

**BELIZE**

**No. 3/1/13**

**SENATE**

**Wednesday, 27<sup>th</sup> January 2016**

**10:12 A.M.**

Pursuant to the direction of Mr. President, in writing, dated 22<sup>nd</sup> January 2016, the Senate met in the National Assembly Chamber in Belmopan on Wednesday, 27<sup>th</sup> January 2016, at 10:12 A.M.

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**Members Present:**

Senator, the Honourable Lee Mark Chang – President  
Senator, the Honourable Godwin Hulse – Leader of Government Business  
and Minister of Natural Resources and Immigration  
Senator, the Honourable Dr. Carla Barnett – Vice-President  
Senator, the Honourable Francine Burns  
Senator, the Honourable Macario Coy Sr.  
Senator, the Honourable Stephen Duncan  
Senator, the Honourable Aldo Salazar  
Senator, the Honourable Lisa Shoman  
Senator, the Honourable Anthony Sylvestre Jr.  
Senator, the Honourable Patrick Andrews  
Senator, the Honourable Markhelm Lizarraga  
Senator, the Honourable Rev. Ashley Rocke  
Senator, the Honourable Elena Smith

MR. PRESIDENT *in the Chair*.

PRAYERS *by Senator Rev. A. Rocke*.

**OATH OF ALLEGIANCE OF A NEW SENATOR**

**Senator Elena Smith**

**ANNOUNCEMENT BY THE PRESIDENT**

Mr. President made the following announcement:-

“Honourable Members, by letter dated 22<sup>nd</sup> January 2016, Cabinet’s recommendation has been signified to the following:

1. Private Pensions Bill, 2015;
2. Treasury Bills (Amendment) Bill, 2015;
3. Belize Island Holdings Facility Development Bill, 2015;
4. European Investment Bank – Eight Million Euro Line of

Credit to the Development Finance Corporation Loan and Guarantee Motion, 2016.”

### **BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES**

The Leader of Government Business and Minister of Natural Resources and Immigration signified his willingness to take charge of the following Bills:

1. Private Pensions Bill, 2015;
2. Treasury Bills (Amendment) Bill, 2015;
3. Belize Island Holdings Facility Development Bill, 2015;
4. Belize National Coast Guard Service (Amendment) Bill, 2015.

The Leader of Government Business and Minister of Natural Resources and Immigration moved that the Bills be taken through all their stages forthwith.

Question put and agreed to.

### **PAPERS**

The Leader of Government Business and Minister of Natural Resources and Immigration:-

- 2/1/13 - Financial Statements for Years Ended December 31, 2014 and 2013; Actuarial Review of the Social Security Scheme as at December 2014.

Paper was ordered to lie on the Table.

### **MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE**

The Leader of Government Business and Minister of Natural Resources and Immigration moved that, at its rising, the Senate adjourn to a date to be fixed by the President.

Question put and agreed to.

### **PUBLIC BUSINESS**

#### **A. GOVERNMENT BUSINESS**

#### **I MOTIONS**

1. **European Investment Bank – Eight Million Euro Line of Credit to the Development Finance Corporation Loan and Guarantee Motion, 2016.**

The Leader of Government Business and Minister of Natural Resources and Immigration moved:-

**WHEREAS**, section 15(1) of the Development Finance Corporation Act, 2009 (No. 1 of 2009), provides that the Development Finance Corporation (DFC) may, with the approval of the Minister, borrow sums domestically or internationally for meeting any of its obligations or discharging any of its functions;

**AND WHEREAS**, subsection (4) of the said section 15 further provides that an aggregate domestic debt in excess of BZ\$5.0 million shall be subject to the prior approval of the National Assembly;

**AND WHEREAS**, the European Investment Bank (EIB) has offered a Loan equivalent to **Euro 8 Million** (to be disbursed and repaid in United States of America Dollars) to the DFC for on-lending to eligible small and medium sized commercially run enterprises and micro investments in Belize;

