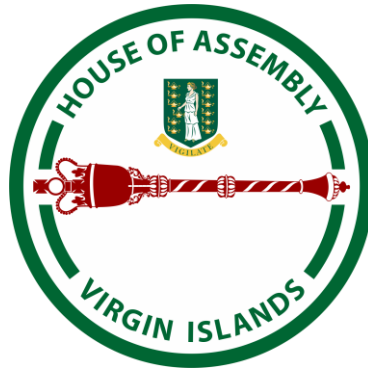


**NINTH SITTING OF THE SECOND SESSION
OF THE THIRD HOUSE OF ASSEMBLY
OF THE VIRGIN ISLANDS**



**TO BE HELD ON
TUESDAY, 1st AUGUST, 2017
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) **Confirmation of Minutes**

- Confirmation of Minutes for the Meeting of Thursday, 11th May, 2017
- Confirmation of Minutes for the Meeting of Monday, 13th June, 2017

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) Creating Value: The BVI's Global Contribution – June 2017 - A Report by Capital Economics for BVI Finance Limited;
- ii) British Virgin Islands Tourist Board – Annual Report 2013; British Virgin Islands Tourist Board – Annual Report 2014;
- iii) British Virgin Islands Financial Investigation Agency – Annual Report 2015;
- iv) British Virgin Islands Financial Investigation Agency – 2017 Budget Estimates; and
- v) Statutory Instrument 2017 No. 30 – Statutory Rates, Fees and Charges (Amendment of Schedule) Order, 2017.

b) The Deputy Premier and Minister for Natural Resources and Labour to lay on the table the following documents:

- i) Labour Department – Annual Report 2015; and
- ii) Statutory Instrument 2017 No. 34 – Statutory Rates, Fees and Charges (Amendment of Schedule) (No. 2) Order, 2017.

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)(i) through (v) on the Order of the Day.
- b) The Deputy Premier and Minister for Natural Resources and Labour 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.
- c) 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 7(i) on the Order of the Day.
- d) 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 move the Motion standing in his name under Item 8(1)(vii) 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(ii) and (iii) on the Order of the Day.

7) Questions and Answers to Questions

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

Question 1

Madam Speaker, would the Premier and Minister of Finance please inform this Honourable House, to date, notwithstanding that provided at the Eighth Sitting of the Second Session of the Third House of Assembly, the total amount expended from the \$25,000,000 loan facility from First Caribbean Bank that was approved by the House of Assembly and please state the current balance to be drawn down?

- i) Please give full details of all repayments to date inclusive of dates, amounts, interest?

Question 2

Madam Speaker, could the Premier and Minister of Finance please now inform this Honourable House of the status of the Audit on the Cruise Pier Project commissioned by the Minister of Finance?

- i) Please inform if the Audit is completed? And if not;
- ii) Please inform the reasons for the on-going delay?
- iii) Please inform when the audit will be completed?

Question 3

Madam Speaker, could the Premier and Minister of Finance please inform this Honourable House of the amount of additional funding requested by BVI Airways and further state:

- i) When was he made aware that BVI Airways would require additional funding from the Government of the Virgin Islands?

Question 4

Madam Speaker, could the Premier and Minister of Finance please inform this Honourable House whether or not additional funds would be paid or forwarded to BVI Airways and if yes, what is the amount to be paid to BVI Airways?

Question 5

Madam Speaker, could the Premier and Minister of Finance please inform this Honourable House whether or not measures are being enforced to recoup the \$7,000,000.00 advanced to BVI Airways?

Question 6

Madam Speaker, seeing that the Government of the Virgin Islands lost the case in the High Court to Mr. Wilfred M. Smith (Claim Number: BVIHCV2016/0190), could the Premier and Minister of Finance please inform this Honourable House when will the Government pay the claim made on behalf of Mr. Wilfred M. Smith?

- i) If the Government does not intend to pay the claim made on behalf of Mr. Wilfred M. Smith then please inform what amount does Government intend to compensate Mr. Wilfred M. Smith and when?
- ii) If the Government does not intend to compensate Mr. Wilfred M. Smith then please state the reasons why not?

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

Question 1

Madam Speaker, could the Premier and Minister of Finance please tell this Honourable House if it is true that BVI Airways has given up all hopes of fulfilling their promise to commence flights between the BVI and the US Mainland unless our Government fulfill certain obligations, in addition to putting additional funding into the airline? And if yes,

- a. What is his Government prepared to do to move this matter forward?

Question 2

Madam Speaker, could the Premier and Minister of Finance please tell this Honourable House what is the current status of the Terrence B. Lettsome International Airport Runway Extension?

