

BELIZE

No. 27/1/12

SENATE

Wednesday, 16th September 2015

10:09 A.M.

Pursuant to the direction of Mr. President, in writing, dated 11th September 2015, the Senate met in the National Assembly Chamber in Belmopan on Wednesday, 16th September 2015, at 10:09 A.M.

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Members Present:

Senator, the Honourable Marco Pech – President
Senator, the Honourable Godwin Hulse – Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality
Senator, the Honourable Juliet Thimbriel – Vice President
Senator, the Honourable Joy Grant – Minister of Energy, Science and Technology and Public Utilities
Senator, the Honourable Charles Gibson – Minister of Public Service and Elections and Boundaries
Senator, the Honourable Lisel Alamilla – Minister of Forestry, Fisheries and Sustainable Development
Senator, the Honourable Gerardo Sosa
Senator, the Honourable Lisa Shoman
Senator, the Honourable Anthony Sylvestre, Jr.
Senator, the Honourable Patrick Andrews
Senator, the Honourable Markhelm Lizarraga
Senator, the Honourable Ray Davis

Member Absent:

Senator, the Honourable Rev. Fr. Noel Leslie

MR. PRESIDENT *in the Chair*.

PRAYERS read by Mr. President.

ANNOUNCEMENT BY THE PRESIDENT

MR. PRESIDENT: Honourable Members, by letter dated 11th September 2015, Cabinet's recommendation has been signified to the following:

1. Bank Undertaking (FirstCaribbean International Bank (Barbados) Limited Belize Branch) Vesting Bill, 2015;

2. Customs and Excise Duties (Amendment) Bill, 2015;
3. General Revenue Supplementary Appropriation (2015/2016) (No.3) Bill, 2015;
4. Telecommunications Acquisition (Settlement) Bill, 2015;
5. Write-off (No.3) Motion, 2015;
6. Write-off (No.4) Motion, 2015;
7. Write-off (No.5) Motion, 2015;
8. Write-off (No.6) Motion, 2015;
9. Write-off (No.7) Motion, 2015;
10. Write-off (No.8) Motion, 2015;
11. Write-off (No.9) Motion, 2015; and
12. Write-off (No.10) Motion, 2015.

BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): A pleasant good morning, Mr. President, and fellow Senators. Mr. President, I rise to take charge of the following Bills:

1. Bank Undertaking (FirstCaribbean International Bank (Barbados) Limited Belize Branch) Vesting Bill, 2015;
2. Customs and Excise Duties (Amendment) Bill, 2015;
3. General Revenue Supplementary Appropriation (2015/2016) (No.3) Bill, 2015; and
4. Telecommunications Acquisition (Settlement) Bill, 2015.

Mr. President, in accordance with Standing Order No. 49 (1), I move that the Bills be taken through all their stages forthwith.

MR. PRESIDENT: Honourable Members, the question is that the Bills be taken through all their stages forthwith.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

PAPER

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I rise to lay on the Table Sessional Paper No. 169/1/12 - Supplementary Appropriation (No.3) Schedule for Fiscal Year 2015/2016.

MR. PRESIDENT: Honourable Members, that paper is ordered to lie on the Table.

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I move that, at its rising today, the Senate adjourn to a date to be fixed by the President.

MR. PRESIDENT: Honourable Members, the question is that, at its rising today, the Senate adjourn to a date to be fixed by the President.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

PUBLIC BUSINESS

A. GOVERNMENT BUSINESS

I MOTIONS

1. Write-off (No.3) Motion, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I move that, WHEREAS, on June 25, 2008, a security guard drove Government of Belize vehicle BMP B-0027 attached to the Ministry of Health without permission and overturned on the George Price Highway;

AND WHEREAS, the security guard was arrested, charged and imprisoned; the damage done to BMP B-0027 totaled \$60,000.00;

AND WHEREAS, recovery from employee was considered but the Solicitor General advised against it citing that “the matter is a litigation risk and may be categorized as a loss”;

NOW, THEREFORE, BE IT RESOLVED that the House approve the write-off of \$60,000.00 as a loss to the Government of Belize.

SENATOR L. SHOMAN: Yes, Mr. President. Mr. President, how is it that somebody can be imprisoned for overturning this vehicle, causing damage of \$60,000.00, and there is a litigation risk in proceeding against that person? What is the litigation risk here? He has already been imprisoned for being in this accident overturning the vehicle. So I don’t see where the litigation risk is. If you are telling me that this is a person of straw, they have absolutely no assets, and therefore you consider it a loss, that I can understand. I simply fail to understand how it is that we continue to waste Government funds like this. It may seem like an insignificant sum to some, but it means that there will be an asset less belonging to the Government of Belize, which has been destroyed, and we continue to have these. And I will tell you, Mr. President, that citizens out there are annoyed when they hear write-off after write-off, and they don’t know what it’s for. But worse when they hear flimsy excuses like this about litigation risk, particularly when the person who caused the accident was, in fact, imprisoned.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): I move that the question be put.

MR. PRESIDENT: Honourable Members, the question is, NOW, THEREFORE, BE IT RESOLVED that the House, approve the write-off of \$60,000.00 as a loss to the Government of Belize.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

2. Write-off (No.4) Motion, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I move that, WHEREAS, on August 7, 2012, Government of Belize vehicle CYB-1778 was en route to Belmopan City when the driver lost control causing the vehicle to slide and overturned off the road;

AND WHEREAS, the vehicle was extensively damaged to the tune of \$25,000.00; the Police had informed that “at the time of the accident the road surface was wet due to rain”;

AND WHEREAS, the Accounting Officer did not make any recommendation for disciplinary action or surcharge;

NOW, THEREFORE, BE IT RESOLVED that the House approve the write-off of \$25,000.00 as a loss to the Government of Belize.

SENATOR L. SHOMAN: There you go, Mr. President, again. I know I am picking nits today, and maybe it’s just that kind of a day. What do you mean the road surface was wet due to rain, and so the vehicle overturned? Where is? Mr.

President, I wish the Senator would allow me to speak. She can have her turn afterwards. Again, Mr. President, it would be nice, Senator Thimbriel, if we got some kind of report that is proper on these things to accompany because, as I say, this kind of nonsense in a Motion like this comes back to make the Government look bad and look as though it doesn't care about its assets. Because believe you me, Mr. President, if it is a private citizen that caused this kind of waste, there is a consequence to it. This is not a piñata where you have grabbing and who gets get. Some order has to be put to the financial matters. Thank you, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I move that the question be put.

MR. PRESIDENT: Honourable Members, the question is, NOW, THEREFORE, BE IT RESOLVED that the House approve the write-off of \$25,000.00 as a loss to the Government of Belize.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

3. Write-off (No.5) Motion, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I move that, WHEREAS, on March 17, 2014, whilst traveling from Bacalar Chico Reserve, the Reserve Manager was caught in a storm causing the vessel BCMRI to capsize;

AND WHEREAS, a number of items on board were lost at sea with major damage to the vessel and engine;

AND WHEREAS, the total loss and damages amounted to \$29,977.16; there was no recommendation for disciplinary action or surcharge;

AND WHEREAS, all relevant parties are supportive of the recommendation for the write-off of the loss of \$29,977.16;

NOW, THEREFORE, BE IT RESOLVED that the House approve the write-off of \$29,977.16 as a loss to the Government of Belize.

MR. PRESIDENT: Honourable Members, the question is, NOW, THEREFORE, BE IT RESOLVED that the House approve the write-off of \$29,977.16 as a loss to the Government of Belize.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

4. Write-off (No.6) Motion, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I move that, WHEREAS, sometime between February 26 and 27, 2010, the Southern Region's Regional Health Manager's Office was burglarized and a number of items totaling \$5,771.00 were stolen;

AND WHEREAS, the Accounting Officer did not make any recommendation for surcharge or disciplinary action; the Police has informed that the investigation has been closed and the matter undetected;

NOW, THEREFORE, BE IT RESOLVED that this House approve the write-off of \$5,771.00 as a loss to the Government of Belize.

MR. PRESIDENT: Honourable Members, the question is, NOW, THEREFORE, BE IT RESOLVED that the House approve the write-off of \$5,771.00 as a loss to the Government of Belize.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

5. Write-off (No.7) Motion, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I move that, WHEREAS, on October 2, 2012, the Dangriga PCP Administrator reported that he parked the Ministry of Health's BMPB-0206 at his residence overnight and woke up to find the vehicle on fire;

AND WHEREAS, while the fire was promptly extinguished the entire cab and engine were destroyed to the tune of \$19,687.50;

AND WHEREAS, the Police and the Fire personnel have stated that the cause of the fire was unknown thus no recommendation for disciplinary action or surcharge was made;

NOW, THEREFORE, BE IT RESOLVED that this House approve the write-off of \$19,687.50 as a loss to the Government of Belize.

MR. PRESIDENT: Honourable Members, the question is, NOW, THEREFORE, BE IT RESOLVED that the House approve the write-off of \$19,687.50 as a loss to the Government of Belize.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

6. Write-off (No.8) Motion, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I move that, WHEREAS, on December 28, 2012, the Magistrate's court cashier on her way and under police escort to deposit Government revenue at the bank was robbed at gun point;

AND WHEREAS, the total amount stolen was \$7,634.90; no recommendation was made for disciplinary action or surcharge against the officer or the cashier;

NOW, THEREFORE, BE IT RESOLVED that this House approve the write-off of \$7,634.90 as a loss to the Government of Belize.

MR. PRESIDENT: Honourable Members, the question is, NOW,

THEREFORE, BE IT RESOLVED that the House approve the write-off of \$7,634.90 as a loss to the Government of Belize.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

7. Write-off (No.9) Motion, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I move, WHEREAS, between September 23 and 24, 2014, Fisheries Department, Punta Gorda, was burglarized and assorted items were stolen;

AND WHEREAS, the total loss to Government amounted to \$9,465.00 and the Police has declared the case undetected and the investigation has been closed;

AND WHEREAS, the Ministry of Fisheries found no evidence of negligence and no recommendation for disciplinary action or surcharge was made, especially since now additional security measures are in place;

NOW, THEREFORE, BE IT RESOLVED that this House approve the write-off of \$9,465.00 as a loss to the Government of Belize.

SENATOR L. SHOMAN: I'd just like Senators to be aware that, if my mathematics is incorrect, and I'm sure somebody will correct me, if it's wrong, that we are today writing-off \$316,000.00 worth of losses on the flimsiest Motions I have ever seen come before this House. Normally we get a bit more detailed than this. Again, Mr. President, this is something that we have to take in hand.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): I move that the question be put.

MR. PRESIDENT: Honourable Members, the question is, NOW, THEREFORE, BE IT RESOLVED that the House approve the write-off of \$9,465.00 as a loss to the Government of Belize.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

8. Write-off (No.10) Motion, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I move that, WHEREAS, on March 7, 2015, Government of Belize vehicle BMPB-0175 attached to the Immigration Department was extensively damaged when it ran off the road in order to avoid a collision with an oncoming vehicle;

AND WHEREAS, the Police visited the scene but no charge was levied on anyone and no recommendation for disciplinary action or surcharge was taken since it was deemed an accident and not an act of negligence;

AND WHEREAS, the total cost of repairs done to said vehicle amounted to \$9,300.00 and borne by the Government of Belize;

NOW, THEREFORE, BE IT RESOLVED that this House approve the write-off of \$9,300.00 as a loss to the Government of Belize.

MR. PRESIDENT: Honourable Members, the question is, NOW, THEREFORE, BE IT RESOLVED that the House approve the write-off of \$9,300.00 as a loss to the Government of Belize.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

II BILLS FOR SECOND READING

1. Bank Undertaking (FirstCaribbean International Bank (Barbados) Limited Belize Branch) Vesting Bill, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I rise to move the second reading of a Bill for an Act to provide for the vesting in Heritage Bank Ltd. of the business in Belize of FirstCaribbean International Bank (Barbados) Limited; and for matters connected therewith or incidental thereto.

SENATOR M. LIZARRAGA: Thank you, Mr. President. Mr. President, we are most please and glad to hear that the Prime Minister will not sign this law into effect until the end of the year. It appears that he may have by these actions issued some assurances that the Government will keep an eye on the ongoing process and they have every interest in protecting the rights of the workers before he signs this into law. This is especially important, Mr. President, because we are not just talking about some 60 employees. We are talking about 60 families.

Mr. President, as the employers' representatives of the ILO in Belize, we have every expectation that the employees will receive all that is due to them under any existing law or agreement. And we continue to urge all the parties involved to continue to dialogue and to seek peaceful, mutually agreed upon and speedy resolution to this matter. We encourage the Government and the Minister of Labour and the Ministry of Labour to become involve if needed or asked to do so.

Again, as the employers' representatives for the ILO in Belize, we have been reassured by the employer in this instance, Mr. President, that they will continue to be mindful of the needs for all concerned and involved in this process and that they will observe at all times the highest levels of professionalism as they work to ensure a seamless and orderly transition of business to Heritage. And this, of course, is in keeping with the approved sales terms. They believe that this is not only important to their employees but also is equally important to their customers. The bank wishes to conclude its negotiations in a timely manner. In conducting these negotiations, Mr. President, the bank will continue to observe the highest levels of integrity and related protocols and will honour all contractual and legal obligations to its staff in Belize. They are mindful as well, Mr. President, of the anxiety that this transition brings to its staff and wishes to allay any fears that may surround the number of unfortunate assumptions that have arisen over the last week.

Please note, Mr. President, their updated commitments to their staff in Belize. We received this update. Mr. President, the first is that obviously there

needs to be obtained Parliament's approval of the vesting order which is scheduled for today, Wednesday, September 16. It is the next logical step after having received Central Bank's approval for the sale or the deal. It is important to keep in mind at this point that the transfer will not take place without the Financial Secretary's prior written approval. These events are in keeping with their commitment to ensure a smooth transition and do not in any way limit or circumvent any contractual obligations to staff or impact any negotiations proposed for commencement this week.

They remain committed to actively commencing and concluding the outstanding negotiations as early as they can and to make all payments due to their employees. In concluding the outstanding Collective Bargaining Agreement, they are committed to meeting with staff representatives in ensuring that negotiations are conducted in the established manner with all the protocols to be observed. They have as well committed to the payment of severance benefits to all the staff at levels above the statutory requirement and have submitted proposed terms for consideration by the Christian Workers Union. These terms, Mr. President, include payment of an additional bonus covering the period of each employee's employment beyond the end of the fiscal and as is applicable.

They assure us that they are committed to treating all the employees with dignity and respect throughout this process. This includes listening to their concerns and responding to them with sensitivity in a timely manner. They are committed, Mr. President, to helping all employees by providing résumé writing and interviewing skills sessions, general education on personal investments and financial planning, employment references as requested, counseling services for both employees and family, and approve time-off for job interviews as requested.

All efforts, Mr. President, will be made to assist those employees who wish to seek reemployment with their business outside of Belize. These employees will be paid their severance benefits, and employees will have the option to apply for any vacancy advertised by the bank in any territory subject, of course, to work permit requirements. They give all concerned, Mr. President, the assurance that good faith, integrity and professionalism will continue to be the hallmark of their engagement with any other entities which bring this process to an end. The line of communication to management, Mr. President, remains open and open to their staff and their representatives.

Again, Mr. President, we plea to all directly and indirectly involved to resolve this matter as smoothly as possible. We all know that our human resources will continue to be a most vital asset for the development of any business or any country. Thank you, Mr. President.