**AND WHEREAS**, the key financial terms and conditions of the Loan are as follows:

- (a) **Loan Amount:** equivalent to Euro 8 Million;
- (b) **Loan Tenor:** up to 10 years inclusive of grace period not exceeding 4 years;
- (c) **Repayment:** is due semi-annually on each disbursement tranche, which will have separate repayment schedules based on the term and interest rate selected by the DFC;
- (d) **Interest:** is due semi-annually on each disbursement tranche and may be either fixed or floating rate, as follows:
  - (i) Fixed rate: not exceeding 3.49%;
  - (ii) Floating rate: Six months LIBOR plus one hundred and twenty (120) basis points (1.2%);

**AND WHEREAS**, in addition to the above financial terms, another key condition is that the Loan shall be guaranteed by the Government of Belize;

**AND WHEREAS**, section 7(6) of the Finance and Audit (Reform) Act (No. 12 of 2005) provides that before the Government offers any guarantee or some other form of security in support of any loan made directly to a private sector entity or statutory body by any public or private bank, financial institution or capital market in or outside Belize, the Government shall seek the approval of the National Assembly;

**NOW, THEREFORE, BE IT RESOLVED** that this Honourable House, being satisfied that the Loan would contribute to the social and economic development of Belize by improving the capacity of DFC to provide funding on an economically sustainable and environmentally acceptable basis:

- (i) approves that the DFC may borrow the said sum of Euro 8 Million from the EIB on the terms and conditions set out above and further authorizes the Board of Directors of the DFC to execute and deliver the Loan Agreement and all other documents associated therewith; and
- (ii) further approves and confirms that the Government may enter into a Guarantee Agreement with the EIB on the terms and conditions set out above, and further authorizes the Minister of Finance to execute and deliver the said Guarantee Agreement and all other documents associated therewith.

After the debate thereon, question put and agreed to.

**2. Re-Appointment of Ombudsman Motion 2016.**

The Leader of Government Business and Minister of Natural Resources and Immigration moved:-

**WHEREAS**, section 3(2) of the Ombudsman Act, Chapter 5 of the Substantive Laws of Belize, Revised Edition 2011, provides that the Ombudsman shall be appointed by the Governor-General, acting on the recommendations of both Houses of the National Assembly contained in resolutions passed in that behalf;

**AND WHEREAS, MR. LIONEL ARZU** was appointed as Ombudsman for a period of three (3) years with effect from 1<sup>st</sup> January 2013, pursuant to a Resolution adopted by this House on 14<sup>th</sup> December 2012 and by the Senate on 19<sup>th</sup> December 2012;

**AND WHEREAS**, under section 4(1) of the Ombudsman Act, a person appointed as Ombudsman is, subject to the provisions of the said section 4, eligible for re-appointment at the expiry of his initial term of office;

**AND WHEREAS, MR. LIONEL ARZU** continues to possess the relevant qualifications and fulfils the requirements for appointment to the office of Ombudsman, as contained in the Ombudsman Act;

**NOW, THEREFORE, BE IT RESOLVED** that this Honourable House, being satisfied that **MR. LIONEL ARZU** is a fit and proper person to be re-appointed as Ombudsman, recommends to the Governor-General that **MR. LIONEL ARZU** be re-appointed

as Ombudsman for a further period of one (1) year with effect from **1<sup>st</sup> January 2016**, on his existing terms and conditions.

After the debate thereon, Motion was referred to the Constitution and Foreign Affairs Committee for examination, consideration and report.

