

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



**TO BE HELD ON
THURSDAY 19TH JULY, 2018
AT THE HOUSE OF ASSEMBLY
ROAD TOWN, TORTOLA
AT 10:00 A.M.**

ORDER OF THE DAY

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1) Prayers

2) Confirmation of Minutes

- Confirmation of Minutes for the Meeting of Thursday 14th December, 2017
- Confirmation of Minutes for the Meeting of Thursday 26th April, 2018

3) Announcements by the Speaker

4) Statements by Ministers

5) Presentation of Papers

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

- i) British Virgin Islands: National Risk Assessment of Money Laundering and Terrorist Financing;
- ii) Virgin Islands Progress Report on the Implementation of the Recommendations from the National Risk Assessment; and
- iii) Recovery to Development Plan of the Virgin Islands.

6) 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 8(1)(ii) through (v) on the Order of the Day.
- b) The Minister for Education and Culture 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 8(1)(i) on the Order of the Day.
- c) The Attorney General 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 8(1)(vi) on the Order of the Day.
- d) The Leader of the Opposition and Member for 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 7(i) through (iv) on the Order of the Day.

- e) 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 7(v) through (vi) on the Order of the Day.

7) 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 tell this Honourable House the balance, as of July 18th, 2018, on the Reserved Fund?

Question 2

Madam Speaker, given that BVI/BV Airways was paid outside the agreed schedule of payment, would the Premier and Minister of Finance please inform this Honourable House if Cabinet approved the decision by the Minister of Finance and by extension the payment of seven million dollars to BVI/BV Airways, prior to the payment being made, or retroactively?

- i) If yes, what date was this done?
- ii) If no, why not and when will the approval of Cabinet be sought?

Question 3

Madam Speaker, would the Premier and Minister of Finance please give this Honourable House a detailed report of the progress on the forensic audit commissioned by the government on the Cruise Pier Project?

- i) What has caused the delays?
- ii) When will the report be made public?
- iii) What is the total amount paid to date to KPMG to do the audit?
- iv) In lieu of the answer in (iii), please state what is the balance to be paid to KPMG?

Question 4

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House when the following banks will be physically operating on Virgin Gorda?

- i) National Bank of the Virgin Islands?
- ii) First Bank?
- iii) Banco Popular?

- iv) First Caribbean International Bank?

Question 5

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House why the different banking institutions that physically operated in Virgin Gorda left or are in the process of leaving? And, how the government intends to address this recurring issue?

Question 6

Madam Speaker, would the Premier and Minister of Finance please tell this Honourable House what the government is doing to adequately address the concerns of the residents on Anegada and Jost Van Dyke pertaining to banks more adequately providing services to the residents on each of these two sister islands?

Question 7

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House if the Central Administration Complex in Road Town, Tortola, is insured?

- i) If so, what is the name of the insurer? and
- ii) What is the property value for which the complex is insured?

Question 8

Madam Speaker, would the Premier and Minister of Finance please tell this Honourable House the value of the claim submitted by the government to the insurance company as a result of damages incurred during the passage of hurricanes Irma and Maria? and state

- i) The amount settled and the net amount received from the insurance company after all deductions for whatever reason?
- ii) In which bank was the payment from the insurance company lodged?
- iii) If this money will be controlled by the Development and Recovery Board/Agency?
- iv) If any of the payment received was repurposed and if so give full details inclusive of, but not limited to, each purpose and the reason?
- v) When the repairs, as a result of the damages incurred from hurricanes Irma and Maria to the Complex, will commence?

Question 9

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House if the Government Administration Complex in Virgin Gorda is insured?

- i) If so, what is the name(s) of the insurance agency and company?
- ii) What is the property value for which the complex is insured?

Question 10

Madam Speaker, would the Premier and Minister of Finance please tell this Honourable House what was the amount the government submitted to the insurer as a claim for damages incurred as a result of hurricanes Irma and Maria to the Government Administration Complex in Virgin Gorda? and state

- i) The amount settled for and the net amount received from the insurance company after all deductions for whatever reason?
- ii) In which bank was the payment from the insurance company lodged?
- iii) If this money will be controlled by the Development and Recovery Board/Agency?
- iv) If any of the payment received was repurposed and if so give full details inclusive of, but not limited to, each purpose and the reason?
- v) When the repairs, as a result of the damages incurred from hurricanes Irma and Maria to the Complex, will commence?

