Speaker, at the first Sitting of this Session on September 13th, 2018 the Premier announced an August Cabinet approval of \$3.5 million funding to address the water issues; could the Honourable Premier and Minister of Finance please tell this Honourable House, how does he explain based on his statement at our last Sitting, why the only money used so far was \$178,204.04 to do works in Paraquita Bay, Carrot Bay, Capoon's Bay, and Perot Hill, Virgin Gorda, but none on anything related to resolving the issues of chronic water shortages in Sea Cows Bay, Duffs Bottom, Hannahs, Pleasant Valley, Palestina and Pockwood Pond?

Question 3

Madam Speaker, could the Honourable Premier and Minister of Finance please tell this Honourable House:

- a) Exactly what works were carried out in Paraquita Bay, indicating material and labour, and at what cost?
- b) Exactly what works were carried out in Carrot Bay, indicating material and labour, and at what cost?
- c) Exactly what works were carried out in Capoon's Bay, indicating material and labour, and at what cost? and
- d) Exactly what works were carried out in Perot Hill, indicating material and labour, and at what cost?

Question 4

Madam Speaker, could the Honourable Premier and Minister of Finance please provide this Honourable House with the consultancy contracts that are paid from these funds?

Question 5

Madam Speaker, as it was recently announced that the Netherlands has placed the Virgin Islands on its Tax Haven Black List, could the Honourable Premier and Minister of Finance please tell this Honourable House whether he was given a warning before this action was taken, and tell us what their reason for black listing us is?

Question 6

Madam Speaker, considering that the Netherlands are a part of the EU and being aware of the EU's demand for economic substance by December 31st 2018, but yet decided to black list us, including the Bahamas whose revised legislation has been under EU scrutiny, I wonder if the Honourable Premier and Minister of Finance could tell this Honourable House what he considers our prospect of avoiding the EU blacklist to be?

- ii) **The Member for the Third District to ask the Honourable Deputy Premier and Minister for Natural Resources and Labour the following questions:**

Question 1

Madam Speaker, could the Honourable Deputy Premier and Minister for Natural Resources and Labour please tell this Honourable House:

- a) Of the 3,693 applications processed under the Work Permit Waiver for Skilled Workers initiative, how many were approved, and how many persons did come to the Territory? and
- b) What is a Work Permit Waiver for Skilled Workers Initiative?

Question 2

Madam Speaker, could the Honourable Deputy Premier and Minister for Natural Resources and Labour please give a breakdown of the total number of active Work Permits in the territory?

Question 3

Madam Speaker, could the Honourable Deputy Premier and Minister for Natural Resources and Labour please tell this Honourable House the number of queries for placement assistance that were made to the Labour Department in 2018, and how many were successfully assisted?

- iii) **The Member for the Third District to ask the Honourable Minister for Communications and Works the following questions:**

Question 1

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House what is the water distribution schedule for people getting water from the Hannah Hill Reservoir?

Question 2

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House which days during the months of October, November and December 2018 there was no water distribution from the Hannah Hill Reservoir and why?

Question 3

Madam Speaker, could the Honourable Minister for Communications and Works please present this Honourable House with the log indicating the days water was distributed from the Hannah Hill Reservoir during the months August thru December 2018, indicating the quantity each day of distribution?

Question 4

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House when the badly needed repairs to the Sea Cows Bay Chalwell Road are going to be carried out?

- iv) **The Member for the Third District to ask the Honourable Minister for Health and Social Development the following question:**

Question 1

Madam Speaker, could the Honourable Minister for Health and Social Development please tell this Honourable House if he is aware that NHI does not accept Government Purchase Orders and could he give the rationale for it?

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

Question 1

Madam Speaker, would the Honourable Premier and Minister of Finance, please inform this Honourable House of the total amount expended from the \$25,000,000 loan facility from First Caribbean International Bank that was approved by the House of Assembly and please state the current balance to be drawn down for the year 2018?

- i) Furnish the same information for each year since the loan facility was received? and
- ii) For each year since the loan facility was received, state how much the Government of the Virgin Islands has repaid to the bank and the respective dates?