Question 3

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

- a. At any time during discussions with BVI Airways he intimated that he was no longer moving forward with the Runway Extension? If the answer is no,
- b. Why would BVI Airways conclude that your announcement that bids had been received and a contractor was selected has served to further jeopardize their program?

Question 4

Madam Speaker, could the Premier and Minister of Finance please tell this Honourable House whether he has made resources available to address the water shortage in Sea Cows Bay, Pleasant Valley, Hannah's, Duffs Bottom and all the other areas serviced by the Hannah Hill Reservoir?

Question 5

Madam Speaker, could the Premier and Minister of Finance please tell this Honourable House whether he was approached, as well, by Ferry Operators complaining about the BVI Airways adverts posted at the Ferry Terminal?

- iii) **The Member for the Third District to ask the Minister for Health and Social Development the following questions:**

Question 1

Madam Speaker, could the Minister for Health and Social Development please tell this Honourable House what plans if any does he have to relocate the operation of the Derelict Vehicle Dumpsite in Sea Cow's Bay?

8) 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, "**Marriage (Amendment) 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, "**Elections (Amendment) Act, 2017**";

- (iii) The Premier and Minister of Finance to move a motion for the Second and Third Readings of the Bill entitled, "**Customs Management and Duties (Amendment) Act, 2017**";

- (iv) The Premier and Minister of Finance to move a motion for the Second and Third Readings of the Bill entitled, "**Financial Secretary (Transfer of Powers) Act, 2017**".

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

WHEREAS section 3(1) of the Statutory Rates, Fees and Charges Act, 2005 (No. 28 of 2005) (hereinafter referred to as "the Act") provides that where any enactment power is given to the House of Assembly, the Governor, Cabinet, a Minister or any other person or statutory body

- (a) to impose or vary rates, fees, or other charges,
(b) to grant exemptions with respect to rates, fees or other charges,

(c) to approve the imposition or variation of rates, fees or other charges or the granting of exemptions with respect to rates, fees and other charges,

whether by resolution, regulations, Order or other statutory instrument and whether on the advice or recommendation of, or after consultation with, any person, body or authority that power may be exercised by Cabinet by means of an Order amending the Schedule;

WHEREAS section 3(2) of the Act provides that where such an Order is made it shall be subject to an affirmative resolution of the House of Assembly;

WHEREAS the Cabinet in exercise of the powers conferred on it by section 3(1) of the Act, made the Statutory Rates, Fees and Charges (Amendment of Schedule) Order, 2017 (“the Order”) on the 16th day of June, 2017 to insert after part 10, Part 10A to introduce fees for home based charter boats and foreign based charter boats;

WHEREAS the Order was published in the Gazette on the 16th day of June, 2017 by way of advanced notice;

AND WHEREAS the Order is laid on the Table of the House of Assembly on the 1st day of August, 2017

NOW THEREFORE, BE IT RESOLVED that the House of Assembly of the Virgin Islands approves the Order laid on the Table of the House of Assembly on the day of , 2017.

(vi) The Deputy Premier and Minister for Natural Resources and Labour to move the following motion:

WHEREAS section 3(1) of the Statutory Rates, Fees and Charges Act, 2005 (No. 28 of 2005) (hereinafter referred to as “the Act”) provides that where any enactment power is given to the House of Assembly, the Governor, Cabinet, a Minister or any other person or statutory body

- (a) to impose or vary rates, fees, or other charges,
- (b) to grant exemptions with respect to rates, fees or other charges,
- (c) to approve the imposition or variation of rates, fees or other charges or the granting of exemptions with respect to rates, fees and other charges,

whether by resolution, regulations, Order or other statutory instrument and whether on the advice or recommendation of, or after consultation with, any person, body or authority that power may be exercised by Cabinet by mean of an Order amending the Schedule;

WHEREAS section 3(2) of the Act provides that where such an Order is made it shall be subject to an affirmative resolution of the House of Assembly;

WHEREAS the Cabinet in exercise of the powers conferred on it by section 3(1) of the Act, made the Statutory Rates, Fees and Charges (Amendment of Schedule) (No. 2) Order, 2017 (“the Order”) on the 23rd day of June, 2017 to amend part 45, to introduce new work permit fees;

WHEREAS the Order was published in the Gazette on the 26th day of June, 2017 by way of advanced notice;

AND WHEREAS the Order is laid on the Table of the House of Assembly on the 1st day of August, 2017

NOW THEREFORE, BE IT RESOLVED that the House of Assembly of the Virgin Islands approves the Order laid on the Table of the House of Assembly on the day of , 2017.

