

BELIZE

No. 8/1/13

SENATE

Friday, 30th September 2016

10:50 A.M.

Pursuant to the direction of Mr. President, in writing, dated 28th September 2016, the Senate met in the National Assembly Chamber in Belmopan on Friday, 30th September 2016, at 10:50 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 Home Affairs and Immigration
Senator, the Honourable Dr. Carla Barnett – Vice-President and Minister
of State in the Ministry of Finance
Senator, the Honourable Vanessa Retreage – 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

MADAM PRESIDENT *in the Chair*:

PRAYERS *by Rev. Ashley Rocke*.

ANNOUNCEMENT BY THE PRESIDENT

Madam President made the following announcement:-

“Can I just say that the President is on his way here. He is coming into the country today, and we were hoping that he would have made it on time. And so I am sitting in as Vice-President for the President. We hope that he does make it here before the end of the session this morning. So thank you for being here, and we will proceed with the business of the Senate until our President arrives.

Honourable Members, with the consent of the Senate, and in keeping with Standing Order 84, I propose to vary the order of introduction of Motions under

item B, Private Member's Business, to allow Motion No. 2 on the Order Paper to be taken before Motion No. 1.

Is it the wish of the Honourable Members that the order of introduction of Private Motions be varied as suggested?"

Question put and agreed to.

MOTION RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE

The Leader of Government Business and Minister of Home Affairs 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 MOTION

1. **Motion for Suspension of Standing Orders to enable the proposing of a Motion for Appointment of a Special Select Committee to investigate the findings of the Auditor General's Special Visa and other findings Report on the Immigration and Nationality Department for the period 2011-2013 to be reconsidered in the current Session of the Honourable Senate.**

The Leader of Government Business and Minister of Home Affairs and Immigration moved:-

WHEREAS, a Motion was proposed by Senator Michel Chebat, temporarily appointed as such, in this Honourable Senate on the 31st August 2016, for the appointment of a Special Select Committee to investigate the issuance of nationality, visas and passports in the Ministry of Immigration, arising from the findings of the Auditor General's Special Visa and other findings Report on the Immigration and Nationality Department for the period 2011-2013, which Motion was not carried;

AND WHEREAS, two Motions in similar terms have been made by Senator Eamon Courtenay and Senator Ashley Rocke and proposed for consideration in this Honourable Senate;

AND WHEREAS, under section 70 of the Constitution of Belize, each House may make, amend or revoke Standing Orders for the regulation and orderly conduct of its own proceedings, pursuant to

which powers the Standing Orders of the Senate (provisions of which are referred to herein) were made;

AND WHEREAS, Standing Order No. 24 provides, under paragraph (1), that, except with the consent of the President, notice of a Government Motion shall not be placed upon the Order Paper of any sitting earlier than the day following the day on which the notice was given to the Clerk; and under paragraph (2) that, except as provided in Standing Order No. 75 (Reports from Select Committees), a notice of a private Senator's Motion shall not be entered in the Order Book, or placed upon the Order Paper, for a day earlier than four clear days from the day on which the notice was given to the Clerk;

AND WHEREAS, Standing Order No. 36 provides, among other things, that it shall be out of order to attempt to revive in any debate a matter or reconsider any specific question (other than a matter or question relating to a Bill which has been recommitted or returned with any amendment by the other Chamber) upon which the Senate has come to a conclusion during the current Session, except upon a substantive Motion for recession which Motion shall not be brought sooner than six months after the date on which the Senate reached its decision;

AND WHEREAS, under paragraph (d) of section 61A (2) of the Constitution of Belize, among the functions of the Senate is the instituting and conducting of enquiries and investigations on any matter of public interest or importance, and at paragraph (e) thereof, the receiving, reviewing and reporting on annual reports and other reports of the Auditor General, the Contractor General and the Ombudsman and instituting and conducting inquiries, investigations and hearings in relation thereto;

AND WHEREAS, notwithstanding the notice requirements of Standing Order No. 24 and the reconsideration provisions of Standing Order No. 36, the findings of the above-mentioned Special Report are of such public interest that the question of the appointment of a Special Select Committee to investigate same should be reconsidered during the current Session;

AND WHEREAS, Standing Order No. 83 provides at paragraph (1) that any one or more of the Standing Orders may, after notice or with the leave of the President, be suspended on a motion made by a Senator at any sitting, and at paragraph (2) that a motion under that Standing Order shall be decided without amendment or debate;

BE IT, THEREFORE, RESOLVED that, in view of the circumstances set out above, the provisions of Standing Order Nos. 24 and 36 be suspended, in order that the Motions above referred to, and proposed for decision, be considered and voted upon by this Honourable Senate.