**3. Re-Appointment of Contractor General Motion, 2016.**

The Leader of Government Business and Minister of Natural Resources and Immigration moved:-

**WHEREAS**, section 3(2) of the Contractor-General Act, Chapter 6 of the Substantive Laws of Belize, Revised Edition 2011, provides that the Contractor-General shall be appointed by the Governor-General, acting on the recommendations of both Houses of the National Assembly contained in resolutions passed in that behalf;

**AND WHEREAS**, **MR. GODWIN ARZU** was appointed as Contractor-General for a period of three (3) years with effect from 1<sup>st</sup> January 2009, pursuant to a Resolution adopted by this House on 11<sup>th</sup> December 2008 and by the Senate on 16<sup>th</sup> December 2008;

**AND WHEREAS**, under section 5(1) of the Contractor-General Act, a person appointed as Contractor-General is eligible for re-appointment at the expiry of his initial term of office;

**AND WHEREAS**, **MR. GODWIN ARZU** was re-appointed as Contractor-General for a period of two (2) years with effect from 1<sup>st</sup> January 2012, which term expired on 31<sup>st</sup> December 2013, and was again re-appointed for a further period of two years with effect from 1<sup>st</sup> January 2014, which term expired on 31<sup>st</sup> December 2015; and on each occasion the re-appointment was pursuant to a Resolution adopted respectively by this House and the Senate;

**AND WHEREAS**, **MR. GODWIN ARZU** continues to possess the relevant qualifications and fulfils the requirements for appointment to the office of Contractor-General, as contained in the Contractor-General Act;

**NOW, THEREFORE, BE IT RESOLVED** that this Honourable House, being satisfied that **MR. GODWIN ARZU** is a fit and proper person to be re-appointed as Contractor-General, recommends to the Governor-General that **MR. GODWIN ARZU** be re-appointed as Contractor-General for a further period of two (2) years with effect from **1<sup>st</sup> January 2016**, on his immediately pre-existing terms and conditions.

After the debate thereon, Motion was referred to the Constitution and Foreign Affairs Committee for examination, consideration and report.

**II BILLS FOR SECOND READING**

**1. Private Pensions Bill, 2015.**

The Leader of Government Business and Minister of Natural Resources and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to make provision for the registration of Private Pensions; the supervision of private pensions; to offer better protection to private pensioners and to provide for matters connected therewith and incidental thereto.

(Suspension of the debate on the Private Pensions Bill, 2015.)

In accordance with Standing Order 10 (8) the Leader of Government Business and Minister of Natural Resources and Immigration moved that the proceedings on the matter on the Order Paper be entered upon and proceeded with at the sitting at any hour though opposed.

Question put and agreed to.

(Resumption and continuation of the debate on the Private Pensions Bill, 2015.)

After the debate thereon, question put and agreed to.

Bill accordingly read a second time and, pursuant to Standing Orders, was committed to a Committee of the whole Senate.

## 2. **Treasury Bills (Amendment) Bill, 2015.**

The Leader of Government Business and Minister of Natural Resources and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to amend the Treasury Bills Act, Chapter 83 of the Substantive Laws of Belize, Revised Edition 2011, to raise the limit of principal sums represented by Treasury Bills and Treasury Notes outstanding at any one time; and to provide for matters connected therewith or incidental thereto.

After the debate thereon, question put and agreed to.

Bill accordingly read a second time and, pursuant to Standing Orders, was committed to a Committee of the whole Senate.

## 3. **Belize Island Holdings Facility Development Bill, 2015.**

The Leader of Government Business and Minister of Natural Resources and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to provide for certain exemptions from taxes and duties proposed to be granted to the Developer by the Agreement; to provide for the effective implementation of the Facility; and to provide for matters connected therewith or incidental thereto.

Question put and agreed to.

Bill accordingly read a second time and, pursuant to Standing Orders, was committed to a Committee of the whole Senate.

4. **Belize National Coast Guard Service (Amendment) Bill, 2015.**

The Leader of Government Business and Minister of Natural Resources and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to amend the Belize National Coast Guard Service Act, Chapter 131.01 of the Substantive Laws of Belize, Revised Edition 2011; to provide for the change of name of the Belize National Coast Guard Service to the Belize Coast Guard, and the clarification of the duties and functions of the Coast Guard; to bring the Act into conformity with the Constitution of Belize by providing that powers of appointment and otherwise in relation to members of the Coast Guard are exercisable by the Security Services Commission; and to provide for matters connected therewith or incidental thereto.

