

BELIZE

No. 6/1/13

SENATE

Monday, 15th August 2016

10:05 A.M.

Pursuant to the direction of Mr. President, in writing, dated 11th August 2016, the Senate met in the National Assembly Chamber in Belmopan on Monday, 15th August 2016, at 10:05 A.M.

_

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 Michel Chebat – Temporary
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

Member Absent:

Senator, the Honourable Eamon Courtenay

MR. PRESIDENT *in the Chair*.

PRAYERS *by Senator Rev. A. Rocke*.

OATH OF ALLEGIANCE OF NEW SENATORS

MR. PRESIDENT: Mr. Clerk, can you please kindly administer the Oath of Allegiance to the new Senators.

SENATOR V. RETREAGE: I, Vanessa Retreage, do swear that I will bear true faith and allegiance to Belize and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as a Senator and do right to all manner of people without fear or favour, affection or ill-will. So help me, God.

SENATOR M. CHEBAT: I, Michel Chebat, do swear that I will bear true faith and allegiance to Belize and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as a Senator and do right to all manner of people without fear or favour, affection or ill-will. So help me, God.

SENATOR M. LIZARRGA: Mr. President, please allow me to extend my sincere congratulations to both the new Senators here with us today. Welcome to this Honourable House, and I look forward to working with you both in fulfilling that which your oath claims that you should. I ask you to reflect on the words of the oath a lot, at least before our next regular business session. Thank you, Mr. President.

MR. PRESIDENT: Thank you, Senator. I would also like to extend my congratulations to Senator Michel Chebat and Senator Vanessa Retreage. Welcome to the sitting.

MOTION RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE

SENATOR G. HULSE (Leader of Government Business and Minister of Home Affairs and Immigration): Mr. President, before I move the motion, I also want to take the opportunity to welcome my colleague, Senator Minister Vanessa Retreage, to this august body. I know her addition will greatly enhance our debate and help to promote the business of Government and of this nation. Congratulations Senator. I also want to welcome Senator Michel Chebat for today's sitting, and I think we should all welcome them. (Applause)

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 MOTION

1. Motion Approving the Appointment of Mr. Douglas Singh as Chairman, Elections and Boundaries Commission, 2016.

SENATOR G. HULSE (Leader of Government Business and Minister of Home Affairs and Immigration): Mr. President, I move that:-

WHEREAS, subsection (1) of section 88 of the Constitution of Belize provides that there shall be an Elections and Boundaries Commission which shall consist of a Chairperson and four other members who shall be persons of integrity and high national standing;

AND WHEREAS, it is further provided by subsection (2) of that section that the Chairperson and two other members of the Elections and Boundaries Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition, and the remaining two members shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, provided that in the process of consultation with the Leader of the Opposition for the appointment of the Chairperson, the Prime Minister shall use his best endeavors to secure the agreement of the Leader of the Opposition;

AND WHEREAS, it is further provided by subsection (4) of that section that if any member of the Commission dies or resigns, the Governor-General shall appoint another person in his place in the same manner in which such member was appointed;

AND WHEREAS, MR. BERNARD Q. A. PITTS, S.C., CBE, who was appointed as Chairperson of the Elections and Boundaries Commission for a period of five (5) years on the 15th May, 2012 is now deceased;

AND WHEREAS, the Prime Minister, after due consultation with, and having used his best endeavours to secure the agreement of, the Leader of the Opposition, intends to advise the Governor General that **Mr. DOUGLAS SINGH**, be appointed as the Chairperson of the Elections and Boundaries Commission for a period of five (5) years with effect from 1st January, 2016;

AND WHEREAS, subsections (2)(c) and (3) of section 61A of the Constitution of Belize provide that a member of the Elections and Boundaries Commission can only be validly appointed with the prior approval of the Senate;

NOW, THEREFORE, BE IT RESOLVED that this Honourable Senate, being satisfied that **Mr. DOUGLAS SINGH** is a person of integrity and high national standing, approve his appointment as the Chairperson of the Elections and Boundaries Commission for a period of five (5) years with effect from 1st January, 2016, in accordance with the abovementioned provisions of the Constitution of Belize.