SENATOR L. SHOMAN: Thank you, Mr. President. Mr. President, before I commence my remarks on the Bank Undertaking (FirstCaribbean International Bank (Barbados) Limited Belize Branch) Vesting Bill, 2015, I hope you will allow me one moment of parliamentary privilege to say, Mr. President, that, as a woman and as Senator, I am deeply offended, and I reject the language that was used by the Honourable Michael Finnegan yesterday in the House of Representatives against the President of the Christian Workers Union, Audrey Matura Sheppard. (Applause) It is unacceptable for any Member of Parliament to abuse parliamentary privilege to attack in such a personal manner someone who is unable to defend herself in the same forum, and that this kind of incivility needs to stop immediately. I hope that all Senators will join me in such condemnation, and I hope to never hear that kind of an attack levied against any member of the public again. Thank you, Mr. President.

Mr. President, in addressing the Bill before us, I wish to note that the reason this type of Bill comes before the House and the Senate is as was explained yesterday by the Prime Minister and Minister of Finance in the House. This type of Bill, Mr. President, comes before us because the state is stepping in to the place of every creditor and debtor of the bank in order to permit the vesting of the bank, which in this case is FirstCaribbean International Bank, to be bought by Heritage Bank. Otherwise, as the Prime Minister explained rightfully, each and every mortgager and depositor would need to be compounded or to make an individual agreement with the purchasers so that they would agree for that obligation to be vested in them. This means, Mr. President, that what the Government is undertaking here, and I am sure that the Leader of Government Business will agree with me, is that Government is stepping into their shoes and therefore owes each and every one of these people a fiduciary duty of care. So that means that, as Members of Parliament, we are taking that burden on to ourselves to make sure that all the "T's" are crossed, all the "I's" are dotted, and that everything is being done exactly as it should be.

It concerns me, Mr. President, that since we have taken on this responsibility that no transfer agreement is provided to us. As we have seen in the similar and similarly, indecently rushed pieces of legislation before us today in respect of BTL and also on the last sitting in respect of BEL, we were at least provided with the agreements that formed the foundation. I would have wanted, Mr. President, and I still want to be provided with the agreement which is cited here in section 2, in the interpretation section, because, although anyone may fairly claim that this is a private financial transaction between two banks and although it is true that the Government cannot and does not hamper normal commercial transaction, in this case what you have is a major financial institution in Belize, purporting to be sold wholly to another financial institution and the Government of Belize is being asked to step in to allow that to pass through. And, as Senator Lizarraga has pointed out, none of this transaction can be concluded without the necessary assurances and permissions of the Government of Belize.

It is also critical to note that this is not simply a domestic bank being sold to a domestic bank, but it also concerns offshore transferees, one and two, offshore transferors, one and two, loan portfolios, offshore collateral, offshore transferors, offshore loan purchase agreements, and securities, also syndication agreements. Anyone who sits here and says that they are comfortable with what is occurring here, without having seen any of these, is permitting themselves to allow a transaction to go through sight unseen. That does not and would not satisfy any fiduciary duty placed upon you by any court of law. I simply point out that, if later on someone challenges the Government's exercise of its power as evidence by this law, each and every one of you who agree to it will be similarly held. Quite possibly you will plead your immunity, but history will not absolve you. This is why it is important to have these agreements not only provided but provided in a timely manner.

I am truly aggrieved, Mr. President, that it seems as though this matter was agreed and signed on the 3rd of August 2015, and yet we did not received our Senate papers until Monday. This could have been provided to us a long time ago via electronic mail, and we would've had the time to go through it, be assured that everything that properly needs to be done is being done, that we don't fall, Mr. President, afoul of that raft of financial legislation foisted upon us by FATCA, which my friend, the Leader of Government Business, declaimed that we had a gun to our heads and couldn't do anything other than pass, and which we subsequently passed to make sure that we are not exposing our collective derrières to a problem. But you won't know that, Mr. President, none of us will because that is not provided. If you are comforted by the fact that you think that

everything is on the up and up, go ahead and sign it. I would caution, however, Mr. President, that I personally I'm not going to support this Bill because I have not been provided with the requisite legislation, with the requisite agreements for me to be assured that what is happening here is what needs to occur.

Also, Mr. President, I am glad to see that the Prime Minister has found some form of self restraint to halt him from immediately bringing into force this Act because it is under paragraph 5, on page 9, that the section is contained, which talks about coming into force on the appointed day. It isn't that we aren't going to pass the legislation, Senator Lizarraga. I am sure we probably will today, unfortunately, even though we don't have the requisite agreements that we should. It is that the Prime Minister is assuring that he will not bring it into effect, kind of like the 13th Senator Bill, until such time as sometime towards the end of the year. It would have been better if the proviso had been amended to include that no such day shall be appointed until such time as the concerns of the workers of FCIB are dealt with in a proper and adequate manner. (Applause) That language is not in there, and, because it is not, the 60 workers and their families, or somewhere around 200 to 250 people, will have to take cold comfort in the bald assurance of the Prime Minister that he won't bring this Act into force until sometime towards the end of the year. I will hold him to his word, and I am sure the workers will hold him to his word, and everything that Senator Lizarraga has said about the workers, their rights, the responsibilities that the Government has, we adopt those as our own. And we will use them, as a watching brief, to ensure that before this Act comes into force that all of those things are done for the FCIB workers before this vesting takes place. Thank you, Mr. President.

SENATOR P. ANDREWS: Mr. President, I would like to give a few remarks to this Vesting Bill. I'd also, like our lead Senator has said, say that we have the Prime Minister's word that this Act will not be enforced. But I for one, Mr. President, and I think most of the workers of FirstCaribbean Bank who have still not reported to work today, and anyone who might question that statement could kindly take a walk right down this stairs over to the FirstCaribbean Bank across from here and would realize that many of the workers have not reported to work today because, like me, they have not been given any official guarantee by their Government or by their Prime Minister, except for words that have been uttered in this House, which I believe they rightfully question or distrust any words that might be a comfort to these over 60 workers who have everything put on the line. And, Mr. President, it is a sad day and a reality when a Government that brags that they are a Government for all and a Government for all Belizeans chooses to side with this multinational, multimillion-dollar company and refuses to listen or to adhere to the cry of the hardworking Belizean workers.

Mr. President, it has been documented in this House, by my party leader, Honourable Francis Fonseca, letters that have been sent to the Prime Minister, Honourable Dean Barrow, letters that have been sent to Central Bank, letters that have been sent to the Labour Commissioner, an entity that is put in place by the Government to ensure that the rights of all workers in this country are not infringed upon or not mistreated. There was no response from the Prime Minister, Mr. President, according to the President for the Christian Workers Union, and while he might have been pushed up against the wall yesterday by the pressure that have been brought on the media, still there is nothing to guarantee that the interest of these multinational companies, these multimillion-dollar companies will not once again override the interest of the hardworking Belizean people. These workers from FirstCaribbean Bank, Mr. President, they are not asking for handouts. They are not going to the Prime Minister and asking for no food pantry program. They are not going to the Prime Minister and asking for some money to go pay their school fees, Mr. President. They are simply asking the Government

to please stand up beside them against a multimillion-dollar institution that has not listened to them and that has not given them an exit package even as of today.

And yesterday there was all intention and there was all intent in passing that Bill through all its readings, and, again, I want to thank hesitantly the Prime Minister for succumbing to the pressure and saying that that Law, that this Act will not be enforced until there is a proper settlement for the workers. But we, Mr. President, and, as a standard bearer for here in Belmopan, I am very concerned because I have a sister that works with a bank, not FirstCaribbean, a next bank, and I know the pressure that these workers are on. It's some of the most demanding job, and it's the time that they put in. I mean many times I tell my sister, "You should find another job because the banking system is such a competitive industry for its employees." And for any institution that would not pay or try to listen or to come to a settlement in a decent exit package, as the 60 employees are asking for, is one where, and we have seen the Prime Minister of this country use his bullying tactic to strong hand even greater companies than FirstCaribbean Bank.

And so all the workers are asking for is for the Government, and particularly for the Prime Minister, and the UDP Administration to give them some assistance, to stand with them and not to take side against them, as has been, because, if the Prime Minister would have responded to the letter from these workers, this issue could have been settled and these workers should have been given an exit package, even before or prior coming to this House yesterday and passing this Bill that will now fully sell all the assets from FirstCaribbean to Heritage Bank.

And, Mr. President, we are concerned because we realize that these workers many of them have mortgages. Many of them have invested and have gone to banks and borrowed student loans so that they could empower themselves. Many of them have kids that are going to school, and many of them have invested thousands of dollars in their career. And with the signing of one document and with the signing of one Bill, 60 workers will be left unemployed in our country and, worse so, without having proper, and, as I say, Mr. President, I want to go back, clearly the workers they have no confidence in what the Prime Minister said yesterday because many of them are not at work today, and maybe the media would walk down the stairs and go to FirstCaribbean Bank and maybe validate that to be so. Yes, there are some workers there. But the workers are insisting, Mr. President, that there be a proper exit package for all the years. Some of these workers have worked at FirstCaribbean for over 20 years. They have invested their entire career, their entire life in working for an institution, and this FirstCaribbean Bank owes it to these workers to make sure they are properly taken care of.

The Labour Commissioner, instead of being busy down in Stann Creek, we all know that he was running in a UDP convention about a month ago. He should at least have the decency to respond and advise the workers when they so wrote that letter and at least have sat with them and gave them some guidance in how they could navigate through these very disturbing, stressful months that these workers have gone through because they are shackled. I've talked with some of these workers and many of them are in fear, Mr. President, because they are put between a rock and a hard place because, if they remain silent this is what happen, if they go out and voice their opinion, they are scared that, as professionals, they don't feel like they could do that. But this is why we have a Labour Commission for our workers, when they feel like they're being unjustly treated, that they could

go to and say, “Man, listen, my employer is treating me in such and such a way”. But that has not happened. That has not happened.

And so, Mr. President, it is a sad day for the workers of FirstCaribbean Bank. And I could only hope and trust that the Prime Minister will hold true to his word and that he will not sign to enforce this Act until the workers from FirstCaribbean Bank have a descent and proper exit package that is rightfully due to them. And the workers of FirstCaribbean Bank can rest assure, Mr. President, that in the near future and all workers in this country could rest assure that they will soon have a Government that truly is for all Belizeans under a new PUP Administration. Thank you. (Applause)

SENATOR R. DAVIS: Thank you, Mr. President. As has been stated before, this Vesting Act is really between two private business entities. And Chapter 304 of our laws has requirements in that law as to what should happen in a situation as is happening right now with FCIB. So we know they have an existing CBA that’s rolling off, and, as I understand it, and as has been mentioned, the concern is not really the CBA. It is about the negotiation of an exit package.

Now we should have no problem with the Government facilitating the private sector. They’re an important part of the economy, and, as has been well described by my colleague, Senator, we in the working sector look to the private sector for job creation. They are an important element in making sure that we on our side can work. So the responsibility for Government there is clear in working along with the private sector.

I’ve heard the notion that delaying the process would assist the position of the workers, and that is probably debatable, and everybody would have their own opinion on that. But in my view the critical element here is the Prime Minister’s assent to this piece of legislation. We have heard him extol the virtues of the management of FCIB. I have listened to my colleague over here also reiterate that they understand, reiterate that they are in sympathy and will apply all professionalism, etc. But, of course, all of those things are manifested when you can sit in front of the representatives of the people working there, and then you continue to extol those virtues. To my mind, we have to now hold the Prime Minister accountable for translating his opinion, probably that of my colleagues in the private sector, into palpable support for workers. (Applause) We call on him to make sure that in assenting to this Bill it is only after consultations with the representative of the workers. We live in a country where we choose whom we want to represent us, and there are always compelling reasons why workers choose the leadership that they choose. Some people might not agree with capacities, etc., but it is still the workers’ choice.

In negotiating the exit package, if everything I’m hearing is true, this should not be an onerous exercise because, as I understand it, that process has already started with the management level, and I understand that the management level might be getting a decent package. We just now need for the same consultation to trickle further down so that everybody can have a leave with the same notion.

Mr. Leader of Government Business, of course, I believe your department has a crucial role to play here to ensure that the palpable support of the Prime Minister is translated into help from your department, in terms of the activities of the Labour Commissioner in making sure that fair, honest negotiations ensue.

Now the social partners already have, as was mentioned, experience in writing the Prime Minister with regards to assenting to the Bill, and the 13th

Senator was raised. Here, again, we expect to see some level of consistency, where before any assent is done there is consultation with the representative of the workers, and after being assured that that level of satisfaction exists that should then pave the way for any assent. These are just my few comments.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Thank you, Mr. President. Mr. President, I acknowledge the comments of the various Senators, the business community, the union and the Leader of the Opposition. Mr. President, however, I want to point out a number of things. First of all, Act No. 3 of 2011, assented on the 13th April 2011, which was passed by this Government, was a result of extensive consultations with the Chamber. My colleague, Senator Lizarraga, and I were involved. The union, I think, Senator Davis, was involved, and it was a lengthy process to try to improve the labour law to deal with just this kind of occurrence. I personally had some experience with the Belize Bank colleagues when that one went from Royal Bank to Belize Bank.

And so I just wanted to point out that the law does make provision to a certain extent to protect the rights of the employees of this august institution. And I want to mention that it is not accurate to suggest that the Labour Commissioner has not been involved. Although it is not relevant, the Labour Commissioner, my CEO and, indeed, I have been involved in several of these matters that are running concurrently. You have the BEL which we are trying to wrap up hopefully today. We had KMH. We're working with the bank, and we have met with Mr. Glenn Smith and other relevant parties on this matter.

So I just want to point out to you some of the important aspects of the law quickly. It says on section 45(1) that any employer may terminate the employment of the worker by giving the required notice, according to section 37, if the worker becomes redundant under the following provisions, and I won't read all of them, but (c) says, "The sale or the disposition of all are part of the business". And, if that happens, then subsection (3) says, "Prior to terminating the employment of any worker, pursuant to this section, the employer shall (a) inform as early as possible but not later than one month from the date of the existence of any circumstance mentioned in subsection (2)", which is closing down his business, "the recognized trade union;" that's the body they notify, "or, if no trade union exists, the workers' representative, if there is, and in any case with the Labour Commissioner." So the first one is the trade union, and they've done that.

And it goes on to say, "The employer must notify the existence of any of the circumstances mentioned in subsection 2", in this case it would be that we are closing down our business or we are selling it, "the reason for the contemplated termination, the names, numbers and categories of the persons likely to be affected, the period over which such terminations are likely to be carried out, and more importantly a list of the existing or expected claims of the workers employed by the employer arising from or in context with the employment such as compensation benefits or other payments due, and any other matter". And then it goes on to say that "that same employer must consult as early as possible, but not later than one month from the date of the existence of any of the circumstances with the recognized trade union to get this process agreed and the possible measures that could be taken to avert or minimize the adverse effects of such situations", unemployment, the plan settlement of the workers' claims and the possible measures that could be taken to mitigate the adverse effects of any termination on the workers concern.

It goes further. Under subsection (4), it says, “The Minister may by written order, prior to the change of name or sale or transfer or closure of the enterprise, request the employer to provide financial security in the amount he sees fits to satisfy the existing claims to workers, and the employer shall comply with such order within one month from the date of receipt of the Minister’s order”. It goes on to say, “The financial security made under this order, subsection (3), shall be made with the Commissioner in an account set up for this purpose, and where an employer fails to comply with the order under subsection, the Commissioner shall recover the amounts due in a suit”. It then goes on to say, “Notwithstanding all of this, a new employer”, in this case, it would be Heritage, “planning to take over an employment relationship from the current employer may agree with the current employer and the workers together to take over all or part of the claims of the workers concerning the previous employment relationship”.

So there are clear provisions in the law, Mr. President, and the Prime Minister is cognizant of this. And that is why in the Bill it says “at the appointed time” because he is in consultation to ensure that all of this takes place. That is a law proposed and passed by this Government, man. So it does take into considerations the issues affecting workers. I move that the question be put.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to provide for the vesting in Heritage Bank Ltd. of the business in Belize of FirstCaribbean International Bank (Barbados) Limited; and for matters connected therewith or incidental thereto, be read a second time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a second time.