Question 2

Madam Speaker, would the Honourable Premier and Minister of Finance please give this Honourable House a full update on the ongoing discussions with Delta Petroleum and the Government of the Virgin Islands in reference to the Privy Council's ruling on the case that the Government of the Virgin Islands lost to Delta Petroleum?

Question 3

Madam Speaker, would the Honourable Premier and Minister of Finance please confirm whether or not the dispute between the Government of the Virgin Islands and Global Water has been settled in the courts and if yes;

- 1) State whether or not the amount settled was a part of the \$23,787,369.84 reported as settlements in the last House of Assembly Sitting?
- 2) State the amount disputed and/or settled? and
- 3) Disclose whether or not the settlement amount has been paid?

Question 4

Madam Speaker, would the Honourable Premier and Minister of Finance please list all disputes involving the Government of the Virgin Islands that were referred to the courts for arbitration or dispute resolution that, to date, have not being settled or resolved and further state the amounts in dispute in each case and the reasons cited?

- vi) **The Member for the First District to ask the Honourable Minister for Communications and Works the following questions:**

Question 1

Madam Speaker, would the Honourable Minister for Communications and Works please state the capital costs and the amount paid for any asphalt plant equipment and for the road pavement and heavy equipment ordered for usage by the Public Works Department between 2012 and 2019 and further

- i) Disclose whether or not the equipment ordered and paid for is operational or has been replaced?
- ii) The name of the local agent or company through which the equipment was purchased or contracted?
- iii) State if the tender process was used at each time and if not state the method used to select the local company from whom the mentioned equipment was purchased?

- vii) **The Member for the First District to ask the Honourable Minister for Health and Social Development the following questions:**

Question 1

Madam Speaker, would the Honourable Minister for Health and Social Development please disclose and provide a schedule of the capital cost expended to date on the new Peebles Hospital and Annex retrofit, inclusive of construction, furnishings and equipment costs and further

- 1) State the total amounts approved by the House of Assembly for the construction of the new Peebles Hospital project? and
- 2) State the estimated cost to complete the construction of the remaining floors of the new Peebles Hospital inclusive of; construction, furnishings and equipment costs?

Question 2

Madam Speaker, would the Honourable Minister for Health and Social Development please disclose and provide a schedule of the capital cost expended to date on the new Iris O'Neal Clinic in Virgin Gorda, inclusive of construction, furnishings and equipment costs and further

- 1) State the total amounts approved by the House of Assembly for the construction of the new Iris O'Neal Clinic? and

- 2) State the estimated cost to complete the construction of the remaining sections of the new Iris O’Neal Clinic inclusive of construction, furnishings and equipment costs?

Question 3

Madam Speaker, would the Honourable Minister for Health and Social Development please tell this Honourable House how much money NHI collected exclusive of subsidies and grants in each of the following years: 2016, 2017, and 2018?

Question 4

Madam Speaker, would the Honourable Minister for Health and Social Development please tell this Honourable House how much money NHI paid out whether in claims or otherwise in each of the following years: 2016, 2017, and 2018?

Question 5

Madam Speaker, would the Honourable Minister for Health and Social Development please tell this Honourable House how much money the Government of the Virgin Islands and the Social Security Board, respectively, subsidized and/or advanced to NHI in each of the following years: 2016, 2017, and 2018?

- viii) **The Member for the Second District to ask the Honourable Premier and Minister of Finance the following questions:**

Question 1

Madam Speaker, could the Honourable Premier and Minister of Finance please tell this Honourable House the detailed financial position of the Territory as at 31st December, 2018:

- a. Balance in Consolidated Fund;
- b. Balance in the Reserve Fund;
- c. Loan Debt Outstanding:
 - i. Name of Lending Institution
 - ii. Type of Loan and Purpose
 - iii. Amount of Loan
 - iv. Date Taken & Interest Rate at which it was signed
 - v. Monthly Principal Repayment Amount
 - vi. Amount Drawn Down;
- d. Total Amount owing for Pensions and Gratuities;
- e. Total Allocated to the Development Fund;
- f. Total Receivables;
- g. Total Uncollected Revenue brought forward from Dec 31, 2015 to December 31, 2018 and the amounts that have been collected from the previous year;

- i. 2015 balance and amount collected from 2014;
- ii. 2016 balance and amount collected from 2015;
- iii. 2017 balance and amount collected from 2016;
- iv. 2018 balance and amount collected from 2017.