Question put and agreed to.

B. PRIVATE MEMBER'S BUSINESS

I MOTIONS

Before Senator Reverend Ashley Rocke Introduced the below-mentioned Motion, Senator Eamon Courtenay raised and proposed a Motion relating to a matter of privilege asking that Senator Godwin Hulse, Leader of Government Business be recluse from the proceeding of the meeting.

Madam Vice-President, in accordance with Standing Order 27(4), made a ruling to defer the Motion, if necessary, to the following Senate sitting.

Motion was not considered.

1. **Motion for the appointment of a Special Select Committee to investigate the findings of the Auditor General's Special Visa and other findings Report on the Immigration and Nationality Department for period 2011-2013.**

Senator Reverend Ashley Rocke moved:-

WHEREAS, paragraph (d) of section 61A (2) of the Constitution of Belize, provides that among the powers and functions of the Senate is the instituting and conducting of enquiries and investigations on any matter of public interest or importance; and also, at paragraph (e) thereof, the receiving, reviewing and reporting on annual reports and other reports of the Auditor General, the Contractor General and the Ombudsman and instituting and conducting inquiries, investigations and hearings in relation thereto; at paragraph (g) thereof, requiring the attendance before it of any Chief Executive Officer in a Government Ministry in respect of any matter of which he has knowledge by virtue of his office, or in respect of anything related to his office and the due execution of his duties; and at paragraph (h) thereof, requiring the attendance before any Committee of the Senate, of any Minister of Government;

AND WHEREAS, the Auditor General has, in her Special Visa and other findings Report on the Immigration and Nationality Department on Nationality, Visas and Passports for the period 2011–2013, publicly reported on various findings of concern in relation to the operations of the Department, with the anticipation that those findings would provide a basis for meaningful reform regarding policy formulation and implementation;

AND WHEREAS, the Government acknowledges, and heeds the call of citizenry including several of the Social Partners represented in the Senate through the Belize Chamber of Commerce and Industry (BCCI), the Belize Business Bureau (BBB) and the National Trade Union Congress of Belize (NTUCB), in recognition that the findings of this Special Report are a matter of public importance and that, in the interest of ensuring good governance and compliance with organizational best practice and statutory requirements, it is desirable that the Senate exercises its powers and functions under

the Constitution of Belize to conduct an inquiry into and investigate the findings of the Report;

AND WHEREAS, Standing Order No. 69 of the Senate Standing Orders (which are further herein referred to) provides for the appointment of a Special Select Committee other than a Standing Committee, by order of the Senate which shall specify the terms of reference of the Committee, including its composition;

AND WHEREAS, Standing Order No. 70 provides, among other things, that every Select Committee shall be so constituted, as to ensure as far as possible, that the balance of the parties in the Senate is reflected in the Committee;

AND WHEREAS, Standing Order No. 72, provides authority to enable the Special Select Committee to summon witnesses to a sitting thereof;

BE IT RESOLVED THAT the Senate shall approve the appointment, pursuant to Standing Order No. 69, of a Special Select Committee of the Senate (hereinafter referred to as “the Committee”) with the following terms of reference and composition:

1. TERMS OF REFERENCE:

- A. To conduct an independent and impartial investigation and inquiry into all policies, processes and procedures in the grant of nationality, and the issuance of visas and passports in the Ministry responsible for Immigration and Nationality that pertain to the findings of the abovementioned Special Report of the Auditor General for the period 2011 - 2013;
- B. To examine pertinent documentation;
- C. To determine whether, consequent on the investigation and inquiry, statutory and other procedures were complied with;
- D. To require the attendance before the Committee of the Chief Executive Officer of the Ministry responsible for Immigration and Nationality, pursuant to section 61A(2)(g) of the Constitution of Belize;
- E. To require the attendance before the Committee of those Ministers named by the Auditor General in the Special Report;

