

BELIZE

No. 11/1/13

SENATE

Thursday, 19th January 2017

10:05 A.M.

Pursuant to the direction of Mr. President, in writing, dated 13th January 2017, the Senate met in the National Assembly Chamber in Belmopan on Thursday, 19th January 2017, at 10:05 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 Ministry of 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 Roche
Senator, the Honourable Elena Smith

MR. PRESIDENT *in the Chair*.

PRAYERS *by Senator Rev. A. Roche*.

OATH OF ALLEGIANCE OF A NEW SENATOR

MR. PRESIDENT: Mr. Clerk, please kindly administer the Oath of Allegiance to our new Senator.

SENATOR M. PEYREFITTE: I, Michael Peyrefitte, 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.

MR. PRESIDENT: I have to congratulate you, Senator Peyrefitte, in

joining us for this new year's Special Sitting.

SENATOR M. PEYREFITTE: Thank you, Mr. President. I am looking forward to serve this nation to the best of my abilities, and I believe that we will have enough to say today that I need not say any more at this point. Thank you, Mr. President.

MR. PRESIDENT: Thank you, Senator Peyrefitte.

ANNOUNCEMENT BY THE PRESIDENT

MR. PRESIDENT: Honourable Members, by letter dated 13th January 2017, Cabinet's recommendation has been signified to the following:

1. Mutual Administrative Assistance in Tax Matters (Amendment) Bill, 2016;
2. Private Pensions (Amendment) Bill, 2016; and
3. Government of the Republic of China (Taiwan) US\$25,000,000 Loan Motion, 2017.

BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, first, let me, with your permission, welcome my colleague, Senator Peyrefitte, to these Chambers.

Mr. President, I rise to take charge of the following Bills:

1. Mutual Administrative Assistance in Tax Matters (Amendment) Bill, 2016;
2. Private Pensions (Amendment) Bill, 2016;
3. Referendum (Amendment) Bill, 2016;
4. Non-Governmental Organisations (Amendment) Bill, 2016;
5. Land Tax (Amendment) Bill, 2017;
6. National Lands (Amendment) Bill, 2017;
7. Mines and Minerals (Amendment) Bill, 2017; and
8. Registered Land (Amendment) Bill, 2017.

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.

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I move that at its rising today the Senate adjourn to a date to be fixed by the President.

SENATOR E. COURTENAY: Mr. President, I would like to propose an amendment to that Motion, and I move it under Standing Order 25 for which no notice is required. Mr. President, as you know, the thirteenth Senator has been elected. He is awaiting the coming into force of the Constitution, and that comes into force tomorrow. I propose that the Motion moved by the Honourable Leader of Government Business be amended to read, "That at its rising now the Senate do stand adjourn until after the 20th of January in order that the thirteenth Senator can attend and take part in the matters on the Order Paper." It is a Motion to amend so that the Senate adjourns now, so that the thirteenth Senator can participate in the matters on the Order Paper.

SENATOR E. SMITH: Thank you. I would like to support the Motion presented by Senator Courtenay, that we adjourn so that our thirteenth Senator can have a chance to represent the people that he should be representing. Thank you.

MR. PRESIDENT: Senator Courtenay, I think, based on your email to me, and you may sit, Senator. I think we have already discussed this matter and have already made a decision that the Special Sitting today will proceed. Also, I will let you know that I have discussed it with my colleagues, and we need for the NGO Bill to pass in order for Senator Salas to be sworn in tomorrow. So if it is not passed today Senator Salas will not be able to be sworn in tomorrow.

SENATOR E. COURTENAY: Mr. President, with respect, first of all, I have moved an amendment to the Motion, and I am entitled to have that amendment voted on. The second thing, it is incorrect, it is legally false, to say to this Senate that the amendment to the NGO Act is required for the thirteenth Senator to take his seat. We can disagree on the legal interpretation of that. I insist on my Motion being voted on.

SENATOR S. DUNCAN: Prior to the Motion being voted on, if there is a move to amend something, I'm hoping that I get an opportunity to say something on it.

Mr. President, I find the request a little strange. We have, as a country, always had a Senate. We have always taken our roles seriously, and we have already, as far as I am aware, discharged our duties maturely and responsibly with or without a thirteenth Senator. I am a little surprised if we are being asked to

accept or if it is being suggested that this Senate cannot function without a thirteenth Member. We have always had the quorum. Even if you add a thirteenth Senator, I am not aware that there is any intention to change the quorum for a meeting. Even in adding a thirteenth Senator the quorum calls for, as far as I can recall, I didn't have time to research it, it just came on me, I think, it is three. So, as long as we have a quorum, it is mind-boggling why we should not have a meeting because we want a thirteenth Senator. Even with a thirteenth Senator, are we saying that in the future if someone is absent and the composition is reduced to 12 for that sitting, are we then going to adjourn our meeting until we have 13 people at all times in this Chamber? Mr. President, I do not think that what is being asked is necessary.

I will comment on the point of the Bill not being needed to facilitate the ascension of the NGO to the Chamber. I am not a lawyer, and far from it for me to challenge an esteemed advocate. I would never try to challenge senior counsel Courtenay at all. But in my limited understanding and reading of the situation it seems to me, Mr. President, that the amendment is part of the framework put together or being conceived or concealed for the very ascension and inclusion of that Senator into the Chamber.

SENATOR V. WOODS: Mr. President, on a point of order.

MR. PRESIDENT: Yes, Senator, what's your point of order?

SENATOR V. WOODS: We should not be debating any of these Bills on their merits or demerits at this juncture. There was a Motion put to adjourn, and, if anything, that is what we should be discussing. I too support the Motion for adjournment, and that is the matter we should be discussing.

MR. PRESIDENT: Excuse me, Senator Duncan. Yes, a Motion was brought, but in order for us all to have a decision some information needs to be given, and I believe Senator Duncan is just giving some insight before all Senators vote. Please proceed, Senator Duncan.

SENATOR S. DUNCAN: I was merely trying to articulate, and I am sorry if I am not very good at it, but I was merely trying to articulate why I feel that we should not support the Motion that was put on the Table. I am very sorry about that. I've made the point that a thirteenth Senator does not decide and determine whether we have a Senate meeting because the Standing Orders say the quorum is three and not thirteen. And I am making the point that, in fact, in my view, one of the Bills before us is very germane to the inclusion of that Senator to this Honourable Chamber. And on that point I clearly disagree with the Honourable Senator who is clearly an attorney at law and might have a better understanding than I do, but I need to say what I understand from it. And my understanding, Mr. President, is that this is part of the construct of the framework put in place to facilitate the change required for that Senator to be part of this Chamber. On those two bases, Mr. President, I cannot support the Motion to adjourn. I believe the business of the Senate and the business of the people should continue. There is no good reason why it should be dependent on any one person. This Senate has functioned without that person for decades and will do so even after. I see absolutely no reason to call for us to step down because one person is not here. I refuse to accept that approach. Thank you, Mr. President.

SENATOR M. PEYREFITTE: Thank you, Mr. President. Mr. President, I have to support the submissions made by Senator Duncan for additional reasons as well. Mr. President, what is a thirteenth Senator? There is no such thing as a thirteenth Senator. There are thirteen Senators when the next person is sworn in.

We are all a part of the thirteen Senators. We are all number one, and we are all number thirteen. We do not pause the business of the people to accommodate one person. We are here, and we have a quorum. We should move on.

And the next thing I have to wonder is that Senator Courtenay is so interested in adjourning an entire Senate meeting to accommodate one Senator. I mean, is this a person who will be a Senator for the NGO community, or is this a Senator for the People's United Party. I would have thought that, not even they are clamoring to that extent. They are not protesting outside. They are not making any huge argument to come in here. They fully understand that their person will be appointed when their person is appointed. I mean, we do not stop a Senate meeting because somebody is absent or not yet appointed. I mean, yesterday Senator Courtenay was not at the hearings into the Special Select Committee, should they have adjourned then? No! When you are absent, we move on once we have a quorum. So I think the proceedings on the Order Paper today, Mr. President, should go on, and I support what Mr. Duncan has said.

SENATOR A. SALAZAR: Mr. President, I would like some clarity. The Motion sought for an amendment which is that at the end of its sitting today the Senate should adjourn to a further date. In my view, Senator Courtenay's Motion is out of order because it is not a matter that can be properly exempted from notice. If the Opposition wanted us to not have any sitting today that is a different matter. You do not require notice to amend a motion, but what they are seeking to do is not to amend the Motion. What they are seeking to do is not to amend what the Motion is. The Motion is that at the end of today's sitting the Senate adjourns to a further date. This is a new Motion not to have any sitting today. So then you need to have notice for something like that. It is not a proper amendment to the Motion made by the Leader of Government Business. His Motion is that at the end of today's sitting we adjourn. So I don't feel that it is proper to propose that amendment because it is not something that our Standing Order 25 stipulates or has exemption from notice. So, in my view, it is out of order.

I have my own views as to the merits. I feel that we are all here today, and we have business to proceed with, so then let's move ahead with it. I don't see why, in support of what Senator Peyrefitte had said, why we would want to seek to adjourn a whole Senate sitting to accommodate an additional Senator at this point. When we did not have a Senator sitting in the place of Senator Elena Smith, there was no issue with proceeding without them. I really don't see what is special about this circumstance. So, in my view, I have two issues: one, I don't feel it is properly brought; and two, even if it is, I do not share the view that we need to adjourn today's sitting to accommodate one additional Senator.

SENATOR V. WOODS: Mr. President, under Exemption from Notice, Standing Order 25 (a), it is clear that a Motion for the amendment of a Motion was made. I support the Motion, and it is not to accommodate anyone, Senator. That was not the Motion. The fact is that, from October 20, this entire nation was aware, and ourselves, that the Commencement Order for the thirteenth Senator would be January 20. In the name of good governance, in the name of respecting the will of the people, a Senate meeting to be called one day before is really not in good faith. But you can go back further, Mr. President, for the context of where we are because it is not about a personality or a person. And to address comments made earlier on this side of the Chamber, the thirteenth Senator is not a Senator for this side of the Chamber.

From August of 2008, the Constitution was amended, Mr. President. It was amended for the thirteenth Senator. In October of 2016, the Commencement Order was signed, Mr. President. In November of 2016, the mechanism to select

that thirteenth Senator which was encouraged by no less than the Prime Minister of this country was effected by way of meeting an invitation by the Attorney General with the NGOs registered under the Act. All of those stipulations were complied with. In December of 2016, with the knowledge of all of that, there was a notice sent out of a meeting of the Senate to be held one day before that Commencement Order takes place. In a year in which the unions and business community and so many others rallied and asked the government to kindly put into effect what the people have been waiting for, but more importantly what this government championed going into that first of three elections, with all of that knowledge, a Senate meeting was scheduled for one day before, not two weeks before, not three weeks before, but one day before that thirteenth Senator position was to take effect.

But to add insult to the injury, as I deem it, it is the NGO (Amendment) Bill because when one takes a deeper read, which I will not debate the merits and demerits of it at this juncture, it has far more impact than allowing a thirteen Senator to be seated. In fact, it goes to the very core of what NGOs can and cannot do, and that, Mr. President, is a disservice to the NGO community, that we in good conscience are going to debate a Bill that has serious repercussions for that community when we know, if we waited only one day, we could have gotten their input. I support the Motion.

SENATOR M. COY SR.: Mr. President, good morning to you and to all my Honourable colleagues here. To the new Senator here, welcome. Mr. President, I stand in support of my colleagues over this side in terms of discussing the issue of the thirteenth Senator. There is a key point that I would like to say, specifically to Senator Woods, about what she said about good faith. Isn't today's sitting showing good faith by trying to have the interest of the people being carried out? That is one.

Isn't today's sitting going to be the last one we ever have with only twelve Senators? So, in terms of my inexperience in these chambers, I have been here for just a number of times, and we have proceeded with or without the NGO Senator. For example, what the Honourable colleague said, we have proceeded without Senator Smith in the previous sittings.

I would want to make it clear that, if this sitting is to take place today, which is what we are doing and we should continue to do, we don't have to wait until the thirteenth Senator is sworn in. If I wasn't sworn in as a Senator, probably I wouldn't had been here today. I wouldn't have been sitting here today. I would have waited for tomorrow or next month or whenever I get sworn in, and then I would have been here. Mr. President, I believe we are acting in good faith today because we have the business of the people that needs to be carried out. And I support that the sitting of today continues, and if we have to vote then let's vote, Mr. President.