2. Customs and Excise Duties (Amendment) Bill, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I rise to move the second reading of a Bill for an Act to amend the Customs and Excise Duties Act, Chapter 48 of the Laws of Belize, Revised Edition 2000-2003, to introduce the third stage of reduction of customs duties in regards to the Economic Partnership Agreement between CARIFORUM and the European Union; and to provide for matters connected therewith or incidental thereto.

Mr. President, just a short note on this, as agreed in the European Partnership Agreement, the EPA, between members of the European Economic, the European Community, the EC, now the European Union, party and members states of CARIFORUM, products originating from the EC and being imported into members states of CARIFORUM shall not be subject to custom duties higher than those indicated in Appendix 1, Annex 3 of the Agreement. The appendices contain a table showing the phase reductions of duties every two years until duties are reduced to zero by the end of 2033. I think my good colleague is familiar, having been part of the Foreign Trade Ministry, and we had worked on this.

This is the third step in the series which will cover the period 1st October 2015, to 31st December 2016. In regards to the above requirement of the EPA, we have prepared the rates applicable from January 1, 2015, to December 31, 2016, which covers the two-year period and which are being presented as this Bill that we have before us. The Bill will, in effect, lower tariff rates on an agreed list of

items by an average of 5% points with effect from 1st October 2015. The list of items is substantial. It's over, I think, some 200 pages and covers 97 chapters of the Customs and Excise Tariff. This is the third phase of reductions, as I said, of the rates on items originating from the EU. The rates were scheduled for introduction as from January 2015. There is not going to be, as I understand it, a significant reduction in Government revenue as not a substantial amount of products in these categories are being imported from the EU. Thanks, Mr. President.

SENATOR L. SHOMAN: Yes, Mr. President, indeed, to echo what my friend, the Leader of Government Business, has said, this is something that we expect to come and we will be expecting to come time and again. Mr. President, just to say that we know that this is something that all of the Caribbean negotiated jointly and that CARIFORUM, which includes the Dominican Republic along with CARICOM, is going to have to make efforts to ensure not only that we don't have losses of revenue due to having to step this down but more importantly that we find a way that these imports, managed correctly, can actually help to reduce the cost of living and/or provide needed inputs to our industries here for us to be able to make use of income generation. That is going to be important, Mr. President, because this is an increasingly, as we always say, globalized world.

And the mythology used to be that a rising tide or in this case the falling tide would help all boats. That is not the case. Some of us are going to be found high and dry, if we fail to plan in the fall of these tariffs. It will also mean that for our own exports we will need to become increasingly competitive. I see things like ornamental fish and that kind of thing in there. I don't think we have any ostriches to export. So we need not worry on that basis. But, however, I would like it known that, for instance, the tourist trade does use fish for meals for visitors. This tariff, for instance, brings down tariffs on things like pacific salmon, and that is something that is going to affect because we will import it, if the tariffs are low, if the costs are lower, and concomitantly our fisher people might lose out in not being able to provide the same amounts. I say that to say that we have to be very cognizant of the fact that we are moving towards zero tariffs by 2033, and we may think that that is a long time away but that's just a little over 15 years to come and that will pass by in the blink of an eye.

When the good Senator and I were on the commission that was discussing these and was negotiating them along with CARIFORUM, we thought that this day that we have come to here was long in the future and it would take a long time to come but here we are. The message is we have to prepare for what is coming in terms of zero tariffs because, if our own goods and services are not competitive, we will be overrun by the commitments that we've made as a region to this Agreement between CARIFORUM and the European Union countries. Thank you, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Thank you, Mr. President. I thank the good Senator for the additional explanation. It's a Bill that I think all will support, and this one is not per force. This one is per agreements that we've done over long periods of time. I move that the question be put.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Customs and Excise Duties Act, Chapter 48 of the Laws of Belize, Revised Edition 2000-2003, to introduce the third stage of reduction of customs duties in regards to the Economic Partnership Agreement between

CARIFORUM and the European Union; and to provide for matters connected therewith or incidental thereto, be read a second time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a second time.

3. General Revenue Supplementary Appropriation (2015/2016) (No.3) Bill, 2015

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I rise to move the second reading of a Bill for an Act to appropriate further sums of money for the use of the Public Service of Belize for the financial year ending on the thirty-first day of March, two thousand and sixteen.

Mr. President, this Bill is in relation to the subsequent Bill to come, the Telecommunications Acquisition (Settlement) Bill.

SENATOR M. LIZARRAGA: Thank you, Mr. President. Mr. President, this General Revenue Supplementary Appropriation (2015/2016) (No.3) Bill, 2015 is the third supplementary for this fiscal year, claiming in the first part \$162,700,000.00. Because I just received my documents the day before yesterday in the evening and there are so many, I never had the chance to go back and add what the total would be, adding this to what we've already seen issued in supplementaries for this year. But I'm sure that that number, when added, will be alarming.

But what's worse is that there is a Part II to this Supplementary Appropriation Act that is blank. This, Mr. President, this egregious Supplementary Act before us today is clearly in defiance of our Constitution, the Finance and Audit (Reform) Act as well and all existing protocols envisioned by all commonsense rules that govern the spending of taxpayers' money. Both the Constitution and the Finance and Audit (Reform) Act clearly tells us what the Executive's permissions are and what the process is for borrowing and spending taxpayers' money.

This indecent proposal before us today, Mr. President, has gone way too far and is now clearly the full blown cancer the CCJ talks about. (Applause) This blank cheque that we agree to give Government today, that we will agree to pay the Ashcroft Alliance has, we don't believe, ever been attempted in our history. Nowhere, Mr. President, is it written that the Legislature has the power, the right, and the authority to give the Executive a blank cheque to be used potentially for a commitment of this size. The law, Mr. President, does not and has never sought to tie the hands of the Executive. Finance and Audit (Reform) Act is very clear on the gambit of permissions allowed to the Executive in spending and borrowing of the people's money. But this proposal, this indecent proposal, we say supplementary, goes well beyond that.

Mr. President, it is clearly, in our belief, contrary to the Constitution. With your permission, Mr. President, I will read from the Constitution, and I refer to section 115 (1) and (3) (b). Mr. President, the Constitution reads, in subsection 1, that “The Minister responsible for finance shall prepare and lay before the House of Representatives in each financial year estimates of the revenues and expenditure of Belize for the next following financial year”, okay. It says, Mr. President, in subsection (3) (b), it says, “If in respect of any financial year, it is found – that any moneys have been expended for any purposes in excess of the amount appropriated for the purpose by the appropriation law...”

MR. PRESIDENT: What’s the point of order?

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, content of speeches, my colleague, Mr. President, goes on about “no sum”. But the Bill clearly says, “The sum of money appearing in the Schedule hereto are hereby declared to be payable for the financial year ending on the thirty-first day of March, two thousand and sixteen, for and in respect of the services mentioned”. The sum of money in the Schedule is \$162,700,000.00. The Part II that he is referring to is simply placed there because that sum is not known. It is not seeking approval for an unknown sum. It’s seeking approval for the sums of money appearing in the Schedule. Please, man.

SENATOR M. LIZARRAGA: Mr. President, if it was Government’s intention to present to us two supplementaries, it should have done so.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): The second amount is not known, as we’ll see. When that amount is known, it will be presented. It’s the sum of money presented in the Schedule that we are talking about.

MR. PRESIDENT: Thanks for the clarification.

SENATOR M. LIZARRAGA: Mr. President, if I be allowed to please continue with reading the relevant section of the Constitution that this Part II defies. I beg your indulgence.

MR. PRESIDENT: A clarification was made on that Part II section. Please speak on the First Schedule.

SENATOR M. LIZARRAGA: No, Mr. President. I need to read to you the section of the Constitution that this Part II defies. Mr. President, section 115 (3)(b) is very clear, and it says, “for a purpose, for which no amount has been appropriated by the law,” in other words, if there has been no previous allocations for a specific head or subhead, it says here very clearly, “a supplementary estimate showing the sums required” must be presented. That is very clear. It is

extremely clear that the condition set to us under law by the supreme law of our land, the Constitution, claims that the sum must be declared. It does not allow us to come for a blank cheque. (Applause)

I can, Mr. President, as well, remind you of previous readings I have had of the Finance and Audit (Reform) Act, which clearly tells us again when Government can borrow, how it should borrow, and what quantities it is limited to expending without a Supplementary Appropriation Act. I don't think it is necessary for me to go through those again. As the President has reminded me, he wishes to leave early. But, Mr. President, please allow me to say that the Finance and Audit (Reform) Act and the Constitution does allow for supplementary borrowing and spending. But the terms are extremely clear. The sums must be stated. The reporting and approval process for spending taxpayers' money have well-documented guidelines under law. I ask the Honourable Members from the Government side to read those laws. (Applause) Mr. President, nowhere do the laws allow for blank cheques of undeclared sums to be issued, nowhere. This supplementary, Mr. President, we believe is in contravention to the Constitution, and, as such, we do not support it. Mr. President, I therefore call for a division on this Bill. Thank you, Mr. President.

SENATOR L. SHOMAN: Thank you, Mr. President. Mr. President, I rise to make my remarks on the General Revenue Supplementary Appropriation (2015/2016) (No.3) Bill, 2015. Mr. President, I, first of all, wish to record my strong disapproval of the fact that this Bill was not provided to Members on this side of the House, except by electronic copy. No hard copies were given to us today. That is wrong, Mr. President. It is against the regulations and customs that we have adopted, and I would wish that this not be repeated. It was, in fact, sent to two wrong email addresses for me, and luckily I got wind that it was happening and was able to print it. But neither of my colleagues have been provided with printed copies of this. So that is the first thing.

Mr. President, words have meanings, and it is important that Senators take the time and the trouble to read the documents they are provided. So, therefore, this is an Act to appropriate further sums for the use of the Public Service of Belize for the financial year ending on the 31st of March 2016. I wish that the Leader of Government Business would not try a slight of hand with words. I wish he wouldn't play with words to make it sound as though nobody is getting this money until the end of March 2016, because that is not the fact. The fact is that this is the third occasion upon which the Government of Belize, having passed the budget for 2015/2016, having passed the General Revenue Act, 2015/2016, this is the third occasion upon which they are coming to Parliament for a Supplementary Appropriation. So let us get that clear that when you do the budget exercise, Mr. President, and fellow Senators, there are specific amounts inserted into that big, thick book that you get called "The Budget", and any amount that is not written in there by law must come to Parliament as a supplementary. That is what we are doing.

And, in fact, if you have taken the time to read number two, it will state, "The sums of money appearing in the Schedule hereto", I wish Senator Hulse is listening. "The sums of money appearing in the Schedule hereto", one Schedule, not two, "are hereby declared payable for the financial year ending on the thirty-first day of March, two thousand and sixteen, for and in respect of the services

mentioned in the Schedule, in addition to the sums appropriated by the General Revenue Appropriation (2015/2016) Act, 2015.” So let’s have no more nonsense about how this Schedule is in two parts and number two does not apply now. That’s garbage. (Applause)

Mr. President, this is more than an indecent proposal. This is nothing less than a naked usurpation by the Executive of this country of the job responsibility of Parliament, of the Legislature, and it is arrogating onto itself the power which is forbidden to it by the separation of powers and the rule of law, arrogating this onto itself by asking us to pass this nakedly, unconstitutional and illegal Supplementary Bill.

Part I has a definite amount. That is one thing. Part II states, “Additional Amounts as may be required to satisfy in full future Permanent Court of Arbitration (PCA) Award in the DUNKELD v GOB Matter. (All such amounts shall be a charge on the Consolidated Revenue Fund of Belize and shall be paid within such time”, not as Parliament shall determine but “as the PCA may determine.)” So that, Mr. President, and fellow Senators, is the illegality you are being asked to lend your name to.

If you go back to sections 114, 115 and 116 of the Constitution, it is very clear what Parliament is permitted to do and not do. Those of you who have not fully absorbed your role and responsibility under the Constitution should go to the section that says, “Parliament is to make laws for the good governance and good order of the country of Belize”, (Applause) not make laws out of any means of satisfying a political ploy because I will tell you, Mr. President, why I say this is a political ploy. It is a chicken-and-egg situation, and I was waiting to see what was going to come before what, if we were going to be asked to look at the Telecommunications Bill first or the Appropriation Bill first because neatly tucked away in a section of the Telecommunications Acquisition (Settlement) Bill is a letter from the law firm of Allen and Overy stating that “In the event that the Arbitral Tribunal is unable to issue an order substantially in the form agreed by the parties by September 20, the Settlement Deed shall be ineffective and shall terminate. With that in mind, the parties respectfully request that the Arbitral Tribunal deal with this matter with some urgency.” Let me break it down in small change as to what that means. That means that by the 20th of September the Government of Belize will know exactly how much is to be paid under this arbitral award or the entire Settlement Deed collapses.

What is the indecent haste to pass this Appropriation Bill for a blank cheque? I repeat, it is a naked usurpation by an overweening Executive with a paucity of checks and balances that *facey* on its own, without regard to Parliament, went and sign a Settlement on the 11th of September, already agreeing to what we are being asked to approve in this chamber and what has been approved in the House, and that was done by his own confession, by one man, the Prime Minister himself. It is his baby. He has nursed it. He has burst it, and he will be responsible for foisting this Chucky on a Belizean public. (Applause) This is going to end up being a demon child, mark my words.

You can laugh all you like. Your children are going to be saddled with this, and, worst of all, you will be asked to lend your name to an illegal farce in order to bolster what was already illegal activity. There is absolutely no reason,

ladies and gentlemen of the Senate, Mr. President, why we should be asked to approve a blank cheque in this matter, if the amount that will be paid will be known by the 20th of September. (Applause) Do you know what that means, Mr. President? This thing is already cooked in curry, man. Let us not fool ourselves. It's been gestated, right.

When are we going to find out, in fact, how much is paid, when down the road and under what terms and conditions? And yet you are being asked to pass an Appropriation Bill that will lend itself to this massive illegality and that will allow the Constitution to be trampled on. This isn't the first time, not the first time the Executive has tried to trample the notion of the supremacy of the Constitution. They've tried it before. They've tried to put in sections that say, "Notwithstanding anything else contained in the Constitution". Well, this time, Mr. President, they have gone too far. (Applause) This is a forbidden power. We join Senator Lizarraga in his call for a division, and we serve notice, Mr. President, we will not lend our names to this illegality. (Applause)

MR. PRESIDENT: I will call on the Deputy to call for the division one time or no.

SENATOR A. SYLVESTRE JR.: Mr. President, but I haven't been, will I be given an opportunity to speak on this Bill?

MR. PRESIDENT: Be brief, and then we'll call on the division.

SENATOR A. SYLVESTRE: No, with respect, Mr. President, I am not sure if I can be curtailed to brevity. But in any event I am grateful to you, Mr. President, for allowing me to speak on this matter. Mr. President, I endorse and fully support what Senator Shoman has said. This Bill is a travesty. We are being requested and being asked to turn words upon their heads. This Bill is cited as a General Revenue Supplementary Appropriation Bill. Mr. President, in all Supplementary Appropriation Bills and, indeed, in all Appropriation Bills, the specified amount that is to be spent by Government is stated. The whole purpose of coming to Parliament, of coming to the National Assembly, and having the public be informed of what sums of money the Government intends to spend, which effectively means what sums of money the people will have to pay by way of taxes, it is an important part of our democracy that the people know what the Government is saddling them with.

