

BELIZE

No. 17/1/13

SENATE

Wednesday, 25th October 2017

10:00 A.M.

Pursuant to the direction of Mr. President, in writing, dated 20th October 2017, the Senate met in the National Assembly Chamber in Belmopan on Wednesday, 25th October 2017, at 10:00 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 Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration
Senator, the Honourable Dr. Carla Barnett – Vice-President and Minister of State in the Ministry of Finance and Natural Resources
Senator, the Honourable Michael Peyrefitte – Attorney General
Senator, the Honourable Macario Coy Sr.
Senator, the Honourable Stephen Duncan
Senator, the Honourable Aldo Salazar
Senator, the Honourable Eamon Courtenay
Senator, the Honourable Valerie Woods
Senator, the Honourable Paul Thompson
Senator, the Honourable Markhelm Lizarraga
Senator, the Honourable Rev. Ashley Rocke
Senator, the Honourable Elena Smith
Senator, the Honourable Osmany Salas

MR. PRESIDENT *in the Chair*.

PRAYERS *by Senator Rev. Ashley Rocke*.

ANNOUNCEMENT BY THE PRESIDENT

Mr. President made the following announcement:-

“Honourable Members, by letter dated 20th October 2017, Cabinet’s recommendation has been signified to the following:

1. Land Tax (Amendment) (No.2) Bill, 2017;
2. International Banking (Amendment) Bill, 2017; and
3. The OPEC Fund for International Development US\$12,000,000 – Haulover Bridge Replacement Project Loan Motion, 2017.

BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration signified his willingness to take charge of the following Bills:

1. Land Utilization (Amendment) Bill, 2017;
2. Registered Land (Amendment) (No.2) Bill, 2017;
3. Land Tax (Amendment) (No.2) Bill, 2017;
4. Immigration (Amendment) Bill, 2017;
5. Belize Trade and Investment Development Service (Amendment) Bill, 2017;
6. Married Persons (Protection) (Amendment) Bill, 2017;
7. Misuse of Drugs (Amendment) Bill, 2017; and
8. International Banking (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the Bills be taken through all their stages forthwith.

Question put and agreed to.

PAPER

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration:-

- 31/1/13 - The Social Investment Fund of Belize – Financial Statements for the years ended March 31, 2017 and 2016 and Independent Auditors' Report.

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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. **Accession to the Nairobi International Convention on the**

Removal of Wrecks Motion, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved:-

WHEREAS, the International Merchant Marine Registry of Belize (IMMARBE) was established in 1990 to register shipping and fishing vessels;

AND WHEREAS, to comply with international standards and to enable IMMARBE to compete with other shipping Registries, Belize is required to accede to certain international conventions relating to shipping;

AND WHEREAS, the Nairobi International Convention on the Removal of Wrecks (hereinafter called “the Convention”) was entered into force on 14 April 2015 following the ratification by 10 States pursuant to Article 18 of the Convention;

AND WHEREAS, the Convention aims to protect and address the degradation of the sea and coasts through sustainable management and use of resources and to provide a platform for cooperation on the regional, inter-regional, and international levels, specifically,

- (a) a State Party may take measures in accordance with the Convention in relation to the removal of a wreck which poses a hazard in the Convention area;
- (b) measures taken by the Affected State in accordance with paragraph (a) shall be proportionate to the hazard, shall not go beyond what is reasonably necessary to remove a wreck, and shall cease as soon as the wreck has been removed;
- (c) the Affected State shall not unnecessarily interfere with the rights and interests of other States including the State of the ship’s registry, and of any person, physical or corporate, concerned;
- (d) the application of the Convention within the Convention area shall not entitle a State Party to claim or exercise sovereignty or sovereign rights over any part of the high seas; and
- (e) States Parties shall endeavour to co-operate when the effects of a maritime casualty resulting in a wreck involve a State other than the Affected State;

AND WHEREAS, a full text of the Convention is hereto annexed;

AND WHEREAS, section 61(A)(2)(a) of the Belize Constitution as amended by the Belize Constitution (Sixth Amendment) Act (No. 13 of 2008) provides that the Senate shall have the power to perform the function, *inter alia*, of authorizing the ratification (including adhesion or accession) of any treaty by the Government of Belize and that such power shall be exercised through a resolution supported by a simple majority of its members;

NOW, THEREFORE, BE IT RESOLVED, that this Honourable Senate, having considered the Convention hereto annexed and being satisfied that it would be in the interest of Belize so to do, hereby authorizes the Government of Belize to accede to the Convention.