SENATOR M. LIZARRGA: Thank you, Mr. President. Mr. President, this appointment is a very important appointment. With your permission, Mr. President, I would like to remind this Honourable House of one of the pillars of the business manifesto that we had circulated to all the political parties prior to the election. Electoral reform for us is a matter that should be conducted, is a matter that needs to be conducted urgently. In our manifesto we called for an audit to clear up any uncertainties as it relates to the legitimacy and the legality of voters on the voters' list and to ensure that periodic audits be conducted to maintain the integrity of the voters' list.

We are not sure, Mr. President, what is going to be the mandate of the newly appointed Chair, but we would like to submit that those items that we mentioned need to be seriously looked at. I understand that, perhaps, one of the exercises he will be looking at is the redistricting of our electoral divisions, and, if that is to be so, then we applaud that effort and we look forward to supporting it because, as we know, too many divisions, small divisions, yield un-proportionate political weight in this country. Representatives in certain divisions need only court 3,000 electors. In other divisions the sizes are, perhaps, 9,000 electors or maybe even 10,000 electors. So that is what we call disproportionate representation, and this has been a major concern for us over the years, Mr.

President. So we look forward to perhaps, and it is a shame that we didn't see, perhaps, a list of the items that this new gentleman will be tasked to perform, but we look forward to it. Perhaps the time is not now, but we look forward to it in the future so that we can participate in that process to see what his mandate is and in what timeframe he seeks to achieve his mandate.

So again, Mr. President, this is an exercise, and this is a very important role that this gentleman is going to play. And I hope, Mr. President, that it is done in earnest and that we will be able to participate in the process. Thank you.

SENATOR M. CHEBAT: Thank you, Mr. President. Mr. President, I wish to make a few contributions to this motion. Mr. President, prior to today's official appointment of Mr. Singh, it has come to my attention that, in fact, Mr. Singh has already held one or more meetings in the capacity of the Chairman of the Elections and Boundaries Commission.

Be that as it may, Mr. President, it is important for us to stress that the matters that the Elections and Boundaries Commission will be likely dealing with are redistricting and re-registration. For us and for the country of Belize, Mr. President, it is important that there be no redistricting until we have done a re-registration in this country. It has been 20 years since there was a re-registration, Mr. President. Anyone in this country who is involve in the election process can tell you that there are hundreds of names that appear on each of the constituencies' list of voters who you cannot find and miraculously they appear on election day to vote. It is time for re-registration, Mr. President. For Mr. Singh and the commission to fulfill the requirements of section 91 of the Constitution, there must be re-registration before redistricting, and we call upon him to embark on that process forthwith. Thank you, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister of Home Affairs and Immigration): Mr. President, I thank the colleagues for the comments and for the support. I move the motion.

MR. PRESIDENT: Honourable Members, that Motion is referred to the Constitution and Foreign Affairs Committee for examination, consideration and report.

II COMMITTEE OF THE WHOLE SENATE ON MOTION

MR. PRESIDENT: Honourable Members, in accordance with Standing Order 68A, the Senate will now resolve itself into the Constitution and Foreign Affairs Committee, a Committee of the whole Senate, to consider the Motion referred to it.

Honourable Members, I will now take the Chair as the Chairman of the Constitution and Foreign Affairs Committee.

(In the Constitution and Foreign Affairs Committee)

MR. PRESIDENT in the chair.

1. **Motion Approving the Appointment of Mr. Douglas Singh as Chairman, Elections and Boundaries Commission, 2016.**

Motion in its entirety agreed to.