What this Appropriation Bill seeks to do is that it seeks to give the Government the authority to spend money in secrecy without the people knowing the full extent of what this settlement entails. As Senator Shoman has elaborated and explained, Part II of the Schedule and it's very clear. It says that the monies that are being requested to be appropriated are that which is itemized in the Schedule. And Part II, Mr. President, Part II is extremely dangerous. It is this Senate, this chamber and the National Assembly which is relinquishing its authority, the constitutional authority. It is relinquishing this, its constitutional authority, to the Government, indeed, to one man, the Minister of Finance, who has to at the end of the day sign off on these sums of money that will be paid.

Mr. President, this is alarming, and it is important for the Belizean public to note because, Mr. President, as has been pointed out, this is the third Supplementary Appropriation Bill for 2015/2016. We are in the month of September. The Appropriation Bill for 2015/2016, that is to say the budget, was passed just in March. Six, seven months later there has been three additional Appropriation Bills, and, Mr. President, it is important for us to take stock of the amounts of money which this chamber, which this National Assembly, has allowed the Government to spend.

In March, when the budget was passed, we gave the Government of Belize a cheque for \$1,154,241,543.00. Not content with that, they came back in July and asked for another cheque; and it was given to them; \$52,557,874.00 was given to them in July. They came back yet again, two weeks before on the 11th of September. We gave them another cheque for \$80,000,000.00. They come back today, and they ask for another cheque. Well, it's two cheques, one for \$162,700,000.00 and a blank cheque. Mr. President, if you're taking check and taking stock, that amounts to at this point in time, and this is without the blank cheque, what we know that we have authorized the Government to spend so far in this year is \$1,922,520,292.00. That's almost 2 billion dollars, Mr. President. (Applause) And they expect us to be happy and to be silent and to be quiet about that. Almost 2 billion dollars has been given to this Government, without the blank cheque, and yet they expect us to be silent about that. And this, Mr. President, was in the face of the fact that we were told that when they were given that cheque, that one of over 1-billion-dollar cheque in March, that there was a shortfall and that we would not be able to collect enough revenues for our spending. How in the face of this, Mr. President, can us, can any sane Belizean, any patriotic Belizean agree to such a Bill? (Applause) Mr. President, for these reasons, I vehemently will not support this Bill. Those are my comments, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, you know this business of a blank cheque, I rose a little earlier to lay on the Table Sessional Paper 169/1/12 - Supplementary Appropriation (No.3) Schedule for the Fiscal Year 2015/2016, in connection with the particular Bill. And I don't know what they are reading. But mine says clearly, Head-18, which is the head; 1895 is \$97,400,000.00; 1896 is \$65,300,000.00; and 1897 is nothing. The total part, Capital III (Part III), is \$162,700,000.00, which is the sum being asked to be appropriated. Mr. President, I move that the question be put.

SENATOR L. SHOMAN: On a point of order, Mr. President, that is not true. What is contained in the Bill is what you are asking us to pass. Don't tell us about any paper because the paper says the exact same thing that the Bill says, "to be determined in an award by the PCA". Let's have no disingenuousness about this.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, again, it says,

and I will quote again because the media is here. “The sums of money appearing in the Schedule hereto are hereby declared to be payable for the financial year”. The sum of money appearing is \$162,700,000.00, and, as you know, and all of us know in here, the Financial Secretary takes charge of all appropriations and those are the sums he’s authorized to pay. I move the question.

MR. PRESIDENT: Senator, do you still want the division?

SENATOR M. LIZARRAGA: Yes, I ask for a division, Mr. President.

CLERK: The request for a division has been made.

The Senators voted as follows:

Senator Godwin Hulse	–	Yes
Senator Juliet Thimbriel	–	Yes
Senator Joy Grant	–	Yes
Senator Charles Gibson	–	Yes
Senator Lisel Alamilla	–	Yes
Senator Gerardo Sosa	–	Yes
Senator Lisa Shoman	–	No
Senator Anthony Sylvestre	–	No
Senator Patrick Andrews	–	No
Senator Markhelm Lizarraga	–	No
Senator Fr. Rev. Noel Leslie	–	Absent
Senator Ray Davis	–	Absent

MR. PRESIDENT: Senators, this is the outcome of that division: six (6) Senator were in favour; four (4) Senators were against; and two (2) Senators were absent. So I think the ayes have it.

Honourable Members, the question is that the Bill for an Act to appropriate further sums of money for the use of the Public Service of Belize for the financial year ending on the thirty-first day of March, two thousand and sixteen, be read a second time.

And there was a request for a division, and I think the ayes have it because we had six (6) in favour, four (4) against, and two (2) absences. So the ayes have it.
Bill read a second time.

4. Telecommunications Acquisition (Settlement) Bill, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I rise to move the second reading of a Bill for an Act to facilitate the implementation of the terms of a deed of settlement and compromise between the Government, Dunkeld International Investment Ltd, British Caribbean Bank Limited and The Trustees of the BTL Employees Trust arising from the acquisition by the Government, in the public interest, of shares in Belize Telemedia Limited and rights under certain loans and security arrangements made by The British Caribbean Bank Limited; and to provide for matters connected therewith or incidental thereto.

SENATOR M. LIZARRAGA: Thank you, Mr. President. Mr. President, we seem to have here before us today a (Settlement) Bill that, in fact, doesn't settle very much at all. What has now proven to be ill-advised and heartiness driven, protracted arbitration proceedings have led to what was once a \$45-million-loan now being settled at \$76 million. This decision to litigate rather than negotiate, as was advised by the business community then, has cost us today 113% in interest alone, an unnecessary BZ\$51 million wasted from taxpayers' money. This was, to put it kindly, a horribly conceited flutter gone sour, not to mention, Mr. President, the unspecified and ever counting some in illegal fees to select attorneys.

We again remind, Mr. President, and, with your permission, I will read from the Constitution, section 121 of the Constitution which says that "The persons to whom this section applies", and it's talking about Members of the National Assembly and members of the Belize Advisory Council, etc. It says, "The persons to whom this section applies shall conduct themselves in such a way as not - (a) to", Mr. President, "place themselves in positions in which they have or could have a conflict of interest; (e) to allow their integrity to be called into question; or (f) to endanger or diminish respect for, or confidence in the integrity of the Government". That's what our Constitution calls us to do as parliamentarians.

Mr. President, we have paid one debt. It's the first portion of this so-called Settlement Agreement, a loan owed to the British Caribbean Bank Limited and, as we have seen, what the cost has been for that staggering 16% because of our Government's refusal to pay its acquired debt obligations on time. Now, if I know six years that I owe this money and in the last two or three years I have had at my disposal 1% and 2% money, why did we not attempt to take some of the famous Petro dollars to try and pay off this loan so we didn't had to pay \$51 million in interest for a \$45-million-loan by the way? It's more than double! We sat around waiting for this thing to come to 113% before we made the decision to settle.

Now, Mr. President, there is another part to this so-called Settlement Agreement. The Prime Minister, and I'm not sure if I should use the Prime Minister and Government together, if they are one on the same because in this Settlement Agreement, while it is only that the Prime Minister has signed it before he received approval from Cabinet, or from the National Assembly, or from anyone else for that matter, proceeded to sign on behalf of Government and has now agreed to a provisional amount to be paid for the acquisition of shares. But we know that the arbitration continues. So we the taxpayers are most certainly, Mr. President, going to have another burdensome quantity of debt levied on us, which the PM/Government and now the House of Representatives have already agreed to pay without first determining the total cost to the taxpayers. And that's why we need the blank cheque.

I strongly urge that my colleagues in this Senate will not make the same mistake that has been made in the Lower House. (Applauses) Taxpayers may as well have to pay for accommodating as well unsettled additional claims, and I will read from the Settlement Agreement in a bit. I will ask your permission to quote specific sections, Mr. President, where potentially the sum of some unknown millions may be due. We don't know what this thing is going to end up costing. So then the question is, what have we gained from the settlement? Generally, if

you have a settlement, if you come to an agreement, there is usually goodwill on the part of both partners compromising in some way some portion of their claims. What is the compromise today on the part of the owners? We ask: What compromise have they given? What have they displayed? Why have we not been told? We say, should this even be called a settlement when many of the elements are not known? We ask, Mr. President, why was the Prime Minister referring back to section 121 of the Constitution where we shouldn't cast doubt or place ourselves in any position which could have a conflict of interest? We ask, why the Prime Minister put himself in a place to allow his integrity to be called into question potentially?

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Five is clear, man. Please, you cannot impute improper motives to Members of any chamber, man. Please, the Prime Minister's conflict of interest, what is that?

MR. PRESIDENT: Go ahead, Senator.

SENATOR M. LIZARRAGA: We weren't. On the contrary, we were just advising, and we have advised this very same section of the Constitution before in this very same House. (Applause) Why do we continue to put ourselves, as leaders, as politicians, in these situations where our integrity could be questioned? The Constitution is clear. Why was the Prime Minister the only one negotiating, as he revealed himself? Why was he the only one negotiating with the Ashcroft Alliance after all the insults that were hurled in public? The question many may ask is, in fact, was there more going on? We will never suggest impropriety, Mr. President. But commonsense, and the Constitution dictates that for the elimination of any doubt the Prime Minister should have at least, for appearances sake or some token compliance to the Constitution, brought Government officials along with himself or advisors or attorneys, for appearance sake at least, so that his integrity would never, Leader of Government Business, be called into question.

Many, Mr. President, have opined and even advised from the outset that this matter would have, in fact, been settled to the gain of the Ashcroft Alliance and the attorneys, of course, involved. We question, is the CCJ upcoming decision the reason for this now hasty rush to settle? Mr. President, Cabinet was notified on Monday morning. The press conference was Monday afternoon. House meeting was Tuesday, and we are in the Senate today, Wednesday, less than 48 hours to deal with this matter. Why the indecent haste? Why the rush, especially, given two things? One, this matter has been going on for six years. Six years, so why ram it through today in this manner without prior consultation or prior discussion? Why ram it through? And, secondly, because, when I get to the document itself called the Settlement Agreement, we will see that, in fact, arbitration answers or relief will be given to us on the 21st, I believe, on the 20th, okay. So we know that the final, we hope, settlement and the unknown amount to be issued in the blank cheque will be known on the 20th. Why are we rushing today? Why couldn't we have waited, followed the laws, followed the Constitution, right, but for a few days?

The Prime Minister signed this Agreement on September 11th. He signed it and committed the Government and the people of this country Belize without consulting his Cabinet. When he informed them, it was a done deal. (Applauses) And this was confirmed by a Minister in the sitting of the House yesterday. The Prime Minister did not await the approval of Parliament. Isn't this, we ask, the vile and dreaded disease called prime ministerial governance which the CCJ word was the cancer that is eating away at our democracies? This is the cancer they spoke about. How can one man with no Executive power given in any mandate by the people, how can the Prime Minister on his own negotiation bind a country to make \$162 million in payments, in addition to potentially hundreds of millions more without the prior knowledge and consent of anyone else, not his Cabinet, not Parliament? (Applause) This is the total arrogation by one man of both Executive and Legislative power. This is no longer a democracy! (Applause)

On the finance and audit side, Mr. President, we question if it is possible for the National Assembly to approve a settlement that hasn't yet gotten a final price tag. We spoke about it a while ago in the supplementary. Parliament, my dear fellow colleagues and Senators, cannot give the Executive a blank cheque or permission to spend unspecified sums of taxpayers' money. The Constitution is very clear. So is the Finance and Audit (Reform) Act. It is clear as to how the Executive gets its authority to borrow and spend and when. I don't think, Mr. President, that it is necessary for me to read again the whole of section 115. But I will repeat this small portion. It says, "In respect of any financial year it is found where monies for a purpose for which no amount has been appropriated by that law, a supplementary estimate showing the sums required", means plural, all, everything, all the money you need, okay, "should be laid before the House of Representatives in the form of a Supplementary Appropriation Bill".

It is clear, Mr. President, in every piece of legislation, including the Constitution that nowhere is our Executive, nowhere is it foreseen to have the authority to spend unspecified sums. We give the Prime Minister, as Minister of Finance, leverage under the Finance and Audit (Reform) Act, 10% over and above for something that has already been allocated in the budget, or 500,000 in the case of a new item. That's it. Outside of that, he needs to come here and tell us how much and for what before, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, in accordance with Standing Order 10 (8), I move that the proceedings on the order paper may be entered upon and proceeded with at this day's sitting at any hour though opposed.

MR. PRESIDENT: Honourable Members, the question is that the proceedings on the order paper may be entered upon and proceeded with at this day's sitting at any hour though opposed.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

You can proceed, Senator.

SENATOR M. LIZARRAGA: Thank you, Mr. President. Mr. President, again, with your permission, please allow me to highlight just a few things that jump out at me that are very disturbing with this so-called Settlement Agreement. Mr. President, I am no attorney but I wonder how the Prime Minister, with no approval or consent, could sign what is called a Settlement Deed on the 11th of September on his own, an Agreement that binds the Government under conditions precedent that the Government shall introduce into the House of Representatives certain legislation. And this legislation seeks to authorize the Government in subsection 3.2(a)(i) to enter into this deed. You've already entered into the deed. Shouldn't you have gotten permission before in a democracy? (Applause) In effect, what the Prime Minister is doing is that he's coming to Government and saying, "You will approve this deed because I have already signed it and I have already committed". Okay!

But it doesn't seek to bind the hands of Government. It seeks to bind the hands of Governor General as well saying that the Governor General shall sign and it shall be published in the Gazette by the 18th of September. (Applause) But it doesn't stop there. It says that by the 18th of the September as well the Attorney General shall "issue an opinion to the Bank entitling the Bank to rely upon such opinion, confirming that this Deed and the obligations herein are valid, binding and enforceable obligations by the Government. Shouldn't this have been done before this thing was signed? But it also goes on. It binds the Commissioner of Income Tax to issue a statement saying that these people don't owe any taxes.

Mr. President, if you look at section 4, under payment of the Settlement Agreement with the bank, it makes references to certain paragraphs, "paragraph 328 (h) to (m) and, in the case of interest, calculated according to paragraph 328 (n) of the Final Award". Well, Mr. President, I don't know what those refer to, what are contained because, of course, we were not provided with any copies of the final award which is a travesty because you don't know how they arise. Again, this was something not negotiated by many people, and one would have thought that that award should have been provided so that there was clarity and no doubt that, in fact, we were paying for the award.

Mr. President, by signing this, the Government also represented and warranted to the bank that the execution, delivery and performance of this Deed were legal, valid and binding. Again, Mr. President, how can one person sign a deed claiming such when that person has not received the permission, prior permission of Parliament?

Mr. President, I go now briefly to the Settlement Agreement between Dunkeld, the Government of Belize and the Trustees of the BTL Employees Trust. Again, Mr. President, this Agreement was signed on the 11th of September, and there were conditions precedent. And part of those conditions, again, is that the Government was supposed to introduce to the House of Representative and seek to pass legislation and to take such executive actions as may be required by law to authorize again the Government to enter into this Deed. Why didn't the Prime Minister come on the 11th to this House and sign this Agreement today on the 15th when we are already approving it? Well, I don't know what is the legal way of doing it. But I am saying the net effect would have been the same. He could have come to the House on the 11th, today the ayes would have had it, and he could have signed this on the 15th. It's the same thing. But there was no regard whatsoever for democracy. What would've been the net effect had he come to the House on the 11th with his proposal? The ayes would have had it. Today it would have been approved, and this evening he could have signed it, same thing. There is something here that I don't understand. I am sorry.