Question 11

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House if the same visa programme that the government recently extended to Chinese citizens will be extended to our Caribbean brothers and sisters who also need a visa to enter the Territory?

- i) If not, why not?
- ii) If yes, state when?

Question 12

Madam Speaker, would the Premier and Minister of Finance please tell this Honourable House when the Post Office building in Carrot Bay that was damaged by hurricane Irma will be repaired and made fully functional?

Question 13

Madam Speaker, would the Premier and Minister of Finance please tell this Honourable House if consideration has been or is being given by Government in terms of compensation to the property owners at Cox Heath that have been negatively affected due to the disposal of waste from hurricane Irma being dumped in front of their properties?

- i) If yes, when?
- ii) If no, why not?

Question 14

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House whether or not consideration has been or is being given for compensation to all the businesses that were not destroyed by neither hurricanes Irma nor Maria but rather by looters after the passage of the two hurricanes in the Territory?

Question 15

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House when works to restore the following structures from damages from hurricanes Irma and Maria will commence and or be completed so that they can be fully functional?

- i) Police Headquarters in Road Town?
- ii) Police Station in West End?
- iii) Police Station in Virgin Gorda?
- iv) Police Station in Jost Van Dykes?
- v) Police Station in Anegada?

Question 16

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House when the building in Jost Van Dyke that houses most of government services like Customs, among others, will be repaired and fully functional?

Question 17

Madam Speaker, given that the financials for 2012 and 2013 have been tabled in the House of Assembly, could the Premier and Minister of Finance please confirm whether or not the audited financials and notes for previous years are completed and that the closing balances have been verified?

- i) And if they are completed, please state why they have not been laid before the House?

Question 18

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House of the demands and prerequisites as directed by the banks and/or the Recovery Board/Agency prior to access of funds required to repair public infrastructures and assist the most vulnerable citizens?

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

Question 1

Madam Speaker, would the Minister for Health and Social Development please inform this Honourable House when each of the following community centers will be repaired due to the damages received from hurricanes Irma and Maria and when each will be fully functional: Anegada Community Center, West End Community Center and Abraham Leonard Community Center in Carrot Bay?

Question 2

Madam Speaker, would the Minister for Health and Social Development please inform this Honourable House when the Cappaon's Bay Clinic will be repaired due to the damages received from hurricanes Irma and Maria and, when it will be fully functional?

- iii) **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 inform this Honourable House if the BVI Ports Authority Board approved the no bid contract recently awarded and executed to repair the Road Town Ports Building?

- i) If yes, when and why?
- ii) If no, please explain how the contract commenced without the Board's authorization, especially given the size of the contract?
- iii) Were the works awarded for the repairs of the Road Town Ports Building previously rendered?
- iv) If yes, why was the contract not awarded to any of the respondents?

Question 2

Madam Speaker, given the numerous potholes in the public road on the Highway from Cox Heath to Towers, West End, would the Minister for Communications and Works please inform this Honourable House when this portion of the public road will be resurfaced?

Question 3

Madam Speaker, would the Minister for Communications and Works please tell this Honourable House when the Fire Station in Road Town will be repaired and fully functional?

Question 4

Madam Speaker, would the Minister for Communications and Works please tell this Honourable House when the Fire Station in Cappoon's Bay will be repaired and fully functional?

- iv) **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 tell this Honourable House the total amount that remains outstanding from Festival 2017? and

- i) Provide a detailed breakdown of the outstanding amount?
- ii) State when the outstanding amounts will be paid to the vendors?
- iii) State the Head and Subhead from which the outstanding amounts owed to vendors will be charged and the current balance prior to payments being made?

Question 2

Madam Speaker, would the Minister for Education and Culture please inform this Honourable House of the projected cost of Festival 2018? and

- i) Provide a detailed break-down of the proposed cost?
- ii) State the Head and Sub-Head that will be charged?
- iii) State the balance prior to any charges being made for Festival 2018?