SENATOR E. COURTENAY: I would ask that there be a vote on the amendment to the Motion that I moved which has been seconded.

MR. PRESIDENT: Senator Courtenay, yes, and I was just about to get to that. But go ahead first, Senator

SENATOR DR. C. BARNETT: Yes, I am not a lawyer you see, so I have to prevail on the lawyers that are a part of this chamber to explain to me. The existing NGO Act does not require all NGOs to register. It doesn't. You only register as an NGO if you want to benefit from the tax spree provisions. That is what I understand. And there are no organizing principles in that Act for the NGO

community. So there is no basis on which you can decide who can participate in an election to represent or anything like that. So under the existing NGO Act every NGO ought to have been able to participate in the election of a Senator to represent the NGOs. That is how I understood that it is. But in the conversation, as I understand it, between the NGOs who are registered and the AG at the time, where it was agreed that it is the NGOs who are registered under the Act who would be participating in the election of the NGO Senator, it is required for the Act to provide for that before. As I understand it, and we have eminent legal counsel in here, as I understand it, in the absence of the amendment, there is nothing that would have precluded everybody else from participating, and there are a lot of NGOs in this country who would not have had the opportunity to participate in the election of the Senator.

SENATOR V. WOODS: On a point of order, Mr. President.

MR. PRESIDENT: Yes, what is your point of order, Senator Woods?

SENATOR V. WOODS: When a Motion is opened and then closed, are we supposed to continue debating?

MR. PRESIDENT: But I have not closed it as yet, Senator Woods. I told him that I will get to that shortly. Please continue, Senator Barnett.

SENATOR DR. C. BARNETT: Thank you very much Mr. President. I am simply saying, that based on my understanding, if we did what Senator Courtenay has proposed that we don't do any at all of the Senate's business today, including the amendment to restrict the participation in the election of the Senator for the NGO to those who are registered, that we could have a difficulty. There are NGOs of which I am affiliated with who were not participating in the election, and we felt a little bit bad, but then we said, "Well, okay, since it is going to be amended to say you have to be listed, but if you don't have to be listed as under the existing Act then, you know, we are not actually being fair. So I would want to understand or maybe one of the eminent attorneys could tell me whether I am right or wrong, Sir. Thank you very much, Mr. President.

SENATOR E. COURTENAY: Mr. President, with respect now, it is impermissible for a Senator who has spoken already to speak again.

MR. PRESIDENT: I was about to tell him that, Senator.

SENATOR A. SALAZAR: But he is not even allowing me the opportunity. I made the point that the amendment is out of order. I am laying it at your Table to determine whether it is out of order because I don't see or it can't logically be that you will bring an amendment to adjourn a sitting of the Senate when all of us are here without notice.

MR. PRESIDENT: Point taken, Senator Salazar.

SENATOR A. SALAZAR: So that is my point. I am saying that we cannot even vote on it because it is out of order, and it is not a matter which falls within section 25 because you cannot seek to amend that Motion without notice.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I didn't anticipate this, but I moved a previous Motion that, said that "In accordance with Standing 49(1), I move that the Bills be taken through all their stages forthwith." You put the question, and I didn't hear no. With the preview of asking for a Motion to adjourn the sitting, I would have

anticipated that there would have been a no from the Opposition side on that. I will humbly request that we have a temporary suspension of the sitting so that we can discuss certain matters.

MR. PRESIDENT: Any objection to the temporary suspension of the sitting, Senator Courtenay?

SENATOR E. COURTENAY: I never object when Senator Hulse adopts a reasonable position. But, Mr. President, the record must reflect what has happened so far. It is clear to the nation to see who do not believe in the thirteenth Senator being seated in this House.

SENATOR M. PEYREFITTE: On a point of order, who doesn't believe in the thirteenth Senator, Mr. President? To make that last comment there, we are the ones who passed the law to bring the thirteenth Senator. What do you mean we don't believe in the thirteenth Senator? That is my only response to that.

MR. PRESIDENT: Honourable Senators, the Senate is temporarily suspended for discussion. Members of the media, can you please excuse us for a little while? Before we start we will invite you back again.

The Sitting was suspended at 10:37 A.M.

The Sitting was resumed at 10:43 A.M.

MR. PRESIDENT in the Chair.

MR. PRESIDENT: Good morning Senators, based on Standing Orders 9(2) and 9(5), I will not allow the Motion to be amended, Senator Courtenay, and we will move on.

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. Government of the Republic of China (Taiwan) US\$25,000,000 Loan Motion, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I move that - **WHEREAS**, the Government of Belize, through its bi-lateral program of economic cooperation and development with the Government of the Republic of China (Taiwan), has received an offer of further financial support from the Government of that country;

AND WHEREAS, the offer of financial support is in the form of a long-term, concessionary Loan in the principal amount of US\$25.0 million;

AND WHEREAS, the purpose of the Loan is to provide for general budgetary support;

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

Lender:	Mega International Commercial Bank Co. Ltd. of the Republic of China (Taiwan);
Loan Principal Amount:	US\$25,000,000.00;
Disbursement Schedule:	To be disbursed in Advances, within one calendar year from the signing of the Agreement;
Loan Term:	20 years;
Grace Period:	3 years;
Repayment:	In thirty-five (35) consecutive, almost equal semi-annual principal installments commencing 36 months after the signing date of the Agreement;
Purpose:	General budgetary support;
Rate of Interest:	Six-month Libor + 2.5%;

AND WHEREAS, under the provisions of section 7 (1) of the Finance and Audit (Reform) Act, 2005, the Government of Belize is required to obtain the prior authorization of the National Assembly, by way of a Resolution, for such borrowing;

NOW, THEREFORE, BE IT RESOLVED that this Honorable House, being satisfied that the Loan proceeds would be utilized for the purpose stated above, approves and confirms that the Government of Belize may enter into a Loan Agreement with the Mega International Commercial Bank Co. Ltd. of the Republic of China (Taiwan) 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 and agreements connected therewith.

SENATOR M. LIZARRAGA: Thank you, Mr. President. Mr. President, today our government is in the process of adding \$142 per every man, woman and child in this country to their debt burden. If we were to look at the 100,000 more or less workers that we have registered in our country, that would equate to about \$500 per worker that is being added to our debt. I remind this Honourable House that, as our debt stands today, if what I read is correct, that we are close to 100% of GDP in debt, that would mean that what we would be adding today would be

on top of the already \$10,000 per person that we owe in this country, every man, woman and child. And if we were to put that solely on the backs of the workers of this country, the 100,000 or so registered workers, it would equate to about \$35,000 per person of debt.

Mr. President, we know that we are approaching this fiscal cliff. We know that our government has already acknowledged that our economy is in recession. We know of the industries that are underperforming and that have problems. We know all of these things, and yet we seek to borrow more at this time. And obviously this money that is being borrowed today is going to go into the Consolidated Revenue Fund, and it is going to disappear because it is going to cover in effect all monies that we've already spent. This is for budgetary support, and we know and we strongly suspect that we are going to be in deficit again this year as we have been for the last number of years.

Mr. President, if you look at the recommendations that came after the rejection of the proposal that government made to renegotiate its loan obligations under the super bond, we see and we constantly hear the recommendation, "Please, let us see a debt sustainability plan, a debt sustainability exercise." And we are not interested in short term. We want to see these plans reflect into the medium-term because we have a history, you see, of not complying with what we claim we are going to do when we were beneficiaries of relief under the other renegotiations.

Where is this debt sustainability exercise? How much more burden do we seek to propose to add to the workers of this country? How many more taxes are we going to have to raise to take care of these obligations, including the one for today? It concerns us, and we have constantly made this plea whenever we seek to borrow monies because we believe that these burdens will continue to make us less competitive as a nation. We know as well, Mr. President, that the Financial Secretary has already said that he intends or the government intends to secure some additional \$100 million in new taxes for the upcoming fiscal year. There are other agencies that suggest that we need to raise as much as \$200 million in taxes. I don't know how they will make blood out of stone. Mr. President, one would have really hoped that we would have been told or presented in this Honourable House with a plan and say, "You know, at this time we know that we have a lot of debt. We know we have a lot of obligations, but this debt that we are incurring today is to do so and so as part of an overall plan, as part of an overall strategy." But yet, again, as is the norm, one never knows the details of these borrowings.

So, Mr. President, I caution that, knowing that we are in some serious, grave challenging economic times as a country, that we don't throw caution to the wind and that we don't continue to borrow just for borrowing sake and for spending sake. That we seriously begin to listen to the advice that is being given that we come up with a debt sustainability plan and we explain to the people how we are going to now take care of all these burdens that have been placed on their shoulders because, again, I remind the Belizean people that we owe \$10,000 for every man, woman, and child. And we have commitments and obligations on top of that and those numbers that I am quoting don't include interest because we have to pay interest and service interest on these sums that we already owe.

Is this money that is being borrowed today going to help the private sector to grow? Is it going to help our country to become more competitive in certain areas? Is it going to lower crime? Is it going to be used for better housing? Is it going to be used to create new industries so that we can tackle this unemployment that we have in this country that continues to rise or under employment? Will we be using this \$50 million that we are borrowing today to do any of that? No

explanation. Will it give us more secure borders? There are many questions, Mr. President, that one should ask of our government when it seeks to borrow in our name, when it seeks to add more burden to our backs already bent from the burdens of taxation.

We are being taxed almost 30% of GDP, and yet we keep adding. I don't hear about government coming up with any strategy so far to say, "We realize things are bad. So we are going to be cutting this and that, and we will try to save this and that." I know that exercise is being done, and hopefully it will be a serious exercise that will be presented to us before or when our budget or before our budget is completed, but we don't hear about that, man. We just hear about more and more borrowing and there will come a point when it is going to explode. We are going to be a failed state. We already claim we can't meet our obligations under our bonds. We know that is going to attract another 11% or some \$50 odd million in penalties if we don't meet the obligations that we have under the present bond. When is this going to end? Yet we allow those that govern us to continue on this path of wreckless borrowing and reckless spending.

SENATOR P. THOMPSON: Mr. President, I rise to make my contribution in regards to this Loan Motion. First, I would like to acknowledge Senator Peyrefitte, welcome. Mr. President, it would be negligent not to be appreciative of the beneficial relationship that we have with the country of Taiwan, but this Loan Motion, as it is presented, is very short and detailed as my colleague said, and it forces me to raise a few concerns. There are three aspects to this Motion that are alarming to me, and I would like some clarification. The first one is that it says here that "the Government of Belize, through its bi-lateral program of economic cooperation and development with the Government of the Republic of China (Taiwan), has received an offer of further financial support". Further down it says that this loan is being underwritten by a commercial bank in Taiwan by the name of Mega International Commercial Bank Company Limited of the Republic of China (Taiwan), and therefore this is a commercial loan with commercial banking terms, and I want to know what the real deal with this is. Can we get more details about this loan arrangement that we are trying to get here?

My second concern is the stated purpose of the loan. The stated purpose, it says, is general budgetary support. In such a blanked statement, it leaves a lot to be desired. Again, can we get some explanation on this for these Chambers?

My last point is that this is US\$25 million which is BZ\$50 million. That is not a small sum, but that is a hefty sum, Mr. President.

I ask these questions looking for answers but also rhetorically, Mr. President, as we are painfully aware that the nation's finances are in a bad situation. After years of mismanagement, after years of freelancing, after years of partying, after years of rolling it and misspending, years of flying blindly without an economic plan, we are now forced to borrow to simply meet day-to-day expenses. We are forced to default on a renegotiated bond. We are forced to squeeze the living lights out of every Belizean pockets, and if you ask the average man out there on the streets nine out of ten will tell you that life is hard out here. But, Mr. President, our leaders knew this day was coming. They knew that the next few years will be rough. They knew that the pipe piper would come calling, but they were obsessed with political ambition and obviously determined to keep this good thing going on. They hurriedly called an election telling us everything was alright and that the best was yet to come. They knew that was not the case. They knew it, Mr. President, and all we heard about in 2015 was politics. Every two months there was an election. In 2016, we heard about optics and optics. The only "ics" we haven't heard about, Mr. President, is economics, nothing about

economics. Our nation is in crisis, Mr. President, and it is obvious that our leaders have no solution, no solution.