Again, it goes on to say the same thing that we will have to do certain things no later than the 15th and, again, the Governor General shall assent and publish in the Gazette by the 18th. Now let us go to the payments now to Dunkeld for the shares. It is saying, in fact, that by part payment, what does that mean? Part payment is just to give you something towards it. It is implying that there is more to come. By part payment of compensation, that there will be a 72-cents per share for 34 million shares or some US\$24.5 million. Well, Mr. President, in listening to the House debate and listening to the press conference held on this matter, it appears that this part payment could be a payment, in fact, that could come out to the total sum of up to \$10.00 per share. I caution that for every one dollar per share more that is paid in the final settlement, since this is only a part settlement, we will get a bill for \$35 million. Think about that. We could come up with a bill that is six times potentially what we are paying today. That's \$300 million, and we don't know. Nobody can say. I guess we'll know on the 20th.

So then, again, I ask, why didn't we wait? Maybe you're right, Senator, maybe people know already. But I caution that for every dollar we paid 72 cents US. The price could come in at BZ\$10.00. But for every dollar in between that that the price goes up we will pay \$35 million. Think about that. The mathematics is easy. Forgive me I didn't have the time to do all of it. But I am giving you the baseline. And also we have to pay 50% of this within ten days, okay, as part of the final payment now, Mr. President, when the awarded amount comes in from the arbitration tribunal on the 20th of September. We will have to find again in a few days. We'll be back in this House. In a few days we'll be back, having to come up with 50% of that award. And then we will have to pay the next 50% in 12 months.

Now it says as well that there may be an additional liability, and this liability may come by way of the Accommodation Agreement between GOB and Telemedia. So, in addition to what can come in as a liability for the price of these shares, we have now this additional liability which we don't know about. But, when that additional liability comes in, don't be fooled. There will be cost to that already because the Government is acknowledging in this document that Dunkeld has outstanding liabilities already. We are not told what those liabilities are. But certainly we are told that they do not include and are not limited to legal accounting funding and auxiliary costs incurred in connection. So we know that the bill will be more in legal fees, attorney fees, accounting fees, and this is wide open. Then what is left from that settlement will go into a trust to be used for projects that other people will tell the Government, yes, or no, you can use it for that purpose.

As well now there are shares that we owe for the BTL Workers Trust. Those shares again were settled for the same 72 cents. But it is quite possible that we may end up paying up to \$10.00 for those 11 million shares from the trust. And, again, I caution that for every dollar that this award comes in against us it will take all liability up by \$11 million, alright. So let us say that the award comes in at \$10.00. Right away you're looking at close to \$90 million more in debt besides the previous 300 that you could have over on the other side, okay. You are looking at totally, roughly, and please forgive me for not having had the time to do the precise mathematics. Maybe the good Senator from the other side who is always good at numbers will do it. But you are looking at a potential, maximum liability of up to \$400 million or a little bit more, and we have signed and we will sign a blank cheque today for that. It's a done deal because we are rubberstamps. We know that. So the blank cheque will be issued, and potentially after the 20th, I guess on the 21st, potentially the 22nd, I stand corrected, the 22nd, we will have either very, very good news or very, very bad news. I am hoping it is the good news. But I won't hold my breath.

Mr. President, there are a lot of other things that concern us in this Agreement. But I choose to highlight, because I promise you I would be nice and short today, one more point. And I perhaps what I am seeking here is clarity. My comments to this matter are in no way intended to be accusatory or inflammatory, Leader of Government Business. But there is some lack of clarity as to whether those investments made by virtue of loans to the Workers Trust from the Government and from the Social Security, if those investments will be repaid with interest. And I say that and I ask that because the section of this Agreement that I am reading, which I will be glad to share with the Leader of Government Business, if he so chooses, speaks to the outstanding principal balance of the investment loans that are to be subtracted from the payment to be made by the Government to the trust, okay. And I just wonder why it did not say principal and interest outstanding balance to be paid. I would hope that it was a typo, and I would hope, in fact, that the Social Security, the people's money, will receive its interest expected from this investment that it has had for so long, in trying to help out the workers, in trying to invest these monies, and in trying to have a return for the people of this good country.

Mr. President, in closing, I will say that we believe that this Agreement, especially by virtue of the unknown debt amount and the debt liability that this Bill will bind us to, that we are, in fact, binding ourselves to today, we believe that the virtue of the unknown makes this unconstitutional and, as such, we cannot support this Bill. Thank you, Mr. President. (Applause)

SENATOR L. SHOMAN: Mr. President, I will try, as best as I can, not to go over any ground that has been covered by my friend and colleague, Senator Lizarraga. But I promise to neither be short nor sweet. Mr. President, the words of this Bill state that it is an Act to facilitate the implementation of the terms of a deed of settlement and compromise between the Government, Dunkeld, British Caribbean Bank and The Trustees of the BTL Employees Trust arising from the acquisition by the Government, in the public interest, of the shares in Telemedia Limited and rights under certain loans and security arrangements made by The British Caribbean Bank Limited; and to provide for matters connected therewith or incidental thereto.

We are not being asked to approve any Deed of Settlement. Absolutely not! We are being asked to facilitate the implementation of a deed of settlement and compromise that has already been agreed. So let's get that part of the farce out of the way. This is a facilitation Bill, nothing more. It is in its own way worse than an accommodation because what it is doing is that it is binding forever more the Government of Belize in terms of several lawsuits against it. And it also contains therein a submission in writing of our sovereignty and our sovereign immunity in which we are going to allow ourselves to be subjective to coercive remedies by foreign courts and tribunals, if there are any problems ongoing in terms of this Bill. And so, therefore, in the Act the bank Settlement Deed refers to that entered into by the British Caribbean Bank Limited and the Government, as everybody has said, dated the 11th of September 2015. That is even before the Cabinet was informed. So I take that to mean, while everybody else was singing hip, hip hurray, and parading on the 10th, the Prime Minister of Belize who was not in Belize at the time may very well have been elsewhere appending his agreement to this Deed of Settlement and compromise without so much as Cabinet's approval having been signified, those largely, meaningless words under this Administration.

Mr. President, it goes on to say at section 3, in a brazen, bold, and completely, utterly, shameless manner, that for greater certainty it is declared that the Government has with full lawful authority entered into the bank Settlement

Deed and the Dunkeld Trust Settlement Deed and that it is lawfully authorized to carry out its obligations there under, even though Cabinet had not approved and Parliament had not approved, a statement of utter outrageousness that I believe falls squarely under the category of overweening usurpation by the Executive, by one member of the Executive of both Executive and Parliamentary power, which is forbidden under the Westminster System and which is completely outside the rule of law. Time will tell, Mr. President, and I'm confident that this is what it will come down to.

Also, subject to the Act that we are being asked to pass and the Settlement Deeds, it states that the Financial Secretary is authorized to pay the final Dunkeld compensation and the final Trust compensation at the times and on the terms as is provided for in the said Dunkeld Settlement Deed. I want us to understand, Mr. President, what is here being done. The Financial Secretary, through a backdoor agreement, has already been committed to the payment of this and all we are being asked to do is to put our little rubberstamps next to that section.

Mr. President, when you look at the rest of the Act, it rarely is nothing more, except stating that there is an extent of exemptions that will be allowed but that this will be done in a manner as set out in the two Settlement Deeds that accompanies. So the First Schedule, section 3, has the bank Settlement Deed. The Second Schedule has the Dunkeld and the Trust Settlement Deed, and it is all put in here along with, Mr. President, a letter from the law firm of Allen and Overy, which I referred to earlier which says that, if the arbitral award is not dealt with by the 20th, apparently the Settlement Deed falls apart.

So here we have it now that, having in a reckless, arrogant and illegal manner seized the assets of BTL from the owners, the Government is now obliged six years later after pussyfooting around and pretending that it was fighting legal battles on behalf of the Government of Belize, has now been forced to enter in an agreement on decidedly, less favourable terms than if it had simply gone to the owner at the time and said, "Look, we want to sell. We are acquiring this in the public interest. Name your price, and let us negotiate". But no, Mr. President! No! Convinced of the rightness of the move and the benefit to the Belizean people, this was taken in a manner that clearly in every final court that this has gone to, which I believe would have included the CCJ, has said was wrongful and that the owner must be compensated properly for the shares. This is important, Mr. President, because, while all Belizeans rightfully believe that utilities should be in the hands of the Government, no Belizean who is an owner of any property would ever agree for Government to take their property without proper compensation. (Applause) And let me tell you that there are hundreds of small, poor Belizeans who have had their property confiscated from them by the Government of Belize that to date have not been paid. But yet, since this is an owner with means and with lawyers that the owner can afford to pay, the Government of Belize has been dragged through several lawsuits that we are now being forced to compensate and pay for the result of what has occurred.

And so, therefore, in this Agreement that we are talking about, and now this is the bank Settlement Deed, we are being told that we are going to settle each and any claim, counter claim, cause, right of action or proceedings arising out of or in connection to CCJ appeals, the arbitration, the compensation claims. So it is very clear, and it sets a condition precedent, and it states that the condition precedent must be that the provisions of sub clause 3.2 and 3.3, which I will read in a minute, are satisfied and payment are made in accordance with clause 4. And thereupon and only thereupon after that has happened, after it has been done, the bank will release and discharge the Government from the claim and from all actions, proceedings, claims, costs, expenses and demands whatsoever. 3.2 says,

“The Government shall introduce into the House of Representatives and seek to pass legislation and/or take such Executive action as may be required by law to authorize the Government to enter into this Deed, and to make the payments to the bank through an Appropriation Act.” I imagine even if that means passing an illegal Act with a blank cheque and then confer on the bank exemptions for exchange control and full exemptions from taxes, duties, charges, fees and imposts, whatsoever, where so ever, when so ever.

It also talks about the Government introducing legislation and taking Executive action as soon as reasonably practicable following the date of this Deed, which remember is the 11th of September when you were recovering from your 10th of September activities, and, in any event, no later than the 15th of September. Well, that was yesterday, no, and the legislation shall receive the Governor General’s assent and be published by law by the 18th of September, which is Friday when the enactment shall be deemed to have taken place. Total and utter contempt for the work of Parliament! (Applause) Total assumption that every single Member of Parliament is a sheep that will pass this legislation whether they like it or not! Contempt to the max!

And it says that “the Government shall, in any event no later than the 18th of September 2015, procure that the Commissioner of Income Tax issue to the bank a certificate that no income or business tax are due and owing by the bank and that payment provided for by clause 4 is not due any taxes”. The Government will no doubt say that that is their right and they can forego that. It is funny, really interesting that, when you are passing the border at Chetumal with your soap power and toilet paper, you have to take it inside of the building, and if you due tax you will have to pay the tax. But the Government can forgive itself and any strategic partner that it wishes. And so it brings back to life that old and distasteful adage that only the little people pay taxes.

But it goes further. It states that “On the business day following the enactment of the Legislation” which is going to be the 22nd of September, and it states so, that the first payment will be made. There is to be payment of US\$48 million representing compensation, including costs, expenses and interest. Let me repeat that because there is this mythology going out there that the Government isn’t paying any costs. Understand that the compensation includes costs, expenses and interest and is to be made in US dollars directly without any setoff deduction immediately available to the bank.

The violation of the constitutional norm and the laws of Belize do not stop there. The Government under clause 7 states that, Legal Proceedings, clause 6, legal proceedings will be dealt with in a manner that the Government counsel on record to the parties shall write to the Registrar of the CCJ to inform the court that this Deed has been entered into. They’re not even waiting to go to Parliament. The day after they signed this, which is to say on the 12th of September, there was already writing to the CCJ to inform the court that this Deed has been entered into, and within three days, three business days of the legislation being enacted, the bank shall apply to the CCJ for a consent order. Now let me tell you. Ah, that is the question. Just so Belizeans understand the CCJ does not have to agree to this consent order since both parties have agreed, and, since by then we will have passed the legislation, the court may very well say that the matter is now academic and so they have nothing to do with any of this. And I really hope that that is the way they go, instead of approving a consent order because for the court to lend itself to what is happening here, that Executive power has arrogated unto itself, has violated the constitutional norm, has taken upon itself the rights, duties, and responsibilities of the Legislature, is not something that in my humble

opinion the CCJ ought to allow itself to be involved in. (Applause) That is critical. That is important.

Mr. President, again, it states that the undersigned party executing the Deed on behalf of the Government has been duly authorized to execute and deliver this Deed. By who, by who, Mr. President, by himself because he didn't tell Cabinet anything about this until after he had signed. I haven't heard him say, "I sought Cabinet's approval to go and sign this thing before I did it". So he just did it on his own. He did it on his own. Mr. President, the question then is, is, in fact, this Deed a valid and binding Deed of the Government of Belize? Or is it the act of one man without the requisite Executive authority to do what he has done?

And, Mr. President, you know, any time you start thinking about this thing in terms of the fine details contained herein it really becomes a matter of outrage when you see under paragraph 8 that the notices under this Deed must be in writing and must be deemed given when actually received. And under (a) it states, "For notices to the Government", who do you think notices to the Government will be sent to, Mr. President? Do you think it's going to be sent to the Attorney General's chambers? You would be incorrect. Do you think it's going to be sent to the Solicitor General? You would unfortunately also be incorrect because this is to be sent Attention: Minister of Finance, with copies to Attorney-at-Law Mr. Denys Barrow, Senior Counsel of Barrow and Company LLP and by email to Denys Barrow, Senior Counsel of Barrow and Company LLP at the email address as follows: brotherbarrow@yahoo.com. If that doesn't strike you with a sense of irony, Mr. President, I would be surprised, brotherbarrow@yahoo.com. That's who the Government is sending their notices under this billion-dollar thing to, you know, Mr. President. Let's be clear about that, brotherbarrow@yahoo.com.

And then when you go to the dispute resolution because these people aren't taking any chances that there is going to be no problems after this is signed. It states that "the Belize Courts", and I quote, "have non-exclusive jurisdiction to settle any dispute, claim, difference or controversy arising out of or having any connection with this Deed." And the bank may by notice in writing to the Government provided for in clause 8, Notices, that is by sending an email to brotherbarrow@yahoo.com, can oblige the Government of Belize to go to an arbitration under the LCIA Arbitration Rules at a place of its choosing, under 16.3, including that the seat or legal place of arbitration shall be London and the parties agree that they will go to Miami as a convenient venue for any hearings. So apparently Barrow and Williams isn't the attorneys anymore. Apparently it's going to be brotherbarrow@yahoo.com.

And I just want you to understand, Mr. President, colleagues, that the Government, not content with already stripping itself of its sovereignty, lays down and agrees to the following: "To the fullest extent permitted by the law, the Government irrevocably", which means it can't take it back, "and unconditionally", which means no matter what, "submits to the jurisdiction of the Belize and English courts in relation to any dispute and agrees to not claim any sovereign or other immunities from the jurisdiction of Belize or England in relation to any dispute here". And not only that, it states that it will waive immunity in relation to any arbitral award and that any relief by way of interim or final injunction order for specific performance or recovery of property, that is, coercive remedies, that is, "I am forcing you to be there, and you have to do it". And you know that in Belize there is a track record of even the Commissioner of Police refusing to do mandamus.

So this is a big one (Applauses) because now the Government is telling the persons with whom they are settling that we will allow relief by way of injunction, attachment of its assets. And please don't make the Prime Minister say that we don't have any assets in the United States because I am thinking that he has forgotten that we own an embassy building in Washington, DC, and maybe he doesn't care if they go with that, ditto, "the embassy premises, that and the furniture and everything that they got". Who knows maybe good and all they are going with the ambassador's house. I don't know. So I am worrying because the next thing you know Pat Andrews shows up for work, not this one, the other one, shows up for work one day and has no building to do his business out of because 2535 Massachusetts Avenue has been seized as an asset of the Government of Belize. And let no ghost fool you. Even the Government of Belize has to keep funds in correspondent banks when it is doing transactions. (Applause) So don't let no ghost fool you that there is no money out there to be attached because let me tell you, if the Prime Minister thought that he had gotten the best lawyers for money, I have news for him. I think that in my estimation, which undoubtedly is far humbler than that of the Prime Minister, obviously Eamon Courtenay and Allen and Overy are better lawyers than Barrow and Williams because this is a submission. This is a capitulation, and there is no question about that. (Applause) It's not that we are capitulating you know. It's that we must understand that our Government, one man in our Government has signed and agreed to this. And his signature, in case you didn't see it, is right here on the line in which he signs for the Government of Belize because it's three different pages, so don't mistake it, for the Government of Belize by Dean O. Barrow, Prime Minister, signature there. Somebody else's signature who I don't recognize is here. It might be Rodwell Williams. I'm not sure. It looks like his signature, but that is who has signed.