- F. To require the attendance before the Committee of the Director of Immigration and Nationality and all such current and former public officers in the Ministry responsible for Immigration and Nationality, pursuant to Standing Order No. 72 of the Senate Standing Orders, as well as for the production of all relevant papers and records of the Ministry, as may be necessary to conduct its enquiry and investigation;
- G. To examine all such persons required to attend before the Committee as witnesses, pursuant to Standing Order No.72 of the Senate Standing Orders;
- H. To hold and conduct its sittings and meetings in public except for sittings which are held only for the purpose of deliberation of the matters which are the subject of the Committee, which sittings shall be held in private;
- I. That the Committee shall hold its hearings with due urgency and expedition and, without prejudice to the requirements of Standing Order No. 75 of the Senate Standing Orders, make a report to this Honourable Senate as soon as may be practicable of the result of its inquiries, with all such comments and recommendations as the Committee may deem fit, furnishing this Honourable Senate with a full statement of its proceedings and of the reasons leading to its conclusions and recommendations; and
- J. That the report shall be tabled in this Honourable Senate and become a public document;

2. COMPOSITION OF SPECIAL SELECT COMMITTEE:

- A. That the Committee be appointed consisting of six Senators, as follows:-
 - (1)two from those appointed on the advice of the Prime Minister;
 - (2) one from those appointed on the advice of the Leader of the Opposition;
 - (3) the one appointed on the advice of the Belize Council of Churches and the Evangelical Association of Churches;

- (4) the one appointed on the advice of the Belize Chamber of Commerce and Industry and the Belize Business Bureau; and
- (5) the one appointed on the advice of the National Trade Union Congress and the Civil Society Steering Committee;

- B. The Senators who are members of the Committee shall, at the first meeting of the Committee, elect a Chairman of the Committee;
- C. The Quorum of the Committee shall be three.

(Suspension of the debate on the Motion for the appointment of a Special Select Committee to investigate the findings of the Auditor General's Special Visa and other findings Report on the Immigration and Nationality Department for period 2011-2013.)

In accordance with Standing Order 10 (8), the Leader of Government Business and Minister of Home Affairs 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 Motion for the appointment of a Special Select Committee to investigate the findings of the Auditor General's Special Visa and other findings Report on the Immigration and Nationality Department for period 2011-2013.)

The meeting was suspended at 12:30 P.M. This was to allow the Senate to deliberate on the proposed amendments made by Senator Eamon Courtenay

The meeting was resumed at 2:23 P.M

MR. PRESIDENT *in the Chair*

After the debate, Senator Eamon Courtenay moved that the question be put for the Senate to agree to the amendments he proposed to the Motion.

The Senate agreed to the following amendments:

“Terms of Reverence:

- B. To require the production of such papers and records as the Committee shall deem relevant to the enquiry and to . . . ;
- D. . . . and any other Chief Executive Officer who is named by the Auditor General in her Special Audit of the Immigration and Nationality Department on Nationality, Visas and Passports for the

Period of 2011-2013 (“the Special Audit Report”) and/or who may have information, by virtue of his office, which may be relevant to the inquiry, . . . ;

- E. . . . and/or any other Minister of Government who may have information which may be relevant to the inquiry, pursuant to Section 61A(2)(h) of the Constitution of Belize;
- H. . . . and broadcast live . . . ;
- I. . . . in accordance with Standing Order 75 . . . ;
- K. All Committee members shall be allowed sufficient time and equal opportunity to question witnesses, and shall be permitted to question each witness who attends a sitting;
- L. Each witness shall be afforded the opportunity, pursuant to Standing Order 72(13) of the Senate Standing Orders, to review his/her evidence, and shall have liberty to suggest corrections due to inaccurate reporting, within 14 days of the date from which the evidence was sent to the witness by the Clerk;
- M. The Committee shall be permitted to hire attorneys, accountants and such other experts as required by the Committee;
- N. The office of the Senate shall be the office of the Secretariat of the Committee.”