Mr. President, we can't, as my colleague said, because there is no sustainable plan, no plan for the long term. And I have to say that you know we have a lot of talented people in Belize and in the diaspora. Maybe we should try to reach out to them. This is not the time to be partisan. This is not the time to look backwards. This is not the time to be pointing fingers. Mr. President, I say, if the leaders of this country cannot get this job done and cannot come up with a long-term solution and put our economy on the right path, I say step aside and make way for people who can. I thank you.

SENATOR E. SMITH: When we met to discuss these items to be discussed here today, Mr. President, we too had some questions because we needed some sort of clarification on this matter. Firstly, we are concerned about another loan because, as was said earlier and as I had said at the last meeting, we believe that we are becoming too burdened with loans and we are not seeing any headway out of these burdens. But we note here, Mr. President, that it says that the rate of interest is 6-month Libor plus 2.5%. We did a little research, these terms for me, because I am not a financial person. So these are not terms that I am familiar with, and so when I did a research on that it took me back to a matter where this is reliant on things of Wall Street and US Treasury Bill rate and that sort of thing. And so it says that plus 2.5%, and we realize that based on what the definition of that word was we found that it means that the rate is not going to be a fixed rate. So is it going to be, well, I am asking a rhetorical question here, a fixed rate or a floating rate? Based on the research, it seems that this will be a floating rate. So there is no way that we will be able to determine what the rate will be because it has to be based on that market.

But we were also concerned though that this loan is for budgetary support, and so we have already spent and we need additional to help us to assist with what was needed for, I guess it is for this budget that will be ending in March. So we are concerned with that matter there.

We are also concerned, again, as I had said, with the matter of the strain that will be placed on our people and on our economy. And, as my colleague said earlier, when we looked at the total or the package of debt that we have, it is going to be \$35,000 on the head of each worker, and that does not include interest that will be paid. When we look at that, Mr. President, that could mean a home for a worker, a \$35,000-home. That is the amount that that person will have on his or her back, excluding interest. And so if we can get some sort of clarification, some additional information on these questions that we have and on these concerns that we have, then we will see if, based on those clarifications, if this Motion will be one that we can support based on our clarifications. Thank you, Mr. President.

SENATOR REV. A. ROCKE: I want to take the opportunity to weigh in on this discussion. First of all, I too as well join my colleagues in welcoming our new Senator to this House, and we trust that we will, indeed, have wonderful times together as we've already seen.

Mr. President, it is not strange for me to observe what is going on in relation to the loan request that is before us. Subsequent governments, because of our situation, primarily in the Caribbean region, have found themselves saddled with requesting loans every now and then. And so the church will not get into that. However, there are some questions, like was rightly raised, that seems to create some inconsistencies. For instance, the loan is from the Government and people of China (Taiwan) but the loan seems to be gotten or will be gotten from a

private entity, and so there is the inconsistency there that we would like to understand. We feel that that needs to be clarified, and I also want to say that when you are getting a loan it is very important, especially when I am in my home with my wife and my children, when we are getting a loan we sit down and discuss and give all the details as to what that loan will be used for. And so with those two things we would like to ask for some clarity. Thank you.

SENATOR M. PEYREFITTE: Thank you, Mr. President. Mr. President, there are certain things that I would like to point out from what I've heard so far. First of all, Mr. President, it is not strange or it is not an inherent problem if a government, any government, gets a loan. We have undoubtedly a very friendly relationship with Taiwan, and whenever we need budgetary support or support in any way they have always been a friend to give us that support. If you look, first of all, Mr. President, at the rate of interest, I am told by the bankers over on this side of the Senate that the Libor, the fluctuation of that interest rate, it hardly ever reaches even 3%. So when you add the maximum that it would ever reach, 3% plus 2.5%, 5.5% on a loan of US\$25 million, it is a great rate that we are getting, nothing compared to when the government between 1998 and 2008 borrowed at commercial rates from the likes of the International Bank of Miami. So, first of all, the Libor, as it currently stands, as I understand it, Senator Duncan, is about 1.6% which is considered to be very high. It rarely goes beyond that. And I agree with my friend, Senator Thompson, who said that after all the partying and after all of the goods times, yes, from all the partying and all the good times from 1998 to 2008, it has put us in a position where we have to still be making loans to buttress the finances of this country. And it goes a long way in saying though, Mr. President, that if we are in such a bad state, as everybody on the other side and other Members would like for the country to believe, if we were in such a bad state, the how comes we are still getting good concessionary loans like these? Governments borrow. Governments have to borrow. You can't avoid that. What we have to look at is the rate of return and how we have to pay it back.

It is quite disingenuous, Mr. President, for those Members to say, "Well, I wonder if these monies will be for the budget, and it would disappear. Lord, man, all you have to do is look at the Disbursement Schedule. The Disbursement Schedule says that once the agreement is signed the loan will be disbursed within a one-year period. So clearly there will be some disbursements after the new budget is made for this particular year. So there is a complaint that there isn't enough information, but if you can't read the one-page information that we have here then it is a good thing we didn't give more information. It would be more for them not to even read. So, Mr. President, let's not take away from the fact that countries have to borrow. Whenever we can get a good rate, we have to take the opportunity to get that good rate. We have a good rate, and we should take advantage of this situation. Thank you, Mr. President.

SENATOR V. WOODS: Mr. President, I stand to just clarify a couple of things. Obviously, I could have done a point of order but I decided not to. There is no need to cause aspersion on any Senator. Everybody here is literate. They can read, and they can understand.

I have a concern, as all Belizeans do, and, no, it is not because I am not going to go down the road of we are here because of the PUP of 1998 to 2008. There are many reasons why we are here. Previous, past governments and this government is why we are here. And if every time a request comes for a gross amount of loan without any real support, you don't just get the passcard because you blame it on a previous government three terms before. We are supposed to learn from the past. We are not supposed to be repeating mistakes. And so I do take issue with the fact that a purpose for a US\$25 million loan is listed as general

budgetary support because there are no details in that one line. There are absolutely no details when we did the budget debate under the program budgeting format. So when we get something like this we are right back to the same arguments, Mr. President. We just want to know, and it is not just us by the way, it is the people of Belize that wants to know what US\$25 million will be used for to support the budget. Is it the salary component of the budget? Is it more works under the Belize Infrastructure Limited because the millions that have been given to it already from the people's pocket is simply not enough? Is it the Boost Program? What exactly is it going to be used for so that we can begin to at least set the stage in 2017, a new year, to actually tract the impact of this loan?

And my final point is that it is not that we on this side of the Chamber or other Senators that are not appointed from the Government are trying to make it out to the Belizean people that we are in such a bad state. I believe this week some bondholders made that very clear indication to the people of Belize. The IMF has made that clear indication. Our very own Financial Secretary has made some very clear indications. So in this Chamber let us not bring party politics to every single thing. And at the start of this New Year let's try approach this Chamber with some decorum and dignity and stick to the facts. Thank you.

SENATOR M. COY SR.: Mr. President, I just want to make clear the purpose of this Loan Motion today. I am not sure if the Senator missed the purpose of it, as she wants clarification on this Motion. It is clear here, Mr. President. It says that it is for general budgetary support. Man, it is clear, Budget Support, General. Isn't it? Isn't it making it clear there? I am glad that she asked a couple of questions. The truth is the truth. If it occurred in the past, it occurred in the past. It used to occur in the past. It happened in the past, and that's why my honourable colleague on this side is saying that it is what it is. I didn't even hear him mentioning political things in here. He was just making the statement clear that this used to happen in the past and that is the reason we are here today. Man, Lord, what else? It happened in the past, but at least why we are not doing it in the present, for clarification. Thank you, Mr. President.

SENATOR DR. C. BARNETT: Mr. President, thanks very much. It is hard sometimes to follow a presentation like that. I just want to respond to specific questions that have been asked and see if I can provide clarity. One question was whether it is a commercial loan because it is from a commercial bank. No, it is a loan between the Government of Belize and the Government of Taiwan. So it is a sovereign loan. It may be facilitated through a commercial bank that the Government of Taiwan uses, but it is a sovereign loan. So it is not a commercial loan. In fact, what the Minister of Finance has said in the past and what you would have heard said over and over again is that this government doesn't borrow commercially. It never has, not since it came in 2008, and it never will because the rates are that much higher, the terms are that more shorter and the terms and conditions generally are much more difficult. The commercial loans of the past are primarily our issue. The bondholders that we are talking about, that is the bundling of all the commercial loans of the past. We have not borrowed commercially since, and the policy position is that we won't borrow commercially. So it is a sovereign loan, a bilateral, sovereign loan since it is between the two countries.

The issue of the interest rate, Libor, it is the six-month Libor. So that is the rate at which banks in the London market lend each other for six months. So if you want to borrow a six-month loan from one bank to the other that is the rate at which you will get it, and that rate is always available. You can Google it on the net to see what it is. It is somewhere around 1% or a little bit more right now, but it generally is the lowest rate on the market because it is the rate at which banks

lend to each other. Many credit facilities use Libor as the base rate and then add, and that is just what we do and what you see.

There was a question about what general budget support means. We have had an explanation of it from my Senator colleague. Let me just say that more and more governments and institutions are moving towards budget support lending rather than lending tied to projects because, if you think about it, it reduces, it ought to, in theory, let me just say that, create greater efficiency in terms of how government funding takes place. So more and more we are seeing the move towards budget support. Countries have to demonstrate in many instances that they are capable of managing money through that process. Some countries prefer to use general budget support rather than getting into the nitty-gritty of dealing with individual projects. So there is nothing, by definition, negative about general budget support. It is a way in which financing is provided from time to time by some institutions and by some countries on a bilateral basis. And, of course, when you borrow commercially, commercial lending tends to be general budget support, but because you just borrow it and it goes in and you don't really know what it is tied to, and we have had that experience in the past as well. So just want to say that general budget support is not, by definition, anything negative. In fact, moving towards general budget support is a way in which lenders are seeking to get greater efficiency in the allocation and use of their resources rather than becoming involved in the nitty-gritty of managing a lot of little projects on the ground on a bilateral basis with countries. I think those are the main questions that were put on the table, and so I hope that those explanations provide some clarity. Thank you.

SENATOR S. DUNCAN: Thank you, Mr. President. Actually I think I probably ought not to go after Dr. Barnett, who is the expert in this area but probably to add a point that I was going to make earlier in terms of the purpose of the loan, general budgetary support. I think that we keep talking about the government running a deficit, and I think it is only reasonable to understand that if you run into a deficit for whatever reason something has to finance it. And so there are only a couple of sources it can come from, and borrowing is one of those sources, but it is also understandable that the Government is running a slight deficit at this time because the Government, as everybody can see, has been engaged in very significant works within the country, etc. And so it is not unreasonable, but the deficit requires to be funded, needs to be funded by something and from somewhere, so just on that point. Thank you, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): I move that the question be put.

MR. PRESIDENT: Honourable Members, the question is **NOW, THEREFORE, BE IT RESOLVED** that this Honorable House, being satisfied that the Loan proceeds would be utilized for the purpose stated above, approves and confirms that the Government of Belize may enter into a Loan Agreement with the Mega International Commercial Bank Co. Ltd. of the Republic of China (Taiwan) 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 and agreements connected therewith.

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

II BILLS FOR SECOND READING

1. **Mutual Administrative Assistance in Tax Matters (Amendment) Bill, 2016.**

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for an Act to amend the Mutual Administrative Assistance in Tax Matters Act, 2014 (Act No. 15 of 2014), to provide for the implementation of the obligations of Belize arising under the Convention with respect to the standard of automatic exchange of financial account information in tax matters; to give effect to the Multilateral Competent Authority Agreement; to give effect to the Common Reporting Standard; and to provide for matters connected therewith or incidental thereto.

SENATOR COURTENAY: Mr. President and colleagues, I would like, first of all, to join with those Senators who have offered their welcome to my friend, the Honourable Senator Peyrefitte. Welcome to the upper House. We are expecting to hear you and to see you and to engage in robust debates which I know you will discharge with equal passion that you brought to the House.