Now, when you move on through the documentation and you get to the consent order, you will see that there is a pleader of litigation under Article 1 of the consent order, that the order of the court is varied to the extent that the CCJ appeals shall no longer be treated as consolidated and talking about all the further proceedings shall be stayed on such terms as set out in the Schedule and except for the purpose of carrying the terms into effect without the need to bring a new claim. That means that, even though they are purporting to settle all of these cases, the bank can still go back to the CCJ and say, "These people are not following what they set out in this Settlement Deed. We don't have to start a new action to dig it out of them. We are coming back to you to deal with this matter." And that is something that we need to be cognizant of.

Moving right along to the Settlement Agreement with Dunkeld and the Trustees of the Employees Trust, well, as to this one, this one is just as bad, if not worse, because it doesn't cite the dollar amount that will finally be done. The Settlement says that Dunkeld and the Trust shall release and discharge the Government of all actions, proceedings, claims, costs, expenses and demands, etc., etc. And that it shall in return be looking for compensation for the compulsory acquisition of Dunkeld and the share interest in Telemedia pursuant to the 2009 Act, the 2009 Order, the 2011 Act, the 2011 Order, the (Eighth Amendment) to the Constitution and that Dunkeld shall make sure that the same discharge is given by BCB, Ecom Limited, Mercury Communications, and New Horizons. However, this states that on the business day following the execution of this Deed, which, ladies and gentlemen, again to remind you, was signed already on the 11th of September. So, while you were jumping up in the 10th Parade or watching carnival, what was happening is that the Government was forced to withdraw all its preliminary objections to the merits of Dunkeld's claim. Lay down immediately, we don't have anything to fight about. We are acknowledging all your merits. All the arguments you were making we are

already saying you were right. And it is agreed that the arbitral tribunal has jurisdiction to determine the quantum of the value of the remaining claims before it and that the tribunal should issue a final and binding award in relation to the remaining claims before it, including, guess what, legal costs and interests. So that again puts paid to the notion that, well, really we are not paying no cost you know that's why we are settling out. This is saying otherwise.

So the Government again has to introduce legislation, and it doesn't matter what we think or don't think. Apparently they've already gotten the people on their side to agree to this, and they either read their minds before or just know the tenor of who they're dealing with and know that they were going to pass it. And, as the Senator for the business community has pointed out, there is a part payment, and then, by way of final payment of compensation, the amount awarded by the arbitral tribunal minus any amounts paid by the Government of Belize by partial Dunkeld compensation, 50% is to be paid within 10 business days and 50% is to be paid within a year. The payments to the trust are the same thing again. And the Government has to acknowledge that Dunkeld has outstanding liabilities and that Dunkeld's liabilities should be attributed on a pro rata basis to the partial Dunkeld compensation and final compensation and that this moneys is what is going to be paid by GOB in Belize dollars in an account designated by Dunkeld but that Dunkeld will retain a veto power over. They will control it, and it will be in an account in a financial institution designated by Dunkeld.

The Senator has already made the point as to the principal balance with investment loans and the SSB, and I really would like Senator Godwin Hulse to address that. But just to point out that in this agreement as well the same matters relating to legal proceedings are there. Oh, and by the way, in case there is any late payment, there is 6%, not per annum, 6% interest compounded monthly on this thing. So you all big brain it and multiply six times twelve to see what the annual interest would be. Outrageous! But it goes on again with the usual assurances, including this one which I find really, really scurrilous querulous. At "8 - Representations and Warranties: The Government represents and warrants to Dunkeld that the execution, delivery and performance of this Deed: (iii) does not contravene the Constitution or any law, rule, regulation, treaty, regulated practice, procedure or policy or any of its duties or obligations, any material indenture, mortgage, trust deed, bond, or other agreement," *blah, blah, blah*, so on and so forth, everything you could imagine on the kitchen sink. Why? It is because it is going to force the Government of Belize, even if it is found that this is illegal by any court of law, to still have to rely upon the warranty, and they, they will make sure that by hook or by crook everything that they are demanding, their pound of flesh and the blood along with it, is going to be made good under this Settlement Deed.

Again, the assurances are that it has taken all actions required by law, regulation or policy to authorize the execution. But we don't know what that was because the Prime Minister took that decision on his own. Also, it states that the undersigned party has been authorized to execute this Deed. Again, there are clauses here that have to deal with notices, and the notices, again, will go marked, Attention: Minister of Finance, with copies to Attorney-at-Law Mr. Denys Barrow, Senior Counsel of Barrow and Company LLP and by email at brotherbarrow@yahoo.com. The violation that is being done to the laws and the constitutional norm, no almost any bonds at all in the forcing through of this Settlement Deed and in the requirement by the Minister of Finance that Members of Parliament pass this repugnant document without consultation to anyone. (Applause) And if that were not bad enough, if that were not bad enough, again, it goes back to the CCJ dealing with this situation, and it states once again, for this

one, that if any late payments are made, and this is in the actual order that will go by consent to the court, the 6% compounded monthly. Then, of course, there is Schedule II which is that letter which was sent...

MR. PRESIDENT: Senator, excuse me.

SENATOR L. SHOMAN: I am wrapping up.

MR. PRESIDENT: Okay.

SENATOR L. SHOMAN: Thank you, Mr. President, and I appreciate your kindness. The letter which was sent under Schedule II to the members of the tribunal, which already went as far as I can see or may not have gone yet, but it states that there are certain aspects of the Settlement Deed that have already been dealt with. It assures them that there is a timetable, and it states, "In terms of the timetable for Settlement, it is envisaged that legislation will be introduced to the House on the 14th of September, enacted by the 18th of September, and the first payment made by Government of Belize to Dunkeld on the 22nd of September 2015". Here comes the clause that I refer to earlier. "In the event that the Arbitral Tribunal is unable to issue an order substantially in the form agreed by the parties by 20th September," Sunday, "the Settlement Deed will be ineffective and will terminate, and, with this in mind, the parties respectfully request that the Arbitral Tribunal deal with this matter with some urgency."

Mr. President, sometimes we have a tendency to take what we do for granted. Sometimes we think that our responsibility lies in coming here and just passing laws like that. Mr. President, there is absolutely no way, given the manner in which this particular piece of legislation was managed, the way these Settlement Deeds were negotiated and signed by one individual, assuming on to himself both legislative and administrative power, that my bench will agree to the passage of this. And it is not, Mr. President, that we don't think that the owner is entitled to fair compensation. We said that when this was done in 2009, in 2011, and when the (Eighth Amendment) was passed. We warned, Mr. President, that this would cause problems for the Government and people of Belize. It gives us absolutely no pleasure at all, whatsoever, to have been proven right and to know that we will further pile up sums of money in the debt service cart that our people are already shackled too. Mr. President, there is no amount of history that will absolve any of us if we agree to the passage of this legislation. Thank you, Mr. President. (Applause)

SENATOR A. SYLVESTRE JR.: Thank you, Mr. President. Mr. President, this Bill which is titled the Telecommunications Acquisition (Settlement) Act, in my opinion, respectfully should be called, The Price of Arrogance Act, or The Pride Goeth before a Fall Act. (Applause) So you know, Mr. President, the well-known saying, the pride goeth before a fall, refers to when someone is too proud and too overconfident that they make mistakes. They are bound to make mistakes which eventually lead to their defeat. And, Mr. President, when you go through the guts and the intestines and the entrails of these Settlement Deeds, as Senator Shoman has done, you see that Lord Ashcroft has, in fact, checkmate our Prime Minister, that, in fact, had our Prime Minister over the proverbial barrel. And, as you know, when they have you over a barrel, eventually you have to give into everything that they asked for, and, Mr. President, that becomes, and we need to take stock and take sight of the fact of how we, in fact, actually arrived here.

Now, Mr. President, you will recall that the Honourable Prime Minister, through his powers of persuasion, he was able to convince just about every

Belizean, including many of us on this side, that Lord Ashcroft was a bad man, a terrible man, a modern day slave master. And he convinced us, as patriotic Belizeans, to despise the man, to dislike him, to hate him even, and he made us believe that to deal with this man, Lord Ashcroft, especially in secret, was a bad thing, was a wrong thing, was an *un-Belizean* thing. Yet, he has now come to light that this same Prime Minister, this same man who has been stirring the emotions of Belizeans in a particular way, he met, and this was disclosed by him, he met the same gentleman, Lord Ashcroft, and following on that, the Government of Belize, the Prime Minister, on behalf of the people and Government of Belize, entered into these outrageous agreements.

Mr. President, Senator Shoman has elaborated in great detail many of the sections and clauses in these deeds that no self-respecting person, no self-respecting Parliamentarian could support, could vote in favor of. I will content myself, Mr. President, with just going over a couple of them. I'll deal firstly, Mr. President, with the issue of the Settlement Deed involving the British Caribbean Bank. As has been pointed out, this was a matter in which the bank lent BTL, then owners of BTL, a loan. It would have been, at the point in time when it was taken over by Government, US\$22.5 million, about BZ\$45 million. The Prime Minister, as he often does, he invoked the name of our heavenly father and said, "As God is my witness, I will not pay that money". And here it is, Mr. President, after having invoked the Lord's name in vain because, and six years later on we have a situation where the Belizean people, the taxpayers, have been saddled with an additional \$51 million that has to be paid. It is, as I stated earlier, Mr. President, the price of arrogance. But it is a price, a dear price, a hefty price, a substantial price, that the taxpayers will carry. (Applause)

Do you know what this \$51 million could have done? In the last meeting of the Senate we approved several loans. We approved an education loan, and we also approved a loan for the construction of the highway from Roaring Creek to San Ignacio. That loan, I think, was \$17 million. Was it? It was \$17 million. So, Senator Sosa, you could have had that road been built and constructed, and the Hummingbird Highway. But yet here we are having to now give Lord Ashcroft this money, that \$51 million as well, Mr. President, that amount substantially to that education loan that we approved in the Senate two weeks ago. Again, these are monies which would be paid to the former owners of BTL in a couple of days. These are monies which could, as has been pointed out, could have built a much needed hospital, (Applause) with all the necessary and modern facilities. We could as well, Mr. President, you know how many children even at this stage, we are in the middle of September, are still searching to see how they will be able to pay their fees because, through the goodness of some of the administrators, they've allowed the children to come to school. But the fact is that they still will have to pay. These are monies which the Prime Minister has just thrown away because of his arrogance, because of his belief that he is all knowing, that he is all powerful, and that he can do what he wants. And he does this sadly, Mr. President, to the detriment of the Belizean public. (Applauses)

Mr. President, when we look as well at some of the contents of the Deed of Settlement, both Senator Shoman and Senator Lizarraga have pointed out as well, but it needs to be pointed out, where at clause 3.3 the Prime Minister, he agreed that the Government shall introduce legislation in the House and take such executive actions and in any event no later than the 15th of September, and that such legislation shall receive the Governor General's assent and be published in the Gazette as law by the 18th of September. Now, Mr. President, there is this document which is known as the Constitution. I think it still has some relevance and it still has some meaning to us as Belizeans. And you know the Constitution, in fact, actually demarcates, sets out the varying functions and roles and

responsibilities of the Government, of the Legislature, and of the Governor General. And here it is you had one man who is deciding the faith of all of these various constitutional institutions just like that. And it's quite obvious, Mr. President, as I stated earlier, that the former owners of BTL had the Prime Minister over a barrel because, when you look at this document, it is a very thick document. So it's quite clear that it's not in that one meeting that they started to draft these very elaborated and very detailed clauses. They came in hand with these documents and said, "See, sign this, or else".

Now this is important to point out, Mr. President, because this Government, and in particular this Prime Minister, as has been pointed out, has carried on a campaign of demonizing the former owners and has sought to explain to the Belizean public that he, as Prime Minister, he always acts with utmost integrity, he always acts in the best interest of the Belizean public. Now, Mr. President, even if you wanted to take the Prime Minister at his words, you cannot because the letters, the words in both Settlement Deeds show that the Prime Minister has defied the Constitution of our country. (Applause) He has entered into an agreement which binds not only his Government but binds the National Assembly, binds important arms of Government such as the Governor General and the Commissioner of Income Tax.

These are things which, Mr. President, the CCJ, our highest court, had denounced. The CCJ in particular, Mr. President, had stated in the context of the importance of what is regarded as the separation of powers, the importance of what is regarded as having each arm of Government being separate, being able to do what they are constitutionally required and authorized to do without the usurpation of that power by another, and in that regard, Mr. President, the CCJ pointed out about the sovereignty of Parliament, of this chamber, of the National Assembly. The CCJ pointed out that the Parliament is sovereign, and that it is only subject to the Constitution, and that this is of a core constitutional value, and that it is a value that is to be observed. And the observance of it is at times taken for granted because nobody expects a Prime Minister to act and to enter into such an agreement, as both Senator Lizarraga and Senator Shoman have shown. It defies the Constitution and defies the principles upon which the Constitution is built. The CCJ went on to point out that to disregard these core constitutional values is to attack the foundation of the rule of law.

Now what is the rule of law, Mr. President? At times it is said that these words are thrown about, and they're used without any meaning to the ordinary man. Now the rule of law, Mr. President, is an important thing. What the rule of law basically means is this, is that we are a country which is governed by laws, and the highest of those laws is the Constitution and that every person, every man, every woman, every child, and every person who is vested with the authority and the responsibility of office such as the Prime Minister must comply with the law. (Applause) If that is not done, Mr. President, what we will see happening is that those who may not hold high office, those who are ordinary citizens will believe that, well, if the Prime Minister can break the law and can do what he wants, then I can break the law and do what I want as well. Mr. President, you don't have to be a lawyer, you don't have to be a rocket scientist to know that when you have a situation like that only chaos and anarchy could arise and could lead. And sadly, Mr. President, when you look at the state of affairs in our country, the intolerable crime rate, Mr. President, those are things which lend itself from persons in authority such as the Prime Minister not following the rule of law.

Mr. President, the Settlement Deed which has been entered into, as Senator Shoman has pointed out, it has been entered into without the Cabinet being notified, without the Cabinet's approval. Now much has been said in the

past, and you know it's quite funny because in particular this Prime Minister and his Government have sought to demonize the previous Prime Minister and the previous Administration for what can be regarded as similar type of behavior. But yet it is this Prime Minister who boldly, confidently, arrogantly comes to us and tells us that what he has done is the best thing since sliced bread. But we are no fools, Mr. President. We have seen that what the Prime Minister has done is that he has actually taken this National Assembly, has taken the important constitutional institutions of Government, and has turned all these important institutions into a farce by declaring that he will have the Governor General assent to the passage of this Bill by the 18th of September, Mr. President. It is a very serious thing. It is a very, very serious thing, Mr. President.