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

PUBLIC BUSINESS

A. **GOVERNMENT BUSINESS**

II MOTION

(Adoption of Motion)

1. **Motion Approving the Appointment of Mr. Douglas Singh as Chairman, Elections and Boundaries Commission, 2016.**

SENATOR G. HULSE (Leader of Government Business and Minister of Home Affairs and Immigration): Mr. President, the Constitution and Foreign Affairs Committee has met and considered the Motion Approving the Appointment of Mr. Douglas Singh as Chairman, Elections and Boundaries Commission, 2016, and has agreed that it be returned back to the Senate for adoption.

I therefore move that the question be put.

MR. PRESIDENT: Honourable Members, the question is, NOW, THEREFORE, BE IT RESOLVED that this Honourable Senate, being satisfied that Mr. DOUGLAS SINGH is a person of integrity and high national standing, approve his appointment as the Chairperson of the Elections and Boundaries Commission for a period of five (5) years with effect from 1st January, 2016, in accordance with the abovementioned provisions of the Constitution of Belize.

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

ADJOURNMENT

SENATOR V. WOODS: Mr. President, I rise to make a statement of

national importance. It will be brief. It has been several months since this Chamber has met, which I find very disappointing given the fact of the many challenges that this country has been grappling with in those several months, some of which include but certainly are not limited to the BTL award, which by all accounts is much more than what was contemplated when we last met on budget debate, the rising situation of crime in Belize, not to mention, not least of all the most recent scandalous business of one William Mason and the questions that arise on his birth certificate, gun permits, and all these other things that question good governance in our country, only now to be anchored by the very ravaging effects of Hurricane Earl, where so many Belizeans now who have lost so much and we are now struggling to get some semblance of quality of life back to them. So all those matters are critical.

This Upper Chamber has not met, but since then there has also been a significant ruling by our Supreme Court on section 53 of the Criminal Code. So I rise to give my recognition of that ruling. I rise to give that recognition because, while it is of national importance to Belize, it is a significant victory for human right, yes, in Belize, in the region, and, indeed, for human rights worldwide. Specifically because of this ruling made by Chief Justice Kenneth Benjamin, it states specifically the right not to be discriminated, the right to privacy, the right to be treated with dignity, no matter the race, religion or sexual orientation or identity. So, indeed, it is a good day for Belize. It is a good day for human rights.

And, while I recognize that there are so many in our society who do not support the ruling, who do not agree with the ruling for various reasons, I am certain that the Honourable Members of this Chamber will join me in stating that, notwithstanding those disagreements, at no time should we agree that there should be violence, discrimination, or hatred because you disagree with the ruling. The challenge before all of us now is to advance the human rights' cause in Belize and ensure that, where legislation contravenes our Constitution, that we must act swiftly and quickly to correct that for the interest of all Belizeans.

I thank you for the opportunity to recognize the importance of this significant ruling despite the many challenges that this country has faced and the lack of meetings on the part of this chamber to grapple with them. Thank you.

SENATOR REV. A. ROCKE: Mr. President, I rise to, of course, talk about an issue of national importance, certainly an issue as it relates to the church, and in particular the ruling that was made by the Chief Justice. The concern is that now that the ruling has been made and that it was the government who took the concern to the court we, as the church, are poised to know where we will go from here, seeing that now this ruling has said that this particular behavior will now be allowed or it should not be challenged as the Criminal Code once said it should have been.

Our concern is that, although there are laws that are related to administrative issue, this law is related to human behavior and human behavior in relation to our children. How will a law like this affect our children in the future, well, not just in the future but now and later on? It is very important that, when we make laws or when we agree on laws of freedom, that these laws are pertinently designed to not only grant the will of those seeking the law but also to remember that the children that these laws will affect are key.

And so we wait for the decision that the Prime Minister will make now that the ruling has been made. We hope that there will be certain responsibilities as it relates to national behavior, as it relates to the LGBT community. I want to thank you, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister of Home Affairs and Immigration): Mr. President, I just want to thank the Senators for their comments, particularly the comment that in this country we need to always maintain peace, civility, and respect for each other. Disagree but disagree in a civil manner.

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

MR. PRESIDENT: 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 10:30 A.M. to a date to be fixed by the President.

PRESIDENT