Question put and agreed to.

Bill accordingly read a second time and, pursuant to Standing Orders, was committed to a Committee of the whole Senate.

### III COMMITTEE OF THE WHOLE SENATE ON MOTIONS AND BILLS

In accordance with Standing Order 68A, the Senate, without question put, resolved itself into the Constitution and Foreign Affairs Committee, a Committee of the whole Senate, to consider the Motions referred to it and, thereafter, in accordance with Standing Order 54, into the Committee of the whole Senate to examine and consider the Bills that were read a second time.

(In the Constitution and Foreign Affairs Committee)

MR. PRESIDENT in the Chair.

1. **Re-Appointment of Ombudsman Motion, 2016.**

Motion in its entirety agreed to.

Motion to be reported back to the Senate for adoption without amendment.

2. **Re-Appointment of Contractor General Motion, 2016.**

Motion in its entirety agreed to.

Motion to be reported back to the Senate for adoption without amendment.

(In the Committee of the whole Senate)

MR. PRESIDENT in the Chair.

**1. Private Pensions Bill, 2015.**

Clauses 1 to 68 agreed to.

Bill to be reported back to the Senate without amendment.

**2. Treasury Bills (Amendment) Bill, 2015.**

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

**3. Belize Island Holdings Facility Development Bill, 2015.**

Clauses 1 to 8 agreed to.

Bill to be reported back to the Senate without amendment.

**4. Belize National Coast Guard Service (Amendment) Bill, 2015.**

Clauses 1 to 7 agreed to.

Bill to be reported back to the Senate without amendment.

**PUBLIC BUSINESS**

**A. GOVERNMENT BUSINESS**

**IV MOTIONS**

**(Adoption of Motions)**

**1. Re-Appointment of Ombudsman Motion, 2016.**

The Leader of Government Business and Minister of Natural Resources and Immigration reported that the Constitution and Foreign Affairs Committee met and considered the above captioned motion and has agreed for it to be adopted without amendment.

Question put and agreed to.

**2. Re-Appointment of Contractor General Motion, 2016.**

The Leader of Government Business and Minister of Natural Resources and Immigration reported that the Constitution and Foreign Affairs Committee met



and considered the above captioned motion and has agreed for it to be adopted without amendment.

Question put and agreed to.

## V REPORTING AND THIRD READING OF BILLS

### 1. **Private Pensions Bill, 2015.**

The Leader of Government Business and Minister of Natural Resources and Immigration reported that the Committee of the whole Senate has considered the above-mentioned Bill, clause by clause, and has agreed upon it without amendment.

Whereupon the Senator moved that the Bill be read a third time.

Question put and agreed to.

Bill read a third time.

### 2. **Treasury Bills (Amendment) Bill, 2015.**

The Leader of Government Business and Minister of Natural Resources and Immigration reported that the Committee of the whole Senate has considered the above-mentioned Bill, clause by clause, and has agreed upon it without amendment.

Whereupon the Senator moved that the Bill be read a third time.

Question put and agreed to.

Bill read a third time.

### 3. **Belize Island Holdings Facility Development Bill, 2015.**

The Leader of Government Business and Minister of Natural Resources and Immigration reported that the Committee of the whole Senate has considered the above-mentioned Bill, clause by clause, and has agreed upon it without amendment.

Whereupon the Senator moved that the Bill be read a third time.

Question put and agreed to.

Bill read a third time.

### 4. **Belize National Coast Guard Service (Amendment) Bill, 2015.**

The Leader of Government Business and Minister of Natural Resources and Immigration reported that the Committee of the whole Senate has considered the above-mentioned Bill, clause by clause, and has agreed upon it without amendment.

Whereupon the Senator moved that the Bill be read a third time.

Question put and agreed to.

Bill read a third time.

**ADJOURNMENT**

The Senate adjourned at 1:20 P.M. to a date to be fixed by the President.

**PRESIDENT**

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