Question 2

Madam Speaker, could the Honourable Premier and Minister of Finance please tell this Honourable House:

- a. In question 1 above, what happened to the funds that were earmarked from the \$15M CDB Loan to complete the road from Dog Hole to Foxy's in Great Harbour, Jost Van Dyke?
- b. When does the Government intend to deliver on a promise made to the people of Jost Van Dyke from 2014 and on several occasions after in 2015 and 2016 by the Minister responsible for the subject?
- c. If the funds were reallocated, who authorised reallocation and when does he intend to inform the people of Jost Van Dyke?

Question 3

Madam Speaker, could the Honourable Premier and Minister of Finance please inform this Honourable House of the names of persons involved in the negotiations of the \$7.2Million BVI Airways/BV Airways Agreement:

- a. International/Regional
 - i. Name
 - ii. Position
 - iii. Company Affiliation
- b. Local
 - i. Name
 - ii. Position
 - iii. Company/ Governmental Affiliation

Question 4

Madam Speaker, could the Honourable Premier and Minister of Finance please tell this Honourable House:

- a. Where are the two planes that were purchased using tax payer's money?
- b. Who currently owns the planes?
- c. How will the BVI benefit from planes we don't have?

- d. Why hasn't he updated the people of the Territory on the status of this agreement?
- e. When he intends to account to the people of the Territory for the seemingly unrecoverable \$7.2M?

Question 5

Madam Speaker, could the Honourable Premier and Minister of Finance please tell this Honourable House:

- a. What is the status of the audit report on the Cruise Ship Pier and Land Side Development?
- b. When would it be brought to this Honourable House?
- c. Would it be laid before this Honourable House is dissolved?
 - i. If the answer is Yes when?
 - ii. If the answer is No why not?

Question 6

Madam Speaker, could the Honourable Premier and Minister of Finance please tell this Honourable House:

- a. The status of the Audit Report on the Elmore Stoutt High School Perimeter Wall Report and investigation that His Excellency the Governor has handed over to the Royal Virgin Islands Police Force?
- b. If he has been made aware of any information from the investigation that the people should be notified of and has not yet done so?
 - i. If yes, when does he intend to provide the people with this information ?

Question 7

Madam Speaker, could the Honourable Premier and Minister of Finance please tell this Honourable House specifically the road revetment project for Cane Garden Bay from the North Shore Integrated Coastal and Watershed Stabilization Project which was launched on June 2016, funded and implemented by the European Union and Organization of Eastern Caribbean States and partnered with the Government of the Virgin Islands;

- a. As the date of completion was supposed to be June 2018, when does he intend to complete this project?

- b. Has a contract been awarded and signed for the completion of this project?
 - i. If yes, to whom was the contract awarded?
 - ii. When was the contract awarded?
 - iii. Has the funding been identified to complete the project? and
 - iv. When should the people of Cane Garden Bay expect to see works resumed to complete this project?

- ix) **The Member for the Second District to ask the Honourable Minister for Communications and Works the following questions:**

Question 1

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House when he intends to fix the hole in the middle of the road in Little Bay, Brewer's Bay that has been there since the installation of the water lines from Luck Hill to Nichol's Bar in 2016 which I was assured would be remedied in two months after the completion of the works and then again in this Honourable House in the Standing Finance Committee Meetings of 2017?