Mr. President, I rise once again to draw attention to this Honourable Senate that we are being asked to debate a Bill which I have to ask myself, who has read it. Let's start. My friend, Senator Peyrefitte, says he has read it. Let's look at the very end of the Bill. The last section of the Bill says, "This Act shall come into force on the 1st of January 2017." That date has gone. If the law is going to come into force on the 1st of January, this section needs to be amended to say that it shall deem to have come into force. If it doesn't have that language, this section is of no value. We need a deeming provision if it is going to have retroactive effect. That is the first point, Mr. President.

Mr. President, the Bill seeks to implement the Common Reporting Standard, which, as I understand it, is the European Union, the OECD or wider than the European Union, the OEDC's equivalent to the America's FATCA, and it establishes that the Financial Secretary, at clause 5A, shall be the competent authority for the purposes of implementing the convention and the administration of this Act. I wish to draw to the attention of this Honourable Senate a number of the clauses of this Bill which, I would quite seriously suggest, requires some consideration. First of all, there is section 10(2) which reads, "In the event of any inconsistency between the provisions of this Part, MCAA and the Standard, and the provisions of any other law, the provisions of this Part, MCAA, and the Standard shall prevail of the extent to the inconsistency." Not an unusual provision, Mr. President, except that we know exactly which law it is going to take priority over. This is saying any law. This section is going to take priority over, and it includes giving priority to the MCAA which is an agreement and the Common Reporting Standard. In that regard it is unusual.

If we turn to clause 16(2) of the Bill it says, "The competent authority," meaning the Financial Secretary, "may exercise all powers vested in the competent authority of Income Tax." There is no such person. There is no competent authority under the Income Tax Act. The Income Tax Act provides for a Commissioner of Income Tax, and it provides for a Collector of Income Tax, and I suspect that what was intended was that the Financial Secretary would be given power to exercise the powers vested in the Commissioner of Income Tax.

That is not what the section says. But more importantly, Mr. President, it is conferring on the Financial Secretary the power to administer and enforce compliance with the provisions of the convention, this Act and any regulations under this Act. And where we have a competent authority, in this case the Financial Secretary who is not the person in charge of the Income Tax Act, it is our view on this side that the appropriate person should be the Commissioner of Income Tax who should be taking charge of the enforcement under the Income Tax Act. That is a matter of design of how this thing is done, and it is a matter for the government to decide, but it seems to me incongruous for the Financial Secretary to be exercising the powers that are vested in the Commissioner of Income Tax.

I draw attention to the rather strange provision 19. "The competent authority may give any person that it has reason to believe has failed to comply with a duty imposed by this Act or the Regulations, a notice in writing offering that person the opportunity to discharge any liability to conviction of that offence by payment of a fixed penalty specified for the offence in the Regulations." If the competent authority, if the Financial Secretary, believes that a financial institution or a bank is in breach, has failed to comply with its duty under this Act, the Financial Secretary can contact that person in writing and say, "Let's work a deal." The Financial Secretary is going to be engaging in deal making with financial institutions. There is, Mr. President, nothing to guide the Financial Secretary as to how to reach a deal other than the penalty should be less than the amount stated in the Act. So he has full discretion as long as he does not go above the amount stated in the penalties. Mr. President, we urge that that provision be revisited. It is, in my respectful submission, inappropriate for this regime to be styled in such a way to give to the Financial Secretary this power to enter into deal making with entities that he is regulating.

You then have in section 20, administrative penalties, and they are termed as administrative penalties and not fines deliberately because the intention under the scheme is that they will be dealt with outside of the court and not by way of a prosecution.

We then have the bizarre section 25. The Bill sets out these administrative penalties in section 20, Mr. President, and what it says in section 25 is that, "If a person may appeal to the Income Tax Appeal Board established under the Income and Business Tax Act against any penalty." Income and Business Tax Appeal Board has nothing to do with this Act. Income and Business Tax Appeal Board has nothing to do with financial institutions and banks. We already have established the Domestic Banks and Financial Institutions Appeal Board that deals with appeals from decisions of the Central Bank under the Domestic Banks and Financial Institutions Act. The regime under that Act is comprehensive. The Appeal Board under the Domestic Banks and Financial Institutions Act is chaired by a judge of the Supreme Court, has competent members and has worked unlike the Income and Business Tax Appeal Board. Mr. President, it is the view on this side that to have appeals go to the Income and Business Tax Appeal Board is incongruous and not in keeping with the scheme of this legislation.

I draw to the attention of the Senate section 27, "A penalty under this Part shall be paid to the [General Revenue Fund]." That is in brackets. There is nothing called the General Revenue Fund, Mr. President. In fact, it is in bracket because it was a draft sent by the Europeans to us, and we should have stroked out General Revenue Fund and put Consolidated Revenue Fund, but we worked so quickly we don't even read the thing and make sure that it complies with the law.

Mr. President, we on this side understand that there is an obligation on the

Government, having signed on to this Convention, to implement this and to implement it as quickly as possible. There are other typographical errors in the Bill; I won't go through them at this stage. I would suggest very strongly two things, Mr. President. First, based on the information that I have, there has been no substantive consultation with the Bankers Association. I suggest very strongly that that be conducted before we bring this to the third reading. Secondly, following from that, Mr. President, it is my submission that we should hold this Bill in Committee so that it can be scrubbed to take out all typographical errors. For example, if you just take a quick look, to give you but one example, you go to page 25. We are passing a law on page 25 that has section 3(4), and it writes "deleted". So we are passing a law that says "deleted". Let's clean it up, Mr. President. We understand the initiative. We understand why it is being done, but it ought to be done properly. Thank you, Mr. President.

SENATOR A. SALAZAR: Mr. President, I would like to say a few words on this. This Common Reporting Standard does emanate from the OECD countries which, I understand, is an economic cooperation that started primarily with European countries. It follows up on the Foreign Account Tax Compliance Act of the United States, FATCA, where the US sought to look for people evading US taxes by creating an atmosphere where all countries in the world must share information with them or either through a bilateral agreement or with a direct agreement with the U.S. Treasury. So it follows that the OECD is now sort of like the European FATCA. The OECD is looking to combat avoidance of taxes for their citizens. It is important to note that the OECD maintains as black list of countries that they deem as non compliant in tax matters.

I would say, Mr. President, for us in Belize and for some of our industries, for the financial service industries, for some of our banks, this really adds an additional burden and additional work, and I must readily admit that, but in reality this is something that our government and most governments, if you want to remain active financially, have to pass. We have to adopt these standards in Belize. It is not a matter of choice. It is a matter of an international obligation to do so. Otherwise we run the risk of getting on that black list which is something that none of us want.

So the typographical issues are matters which we have seen and we must find a way to deal with them either in Committee. But I just thought that I would add that the atmosphere is really one of necessity for us as a country. And therefore on the issue of consultation I would just like to say that there has been. I attended a consultation at the George Price Center. We brought an expert from the OECD itself. I attended the session, which was a full-day session. There were people there from the credit unions and from the banks. So it is not exactly fair to say that there was no consultation. It is a very important issue for some of our sectors, but it is an issue which we must tackle and we must address as soon as possible in order to avoid any suggestion that Belize is being non compliant in this very important tax matter. So I just wanted to sort of give some sort of background and atmosphere out of which this legislation arises. Thank you.

SENATOR S. DUNCAN: Thank you, Mr. President. It is good to see that both previous Senators who spoke have recognize and acknowledge that there is a need for us to pass this legislation within the context of what we have been facing in particular such issues as the correspondent banking situation, etc. It is very important that we are able to give evidence to the international community that we are doing the proper sorts of things. I just want to comment on one aspect of it that was alluded to earlier. It appears to me that, in terms of the legislation, it is attempting to provide to the Financial Secretary certain powers that will have to be exercised, and I say that in that context some of the things seem to be dealing

with tax issues, and others seem to be dealing with banking issues. The very nature of what is being done seems to cross both areas, and from that perspective there had to be legislation put in place to address that. For instance, I know that banks would be and probably are concerned in terms of sharing customer's information, for instance, with the Financial Secretary, and so I noticed that the legislation has sought to address things of that nature to make it possible. But with all these types of legislation I suspect that this is more an enabling legislation where regulations will then be put in place by the competent authority for the exercise of its duties and for the carrying out of the function, and I believe that within that there will be the proper dissemination of tasks and duties to make sure that it works quite smoothly.

In terms of the legal aspects pointed out by Senator Courtenay, I will defer to that, and let legal people deal with that in Committee. Thank you.

MR. PRESIDENT: Thank you. One second, Senator Hulse, can you go ahead?

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): 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.

SENATOR E. SMITH: Thank you, Mr. President. Just for me to indicate that in our discussions that we had with regards to these matters here today, we too have agreed that this matter is very important, and we realize that there is the need for us, as a country, to have mechanisms in place for these financial institutions to do their reporting and things of that sort. Now we are not as versed in these matters as my colleague over here from the banking system is, but despite that fact we realize that this matter is an important one and is one that will be of tremendous benefit to us as a nation.

And so, with the matters that Senator Courtenay raised, again, we do not and I am of no legal mind, but the matter of the commencement date caught our attention as well where it says that it shall come into force on 1st January, and we too were concerned with that date there because we weren't sure if it was properly worded. And so while we support I will also support my colleague over there, Senator Courtenay, that we need to do some cleaning up of this Bill. Thank you.

SENATOR M. PEYREFITTE: Thank you, Mr. President. There is no doubt, Mr. President, founding from what Senator Smith and Senator Courtenay said, that there are some typos and grammatical errors and some basic provisions that need to be cleaned up, and nobody can argue with that. I mean it is plain to be seen.

There are just two comments I want to make based on what Senator Courtenay said about a person may appeal, which is section 25(a), where it says that a person may appeal to the Income Tax Appeal Board. Senator Courtenay has a difficulty with appealing to the Income Tax Appeal Board because there are other competent banking institutions that deal with that, but I may suggest that

you look at (a), it says, “A person may appeal to the Income Tax Appeal Board established under the Income and Business Tax Act against a penalty assessment - (a) on the grounds that liability to penalty under section 20 does not arise.” When you look at section 20, Mr. President, it is talking about the reporting of information and the reporting of wrong information and the like. I think why it is appropriate for the Income Tax Appeal Board to be involved there is because they are ones who have the most experience in terms of knowing when people don’t report and when they report wrong information. So I would disagree that they are not the competent body, for lack of a better term, to say that they should hear the appeals when it involves stuff like that.

And then there is another one, section 19(1). Senator Courtenay had indicated that the Financial Secretary would be open to making deals with people who have violated. I don’t take that view, Mr. President. I think it is no different from when Senator Courtenay and I would send demand letters to people who we believe are liable for certain things. You and I both know, but you especially, that when you go to court most of the time only the lawyers benefit. So I think what this section allows people in the system to do is to short-circuit it and not have to go to court if you are prepared to accept that you have violated the Act in some way, and maybe many times you may have not violated it intentionally. And so this could be invoked to say, “Look, given the circumstances then, you will be assessed a penalty without the liability,” and I think that is a good initiative that the competent authority ought to take. It is no different from when you are charged with a particular offence in court about your offer to plea guilty to a lesser offence or something to that effect. So I don’t think we should be alarmed at section 19(1). I think it is a good provision that puts in there what the Financial Secretary’s authority would be in certain instances. Thank you, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Thank you, Mr. President. The matters have been duly noted. I move the second reading. It will go into the Committee where we will look further at how we can scrub the document and clean it up.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Mutual Administrative Assistance in Tax Matters Act, 2014 (Act No. 15 of 2014), to provide for the implementation of the obligations of Belize arising under the Convention with respect to the standard of automatic exchange of financial account information in tax matters; to give effect to the Multilateral Competent Authority Agreement; to give effect to the Common Reporting Standard; 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.

2. Private Pensions (Amendment) Bill, 2016.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for an Act to amend the Private Pension Act, (Act No.4 of 2016); to clarify terminology and obligations under the Act; and to provide for matters connected

therewith or incidental thereto.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Private Pension Act, (Act No.4 of 2016); to clarify terminology and obligations under the Act; 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. Referendum (Amendment) Bill, 2016.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for an Act to amend the Referendum Act, Chapter 10 of the Substantive Laws of Belize, Revised Edition 2011, to make provision, in accordance with international best practice, for the holding of a referendum to be validated only by the satisfaction of voting thereon by a simple majority of votes cast and without regard to the number of registered electors casting votes; and to provide for matters connected therewith or incidental thereto.