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

2. Resolution Authorizing the Ratification by Belize to the Agreement Relating to the Operation of the CARICOM Development Fund (CDF) Motion, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved:-

WHEREAS, the Agreement relating to the Operation of the CARICOM Development Fund (hereinafter called “the Agreement”) was signed by Belize on 4th July 2008;

AND WHEREAS, the objective of the Agreement is to provide financial and technical assistance to disadvantaged countries, regions and sectors to *inter alia*, address: economic dislocation and other adverse economic and social impact arising from the operations of the CSME; structural and diversification and infrastructural needs; and to facilitate: regional investment promotion and mobilization; and business development and enterprise competitiveness;

AND WHEREAS, the Government of Belize is desirous of ratifying to the Agreement pursuant to Article XXXII of the Agreement;

AND WHEREAS, section 61(A)(2)(a) of the Belize Constitution as amended by the Belize Constitution (Sixth Amendment) Act (No. 13 of 2008) provides that the Senate shall authorize the ratification to any treaty by the Government of Belize;

NOW, THEREFORE, BE IT RESOLVED that the Senate authorizes the Government of Belize to ratify to the Agreement, a full text of which is hereto annexed.

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

3. The OPEC Fund for International Development US\$12,000,000 – Haulover Bridge Replacement Project Loan Motion, 2017.

WHEREAS, Member States of the Organization of Petroleum Exporting Countries (OPEC), being conscious of the need for solidarity among all developing countries and aware of the importance of financial cooperation

between them and other developing countries, have established the OPEC Fund for International Development (OFID) to provide financial support on concessionary terms to developing countries;

AND WHEREAS, the Government of Belize aims at improving both the traffic congestion in Belize City and the connectivity and accessibility in the area, by replacing the old Haulover bridge for a new, longer and wider bridge (147 meters long and 20 meters wide) with pedestrian sidewalks on each side, which will involve costs in civil works, land acquisition, consultancy services and supervision;

AND WHEREAS, the Government of Belize has requested assistance from OFID in the sum of US\$12 million for partial financing of the Project;

AND WHEREAS, the OFID has approved an offer of a Loan of US\$12 million to the Government of Belize to finance 68% of the total costs of the civil works component of the Project;

AND WHEREAS, the approved financing will be used towards the construction of the bridge and its approach roads, river protection works, installation of necessary drainage infrastructure, as well as the installation of protection and safety features;

AND WHEREAS, the terms and conditions of the Loan Offer are as follows:

Lender:	The OPEC Fund for International Development (OFID);
Loan Principal Amount:	US\$12,000,000;
Loan Term:	20 years (5 years grace period plus 15 years repayment period);
Grace Period:	5 years from the Date of the Loan Agreement;
Repayment period:	Repayment in thirty (30) semi-annual installments of US\$400,000, commencing on July 15, 2022;
Purpose:	To construct a 147 meter-long and 20 meter-wide bridge and related infrastructure to replace the existing dilapidated bridge;
Rate of Interest:	At a rate of 2.5 percent per annum on the principal amount withdrawn and outstanding and payable semi-annually on January 15 and July 15 in each year;
Service Charge:	At a rate of one percent (1%) per annum on the principal amount of the Loan withdrawn and outstanding, payable semi-annually on January 15 and July 15 in each year;

AND WHEREAS, under the provisions of section 7 of the Finance and Audit (Reform) Act 2005, the Government of Belize is required to obtain t h e

authorization of the National Assembly, by way of a Resolution, for such a borrowing;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that the loan proceeds would significantly contribute towards the efforts of the Government to rehabilitate the Phillip Goldson Highway, with the construction of a much needed new bridge structure on that highway, which will not only be a landmark for our country, but will also improve the mobility, connectivity and accessibility in the Belize City area, and ensure the safety of travelers, approves and confirms that the Government of Belize enters into a Loan Agreement with the OPEC Fund for International Development (OFID) on the terms and conditions set out above, and further authorizes the Minister of Finance to execute and deliver the said Loan Agreement and all other documents associated therewith.

(Suspension of the debate on The OPEC Fund for International Development US\$12,000,000 – Haulover Bridge Replacement Project Loan Motion, 2017.)

In accordance with Standing Order 10 (8), the Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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 OPEC Fund for International Development US\$12,000,000 – Haulover Bridge Replacement Project Loan Motion, 2017.)

After the debate thereon, question was put and agreed to.

II BILLS FOR SECOND READING

1. **Land Utilization (Amendment) Bill, 2017.**
2. **Registered Land (Amendment) (No.2) Bill, 2017.**
3. **Land Tax (Amendment) (No.2) Bill, 2017.**

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the above-mentioned Bills be read a second time:

Bill for an Act to amend the Land Utilization Act, Chapter 188 of the Substantive Laws of Belize, Revised Edition 2011, to strengthen the membership of the Land Subdivision and Utilization Authority; and to provide for matters connected therewith or incidental thereto.

Bill for an Act to amend the Registered Land Act, Chapter 194 of the Substantive Laws of Belize, Revised Edition 2011, to establish the Land Registry as a Department of Government in the interest

of administrative and operational efficiency; and to provide for matters connected therewith or incidental thereto.