Question 2

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House when the Second District will receive a regular and or scheduled supply of water specifically the areas of:

- a. Great Mountain
- b. New Bush
- c. Meyers
- d. Challwell
- e. Windy Hill
- f. Ballast Bay
- g. Brewers Bay
- h. Luck Hill
- i. Mt. Healthy
- j. Mayaba
- k. Spooners Estate
- l. Cane Garden Bay

Question 3

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House:

- a. When works will be completed on the rebuilding of the Reservoir on Jost Van Dyke to supply water on a consistent basis seeing that they have had to go without portable water for weeks and even months at a time prior to and after the passages of the storms of 2017? and
- b. If the works have been completed, what else is needed to ensure that water is received by residents daily and when will it be supplied?

Question 4

Madam Speaker, could the Honourable Minister for Communications and Works Please tell this Honourable House:

- a. When the Public Works Department on Jost Van Dyke will receive its own Backhoe and 3yard truck?
- b. Has the funding been identified and allocated?
- c. If not, why not and when?

Question 5

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House why:

- a. The road works and overlay have not been completed from Mt. Healthy to the Community Center in Brewers Bay?
- b. The road works and overlay have not been completed from the entrance of Sky World to Diamond Basketball Court?
- c. The road works and overlay have not been completed on the ridge road from Chalwell down to Stout's lookout? and
- d. When will the road from Doghole to Foxy's in Great Harbour, Jost Van Dyke be completed.?

Question 6

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House whether:

- a. he is aware of the hazardous road from Harrigan to Montessori School where residents and students have to traverse on a daily basis?
- b. anyone from his Ministry and team at the Public Works Department has been out to assess the road and design and develop a plan to remedy the situation? and

- i. If yes, when will works be completed?

Question 7

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House:

- a. When the Waste Water Treatment Plant was constructed and implemented in Cane Garden Bay?
- b. When he first became aware that the system was not fully functioning on all eight chambers?
 - i. Of the Eight chambers how many were functioning prior to August 2017?
 - ii. How many were functioning after August 2017?
- c. How many sewerage pump stations are in Cane Garden Bay from Ross Bridge to Arundel Bridge?
- d. How many sewerage pump stations are in the capital of Road Town?
- e. Based on the number given in c above how many were functional in:
 - i. 2015, 2016, before August 2017 and after August 2017?
 - ii. How many are functional at January 1st 2018?
- f. What measures have been taken to ensure that sewerage does not run on the roadways and pollute the beach in Cane Garden Bay and cause it to be closed like it was in October of 2017
- g. What is the contractual agreement signed between the contractor/s and the Ministry of Communications and Works for the pumping and removal of sewerage in Cane Garden Bay?
 - i. State the cost;
 - ii. Length of contract/s;
 - iii. Number days required to pump in contract.
- h. Provide a copy of the contractual agreement/s that were signed between the contractor/s and Ministry of Communications and Works since this method has been initiated.

- i. If he has received any recommendations by the contractor/s for the pumping of sewerage since the contracts have been executed and works have been executed?
- j. What is the total cost that has been paid for sewerage related works in Cane Garden Bay from 2016 to December 2018? and
- k. If all outstanding bills have been paid?

Question 8

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House when the street lights that existed prior to the Hurricanes of 2017 will be replaced in the areas of Ballast Bay, Spooners, Chalwell and Brewers Bay?

Question 9

Madam Speaker, could the Honourable Minister for Communications and Works please tell this Honourable House for the benefit of families and persons in the Ballast Bay area:

- a. When the main road that was destroyed from the August Floods and Hurricanes of 2017 that takes them to their residence will be rebuilt?
- b. Seeing that the alternate route has been cleared and is now in use, state when works will be started to remedy the bad spots to allow for emergency vehicles to be able to get up and down in case of an emergency?
- c. When works will begin on the Ballast Bay Ghut to redirect the water to run to its natural path since debris and heavy rocks have caused water to run directly on the main road since the Hurricanes, creating excess damage to the property of persons living below and next to the ghut?

x) **The Member for the Second District to ask the Honourable Minister for Education and Culture the following questions:**

Question 1

Madam Speaker, could the Honourable Minister for Education and Culture please tell this Honourable House the total amount spent, from inception of the arrangement to date, on rent for the temporary relocation of the Elmore Stoutt High School at the old Clarence Thomas Building?