The more I look at the words, the more I read these words, it becomes extremely distressing that we have a Prime Minister that could actually append his name to such a deal. At the end of the day, Mr. President, all of this could have been averted, and all of this could have been salvaged many, many years ago. One has to wonder why it has taken us down this path where millions untold have been spent in legal fees, where millions have been lost and will now have to be paid in interest that has accrued. As some others pointed out, the story of the takeover of BTL actually has four parts in terms of the monies that are to be paid. What has to be paid is the value, the true value of what, in fact, was taken away. There is also, as someone characterized it, monies that have to be paid as a result of the nonsense that the Prime Minister and the Government have actually put us to bear. We also have to pay legal fees, and then there is also a payment that has to be made on the monies which we borrow to pay the former owners. All of this has not actually been explained to the Belizean public. What we have been given is a figure which seems palpable. Oh, it's only \$160 plus million that we have to pay. But, as has been shown, Mr. President, and as was debated in the Bill previously, the third Appropriation Bill for this year in six months, the second part of the Schedule is a blank cheque. And, as Senator Lizarraga has shown, it is quite possible that the final payment could be more in the region of \$400 million.

That is important because the way in which the Appropriation Bill was passed the Government doesn't need to come back to this National Assembly to seek approval and authorization to pay those additional sums of money to the former owners of BTL. It can just pay it. And that is important, Mr. President, because what happens then is that in secrecy, again, the former owners will be paid and the full extent of all of this will never be known by the Belizean public. (Applause) We are left to believe that this will only cost us \$162 million. But the fact remains that it will cost us, as has been pointed out, quite near in the region of \$400 million.

Mr. President, the way the Prime Minister has conducted and has handled these affairs, as Senator Shoman has pointed out, everybody agrees, we all agree, yes, that the utilities should be in the hands of the Belizean public but still the way and the manner in which it was done, the way, the manner in which it was strong arm rather than having the negotiations, it has cost the Belizean public dearly. And sadly, Mr. President, we may not know the full extent of the financial loss that has accrued to the Belizean public. I'll content myself to say, Mr. President, however, that I cannot support this Bill because of the various, egregious breaches of the Constitution that the Prime Minister did when he entered into this Settlement Deed without the prior authority and approval of the Cabinet and, indeed, without the prior approval and authority of the National Assembly. For those reasons, Mr. President, I do not support the passage of this Bill.

SENATOR P. ANDREWS: Mr. President, I rise to make my contribution on this (Settlement) Bill, and, as my colleagues have expanded thoroughly on the

matter, I barely hope to state on the record, Mr. President, my utmost discontent and dissatisfaction, not only to myself but to the 360,000 Belizean people who again have been tried to sell some dream of a great settlement agreement with our BTL company. Mr. President, as you would've noticed, it was only about an hour and a half ago that this Bill was passed out to us on this side of the House, and I often wonder why is it that the Government tries to withhold these Bills or the documentation from us to properly ventilate and to be able to look at. Thankfully my colleagues and also the business Senator have had the opportunity to look at it clearly, and today the Belizean people are able to somehow see the tremendous errors of the erosion once more to our democracy and to the rule of law in our country that is being threatened once more through this Bill, that has been held back from full disclosure so that the details or the fine print might not be fully made public to the Belizean people.

Mr. President, like Senator, my colleague, Anthony Sylvestre, mentioned, arrogance has a high price. But it is even more troubling when your arrogance caused me to pay a high price, and that is what the Belizean people need to understand. (Applause) You see, if your arrogance caused you a high price, then maybe next time you will have a little bit more humility. But when your arrogance causes 360,000 individuals a high price of \$52 million, as stated, now it is we the taxpayers, not the Prime Minister, it's we the taxpayers, we the Belizean people that have been saddled with another unnecessary burden because of the arrogance and because of the bullying tactic that has been displayed over and over in this country by our Prime Minister. In six years, the interest, the Belizean people will have to pay about \$52 million that could've been totally avoided, Mr. President, and now we will have to pay that.

I find it troubling, Mr. President, that it's one thing for the Government or the UDP Administration to lock us out from information. The Opposition, we're used to that. That's how we've been treated. As I mentioned, look at it. It was just an hour ago or two hours ago that we were given this Bill to be able to look at. But when your own Prime Minister locks out his own colleagues from consultation, as clearly stated here, that on September 11, this thing was signed and approved, and even his own UDP Representatives have been locked out. The Senators for the UDP, your Prime Minister did not consider your opinion or your input worthy on this matter. It's one thing if he does not consider the Opposition on the matter, Mr. President, but when he does that to his own colleague, man.

We are at a new level of dictatorship type of governance that should be rejected even by his own colleagues, Mr. President, and by all Belizeans. We cannot continue to run our country like that because every time it's we the Belizeans people that pay severely. Severely we are paying for those types of actions in this House. And so I state for the record, Mr. President, that in no way, shape, or form could we approve such a Bill. And we do plan to call on a division on this matter, Mr. President, because I want it to go down in the record and the history that, when these actions that are contrary to the rule of law and contrary to the way how we the Belizean people have enshrined within our Constitution, that we hope to be governed or violated, that it will go in the record those who stood for our democratic way of life, instead of having one man dictates to us.

Mr. President, we all felt good when we heard the so-called nationalization of our utilities. To be honest with you, even me felt great. But the question must be asked, who has truly benefited from these nationalizations? Who have truly benefited? I just mentioned that clearly the Belizean people in no way are benefiting by paying \$52 million that was totally unnecessary because of one man's egos.

But, Mr. President, also, there is the nepotism that continues to plague our company, and the facts will show that this company in Belize, we pay the highest Internet fees throughout the Caribbean. And this is public knowledge. (Applause) And we have the slowest speed too, even here in our National Assembly we would feel like if we would have Internet, Mr. President. But I've been trying to connect on the Internet for the National Assembly to download my documents that were emailed to me and I haven't been able to access my documents because the Internet is not working even in here. You would think that at least in the National Assembly we would have proper Internet service for us Parliamentarians to use.

But, Mr. President, on November 2, 2009, Mr. Mike Rudon from Channel 5 ran a story that has been very troubling. And this was in 2009, where the Minister of National Security, Mr. John Saldivar, had a company registered in his name, and this is all public knowledge, Mr. President, a company, Mytheon Solution, that has to do directly with the BTL Company and the selling of credit. And I am saying this because we will have to pay over \$400 million for this company, Mr. President, the taxpayers of this country. So we have a right to say this when we see a Minister having the sole responsibility of selling credit from this company. As have been clearly noted, Senator Grant, the documents are there. This is nepotism, man. We cannot have the conflict of interest of our public utilities like this. This is not the way of a democratic style of governance in any country. In the US, if a man, if a Senator or a Governor would be found to have such a close link with a Government entity, their head would roll. In fact, they would resign just from the public pressure. But somehow we seem to accept this type of behavior in this country, where you could have a Minister having the sole access for credits that have sold to the Police Department. It is the same man in charge you know, Senator Grant, the same man in charge of the Coast Guard, the Police, and the BDF. He has the contract from our company that we will have to pay \$400 million for over the next year. He is also benefiting from this company. And then to make matters worse we all know that the Prime Minister's son is now also being put in this company. And we could see from the results that this company has been losing profits annually.

So we will have to pay \$400 million for a company that, man, is being mismanaged and is deteriorating. The services are unacceptable, and, yet, we are paying the highest fees. We the Belizean people are losing on every front. This is not a sweet deal for any Belizean. We are losing on every front. We will pay the \$400 million. We will pay the \$52 million. We will pay for the slowest speed of Internet at the highest rate in the Caribbean, and, yet, we are supposed to walk out of here feeling happy that we own our utility company and that now we the Belizean public, man, it makes no rational sense in any way. But, Mr. President, I know that much have been said on this matter, and I would not want to be repeating anything that have already been mentioned. But I do hope, Mr. President, to call for a division on this matter. Thank you. (Applause)

SENATOR J. GRANT (Minister of Energy, Science and Technology and Public Utilities): Mr. President, I rise to support the Telecommunications Acquisition (Settlement) Bill, 2015. I want to start by putting on the record, because it seems to have been forgotten, that the Government of Belize always stated that it was their intention to pay the owners of BTL. So this should come as no surprise, when we all are going to pay, that this was not said. I also want to reiterate so that no one forgets why we are in this situation today. I mean everybody started on the other side from today. But we got into this mess because of the previous administration, a company going from BTL, including Prosser, going to Ashcroft, coming back to the Government, and every time the price and the money were not adding up. So let us not forget history.

Mr. President, I also want to put on the record that this Government has always stated that we the people of Belize must have a majority stake in our utilities. We all know how difficult it was for all of us when these utilities were in foreign hands and, also, especially BTL did not want to abide by the PUC who was there to control what happens and to protect the Belizean public. They had stated that they would do what they want, and everything was at the detriment of Belizeans. Let us not forget that at all.

I also want to say that Belizeans have benefitted tremendously from the services of BTL from when the Government decided to take it over. And let us not forget that it was under this new BTL that we have VOIP services and that we all enjoy it and that the plans for what they are going to do are going to bring us better Internet services at cheaper prices, of that I am sure. Let us also not forget how imperative it was for the Government of Belize to take over BTL at that time and that it was supported by the Belizean public. I think, probably or maybe a month ago or so, Channel 7 repeated the video of what happened at that time, and I was able to see the braved Belizeans who put their physical selves at risk for making sure that this Government was able to take over BTL. I felt nothing but pride.

Mr. President, I want to assure the Belizean people that the Prime Minister has the full support of the Cabinet and that we were told several times about these negotiations. I also want to say that the Prime Minister made it very clear at his press conference that there was a team of people that were supporting him and that were giving him information. This was not sitting down one day and coming up with an agreement. He did. I don't have to name the names. Go back and hear the names that the Prime Minister said in his press conference of the team that was supporting him. And this is nothing strange for two principal people to get into a room and have some discussions with their teams supporting them and giving them information. I don't know what this whole big deal is about. But the people who have followed negotiations know that this, of course, happens when very important issues are being discussed.

Also, he said, yes, of course, we had to pay the interest, and we all hoped that we wouldn't have to pay it. But I don't understand why anybody would pay a sum if that is part of a whole deal that you are going to the court to ask to decide. If you pay that money, you'll never get it back. So, yes, everything is looking in the rearview mirror and saying we have to pay interest. Also, when you look around Belize, you see the improvements in all aspects, in infrastructure and in education and on and on. And it's because we've used the money to make this happened. It wasn't that the money was somewhere and not being used. And also in saying that I want to look back in the past and say that I've heard about several large sums of money by the previous administration for which I cannot point to anything on the ground.

I also want to point out that Belizeans, you know, when it was said that you know the Prime Minister doesn't have the support of the Belizean public. If I remember rightly, we had three elections in the last few months, and three times the United Democratic Party won these elections, and every time, I think, with larger percentages. So I thought that would say to me that the Belizean public is very happy with what the Prime Minister is doing and what is happening. (Applause)

Now, also, I want to state that the Treasury Bills that are going to be issued will mop up a lot of the excess funds that we have in the country, and that is all very good. But I also again want to reiterate, because I've heard so much from

the other side that is incorrect, that the Government and people of Belize are not paying a penny. The BTL will be paying for this cost as you would expect. The Government is putting up the money at first, and they will pay it up over time, and I just think that it was really brilliant thinking to come up with getting Treasury Bills to help us in this regard.

At a press conference a couple days ago, the Chairman of BTL sat by the Prime Minister and he was absolutely clear that he knew about this negotiations, that he was a part of these negotiations, and, in fact, he also said that BTL expected to pay these funds, and they have made provisions within their accounting for this. So again let us not try to change the facts. Let us just put the facts out there for the Belizean people to embrace.

Now we talked about the share valuation and NERA came up with the \$1.44 share valuation. But, if you look at how shares are valued, it is clear that what a share was sold for is not really relevant. It's not here or nor there. Shares are valued by looking at the book value and then looking at the dividends you expect over time and when you decide on a rate of return that you want. And so we fully expect that the valuation of these shares when they are announced will be in keeping with what the share valuation is. And we all know that when people go out to negotiations they start with a very high figure, not expecting that at all. So I don't think that anybody really expects that there would be any share valuation of near to \$10.00 per share.

I also with your permission, Mr. President, want to quote from a Moody's Investor Report of June 18, 2015, and they said that there are two things that have been of concern to them, and now this will no longer be the case. And I quote one. It says that, "The compensation amount from litigation claims due to the nationalization of BEL and BTL could push our debt, public debt to unsustainable levels". Isn't it a wonderful thing that these debts will never again be on the books of Belize, (Applause) that these funds will be gone?

SENATOR L. SHOMAN: Mr. President, on a point of order, what part of \$3 billion don't you get, Senator? Do you really think that is going to be sustainable on the backs of 360,000 people? No, man!

MR. PRESIDENT: Senator.

SENATOR L. SHOMAN: Mr. President, that statement can't be allowed to stand on channel news.

SENATOR J. GRANT (Minister of Energy, Science and Technology and Public Utilities): Mr. President, they spoke for hours and I didn't stop and interrupt them, and I didn't agree with many of the things that they said.

MR. PRESIDENT: Go ahead, Senator.

SENATOR J. GRANT (Minister of Energy, Science and Technology and Public Utilities): And then continuing, and from this Moody Report again, it says that "the recognition of liabilities from Belize's nationalizations could push the debt levels up for the country". Again, these debts will no longer be in our books, and Belize will be better off for it. (Applause) Now, also, you know we talked about paying of legal fees but let us look back at when the other side was in power and look at the law firms that they used, and we all know who those law firms were. It is not for me to say, if they don't want to use certain lawyers, that's for them to have with their own party and so on. But they certainly used their thing.

Now let us also be clear that Denys Barrow Company has a partner of Mr. Marshalleck who I understand is an adviser to the People's United Party.

SENATOR L. SHOMAN: No! No! Mr. President, when somebody is not here to defend themselves, on a point of order, unless the Senator has proof that Mr. Marshalleck is along with Mr. Barrow on this, you should not call his name.

MR. PRESIDENT: Senator Shoman, I thought you were going to call on a point of order on something that you had share.

SENATOR J. GRANT (Minister of Energy, Science and Technology and Public Utilities): Thank you, Mr. President. Mr. President, I did, and I repeat that he has a partner, a Mr. Marshalleck, who is an adviser to the People's United Party. I also want to say that Mr. Denys Barrow, as far as many persons in Belize are concerned, is one of the best, better attorneys in this country, and whenever anyone has a case you want to get the best legal persons on your side. And, as far as I am concerned, Mr. Barrow can take care of himself and can answer any criticism that anybody has of him. (Applause) I also want to say that the record speaks for itself as to what that law firm has been able to accomplish.

Also, I think my colleague on the other side spoke about BTL having four parts. I don't agree with the four sections. But he again did not start at the first part of what he must start at, the beginning of this whole saga which transpired under the previous Administration. And I don't have to go over the details as everyone in Belize knows and remembers all the sordid events that happened at that time. What a terrible time it was, and the other side are still reeling from the negative feelings that the Belizean people have about these activities. Mr. President, I thank you. (Applause)

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I had thought for a while that I would have simply said to put the Bill. But I heard some remarks that I really think need some significant corrections. First of all, Mr. President, it is always good to go to the genesis of these things. We all know the story about BTL, and I will not rehash it. It was started, of course, by this Government privatizing a certain portion in a balanced, transparent way and then moving through to the sale of the golden share and the preferred person and Mr. Prosser and all the rest.

But today is a significant day you know, Mr. President, because today marks basically ten years, almost to the day, ten years to the day when an incident occurred that became the genesis of this whole sordid saga that we are dealing with today. Actually it happened on the 19th of September of 2005, almost ten years to the day. And I've heard things about terminologies like reckless, arrogant, and illegal. I've heard things like outrageous, etc. But, Mr. President, on the 19th of September of 2005, an agreement was signed with BTL, followed by two very serious deeds, deeds that embodied conditions that, if we want to talk about outrageous and arrogant and all the things that we've heard today, I am sure, well, let me not say I'm sure. I always like to talk about what I am sure of. I am uncertain whether the Cabinet of that day knew about the deeds. I am sure, however, this Honourable Senate did not because I was here and the Senate did not have any opportunity to see these deeds.