SENATOR V. WOODS: Thank you, Mr. President. It would be remiss of me to not join with my fellow colleagues and wish Senator Peyrefitte all the best and welcome to this Chamber. And I would also ask, Mr. President, if you give me permission from time to time to refer to my notes. The Referendum (Amendment) Bill, if indeed this Bill presented itself with no other context, no other type of issues in the country relating to Belize/Guatemala, perhaps it would be a simple exercise as “the yes have it”, but the Upper Chamber knows this is not the case because if it were the case then, indeed, this Act would never have been amended in 2008 because, in 1999 up to 2008, the Referendum Act did say exactly what this amendment is proposing. And, if history is to teach us anything, it is to remind us as to why in this particular case that amendment was made. You see, it can’t be that in 2008 the threshold was okay, but in 2017 we suddenly woke up and realized that for all these years we have not been operating on the right side of history. Mr. President, the 1999 version also had a difference from the version that was amended in 2008, funny enough however that version has not found its way into this amendment, and that is the section that refers to the fact that if a certain issue or matter is of sufficient national importance it should be submitted to the electors for their approval, not just to share their views.

This proposed amendment in 2017, if we are to go by the reasons cited in the House meeting of last Friday, has nothing to do with the Belize/Guatemala issue. The question that has been on many people’s mind is if there will be a referendum to put the question to the ICJ, and we should be assured by that because no less than the Prime Minister of the country in that House meeting said “not any time soon”. Certainly he gave the strong indication, Mr. President, that not even this year. And so it begs the question, why are we rushing to change the amendment, and why only that section of the current Act?

Given the climate that we are in, emotions are running very deep and very passionately and nationally. So if the rebuttal to my question is, well, why not now? That alone should be a reason to give the people of Belize, to whom all of us are responsible to, some assurance that there will be some other things to be addressed if and when that time comes for a referendum on the Belize/Guatemala

issue. So I say that this amendment, indeed, any Referendum Act should have always been as it was in 1999, the results being that of a simple majority. Given the climate that we are in and all that has occurred, this amendment falls short. It is insufficient. If we want to ensure that the results of any referendum is binding, then why not also include what the 1999 version of this Act had which was that the referendum is put to the people for their approval and not to share their views? And, yes, in the House the Prime Minister did say that there was this Special Agreement and Protocol, and I believe he referred to it as an international agreement. But I will leave it to the legal minds, either in this Chamber or that of the Solicitor General's Office, to interpret if the agreement is enforceable by law of Belize. And so I would suggest again for the assurance of the people of Belize that there should be no harm in inserting the words "for their approval".

The amendment is also insufficient because of the context we find ourselves in with the Belize/Guatemala ICJ question, if and when that was to present itself. If at some point in the future there were to be a referendum on whether the dispute with Guatemala should be submitted to the ICJ, then we should turn our attention to section 2(1)(d) of the current Act because it does not refer to that. What it refers to is any proposed settlement of the dispute, but it doesn't refer to a referendum asking electors whether the dispute should be submitted to the ICJ. So the suggestion, again, for the assurance of the people we all serve is to make clear that this section applies to the submission of the dispute to the ICJ and not to the settlement. And, because of the ongoing tensions with Guatemala, the one that is more readily felt in the south by Sarstoon in particular and with more aggression in the recent years, and because of the painful experience we've had with the Chiquibul, the proposed amendment simply cannot be looked at in isolation. And, because the Prime Minister of this country and the Government of Belize gave us their word in the House meeting that there will be no referendum on the Belize/Guatemala issue anytime soon, then I suggest to this Chamber that there is time to make this better, to improve on it.

Before any amendment is made to Belize's Referendum Act and before the people of Belize are asked to go to referendum on Belize/Guatemala, it would be in the best interest of the people of Belize and it would show significant good faith on the part of those in government negotiating on our part to consider the following: before amending the Referendum Act, let's look at the Maritime Areas Act. There should be no disagreement that the two sections in that Act, I believe it is section 3 and section 7, are no longer valid, and they should be repealed and should be replaced with what was there originally where Belize claims its full rights. Nothing prevents us from doing that in good conscience prior to the Referendum Act being amended.

The Government of Belize should also aggressively, in my view, Mr. President, work towards an implementation of that Sarstoon Protocol that we heard so much about in 2016. I am not suggesting that conditions are being demanded here, but I go back to my earlier statement when I started out. You cannot look at the Referendum Act in isolation of what is happening with Belize and Guatemala and the fact that we all know the question will come. And, for the interest of Belize and the people that we serve, there is an ongoing and pressing issue in the Sarstoon that has not been resolved. So why would we create a further tense atmosphere with our own people by amending our Referendum Act without addressing some real issues underground that we are having with Guatemala when we know that the Referendum Act cannot be viewed in isolation of those issues with Guatemala? Since it was referenced in the House, the Special Agreement and the Protocol, and the gist of those is that both countries really ought to ensure that there is no removal barriers, if you will, or obstacles that would allow for a level playing field. One can understand why Belizeans are a bit nervous as to the rush

on this Referendum Act. You see we would be viewed absolutely as removing this one main obstacle which is this threshold. But what is Guatemala doing to remove their obstacles? Why are we not making similar demands? Why are we not insisting, for example, even if it be by a strongly worded protest note or diplomatic note or whatever the relevant mean is, to have them repeal that section of their Constitution that they relied on where they rejected proposals in the past?

And, of course, there is the re-registration issue. If it was any other time, if it was any other decade, perhaps when tensions were not as tense as they have been where Guatemala has not been as blatantly bold and aggressive in their behavior against us on our own territory, perhaps this would not be such an issue, but one cannot really expect Belizeans to find comfort in the amendment of a Referendum Act now when we know the very list that will be used to cast vote is not one that we trust. It is one that was due to be revised and has not been revised and should be revised prior to any amendment to a Referendum Act and certainly prior to going to a referendum.

Mr. President, it is difficult many times in this Chamber, as it has been so apparent in the last several months, to not bring in the party politics. I am not suggesting that this Upper Chamber will ever change from where it will be towing the party line on the part of the government, towing the Opposition line on the part of the Opposition. There will always be instances where that will find itself in these discussions. But I put to this Chamber, Mr. President, it doesn't happen often, but there are a few things that have no room for party politics. There are very few. One of those things that the older generation, my generation and the younger generation, although I will readily admit, the younger generation, the millennials, if you will, there is some serious education that needs to be done because it is this issue, Mr. President, about our sovereignty, about our territory, and about how we, as a people, make that decision, this should not be party politics.

I do not think, Mr. President, now is the time to amend this Act. I do not think we are ready, as a people, to have this Act amended, and when the time comes to go to a referendum that we can truly tell ourselves that we have been properly prepared. I also don't think that it is the time to amend it, especially since our Prime Minister of this country has given his assurances in the House that we will not go to referendum on ICJ any time soon. So, if that is the case, then let's do the amendments properly. Let's improve on it properly for the sake of the people of Belize, and let's not rush this with a simple one sentence amendment when there is so much more at stake. Thank you, Mr. President.

SENATOR E. SMITH: Thank you, Mr. President. I will raise some concerns as instructed by my organization, Mr. President. We note that on the cover it says that the referendum is validated only by the satisfaction of voting thereon by a simple majority of votes cast and without regard to the number of registered electors casting votes. Now our discussion has been that we are concerned with that because we believe that, instead of being just a simple majority of the votes cast, it should be a simple majority of the registered electors. We are saying that we are going from what had been proposed to now a 50 plus 1 majority, and so it means now then that it is not, as many persons as would have been necessary for this, that we need as much persons as we had needed before this is being brought here before us. But we are also concerned about n 5A, in terms of validity of the referendum. It is just saying the majority of the votes cast.

We remain concerned, Mr. President, regarding the finalization of matters such as the Sarstoon Protocol and the other agreements that should be in place. Having said that then, our position from the first time this Bill was brought before

the House remains the same. We have not changed that position, and, when I say we, I am talking about instructions given to me. We have not changed that position from then until this second reading today. Thank you.

SENATOR REV. A. ROCKE: In our conversation, the church truly wishes that the relationship of the Guatemalan Government and the Belizean Government was like that of the churches. We say that because the Council of Churches and the Evangelical Association have both had services, meetings, and religious spiritual meetings with the Guatemalans, and we had a wonderful time. You know it is sad that, as two governments, we have not been able to or Belize has not removed the albatross from over our necks, you know, and it would really serve us well to have that done. However, we know that there has to be a referendum, and, whether it is 60% or the minority group, it doesn't bother us. What we hope that will happen is that the referendum will come and the process will take place and have this thing fixed, and so in light of that the church is saying we are ready to move forward with this issue.

SENATOR S. DUNCAN: Mr. President, this whole issue of the referendum and the concern around going to the ICJ is clearly one that is very important to every Belizean, and I think it is, as recently as 2007, that we committed to, as a country, go into the ICJ under the then People's United Party Government. The change of government to the UDP Government did not alter that position, and it would appear to me that both governments seem to concur on that point. What seems to be happening now is that it would appear that certain conditions are being put into the equation such as a revision of the Maritime Areas Act, etc., and I wonder why is it that we need to place any condition on this or link it to this because I don't think anybody is disagreeing that certain changes need to be made to those Acts and that they probably will be made. I don't think anybody is disagreeing that there needs to be redistricting and that it probably will be done, but to link it to this Referendum Bill is what is not cleared to me. I am not seeing why we need to combine them and try to tie the hands of the government by placing those conditions in the mix. And, because the two governments have been essentially, to my mind, in agreement, both saying, well, we need to get this matter fixed and go to the ICJ, I believe that those conditions, and what I would call red herrings, being thrown in now, I think it is not appropriate, and we should separate the two.

From that perspective, it would seem to me that the fundamental issue at hand is that we are in agreement with that, the fundamental issue, and I would want to suggest that we do not become distracted by the peripheral, rather let us work on those peripheral issues. Nobody is saying to discard them or to throw them aside. Let us work on them. But I do not think that this passage here of this Referendum Bill should be contingent up on those. There is a place for those, and they should be addressed. and I totally agree that the people of Belize should call for them to be addressed; I totally agree, but I do not agree that it should be linked to this passage, which is totally independent of that and on which both successive governments have really agreed to already.

Mr. President, I think that we should pass this amendment for what it is worth. It has been said here already in this Honourable Chamber that it was there before and it is a matter of going back to something that existed before. On that basis, I am in support of it.

SENATOR E. COURTENAY: Thank you, Mr. President. I have just a few short remarks. First of all, we need to be clear. The agreement between Belize

and Guatemala, the Special Agreement, arose because of a recommendation made by the then Secretary General of the Organization of American States who concluded that the possibility of a negotiated settlement was no longer possible. He, therefore, recommended, and the parties accepted, that the only way for the dispute to be settled was by a adjudicatory decision or determination, and his recommendation was that it was to be the International Court of Justice. The government at the time was the People's United Party Government. The Special Agreement was signed in 2008 under the United Democratic Party Government.

There is a fundamental difference, Mr. President, in the two positions. You listen repeatedly to the Honourable Minister of Foreign Affairs and you get the impression that this is a done deal. It is not a done deal. The People's United Party has made it abundantly clear that it is the people of Belize who should decide whether or not the matter is to be submitted to the International Court of Justice. And why do I raise this point? I raise it because when I listened to my colleague, Senator Duncan, talked about an amendment to the Maritime Areas Act as a red herring, when I heard my colleague, Senator Duncan, talked about other amendments to the Referendum Act as peripheral, I say to him, with respect, that this is the same problem I raised when we debated the approval of the Special Agreement and the Protocol. One by one they bring these things to the House and to the Senate instead of a holistic approach. The legal advisors to the Government of Belize have advised that the Maritime Areas Act, sections 3 and 7, should be repealed. Why is it not being done? It is not peripheral. It is those sections that determine the extent of our territorial seas. It is those sections that determine the extent of our exclusive economic zone. It is wrong, Mr. President, to call that a red herring and peripheral. It is integrally central to the question of whether or not we go to the ICJ or not. It is central to the strength of our case what our domestic law says on our maritime areas. So it is neither peripheral nor is it a red herring. It is directly linked to this process.