The question was also put for the following amendments, but the Senate did not agree to:

“Terms of Reference:

- D. . . . any person named in the Special Audit Report, and/or who may have information relevant to the inquiry including, but not limited to . . . ;
- I. . . . present . . . the report of the Committee, including any minority report, which reports may include recommendations to improve the processes and procedures related to the issuance of nationality certificates, visas and passports;

2. Composition of Special Select Committee

- A. The Special Select Committee shall be comprised of 5 senators being one from the Senators appointed by the Government, one from the Senators appointed by the Leader of the Opposition and the three Senators appointed by the Social Partners;

- B. No Senator may serve as a member of the Committee if the Auditor General has made an allegation of misconduct, impropriety or wrongdoing against him/her in the Special Audit Report.

- E. Every member of the Committee shall have the right to request that particular witnesses be called

- H. The Committee shall have a first call budget allocation which is sufficient to last for the full hearing of the inquiry into the Special Audit Report.”

Senator Reverend Ashley Rocke then moved the below Motion, as amended:-

1. **Motion for the appointment of a Special Select Committee to investigate the findings of the Auditor General’s Special Visa and other findings Report on the Immigration and Nationality Department for period 2011-2013.**

WHEREAS, paragraph (d) of section 61A (2) of the Constitution of Belize, provides that among the powers and functions of the Senate is the instituting and conducting of enquiries and investigations on any matter of public interest or importance; and also, at paragraph (e) thereof, the receiving, reviewing and reporting on annual reports and other reports of the Auditor General, the Contractor General and the Ombudsman and instituting and conducting inquiries, investigations and hearings in relation thereto; at paragraph (g) thereof, requiring the attendance before it of any Chief Executive Officer in a Government Ministry in respect of any matter of which he has knowledge by virtue of his office, or in respect of anything related to his office and the due execution of his duties; and at paragraph (h) thereof, requiring the attendance before any Committee of the Senate, of any Minister of Government;

AND WHEREAS, the Auditor General has, in her Special Visa and other findings Report on the Immigration and Nationality Department on Nationality, Visas and Passports for the period 2011–2013, publicly reported on various findings of concern in relation to the operations of the Department, with the anticipation that those findings would provide a basis for meaningful reform regarding policy formulation and implementation;

AND WHEREAS, the Government acknowledges, and heeds the call of citizenry including several of the Social Partners represented in the Senate through the Belize Chamber of Commerce and Industry (BCCI), the Belize Business Bureau (BBB) and the National Trade Union Congress of Belize (NTUCB), in recognition that the findings of this Special Report are a matter of public importance and that, in the interest of ensuring good governance and compliance with organizational best practice and statutory requirements, it is desirable that the Senate exercises its powers and functions under

the Constitution of Belize to conduct an inquiry into and investigate the findings of the Report;

AND WHEREAS, Standing Order No. 69 of the Senate Standing Orders (which are further herein referred to) provides for the appointment of a Special Select Committee other than a Standing Committee, by order of the Senate which shall specify the terms of reference of the Committee, including its composition;

AND WHEREAS, Standing Order No. 70 provides, among other things, that every Select Committee shall be so constituted, as to ensure as far as possible, that the balance of the parties in the Senate is reflected in the Committee;

AND WHEREAS, Standing Order No. 72, provides authority to enable the Special Select Committee to summon witnesses to a sitting thereof;

BE IT RESOLVED THAT the Senate shall approve the appointment, pursuant to Standing Order No. 69, of a Special Select Committee of the Senate (hereinafter referred to as “the Committee”) with the following terms of reference and composition:

1. TERMS OF REFERENCE:

- A. To conduct an independent and impartial investigation and inquiry into all policies, processes and procedures in the grant of nationality, and the issuance of visas and passports in the Ministry responsible for Immigration and Nationality that pertain to the findings of the abovementioned Special Report of the Auditor General for the period 2011 - 2013;
- B. To require the production of such papers and records as the Committee shall deem relevant to the enquiry and to examine pertinent documentation;
- C. To determine whether, consequent on the investigation and inquiry statutory and other procedures were complied with;
- D. To require the attendance before the Committee of the Chief Executive Officers of the Ministry of Immigration and Nationality and the Ministry of Foreign Affairs, and any other Chief Executive Officer who is named by the Auditor General in her Special Audit of the Immigration and Nationality Department on Nationality, Visas and Passports for the Period of 2011-2013 (“the Special Audit Report”) and/or who may have information, by virtue of his office, which may be relevant to the inquiry, pursuant to Section 61A(2)(g) of the Constitution of Belize;