Question 3

Madam Speaker, would the Minister for Education and Culture please tell this Honourable House when the repairs to the Isabella Morris Primary School will commence?

Question 4

Madam Speaker, would the Minister for Education and Culture please tell this Honourable House if the H. Lavity Stoutt Community College is insured and if so who is the insured? and

- i) If so, what are the name(s) of the insurance agency and company?
- ii) What is the property value for which the college is insured?

Question 5

Madam Speaker, would the Minister for Education and Culture please tell this Honourable House what was the amount the government submitted to the insurer as a claim for damages incurred to the H. Lavity Stoutt Community College as a result of hurricanes Irma and Maria? and state

- i) The amount settled and the net amount received from the insurance company after all deductions for whatever reason?
- ii) In which bank was the payment from the insurance company lodged?
- iii) If this money will be controlled by the Development and Recovery Board/Agency?
- iv) If any of the payment received was repurposed and if so give full details inclusive of but not limited to each purpose and the reason?
- v) When the repairs, as a result of the damages incurred from hurricanes Irma and Maria to the property, will commence?

Question 6

Madam Speaker, if the repairs to the H. Lavity Stoutt Community College as a result of hurricanes Irma and Maria have commenced, then would the Minister for Education and Culture please inform this Honourable House what are these repairs inclusive of:

- i) The name of each contractor and their respective contract amount?
- ii) The process used to select each contractor?
- iii) If the tendering process or competitive bidding process was used for each portion of the work before selecting a contractor? If not, why not? and
- iv) Name the source of funding from which the repairs are being charged?

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

Question 1

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

- a) Whether his trip to the UK with the Leader of the Opposition was by invitation?
- b) If the answer is yes, by whom, and for what reason?
- c) If the answer is no, why did they go to the UK?
- d) Whether he asked the Leader of the Opposition to accompany him, or he invited himself?
- e) Why did he take the Leader of the Opposition with him?

Question 2

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

- a) How much did his trip to the UK with the Leader of the Opposition cost the tax payers? And
- b) Who did they meet with, and what was accomplished?

Question 3

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

- a) He will go back to the UK Government to have the UK's commitment to guarantee £300 million renegotiated in light of their new law on the Beneficial Ownership Register, and
- b) Would he now consider borrowing locally instead of the original plans to go international?

Question 4

Madam Speaker, given that BVI Airways has failed to deliver on a promised scheduled airline service between the Virgin Islands and Miami, could the Premier and Minister of Finance please tell this Honourable House whether they have acknowledged having to return to the Government the \$7.2 million that was advanced to them?

Question 5

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

- a) Whether the government has issued instructions to the Attorney General to pursue BVI Airways in an effort to recoup the \$7.2 million that was given to them with the expectation that they were going to establish scheduled flights between the Virgin Islands and Miami? and
- b) Provide the exact language in the instructions to the Attorney General?

Question 6

Madam Speaker, could the Premier and Minister of Finance please tell this Honourable House what exactly has the Attorney General done to date in terms of recouping the \$7.2 million the Government gave to BVI Airways.

Question 7

Madam Speaker, now that the UK has responded to the petition forwarded by the organizers of the May 24th March by rejecting their conditions, and admonished that the BVI accept the wishes of the Parliament, could the Premier and Minister of Finance please tell this Honourable House:

- a) Whether he has accepted the Parliament's decision and decided to make the register public? and
- b) If he decides to continue his opposition to the wishes of Parliament, how exactly does he intend to defy the UK Government and avoid sanctions?

Question 8

Madam Speaker, on numerous occasions, both the Premier and persons speaking on his behalf have said that we, "BVI", will not make a Beneficial Ownership Register Public until it becomes Global Standard, could the Premier and Minister of Finance please tell this Honourable House:

- a) What is meant by becoming Global Standard?
- b) What does he mean that he will not make the Register Public by the time specified by the UK?
- c) If it is his intention to have a confrontation with the UK Government by defying their directive?

- d) If he has contemplated the risk of defying a UK Order, and the consequences of such action?