And I go further, Mr. President, and associate myself fully with the eloquent comments of my colleague, Senator Woods. We cannot come to the Belizean people in good faith and say, "I am amending the Referendum Act to go back to what it was in 1999," without an explanation to this Honourable Senate as to why it is being done now. No one on the government side has explained to this Senate why this amendment is being done now, and we want to hear it. The truth be told we are doing it because the Guatemalans want us to do it, and Mr. President, I make no apology for saying it. What the Guatemalans want cannot and should not determine the legislative action of the National Assembly of Belize. When we talked about amending the Referendum Act, we must talk about the whole Act and not a part of it.

Why, Mr. President, can we not amend the Referendum Act to ensure that any referendum that is held, and especially the referendum on whether or not we go to ICJ, is legally binding. The United Democratic Party Government in 2008 amended the Referendum Act to provide that referendum is no longer legally binding. And I listened to the Prime Minister in the National Assembly telling the nation that any referendum held is legally binding. The Privy Council which was at the time the highest court for Belize said this in the case of the Prime Minister of Belize, Dean Oliver Barrow, against Alberto Bellos. It said this, "On the natural meaning of the Act," meaning the Referendum Act, "the purpose of the referendum was only consultative or advisory. Both courts below so held, and they were right to do so". The highest court of the land has already said that the language introduced into the Referendum Act by the United Democratic Party in 2008 now means that referenda are only consultative and advisory.

Mr. President, we believe on this side that the people are supreme. We

believe that all power comes from the people exercised democratically in referendum, and, in fact, the most direct form of exercising democratic and political power is through a referendum. And so our point is, if you are amending the Referendum Act, let's do it to make it better. Let's do it and amend it so that when the people speak it is binding. History tells us that we had a referendum on an elected Senate. The majority said that they wanted an elected Senate, and the government ignored it. So don't tell me that the government is going to conduct itself in accordance with law. Their practice and behavior speaks otherwise.

There is a reason, Mr. President, why we are saying, "Pause, let us look at this in a holistic way. Let us consult the people of Belize." Why has the Constitution and Foreign Affairs Committee not held public hearings to ask the Belizean people if they agree with this amendment in this way? The point we make is simply this. This is a matter that we all hold dearly. Let us look at it in a holistic way, and let us look at it in a way that we build public confidence, that we recognize and respect that the decision of the people on this very important issue is made in a way that is legally binding and in the best interest of Belize.

So, Madam Vice-President, to be very clear, it is not that we are saying that the threshold should not be moved to where it is being proposed to. We are saying that the Referendum Act should be looked at as a whole as well as the Maritime Areas Act and the other legislation that needs to be looked at so that we have it very clear. And I agree with Senator Woods. The Guatemalans used the provision, I think it is Article 19 in the transitory provision of their Constitution, they used that to reject the facilitator's recommendation. Unless and until that is removed, we should not move forward in this process because it gives them a constitutional basis on which to reject the result of an ICJ decision, assuming the people of Belize were to so decide. Our repeated call is for a comprehensive approach to this issue. That is the position of those of us on this side, Madam Vice-President, and I thank you.

SENATOR A. SALAZAR: Madam Vice-President, thank you. This is a matter which does involve some passion, I would say, for all Belizeans, for all of us. I have listened intently to the contributions of my learned colleagues. I also listened intently to the House meeting last Friday, and I must confess that I am at a total loss as to why the Opposition would oppose this amendment. I've listened carefully and I've heard certain things emanate from their political leadership, but I simply cannot comprehend how that can be transcribed to an opposition to this amendment. And I will tell you why, Madam Vice-President. They know, the Opposition knows and anybody who has read the history of the Belize/Guatemala affairs, who is familiar with the situation, who has read the opinion, who has observed all that has happened between Belize and Guatemala to this point, anybody who has done so knows that the only way to find the lasting and peaceful settlement to a differendum with Guatemala is to go to the International Court of Justice for some sort of pronouncement. There is no other way. We have tried. The PUP has tried in government, and the UDP has tried in government.

And let me say the reason why I can't comprehend their position. It is because as Senator Courtenay has given different reasons why there is opposition, but what I've heard as the general consensus, and I believe it is a considered position for the Opposition because they say essentially the same thing. In this climate, Senator Woods mentioned it and she mentioned it significantly, where Guatemala and Belize have an increased atmosphere of tension between our countries, where Guatemala has increased its activities on the Sarstoon, where we have uncertainty, their position is to do nothing. I can't understand that because Guatemala is behaving in this fashion, that is their position, that is what I heard Senator Woods say, because Guatemala is behaving in this fashion...

SENATOR V. WOODS: On a point of order, Madam Vice-President, I did not say that.

SENATOR A. SALAZAR: That is what I heard. So the answer is to do nothing, because Guatemala is behaving in a certain way, then we shouldn't pass this amendment. The converse is true. It is precisely because of this, it is precisely because Guatemala is ratcheting up its behavior on the Sarstoon, that we must seek to find a lasting and peaceful resolution to this issue. So that is why I must confess it is very difficult for me to comprehend that position. It is very difficult. It is not logical that you would do nothing. I can understand that position coming from a few rabble-rousers who jump to the media to say, "Oh, Guatemala, leave them there. Belize is for Belizeans. Not a blade of grass!" All of us know that Belize is for us. I've known that, not from the day I was born but from the day I knew myself, I've known that Belize was ours. All of us can proudly say that Belize is ours, but the position is that Guatemala does not agree with us. So what are we going to do? Nothing!

If I am to put this in everyday's term for our people to understand, if I have my yard that I inherit from my father. They have lived there for many years. I wasn't aware, but I am now inheriting it. I've known my neighbor since I know myself, and for that entire period my neighbor has been saying, "Half of your yard is for me." But my father did what he wanted in his yard. We did what we wanted. We ran around and played. We did whatever we wanted in our yard. The neighbor is saying, "Half is mine." So what? I can understand the mentality of doing nothing where that is the situation, but when the neighbor starts to behave that whenever you go by the fence he says, "I don't want you to come around here. You don't belong here because this is mine," and starts to bring two fierce looking characters behind him when he comes by the fence line, what am I to do then? Am I to persist in doing nothing? Or am I to move with speed to involve some authority to pronounce on the issue to say, "You know what, you can say that that is your yard all you want, but the fact is that it isn't." And where my attorneys have been saying to me, and I have several opinions that the yard is mine, why should I not move with speed to get some authority to pronounce on that and to tell my neighbor to stop interfering with me?

So that is why I don't understand the position of the Opposition. That is my first impediment because I feel that Senator Courtenay has mentioned it, and I've heard this been said over and over. His point is more informed. He is saying that there is a legal reason why Guatemala may not want to abide by the pronouncement of the ICJ. Others have said simply that, well, Guatemala doesn't have to listen to the ICJ or doesn't have to abide by the ICJ findings. That may be true, but is that a reason not to go? I can say so with confidence. I don't feel that Guatemala has the global, political clout to ignore a decision of the ICJ. I feel, and I know that the Opposition knows that this is the only way we will find lasting peace with our neighbor. So that is my first impediment to understanding the reason for the opposition.

The second impediment is, if you are willing to accept the mandate of, and Senator Courtenay did not say this, but other persons in the political directorate have said this. If you are willing to accept the mandate of your people by majority to govern this country, to steer this country, to take control of the direction of this country for five years, and if you are prepared to take the mandate from the people by majority, then why is it that we cannot take the mandate on Guatemala by simple majority? What is the issue with this? It was mentioned by Senator Smith. What is the issue with taking that mandate by a simple majority? I can't comprehend the rationale behind that. I heard and it was mentioned a short while

ago that, by doing this, by passing this amendment, and I heard an attractive speech given in Creole last Friday aimed at our people, saying that if we pass this we are doing the bidding of the Guatemalans. We are pandering to the Guatemalans. That was the word used, and it sounded good. It sounds pretty when you listen to it in Creole. But when you analyze it how can it be said that you are doing the bidding of the Guatemalans by going to your own people? How can it be said that you are doing the bidding of the Guatemalans by saying, "I want to go to my people in a referendum and find out from them if they want to take this to the ICJ or not"? If the answer is yes, then we move from there. If the answer is no, then we move from there too. I really don't understand the opposition to this because all we are doing is to try to get an answer from our own people. It is a democratic process. How can you be opposed to a democratic process? How can you be opposed to go into your electorate to find an answer to a question? It is not as if we pass this today we are going to go to the ICJ tomorrow. We are going to go to our people. How on earth can you be opposed to that? I don't understand it.

I also heard that we mustn't play politics with this issue, and that I agree with. And, as I said, I heard as well from the Opposition leadership that this is something that is personal to each Belizean. I agree with that too. And because it is personal to each Belizean it is of national importance. We shouldn't play politics with this issue. I don't think that it can be said that the Government is playing politics with this issue because this issue is not popular. The popular thing to do is to oppose it. The popular thing to do is to say no to the ICJ and no to Guatemala because that sounds nice, but there comes a time in leadership when all of us, as leaders, we need to make tough decisions and decisions which may be unpopular, and leave the rabble-rousing to the rabble-rousers. We need to make tough decisions, decisions that are unpopular. But unpopular as they may be they are in the best interest of Belize. The best interest of Belize is to go to the ICJ, settle this claim once and for all, get it done with, and get the support of the international community. That is the right course for Belize. The matter can be settled peacefully by doing so.

So I disagree with the suggestion that the Government is doing this because it is a political issue. No! It is easier to play political football with the converse position that the Opposition has adopted. So when it comes to this, and I will repeat, when it comes to this, our national interest demands that we come together, the Government and Opposition, and we find a way to get lasting, peaceful settlement. So when the time comes to vote on this there is no need to call for any division as far as I am concern. I am telling you from now, Mr. President, I am voting yes because I am for Belize. It is not about politics. This is about Belize, and that is what is in our best interest, and we need to stop delaying this and stop finding all of these reasons why it may be politically expedient for us. Having said that, I will now take my leave, thank you.

SENATOR M. LIZARRAGA: Mr. President, it was not my intention to speak on this matter today. I know that surprises you, Leader of Government Business, because quite frankly I was hoping to have heard something that displayed strong leadership, strong guidance, and clear path. This is an issue that is not only passionate in Belize, but it is passionate as well for some people in Guatemala. We both have our own views based on the education that we received, base on our experiences. I recall a trip to Guatemala not too long ago when I engaged in a conversation with a waiter, and I found it necessary to correct some of the perceptions that he had and some of the inaccuracies that he, based on my history and my experience, that he was seeking to share, after having known that I was from Belize. So we both have our views.

But in this issue I will agree with all of my colleagues that have stated that

it is important that we have a unified position. On any other issue, we can afford to be divided, but on this issue we need to step up and display leadership and unity. I will propose that what is needed more than at any time in our history is for this process to be consultative, comprehensive, not piecemeal, all inclusive, and we need to come up with a national strategy, not a party strategy, not a sector strategy, but a national strategy.

I remember many years ago when we had sought legal advice from international attorneys we had a strategy. We had a unified strategy. We had a national committee, an advisory committee on the Guatemalan issue. It comprised of people from all the political parties. It comprised of people from the business sector, from labour, all inclusive. I remember this committee being consulted on almost any issue, so long as it dealt with Guatemala. The committee was appraised as to the direction the government was seeking to take and the difficulty it was encountering or the perception of difficulties it would encounter from the Guatemalan side. I remember it specifically because there was the belief that the business community in Guatemala at that time was the one that was really pushing this Belize/Guatemala dispute. And, as a result, a strategy was designed for us to go to Guatemala and to meet with our Guatemalan counterparts to see if we could convince them that the way to go was trade and cooperation rather than confrontation. And we went and we joined the Federation of Chambers of Central America. We argued our points and presented our positions to all these different groups in Central American, and then you stopped hearing about the opposition or you stopped hearing about the aggressiveness of the Guatemalan business community.

I bring this because we all have our own ideas on how to settle this, and I will be honest with you. For the vast majority of Belizeans, we are confused, divided, and not properly educated on the subject. I remember going to the debate that was sponsored by the SSB at the Bliss not too long ago. And, if I might say and be honest, one side, I think, was just fear-mongering, not based on fact or factual evidence but strictly fear-mongering, and that to me did not help. So I caution that this matter is too serious and too important. I agree with Senator Aldo, it is too important.