The significant difference today is, whether you agree or do not agree with whatever is being presented, that you can't argue with the fact that it is transparent and open, and that is why you can stand here and debate it. That is why the nation is hearing it. That is why the media is there, and you can call it arrogant and stupid. But every last detail has been presented, and we've gotten in this situation because ten years ago no details were presented, absolutely none to no one. I am not sure whether to the Cabinet. That's a fact. And who signed that deal ten years ago? It was none other than the then Prime Minister of the day, the Honourable Said Musa, Prime Minister and Minister of Finance. But, Mr. President, that began the saga. It really blossomed when the agreement that was signed was not an odd. And what was that agreement about? The agreement made, somebody said, common sense. That one made no sense, not even fool-fool sense, because that agreement had said at that time that in order to better accommodate, that was the word, the Government's telecommunication needs and other requirements, BTL will buy certain properties.

Now the Government of the day, and it's a long story how they got to those properties, and time won't permit. But nevertheless the Government was trying to sell BTL some properties because they were forced to dispose of those properties. The properties had nowhere near the value of the \$19.2 million that BTL was buying them for, nowhere even close. In fact, one of the properties out in San Ignacio was a 99-year lease at a dollar an year. But that property was securing some \$7 million. It had nothing on it, and I know that because I visited the property at the time. I looked at it, took pictures, and I still have them in my archives, and I said, "You must be joking". There was a man next to me, next door who said, "Are you interested in buying that piece of property?" He said, "Property around here is selling expensive you know. I just bought this piece here, and I paid \$87,000 for this piece. So you will have to let go some good money." I almost had a hysterical laugh. But anyway so Government sold those to BTL, and Michael Ashcroft is not a fool. He's a smart businessman, genius maybe. He decided, because he had said that the Government's telecommunication needs at the time, which was vested in Government using a company called Intelco for their telecommunication services, that that company had some special concessions, and he was going to get his. In fact, he said that was some retirement fund for the boys, whatever that meant.

So, when the Government was forced to sell these properties that he knew were grossly undervalued, he said, "Well, this is my chance to get mine". When, and we never like to call people's names, but when Mr. Dean Boyce came to see me after the acquisition he said, "Lord, man, how the business community and you won't support that?" I said, "Man, it's because it may be a legally proper document but it is immorally wrong and you know". And so you know that the only reason the Government sold those properties was because they were forced under the North American Securitization Program to cover up the values of those properties for the mortgages that had been procured through a series of businesses starting with St. James, Social Security, DFC, the Belize Mortgage Company and the Bank of America. However, as a result of getting those properties, Government had to agree to a slew of things, things that in the normal course of business could have come right to this House in the same way and said, "We want to give BTL some concessions, man", and get it approve. So it was a quid pro quo but it was a heck of a quid. Enough said on that. But the Government never honoured it because the conditions in there were when you talk about onerous.

So on the 15th of December 2006, the Government then signed with BTL a Settlement Deed in relation to the Telecommunications Accommodation Agreement dated the 19th of September to try to settle the dispute. And that one was even more onerous because it included that there will be no competition,

except Speednet at the time. I think that's how the company was called, which I think was associated with the principals of BTL. There wasn't going to be no VOIP, except they handled it. The arcos line which they controlled was going to be leased to no one at no time. There would be no control of the PUC for the company. It was going to pay no taxes, except business tax, and it was going to determine the rate of business tax because they thought the 19% was onerous, and it would be allowed to bring people to work without the necessary requirements. They would all be waived. And the transfer of these properties the Government would stand all costs, stamp duty, registration, every cost, and it was a little bit beyond that, that the company, as I said, would not respect the jurisdiction of the PUC. Well, it happened, I guess. But what was worse, what made that agreement so vile and unacceptable is because while the Government was foregoing all of that, and we have been criticized on this side for doing that and I won't even talk about jurisdiction of foreign courts. But the rates were high. There was no VOIP, and the company said, "Look, we have to make 15%. That's our minimum rate of return, and, if we do not get it, the Government of the day has to pay us the difference, to give us the 15% rate of return". And that was a fact. (Applause) Now imagine a private company making those dictates and talking about having our Prime Minister over the barrel. What kind of barrel was he over to have him agreed to that? Anyway, but they never honoured it either you know. Well, it was the barrel then that caused the barrel now, if you are talking about barrel.

Anyway, let's continue. On the 7th of January of 2008, my God, there was another Settlement Deed. And I know this you know, Mr. President, because I was one of those persons who went to court with those things, and I was one of those persons who were involved in it right through the rest. This one was worse. I am sure the Senate did not know. I am pretty sure the House never knew. Maybe the Cabinet did. But just let me tell you what this one said. It said, "Whereas, on the 19th of September of 2005, Government and Belize Telecom Limited had entered into this agreement", and on the 21st of September 2005, there was an extra agreement. And the extra agreement was because they found out that the property in San Ignacio which they thought was free and clear, transferred title with no stamp duty or nothing, turned out to be a piece of lease land with a rate of \$1 per year. So they had to have additional property.

On the 15th of December 2006, the Government entered another Settlement Deed to, and the exact wording is in relation to certain matters of dispute under the original agreement. And on the 15th of September 2006, BTL and Telemedia, because there was a, entered into, business transferred agreement pursuant to BTL and agreed to, transferred its business to Telemedia. And on May 29, 2007, the Telecommunications Undertaking (Belize Telecommunications Limited Operations) Vesting Act of 2007 was passed, and the Vesting Act had some of the same conditions that it will be passed, it will be presented to the House, etc., etc.

Anyway, the Government and Telemedia, as successors because of the Vesting Act, wished to settle a number of outstanding issues in relation to the original agreement, and this is the part. It says, "In accordance with clause 2 of the first Settlement Deed, if full payment of the shortfall amount", and listen to the figure, "the shortfall amount for 2006 was \$7,075,000". That is what BTL said. "If we use the 15% threshold, we fell short by \$7,075,000, and you Government have to pay us that." Now, if that is not outrageous, a company that is not paying tax, it's not paying dividends, it said, "Look here, boss, I never made my portion. So pay me". But that wasn't bad. We could live with that. It went on to say, "In addition, BTL achieved less than the minimum rate of return in the financial year ending 31st of March 2007". That is the next year, and "pursuant to section 11(4) of the original agreement, Telemedia formerly notified the

Government of the shortfall amount for that year of \$11,628,000". (Applause) That's \$19 million right there or \$20 million. And it went on to demand its payments.

Then it went further to say that, "In accordance with clause 2(2) of the first Settlement Deed, the unpaid taxes due and owing, calculated by them, as set out in clause 2(3) above, shall be offset against the 2006 shortfall". So, yes, they paid the deed and the final bill to be paid had now been reduced to \$14,000,703,000. If you look at that, Mr. President, 2006/2007 and estimate that right up to 2015 today, let us say that every year, because it was the same rate which would not have changed, no VOIP, no competition, no use of the arcos cable and only them were running the show, and every year let us say that they just got \$6 million shortfall. Do the mathematics and you'll see. We would have been like about \$72 million which we would have been required to pay. That is why when this Government came to office and discovered this really, objectionable Bill, this vile, dirty, no down unconscionable Bill, (Applause) they had to acquire BTL to stop this. And if another Government comes to this office, they will not find a Bill like this because it has been ventilated today in the House and in the Senate and for the whole world to see, whether you agree or not. (Applause) That is the fundamental difference. And so, Mr. President, it was because of this that you had to arrest this situation. Where would it have stopped? Where would it have stopped? And so Government arrested the situation, and you know, Mr. President, the rest we know.

There was also, and this went to the court you know, and I won't dabble in the courts at all. My learned friends over there are experts on that. And the court ruled that, yes, it is a valid agreement. It's legally valid. I knew that too. In my limited knowledge I knew that the courts would rule that it's legal, sure, a legitimate Government signed it. But it was so immoral, and the courts don't deal with the nuances of that type of thing, that, in fact, this was premise on the fact that some worthless piece of property was forced to be bought to accommodate the Government because those same properties had been used to make \$22.3 million of loan to Intelco so that that telecommunications could get off the ground. (Applause) And Michael Ashcroft said, "I will get my own", and he did. They talked about over the barrel. That is why we are here today.

And, Mr. President, I will say simply this, that it's not perhaps, or maybe it is, I too am troubled about the element of uncertainty. I think everybody would be. I heard the Senator talking about it, and I hope it comes in our favor or better yet. But I am satisfied of two things. We finally are coming to a conclusion of this thing. But I am more satisfied, Mr. President, of one thing that sticks out, regardless of who shout, regardless of who clap, regardless of who criticize, regardless of who condemn, it has all been put in the face of the public so they could talk about the Barrow's brother, they could talk about the arrogance of the Prime Minister and everything. And these two Settlement Deeds, the first which was signed by the Honourable Prime Minister at the time on behalf of the Government had a serious confidentiality clause that said, and I will just read that, and then I will sit down because it said in this clause, which I thought was something that no sovereign Government should ever put in a clause. It says, "The parties hereto agree that the terms of this Agreement and all information gathered to comply with the terms and conditions herein shall be and remain strictly confidential to the parties, their financiers, and any other persons agreed by the parties in writing". And that, Mr. President, was signed by the Honourable Said Musa, and these deeds were signed by him and witnessed by the Honourable Francis Fonseca. And so, as far as I am concerned, Mr. President, talk about secret deals, talk about secret deeds, talk about those things.

SENATOR A. SYLVESTRE JR.: Mr. President, I have listened intently to the Leader of Government Business.

MR. PRESIDENT: What's the point of order, Senator?

SENATOR A. SYLVESTRE: He has to address the Bill, not once has he addressed the Bill. We've gone through a very long and interested history but he hasn't addressed the Bill.

MR. PRESIDENT: Thank you, Senator.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Thank you, Mr. President. Have they addressed the Bill? I passed the comparison and addressed it by presenting the genesis of this ugly, nasty saga which today we finally conclude, and I move that the question be put. (Applause)

MR. PRESIDENT: Thank you, Senator. Honourable Member, the question is that the Bill for an Act to facilitate the implementation of the terms of a deed of settlement and compromise between the Government, Dunkeld International Investment Ltd, British Caribbean Bank Limited and The Trustees of the BTL Employees Trust arising from the acquisition by the Government, in the public interest, of shares in Belize Telemedia Limited and rights under certain loans and security arrangements made by The British Caribbean Bank Limited; and to provide for matters connected therewith or incidental thereto, be read a second time.

All those in favour, kindly say aye.

SENATOR L. SHOMAN: Mr. President, we had asked for a division.

MR. PRESIDENT: Mr. Clerk, you can administer the division.

CLERK: A division on the Telecommunications Acquisition (Settlement) Bill, 2015.

The Senators voted as follows:

Senator Godwin Hulse	–	Aye
Senator Juliet Thimbriel	–	Aye
Senator Joy Grant	–	Aye
Senator Charles Gibson	–	Aye
Senator Lisel Alamilla	–	Aye
Senator Gerardo Sosa	–	Aye
Senator Lisa Shoman	–	No
Senator Anthony Sylvestre	–	No
Senator Patrick Andrews	–	No
Senator Markhelm Lizarraga	–	No
Senator Fr. Rev. Noel Leslie	–	Absent
Senator Ray Davis	–	Absent

MR. PRESIDENT: Thank you, Clerk. The outcome of the division: six (6) Senator were in favour; four (4) Senators were against; and two (2) Senators were absent. So I think the ayes have it. (Applause)

Bill read a second time.

III COMMITTEE OF THE WHOLE SENATE ON BILLS

MR. PRESIDENT: Honourable Members, in accordance with Standing Order 54, the Senate will now resolve itself into the Committee of the whole Senate to consider the Bills that were read a second time.

Honourable Members, I will now take the Chair as the Chairman of the Committee of the whole Senate.

I will also ask the visitors in the gallery to please leave at this time. Thank you.

(In the Committee of the whole Senate)

MR. PRESIDENT in the Chair.

1. **Bank Undertaking (FirstCaribbean International Bank (Barbados) Limited Belize Branch) Vesting Bill, 2015.**

Clauses 1 to 6 agreed to.

Schedule agreed to.

Bill to be reported back to the Senate without amendment.

2. **Customs and Excise Duties (Amendment) Bill, 2015.**

Clauses 1 to 3 agreed to.

Bill to be reported back to the Senate without amendment.

3. **General Revenue Supplementary Appropriation (2015/2016) (No.3) Bill, 2015.**

Clauses 1 and 2 agreed to.

Schedule agreed to.

Bill to be reported back to the Senate without amendment.

4. **Telecommunications Acquisition (Settlement) Bill, 2015.**

Clauses 1 to 8 agreed to.

First and Second Schedules agreed to.

Bill to be reported back to the Senate without amendment.

MR. PRESIDENT in the Chair.

IV REPORTING AND THIRD READING OF BILLS

1. **Bank Undertaking (FirstCaribbean International Bank (Barbados) Limited Belize Branch) Vesting Bill, 2015.**

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I rise to report that the Committee of the whole Senate has considered the Bank Undertaking (FirstCaribbean International Bank (Barbados) Limited Belize Branch) Vesting Bill, 2015 and passed it without amendment.

I now move that the Bill be read a third time.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to provide for the vesting in Heritage Bank Ltd. of the business in Belize of FirstCaribbean International Bank (Barbados) Limited; and for matters connected therewith or incidental thereto, be read a third time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a third time.

2. Customs and Excise Duties (Amendment) Bill, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I rise to report that the Committee of the whole Senate has considered the Customs and Excise Duties (Amendment) Bill, 2015 and passed it without amendment.

I now move that the Bill be read a third time.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Customs and Excise Duties Act, Chapter 48 of the Laws of Belize, Revised Edition 2000-2003, to introduce the third stage of reduction of customs duties in regards to the Economic Partnership Agreement between CARIFORUM and the European Union; and to provide for matters connected therewith or incidental thereto, be read a third time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it

Bill read a third time.

3. General Revenue Supplementary Appropriation (2015/2016) (No.3) Bill, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I rise to report that the Committee of the whole Senate has considered the General Revenue Supplementary Appropriation (2015/2016) (No.3) Bill, 2015 and passed it without amendment.

I now move that the Bill be read a third time.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to appropriate further sums of money for the use of the Public Service of Belize for the financial year ending on the thirty-first day of March, two thousand and sixteen, be read a third time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a third time.

4. Telecommunications Acquisition (Settlement) Bill, 2015.

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, I rise to report that the Committee of the whole Senate has considered the Telecommunications Acquisition (Settlement) Bill, 2015 and passed it without amendment.

I now move that the Bill be read a third time.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to facilitate the implementation of the terms of a deed of settlement and compromise between the Government, Dunkeld International Investment Ltd, British Caribbean Bank Limited and The Trustees of the BTL Employees Trust arising from the acquisition by the Government, in the public interest, of shares in Belize Telemedia Limited and rights under certain loans and security arrangements made by The British Caribbean Bank Limited; and to provide for matters connected therewith or incidental thereto, be read a third time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a third time.

ADJOURNMENT

SENATOR G. HULSE (Leader of Government Business and Minister of Labour, Local Government, Rural Development, National Emergency Management and Immigration and Nationality): Mr. President, with your permission, may I simply take the opportunity to wish all my Senate colleagues, all Senate colleagues, and the nation at large a very happy 21st of September, the anniversary of our 34th year of Independence.

Mr. President, I move that the Senate do now adjourn.

MR. PRESIDENT: Okay, thank you, Senator. As well I would like to wish Senators and the general public at large a happy Independence celebration.

Honourable Members, the question is that the Senate do now adjourn.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

The Senate now stands adjourned.

The Senate adjourned at 2:06 P.M. to a date to be fixed by the President.

PRESIDENT.

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