- E. To require the attendance before the Committee of those Ministers named by the Auditor General in the Special Report and/or any other Minister of Government who may have information which may be relevant to the inquiry, pursuant to Section 61A(2)(h) of the Constitution of Belize;
- F. To require the attendance before the Committee of the Director of Immigration and Nationality and all such current and former public officers in the Ministry responsible for Immigration and Nationality, pursuant to Standing Order No. 72 of the Senate Standing Orders, as well as for the production of all relevant papers and records of the Ministry, as may be necessary to conduct its enquiry and investigation;
- G. To examine all such persons required to attend before the Committee as witnesses, pursuant to Standing Order No.72 of the Senate Standing Orders;
- H. To hold and conduct its sittings and meetings in public and broadcast live except for sittings which are held only for the purpose of deliberation of the matters which are the subject of the Committee, which sittings shall be held in private;
- I. That the Committee shall hold its hearings with due urgency and expedition, in accordance with Standing Order 75 of the Senate Standing Orders, make a report to this Honourable Senate as soon as may be practicable of the result of its inquiries, with all such comments and recommendations as the Committee may deem fit, furnishing this Honourable Senate with a full statement of its proceedings and of the reasons leading to its conclusions and recommendations; and
- J. That the report shall be tabled in this Honourable Senate and become a public document.
- K. All Committee members shall be allowed sufficient time and equal opportunity to question witnesses, and shall be permitted to question each witness who attends a sitting;
- L. Each witness shall be afforded the opportunity, pursuant to Standing Order 72(13) of the Senate Standing Orders, to

review his/her evidence, and shall have liberty to suggest corrections due to inaccurate reporting, within 14 days of the date from which the evidence was sent to the witness by the Clerk;

M. The Committee shall be permitted to hire attorneys, accountants and such other experts as required by the Committee;

N. The office of the Senate shall be the office of the Secretariat of the Committee;

2. COMPOSITION OF SPECIAL SELECT COMMITTEE:

A. That the Committee be appointed consisting of six Senators, as follows:-

(1) two from those appointed on the advice of the Prime Minister;

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(3) the one appointed on the advice of the Belize Council of Churches and the Evangelical Association of Churches;

(4) the one appointed on the advice of the Belize Chamber of Commerce and Industry and the Belize Business Bureau; and

(5) the one appointed on the advice of the National Trade Union Congress and the Civil Society Steering Committee;

B. The Senators who are members of the Committee shall, at the first meeting of the Committee, elect a Chairman of the Committee;

C. The Quorum of the Committee shall be three.

Question was put and a division was requested by Senator Eamon Courtenay.

The Senators voted as follows:

Senator Godwin Hulse	-	Yes
Senator Dr. Carla Barnett	-	Yes
Senator Vanessa Retreage	-	Yes
Senator Macario Coy Sr.	-	Yes
Senator Stephen Duncan	-	Yes
Senator Aldo Salazar	-	Yes
Senator Michel Chebat	-	No
Senator Valerie Woods	-	No
Senator Paul Thompson	-	No
Senator Markhelm Lizarraga	-	No
Senator Reverend Ashley Rocke	-	Yes
Senator Elena Smith	-	No

Thereon, the results were as follows: Seven (7) Senators voted “yes” and five (5) Senators voted “no”.

The Motion was approved.

2. **Motion for the Appointment of a Special Select Committee to investigate the issuance of nationality, visas and passports in the Ministry of Immigration.**

The Honourable President acknowledge Senator Courtenay to move the abovementioned Motion standing in his name.

Meanwhile Senator Vanessa Retreage rose on a matter, pursuant to Standing Order 30(1), to have the Motion be removed from the Order Paper.

The Motion was removed from the Order Paper.

ADJOURNMENT

The Senate adjourned at 2:58 P.M. to a date to be fixed by the President.

PRESIDENT

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