We all have our own views. We have strong views and valid views, but I think we need to sit down around one table. And the government quite frankly needs to display leadership in this matter. It is going to have to be a government-led initiative because they are the ones with the up-to-date and current information, and they need to come and consult. Senator Courtenay raised an excellent point that we need to stop dealing with this thing on a piecemeal basis, a little bit now and a little bit tomorrow. No, man! We need to have a comprehensive strategy that we all can agree to because we shouldn't be divided on this issue.

So I put it to those on the government side that perhaps the time has come now for us to rethink and revisit, display leadership, reach out, and come up with a consultative, comprehensive, and all-inclusive national policy formulating body on the Belize/Guatemalan issue. And let's move ahead with our education campaign. There was a campaign that was started or that was supposed to be started by Ambassador Murphy, I believe, who was one of the persons that was heading that body. But this needs to continue, man, because, like you, Senator Aldo, after all that I have read and seen and heard, I too believe that that is the only way for us to move ahead on this issue. I strongly believe, that is my personal view, I strongly believe that we need to go to the ICJ. But at the end of the day I am happy with the process that it is the people of our country that are going to decide whether we go or not, but we all have a responsibility to display

leadership in this matter. And I think that certainly we have to pay a lot of attention to the education that is needed. The information that we need to share with the citizenry of this country should be in an organized, structured way, and in a unified way. I really look forward to the government accepting this suggestion and coming up with that body and forming that sort of a body in this matter. Thank you, Mr. President.

SENATOR M. PEYREFITTE: Thank you, Mr. President. I hope not to be very long because from what I can see here this is a very simple proposed amendment. All this amendment is asking is whether or not we want it easier for the Belizean people to say yes or no. That's it. That is all we are asking. I hear my friend, Senator Duncan, say that a lot of the discussion is periphery. I would want to take it one step further, Mr. President, and say that a lot of it is grandstanding because, first of all, we don't know what is the real position of some people and some organizations. If I understand correctly, Senator Woods, and you can correct me if I am wrong, I heard you say that the amendment doesn't go far enough or you have to put further words to it, to add to it, to buffer it.

Senator Courtenay, after saying all of what he said, and if you were listening, Senator Salazar, he clearly said towards the end that he agrees with the amendment. The leader for the People's United Party in the Senate agrees with the amendment. So what is all this debate about other than just to use it for the purposes of grandstanding? Come on, man! And so Senator Woods is saying that we need to add to it. Senator Courtenay is saying that it is fine just as it is. Senator Thompson, broke the tie and see which position your party wants to take, please. One would hope that when we look, and Senator Woods spoke about the House of Representatives with the Prime Minister. We were looking for leadership from the former Prime Minister, the Member for Fort George in the House, and when it came time for a division on the vote for this very matter he ran away from the Chambers. He refused to stay and say whether or not he would vote yes or no on a division of voices. So what is the position of the People's United Party? And I ask that, Mr. President, because Senator Lizarraga has asked for unity. Some of you say yes, and some of you say no. What is the position? Before we can talk about unity, we have to know what are the different positions that people take.

There is a question as to why now. Well, why not now? What difference does it make if it is now? We are not led by Guatemala or forced by Guatemala to pass any legislation in this National Assembly. What we have to do is to be proactive with what we need to do to ensure that we take the course that the people have elected this government to take. We have always been foregoing to the ICJ. The people knew that in 2012, and they voted for this government. The people knew that in 2015, and they voted for this government again. All we are saying in this amendment is let's make it easier for the people to decide, simple. But nobody can debate on that amendment, and that is why when you hear everybody talk about debating this issue they are not talking about the amendment. They are talking about the Maritime Areas Act and this Act and that Act because at the end of the day how can any reasonable person object, and I hear you say, Senator Salazar, that the other side is objecting. They are not objecting. This was in their provision previously. We are only bringing back something that they put forward in a previous lifetime. So all we are saying is that this is a simple issue, but every time we use this issue to grandstand on other matters that we don't need to.

We on this side of the Senate we want to go to the ICJ. We want for the people to vote to the ICJ. That is what we want, but we are not saying that it is a done deal, Senator Courtenay. Minister Elrington is not here to defend himself, but he has not said, guaranteed, we are going. He has made it very plain that that

is the position of the Government, but everybody knows that the people have to vote for it to go there. No government can decide on its own to go to the ICJ. So any implication otherwise, Mr. President, is not genuine, and I say this is a simple amendment to be made, and it is very difficult for any body, in my opinion, to vote against this. Thank you, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I would normally say to just put the vote, but you know there are some things that need to be clarified. First of all, I want to state categorically, and I heard my good colleague, Senator Courtenay, said earlier in this setting that he doesn't generally oppose things that I say, some things or certain things, and I will say to him that I don't oppose what he generally says either. So let me make some points clear. The Bill before us is to amend the Referendum Act, and we could have jumped up and say to stick to the Bill because there is nothing before us whether we go to referendum next week or next week on Guatemala, but it is all relevant in a sense. So we've discussed it. It's a very passionate matter, and I really admire the depth and the passion that I hear with people who have spoken. I agree with Senator Lizarraga. It is the only thing, and I also agree with my colleagues on that side, it is the only matter about which we should never be divided. Belize, all 8,867 square miles, belongs to me, and I am not prepared to give up one square centimeter.

In fact, I was part of the mixed commission who made a trip to Guatemala when we tried that little exercise, and the Chair of that commission was one QuejChen, I think that was his name, who spoke fluent one of the Mayan languages. He did not recognize that Ludwig Palacio was also articulate, and he chose to speak a bit of his Mayan language, I guess, to throw everybody else, not realizing that on our side we had people who also understand it. He said that we are here in an impartial manner to try to look at this situation, and with all the cameras I jumped up and said, "I want it on the record that I am not impartial because in my country that is treason, and they will have my head. I am very partial to my 8,867 and all of it."

The point is though that I agree that there needs to be an amendment to the Maritime Areas Act. There is no two ways about that. We cannot, if we ever went to the ICJ, go there with ourselves in some sort of hand cuff on our territory which we have voluntarily and legally agreed to limit, done at the time on the understanding that there would be some discussion and give-and-take and come to a resolution. It never happened. So there is no further need for that, and it should not have happened in the first place. In fact, it caused the breakup of a part of this government when some members resigned and formed another party.

I also agree that there is the need for a comprehensive approach, but I do not agree that there is any sort of sinister move to sort of go there behind the backs of the Belizean people because I can stand here today and say that will not happen. I don't think that it would be so remote in the interest of any government and any politician and any Member of any of these august Houses to stand and say to the people of Belize, "Well, we are going without you all." It is clearly understood, it is in the compromise, it is agreed that we go with the support of the people, or we don't go if the people say no, and that is cast in stone. I agree, yes, there was a referendum for the election of a Senate. I supported that. I wanted to elect the Senate too. I still want to elect the Senate, and I will die wanting to elect the Senate. Senator Courtenay and I worked on a political reform commission, and I put forward some views to proportionately elect this body. This is not the forum to discuss it, but I haven't changed that position. I serve at the pleasure of the government, and I've served at the pleasure of the business community, and I

continue to serve. But I want to make it absolutely clear that there is no intention and it will never happen that any decision to go to the ICJ would be done from this side without the people saying so.

But, Mr. President, therein lies the danger and why the amendment. So let me point it out to you. When this amendment was made in 2008, I sat there and I opposed. I opposed. I did not agree with it. Eight years later I am glad we are reverting back to that position, and I will tell you why, for two reasons. First of all, there is a built-in contradiction to the democratic process with the Act as it now stands. There is a built-in contradiction, and here it is. The Act says that it requires 60% of the electorate to make it valid. Then it says that you shall take a simple majority of that, section 5A(1) and (2), and here is the contradiction. Let me use some very simple numbers, and there was once when a colleague of mine not in the legal profession because I am not there but a good friend and colleague who was Leader of Government Business by the name of Senator Dickie Bradley said to me, "Senator, you went to SJC and you do numbers. I went to Michaels, and I do words, but let me listen to your numbers." So, please, listen to my numbers. If there were a 100 people voting and only a 100 people voting, what the existing Act says is that 60 who can vote must go to make it valid. And if 60 people go and it is then valid 31 people decide yes or no. That is what it says. But it also says or it implies that if 59 people go and all 59 people said yes, or all 59 people said no, it would not be valid. Therein lies the democratic contradiction because in one case 31% could make it valid or invalid, whatever the issue is, and in the other case 59% could not count. And if you are talking a democratic process you would at least want the majority of the electorate.

The second point is that it disenfranchises those who come out, who take the matter so serious that they come out to vote. Senator Courtenay, Senator Woods, Senator Thompson, Senator Lizarraga, and Senator Smith come out to vote. We have discussed, we have been passionate, and we come out to vote, and we hear at the end of the day, well, only 59% voted. So it is not valid. It disenfranchises our vote and our passion.

The third point is if the matter is of serious public interest then you should get 100% of the electorate because the people in a democratic state should be concerned about their matters, and Senator Courtenay says they stand and decide of democracy basically through the people. I agree. The people should come out. They should not be forced to come out. They should come out, and you should not have a threshold.

I can sit down, but here is the danger. It may or may not be argued that Guatemala has influenced this move, and, while I agree with Senator Peyrefitte that Senator Courtenay did not say he doesn't support it, he is calling for a comprehensive approach and not a piecemeal approach. That's what he said. He says, supporting the threshold but should be looked at in a whole which included the Maritime Areas Act, etc. So I take it he will vote for the amendment. But here is the danger. The danger is that the very threshold which the present Bill says, and I argued this eight years ago, would mean that, if we went to a referendum on the Guatemalan issue and we say it is binding, and 59% of the people came out and said no, the government of the day, whichever government, could say, "But the referendum is invalid." And if 59% said yes the government of the day could say, "Your referendum is invalid." Therein lies the danger where that "ify" argument could come up where a government, any government, could say, "But we went to referendum, and it is the views. It didn't meet the threshold. So we have to take it from here." That is what we don't want. We want a situation where when the people say whatever the people say is what goes. So if 55% of the people come out, if 50% of the people come out that means that the other 50% is

accepting the view. They don't care whatever you all say. They are going with whatever the rest decide. But the views of that 50% who came out free and fair without a gun to their head should be carried, and it will then not give the government ably, a way out to twist it and say, "Well, you see." Therein lies the danger, to my mind, of the threshold, and that is why I am happy to have it removed.

The matter of when we go and how we go etc. is not on the table today, but I would hope and pray and participate in the broadest, the most maximum, the most wide consultation and discussion by the people of Belize before we make any further decision. It will do two things: it will signal to the international community on whose support we rely. We don't have the arms, and God forbids we don't want to fight, and nobody wins. If you had looked at Aleppo and saw the pictures last night, tears would run down your eyes. Look at the devastation there, and who on earth has won? Nobody wants to fight, but we want all out territory intact. That's for sure. And so our people have to be properly informed. I don't know that anybody on the other side nor on this side nor from the colleagues would not support that. The people of Belize will be properly informed. The debates must be honest, must be factual, must be dignified, and I support your comment, Senator Lizarraga, that what occurred at the Bliss Institute was a bit of a shame. It was a bit of a shame because a matter as important as this was trivialized by one side, and that is unfortunate. This is not a matter we play around with. We can talk all day about money matters, and it is still our country. It is still one country, it belongs to us, we govern it, and God forbid we play around with it. I move that the question be put.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Referendum Act, Chapter 10 of the Substantive Laws of Belize, Revised Edition 2011, to make provision, in accordance with international best practice, for the holding of a referendum to be validated only by the satisfaction of voting thereon by a simple majority of votes cast and without regard to the number of registered electors casting votes; 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.

4. Non-Governmental Organisations (Amendment) Bill, 2016.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for an Act to amend the Non-Governmental Organisations Act, Chapter 315 of the Substantive Laws of Belize, Revised Edition 2011, to make further provision for the recognition of the status of registered Non-Governmental Organisations; and to provide for matters connected therewith or incidental thereto.

SENATOR E. COURTENAY: Mr. President, I rise to oppose the amendment, and I want to preface my comments by stating that it is regrettable that the Senator elected to represent the Non-Governmental Organisations is not participating in this debate. It is a decision that was taken deliberately by the government. We moved a Motion this morning attempting to have the matter adjourned so that the Senator could participate, and it was ruled out of order, a decision we have to accept. It is regrettable, Mr. President.