- i. Monthly Rental Cost?
- ii. Cost of Security?
- iii. Cost of Electricity? and
- iv. Cost of Maintenance?

Question 2

Madam Speaker, could the Honourable Minister for Education and Culture please tell this Honourable House the total amount spent on “solutions” to address the flooding issues at the Ivan Dawson Primary School from the time he became Minister to present and list the dates and amounts spent during each contract?

Question 3

Madam Speaker, could the Honourable Minister for Education and Culture please tell this Honourable House the total amount spent as at December 31st 2018, on the refurbishment works at the Ivan Dawson Primary School through the Private Public partnership established by the Second District Representative with All Hands And Hearts and the Ministry of Education and Culture:

- a. State the amount by Ministry of Education & Culture
- b. State the amount by All Hands and Hearts

Question 4

Madam Speaker, could the Honourable Minister of Education and Culture please tell this Honourable House whether:

- a. The mould issues have been resolved at the Ivan Dawson Primary School?
- b. The flooding issues have been resolved? and
- c. The issue of leakages from the roof in the various classrooms and main assembly hall have been resolved?

7) Public Business

1) Government Business

Introduction and First Reading

- (i) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Elections (Amendment) Act, 2019**”;
- (ii) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Liquor licences Act, 2018**”;

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

- (iii) 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, “**Elections (Amendment) Act, 2019**”;

Second and Third Readings

- (iv) The Premier and Minister of Finance to move a motion for the Second and Third Readings of the Bill entitled, “**Elections (Amendment) Act, 2019**”.

- (v) **The Minister for Health and Social Development to move the following motion:**

WHEREAS the Ministry of Health and Social Development operates an initiative to dedicate the name of public health facilities to the honour of community stalwarts who have contributed significantly to the BVI health sector.

WHEREAS a Committee established to identify, consider and make recommendations for the re-naming of “Peebles Hospital” recommended that “Peebles Hospital” be re-named in honour of DR. THE HONOURABLE D. ORLANDO SMITH, OBE, in recognition of his pioneering efforts to improve healthcare for the residents of the Virgin Islands.

WHEREAS DR. THE HONOURABLE D. ORLANDO SMITH, OBE has served in several capacities at “Peebles Hospital” over many years, including the following: Medical Officer (1970-1971), Senior Registrar of Surgery (1975-1976), Surgeon (1995-1999), and Chief Medical Officer (1979-1995).

WHEREAS DR. THE HONOURABLE D. ORLANDO SMITH, OBE, together with his colleagues, found ingenious ways to deliver healthcare services to the people of the Territory despite the resource limitations.

WHEREAS DR. THE HONOURABLE D. ORLANDO SMITH, OBE a) continues to serve as a physician in a private practice mainly through “PicSmith Medical Services” which was established in 1992, b) was named in the Queen's New Year's Honours List and was awarded an Order of British Empire (OBE) for his years of outstanding and dedicated service to the BVI community, and c) is known and well respected within the healthcare field and the entire Virgin Islands, and currently serves as Premier of the Virgin Islands.

AND WHEREAS Cabinet, in accepting the recommendation of the said Committee, decided that a) “Peebles Hospital” be re-named “Dr. D. Orlando Smith Hospital” in recognition the pioneering efforts of DR. THE HONOURABLE D. ORLANDO SMITH, OBE to improve healthcare for the residents of the Virgin Islands and that b) a Draft Resolution concerning the said re-naming of “Peebles Hospital” be introduced by way of a motion for approval by Members of the House of Assembly.

NOW THEREFORE, BE IT RESOLVED that the House of Assembly of the Virgin Islands approves the re-naming of “Peebles Hospital” to “Dr. D. Orlando Smith Hospital” and that “Peebles Hospital” be henceforth known as “Dr. D. Orlando Smith Hospital” .

- 2) **Private Members Business**
- 8) **Other Business**
- 9) **Adjournment**