Bill for an Act to amend the Land Tax Act, Chapter 58 of the Substantive Laws of Belize, Revised Edition 2011, to make provision, in the interest of administrative and operational efficiency, for a Commissioner of Land Tax who shall be charged with the functions previously exercised by the Commissioner of Lands and Surveys; and to provide for matters connected therewith or incidental thereto.

After the debate thereon, question was put and agreed to.

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

4. Immigration (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to amend the Immigration Act, Chapter 156 of the Substantive Laws of Belize, Revised Edition 2011, in relation to temporary residency; to include the Chief Executive Officer of the Ministry responsible for labour on the Visa Vetting Committee and clarify the role of the Chief Executive Officer of the Ministry responsible for the Police on the Committee; and to provide for matters connected therewith or incidental thereto.

After the debate thereon, question was put and agreed to.

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

5. Belize Trade and Investment Development Service (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to amend the Belize Trade and Investment Development Service Act, Chapter 282 of the Substantive Laws of Belize, Revised Edition 2011, to alter the composition of the Board; to provide for a new method of appointment of staff; and to provide for matters connected therewith or incidental thereto.

After the debate thereon, question was put and agreed to.

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

6. Married Persons (Protection) (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to amend the Married Persons (Protection) Act, Chapter 175 of the Substantive Laws of Belize, Revised Edition 2011, to extend the age for which a child born of a marriage is entitled to maintenance; to make further provision for entitlements and obligations, arising from or relating to orders under the Act, and to provide that they be applicable to a wife or husband, as the circumstances may require; and to provide for matters connected therewith or incidental thereto.

After the debate thereon, question was put and agreed to.

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

7. Misuse of Drugs (Amendment) Bill, 2017.

The Honourable Minister of State in the Ministry of Finance and Natural resources on behalf of the Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration, moved that the above-mentioned Bill be read a second time:

Bill for an Act to amend the Misuse of Drugs Act, Chapter 103 of the Substantive Laws of Belize, Revised Edition 2011 to decriminalize the possession of *cannabis* in amounts not exceeding ten grammes, to provide for the imposition of monetary and non-recordable penalties for the possession of *cannabis* in such amounts occurring on school premises, in specified circumstances, to decriminalize the smoking of *cannabis* on private premises; and to provide for matters connected therewith or incidental thereto.

After the debate thereon, question was put and agreed to.

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

8. International Banking (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to amend the International Banking Act, Chapter 267 of the Substantive Laws of Belize, Revised Edition 2011, to make new provision in relation to the categories of publicly owned or controlled entities resident in Belize with whom international

banking business may be transacted; and to provide for matters connected therewith or incidental thereto.

After the debate thereon, question was 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. **Accession to the Nairobi International Convention on the Removal of Wrecks Motion, 2017.**

Motion in its entirety agreed to.

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

2. **Resolution Authorizing the Ratification by Belize to the Agreement Relating to the Operation of the CARICOM Development Fund (CDF) Motion, 2017.**

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. **Land Utilization (Amendment) Bill, 2017.**

Clauses 1 to 4 agreed to.

Bill to be reported back to the Senate without amendment.

2. **Registered Land (Amendment) (No.2) Bill, 2017.**

Clauses 1 to 4 agreed to.

Bill to be reported back to the Senate without amendment.

3. Land Tax (Amendment) (No.2) Bill, 2017.

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

4. Immigration (Amendment) Bill, 2017.

Clauses 1 to 5 agreed to.

Bill to be reported back to the Senate without amendment.

5. Belize Trade and Investment Development Service (Amendment) Bill, 2017.

Clauses 1 to 9 agreed to.

Bill to be reported back to the Senate without amendment.

6. Married Persons (Protection) (Amendment) Bill, 2017.

Clauses 1 to 12 agreed to.

Bill to be reported back to the Senate without amendment.

7. Misuse of Drugs (Amendment) Bill, 2017.

Clauses 1 to 8 agreed to.

Bill to be reported back to the Senate without amendment.

8. International Banking (Amendment) Bill, 2017.

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

PUBLIC BUSINESS

A. GOVERNMENT BUSINESS

IV MOTIONS

(Adoption of Motions)

1. **Accession to the Nairobi International Convention on the Removal of Wrecks Motion, 2017.**

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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. **Resolution Authorizing the Ratification by Belize to the Agreement Relating to the Operation of the CARICOM Development Fund (CDF) Motion, 2017.**

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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. **Land Utilization (Amendment) Bill, 2017.**

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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. **Registered Land (Amendment) (No.2) Bill, 2017.**

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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. Land Tax (Amendment) (No.2) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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. Immigration (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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

5. Belize Trade and Investment Development Service (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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

6. Married Persons (Protection) (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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

7. Misuse of Drugs (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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

8. International Banking (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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 Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the Senate be adjourned.

After a short intervention by Senator Valerie Woods, question was put and agreed to.

The Senate adjourned at 4:52 P.M. to a date to be fixed by the President.

PRESIDENT

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