Question 9

Madam Speaker, the Premier has said that he has decided to challenge the UK's decision to make it the law for the BVI, among others, to make their Beneficial Owners Register Public, could the Premier and Minister of Finance please tell this Honourable House:

- a) On what grounds is he challenging the UK's decision?
- b) On whose advice is he challenging the UK's decision? And
- c) Whether careful consideration has been given to paragraph 6 of the June 13th 2007 Letter of Entrustment, specifically: "The United Kingdom Government will inform the Virgin Islands Government if it should appear that any action or proposal of the Virgin Islands Government in any of the fields outlined in paragraph 3 conflicts, or is likely to conflict, with the international commitments or obligations, or any policies, of the United Kingdom Government. In that event the United Kingdom Government will advise the Virgin Islands Government as regards those commitments, obligations or policies and, so far as possible, further advise how best the intentions and proposals of the Virgin Islands Government might be carried into effect. But it will be necessary for the Virgin Islands Government to abide by the decision of the United Kingdom Government Section 60(7) of the Constitution will apply".

Question 10

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

- a) What law firms has the Government retained to challenge the UK's decision to make it the law for the BVI, among others, to make their Beneficial Owners Register Public; and
- b) What are the legal fees associated with this service, and could he provide copies of the contracts?

Question 11

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

- a) Whether the Bank of Asia is owned, or partially owned by the Chinese Government?

- b) What is the Virgin Islands Government relationship with the Bank of Asia?
 - c) What are the assets of the Bank of Asia?
 - d) In what other countries does the Bank of Asia operate? And
 - e) Who are the Directors and Shareholders of the Bank of Asia?
- vi) **The Member for the Third District to ask the Honourable Minister for Communications and Works the following questions:**

Question 1

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

- a) The water production capacity of each Water Plant on Tortola by name and location prior to BiWater coming into operation?
- b) The total water production capacity on Tortola after BiWater became fully operational?

Question 2

Madam Speaker, could the Minister for Communications and Works please tell this Honourable House the whereabouts of the pumps he reported would be installed in the vicinity of Foncy's, and the Racetrack over a year ago.

Question 3

Madam Speaker, at the 11th Sitting of the 2nd Session of the 3rd HOA on November 13th 2017, the Minister for Communications and Works told this Honourable House that his Ministry was committed to ensuring a 24 hour supply of water to all customers of the territory, and with particular regards to the 3rd District they remained focused on upgrades. Could the Minister please give the status of the following upgrades:

- a) The upgrade to the electrical supply at Diamond, which he said was in progress at the time?
- b) The installation of a Pump Station at Long Trench, which he said was in progress at the time?
- c) The pumps which he said were already purchased, and for which a contract was already awarded for the construction of the Pump House?
- d) Was the Pump House constructed, and who was the contractor?

Question 4

Madam Speaker, could the Minister for Communications and Works please tell this Honourable House how each of the upgrades indicated in Question 3 above is intended to improve the water situation in the 3rd District?

Question 5

Madam Speaker, could the Minister for Communications and Works please tell this Honourable House if the reason the water situation in the 3rd District is worse today than it was at the time he reported the upgrades in Question 3 above is because:

- a) The upgrades were never done? or
- b) The upgrades were miscalculations?

8) Public Business

1) Government Business

Introduction and First Reading

- (i) The Minister for Education and Culture to move a motion for the Introduction and First Reading of the Bill entitled, “**Prison Act, 2017**”;

Second and Third Readings

- (ii) The Premier and Minister of Finance to move a motion for the Second and Third Readings of the Bill entitled, “**International Tax Authority Act, 2018**”;
- (iii) The Premier and Minister of Finance to move a motion for the Second and Third Readings of the Bill entitled, “**Financing and Money Services (Amendment) Act, 2018**”;
- (iv) The Premier and Minister of Finance to move a motion for the Second and Third Readings of the Bill entitled, “**Financial Services Commission (Amendment) Act, 2018**”;
- (v) The Premier and Minister of Finance to move a motion for the Second and Third Readings of the Bill entitled, “**Mutual Legal Assistance (Tax Matters) (Amendment) Act, 2018**”;
- (vi) The Attorney General to move a motion for the Second and Third Readings of the Bill entitled, “**Human Rights Commissions Act, 2018**”.

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