(vii) The Leader of the Opposition and Member for the First District to move the following motion:

WHEREAS the Government of the Third House of Assembly of the Virgin Islands through the Minister of Finance through ongoing actions has allowed for the degradation in transparency, accountability and good governance and above all the poor handling of the Territory’s finances.

AND WHEREAS the Protocols for Effective Financial Management has been signed between Her Majesty’s Government and the Government of the Virgin Islands on April 23rd, 2012 with the rules to ensure that good governance, transparency and accountability of its leadership, financial and otherwise, remain prudent.

AND WHEREAS the lack of adherence to the tenets and obligations of the Protocols especially in terms of financial transactions and the developing and implementation of projects are now blatant, consistent and common practice.

AND WHEREAS the economy continues to experience significant challenges and is not robust as is being purported by the Minister of Finance given, among other things, the ongoing cashflow problems being experienced by the government and its incapability to implement the necessary measures to create fiscal stability and growth, where for the first time an overdraft facility of twenty-five million dollars had to be sought by government from one of our commercial banks.

AND WHEREAS for the first time the Government of the Virgin Islands through the Minister of Finance issued checks which were not sufficiently covered by the monetary value which was supposed to be secured and guaranteed by the Treasury.

AND WHEREAS the Government of the Virgin Islands through the Minister of Finance has failed to produce to this Honourable House of Assembly for six consecutive years, audited financials.

AND WHEREAS the Government of the Virgin Islands through the Minister of Finance while failing to fulfill its constitutional mandate to bring before the House of Assembly audited annual financial reports for six consecutive years continue to commit the Territory to financial obligations despite the absence of a true and accurate audited record of the Territory's financial situation.

AND WHEREAS several major capital and noncapital Government projects were reported as one cost to the House of Assembly, but end up significantly above the stated amounts without any accountability, namely the Cruise Pier Project that was reported to the House of Assembly to cost fifty-one million dollars but to date is at \$82.9 million dollars which is just over a whopping \$30 million dollars increase.

AND WHEREAS funds approved by the House of Assembly for specific purposes such as the East End/Long Look sewage project were unlawfully allocated by the Minister of Finance to the Cruise Pier Project, without the necessary approval by the House of Assembly and without any regard for accountability.

AND WHEREAS the Government of the Virgin Islands accused the previous Administration of many financial infractions as laid out in a Forensic Examination Audit Report of the Treasury Department of the Government of the Virgin Islands from 2008 to 2011, commissioned by the current Minister of Finance in 2012 through the firm PricewaterhouseCoopers Advisory Services Limited ("PwC" or "PwC Trinidad) which included, but was not limited to, the splitting of major contracts into petty contracts but is now splitting major contracts into

purchase orders.

AND WHEREAS the Government of the Virgin Islands through the Minister of Finance currently continues to pay vendors or suppliers extremely late or not at all for services rendered or work done, causing significant hardship to small businesses and residences.

AND WHEREAS the Government of the Virgin Islands through the Minister of Finance continues to fail local businesses and residents by not paying for services and goods acquired through already designated purchase orders, but instead deleting those purchase orders in order to facilitate payments of goods and services not previously approved in the budget, thus, leaving invoices with previously designated purchase orders unpaid.

AND WHEREAS the Government of the Virgin Islands through the Minister of Finance failed to allocate the necessary funds for national security and as a consequence thereof, for the first time in the history of the Virgin Islands the Governor had to exercise his powers under Section 103 (1) (b) of the Virgin Islands Constitution Order 2007 to withdraw the needed funds to give the police among others the funds needed to protect the citizens of the Virgin Islands and address the surge in serious crimes especially armed robberies.

AND WHEREAS measures being implemented by the Government of the Virgin Islands to generate revenue are causing serious hardship on the businesses in the Virgin Islands and the economy.

AND WHEREAS the Government of the Virgin Islands through the Minister of Finance continue to sign agreements that are not reflecting the aspirations and the development interest of the people of the Virgin Island, for example, the agreement signed with BVI Airways among others, this agreement also lacks the necessary provisions and safeguard mechanisms to address disputes and liabilities and as a consequence could further impair the finances of the Virgin Islands and become a burden to the treasury and tax payers of the Virgin Islands.

AND WHEREAS the Government of the Virgin Islands through the Ministry of Finance continues to fail to fully compensate Public Servants for increments past due for years despite bold statements by the Minister of Finance that the Territory's finances are in a strong position, thereby resulting in low morale and confidence in Public Servants.

NOW THEREFORE BE IT RESOLVED that this House has no confidence in the Minister of Finance of the Virgin Islands.

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