Let me start by saying this. The proposed amendment is confusing at worse and ambiguous at best, but the one thing it does not achieve is what has been banded about that it is necessary to make this amendment in order for Senator Salas to take his seat, never ever, could never be. The language of the amendment states that no entity, and let's stop right there because Senator Salas is not an entity, no entity other than a non-government organization registered under this Act is entitled to either on its own or in association with any other person represent the interests of non-governmental organizations. I pause there, Mr. President, and say let's break this down and understand what it is saying. "No entity other than a non-governmental organization registered under this Act," so it is speaking of an entity that is not registered under the NGO Act, "is entitled by itself or in association with any other person to represent the interest of an NGO." What does that mean? You have an NGO that is registered, and this provision is saying that no entity that is not registered under this Act can represent its interest. No entity other than a non-governmental organization registered under this Act is entitled by itself or in association with any other person to represent the interest of non-governmental organizations. Mr. President, I do not understand why it is that the Government is amending the Non-Governmental Organisations Act to disentitle entities not registered under the Non-Governmental Organization Act to represent NGOs. If an NGO chooses to have an entity that is not registered represented, for example, a firm of attorneys, if you want your interest represented by a lobbying group, the Citrus Growers Association/Bananas growers Association registered under this Act become an NGO and want to engage a group in Europe or United States to represent its interest, under this section, it says that no entity other than an NGO can do that. I say, Mr. President and Members, I do not believe that that is the intention of the government, and that is why I say it is ambiguous.

We go one step further, Mr. President. We are told that this is being passed in order that Senator Salas can take his seat, and I listened carefully to Senator Barnett this morning implying, and I put it no higher than that, implying that NGOs were disenfranchised from voting in the election for a Senator. This amendment does not cure that. If it is that the NGO Act is to be amended to say that if you wish to vote in an election for electing a Senator you must register, then let us amend the Act to say that. Nowhere in the NGO Act does it say that in order to elect a Senator you must be a registered NGO. So if that is what the intention of the government is then that is the amendment that they should bring forward. This language, the proposed 4(a), does not say that, Mr. President. And I am saying here, again, whenever there comes to be another election of NGOs there will be the same problem because there is still no provision that mandates NGOs to register and there is no provision that says if you wish to participate in the election of a Senator you must be registered. So I suggest to the government very forcefully that we should pause, consult the NGO community, before we amend the NGO Act.

But, Mr. President, I want to respond specifically to the complaint of Senator Barnett. Most of the NGOs in this country are not registered under the NGO Act, and, as it stands, it is not mandatory to register. The purpose is to get the benefit of the tax incentives. The interesting thing is this. I went back to the Act itself and section 6(1) says this. "Every non-governmental organisation desirous of being registered under this Act shall submit to the Registrar within three months of the commencement of this Act, or within such other time as may be prescribed, the documents and information referred to in subsection 2 of this section." Three months and this Act was passed when? 2001! So the three months is out. "Or such period as may be prescribed under this Act." No period has been prescribed, Mr. President. It is impossible for Senator Barnett's NGO to legally

register under this Act at this time because the three months have gone and no period has been prescribed. So those people who were not registered remain disenfranchised.

And the point that I am making is that, once again, if we are amending the NGO Act, let us look at all the provisions that require attention. Let us hear from the NGO community to see whether they have additional recommendations for amendments to the Act. It is the considered view of this side, Mr. President, that, as framed, the amendment does not resolve the issue of who is qualified to vote and it does not speak to the right of Senator Salas to sit in this Senate. Senator Salas is entitled to sit in this Senate on the basis of the Constitution of Belize. I, again, urge my colleagues on the other side to let us take a serious look at this proposed amendment before passing it in this Honourable Senate. Thank you, Mr. President.

SENATOR V. WOODS: Thank you, Mr. President. Mr. President, I will confess that at the first glance when we got our papers this seemed like a basic housekeeping matter. The government was trying to clear up what appeared to be sloppy legislation, and certainly that has been the rhetoric that has been out there that it needs to be done in order for the thirteenth Senator to be seated, and that was mentioned earlier today. I take issue with it, having worked with several NGOs, and not just environmental ones, and knowing the effort that was placed from 2008 to get the thirteenth Senator elected and then to have him or her seated. I find it completely disingenuous to the NGO community and to this Chamber to cite the reason for this amendment only to find that it comes up woefully short. Perhaps that aspect is not as surprising since other Bills have come up woefully short in the attempt to be amended.

In 2008, Mr. President, I am reminded of, and I believe it was a lecture being given at the University of Belize, and it was done with head-tabled panelists of former Senator Courtenay and former Senator Godwin Hulse, and if you allow me the permission to quote what Senator Hulse, former Senator representing business at that time, when he was Senator prior to that date, elections were about to be held, and the issue was on elected Senate, but the quote resonates nonetheless. “The Senate, indeed, is like a large speed bump, and you want it to slow the traffic when it has to slow and let the traffic through when it needs to go through, and, indeed, if you slow the traffic you can then look at the license plate, you can look at the details, and that is really what the Senate should be.” It is not to block the government of the day. Rather, Mr. President, the Senate is to ensure that what is presented to us is in its best possible form, not for the interest of the government and not for the interest of any political party but for the interest of the people of Belize.

The NGO community has fought since 2008, to get their representation duly provided for by the Constitution. They have encountered one hurdle after the next, one obstacle after the next. One got the sense that finally on October 20 of 2016, when the Prime Minister signed the Commencement Order, there would be no more hurdles for this community. Yet at the eleventh hour we are being told rather disingenuously that this has to go through before the thirteenth Senator is seated. It must go through. I paused this morning when Dr. Barnett explained her involvement in her NGO that that particular NGO, as an example, as many others who are not registered, was not able to participate. But I paused because what is it suggesting? Is it suggesting that we are now going to hear about the election of the thirteenth Senator since this amendment has not gone through and the reason for putting it through is to ensure that NGOs who are registered can vote for the election of a Senator to represent them? Is there a suggestion then that that election of the thirteenth Senator, the Senator elect, is not valid? Is there going to

be something here that says this would have been deemed so that it can predate the election? It is unclear what is meant by this amendment. I would like to think that it is of genuine interest to improve the NGO Act for the future and that mischief is not about to occur.

Mr. President, the NGO community of this country has contributed significantly to the development of this country in ways that quite frankly I don't think we have ever really assessed. We do know that the government depends significantly on that NGO community, particularly for co-management of protected areas, for assistance with health care and for many other social services that on its own the government, any government, cannot take on. And so for the eleventh hour for an amendment to be brought up in order to validate that very community that the government depends on and works with, to suggest that their seat is not validated unless this goes through, is a disservice to that community, especially after that community followed the advice of the Attorney General on the signing of the commencement order, especially after this country has waited since 2008 for this seat to take effect, especially knowing that more diverse participation in this House is not for the benefit of anybody, except the people of Belize.

When I read the amendment and after consulting with several NGOs to carefully understand what it currently exist under the NGO Act and what these two or three paragraphs are suggesting of which it is not quite clear why 2(2) is even included when you look at the current Act, there is absolutely no connection there. It begs the question, why? Why did the Government feel the need to put this amendment in here and cite it as the reason for the thirteenth Senator to be seated, hence why he/she could not be at this meeting because the date was set for the 20th, when this meeting could have easily be set for the 20th? Does it suggest that there is an institutional effort to silence or delay the participation because this does not address the thirteenth Senator being seated? It does not do it. When asked, it's because we need to recognize that registered NGOs are only the ones that can vote. This does not say that. And for those of us who have worked with NGOs it goes very deep for us and is very passionate when we know that many of them, the bulk of them it is all voluntary work. It is out of sincere passion for what they are doing for this country. So when this is done to them it hurts.

So I support Senator Courtenay in the recommendation to take pause, and if the intent is to put provisions in there for an enhanced NGO Act in the future then let there be a pause on it so that the thirteenth Senator representing the NGO community can fully participate in that debate at a later time. I would hope that that later time is not, as has been suggested publicly that it will be, March because there is no need for the thirteenth Senator to be seated until March. The only next Senate meeting to be held will be in March. And with that, Mr. President, I thank you.

SENATOR M. LIZARRAGA: There are some few, brief comments that I would like to add. This morning it was said that the NGO community did not express any public concerns or raise any protest or whatever. Well, I understand that a letter was issued by the NGO community. I am not privy to it here, or I would have asked for permission to read it, but I understand that the NGO community certainly looks at it that it is unfortunate that this matter has happened in the way that it has happened. It appears to be either sloppiness on the part of government getting ready for this thing or deliberate. You know that they have made an appeal to you today to deal with this issue and then have the regular sitting at a further date. So I won't rehash that.

SENATOR A. SALAZAR: Mr. President, are we going to debate the

amendment to the Bill? Or are we going to talk about what transpired with the NGO community and matters that have been ventilated this morning when Senator Courtenay tried to move the amendment? This doesn't have to do anything with the amendment to the Bill.

MR. PRESIDENT: Thank you, Senator Salazar. Yes, let's please stick to the Bill.

SENATOR M. LIZARRAGA: Thank you, Mr. President. I was taking liberties that you had granted to other presenters, out of order too.

MR. PRESIDENT: I've always tried to be fair, Senator Lizarraga.

SENATOR M. LIZARRAGA: Yes, you have. But certainly there a lot of questions that arise, and I am not a legal person, and I am glad to see that Senator Courtenay has expressed some concerns as to the intent. But I certainly say, if this amendment was to ensure that Senator Salas could sit in, why did it not say or mentioned in here, you know, "in the Senate or Senator representing the NGO," for example? And why was section 20 not amended to say, "Selecting its Senator."? So amend where it says, "Every non-governmental organisation registered under the Act may, subject to section 13 of the Belize Constitution, associate with any other non-governmental organization within or outside Belize for the purpose of forming associations, federations, or networks and selecting its Senator." Why wasn't that section amended so as not to be ambiguous, so as not to lend to this uncertainty, and so as not for it to appear that there was an ulterior motive that the government had and was deliberately trying to disfranchise the Senator who the social partners have fought so hard and so long for that seat to be given only to find out that the date was set? We knew the date was set for his appointment, and then for this Honourable House to call this meeting one day before is certainly leads to a lot of questions, Mr. President, and I am not sure I've heard all the answers that have been asked. Thanks.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, just quickly, and I hear the various interpretations. I don't believe at all that there was any sinister attempt to delay or to stymie the seating of the soon-to-be honourable gentleman, which I welcome. We did it in 2008. My read of this and interpretations are interpretations, but my read of this goes like this, that only a registered NGO under this Act is entitled to represent the interest of NGOs. One of the interests is to elect a Senator. And I read further that no entity either on its own account or in association with another person is so entitled. That is the read I have of it. I don't know. And so I see this as trying to do exactly what everybody was saying, to make sure that registered NGOs and no other entity can then participate in the choosing of the Senator. That is my read, and I stand to be corrected. I move the question.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Non-Governmental Organisations Act, Chapter 315 of the Substantive Laws of Belize, Revised Edition 2011, to make further provision for the recognition of the status of registered Non-Governmental Organisations; 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.

5. **Land Tax (Amendment) Bill, 2017.**

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a 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 the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister; and to provide for matters connected therewith or incidental thereto.

MR. PRESIDENT: Honourable Members, the question is that the 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 the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister; 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.

6. **National Lands (Amendment) Bill, 2017.**

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for an Act to amend the National Lands Act, Chapter 191 of the Substantive Laws of Belize, Revised Edition 2011; to make provision, in the interest of administrative and operational efficiency, for the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister or to the Commissioner or any other senior officer of the Ministry responsible for lands; and to provide for matters connected therewith or incidental thereto.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the National Lands Act, Chapter 191 of the Substantive Laws of Belize, Revised Edition 2011; to make provision, in the interest of administrative and operational efficiency, for the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister or to the Commissioner or any other senior officer of the Ministry responsible for lands; 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.

7. **Mines and Minerals (Amendment) Bill, 2017.**

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for

an Act to amend the Mines and Minerals Act, Chapter 226 of the Substantive Laws of Belize, Revised Edition 2011; to make provision, in the interest of administrative and operational efficiency, for the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister; and to provide for matters connected therewith or incidental thereto.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Mines and Minerals Act, Chapter 226 of the Substantive Laws of Belize, Revised Edition 2011; to make provision, in the interest of administrative and operational efficiency, for the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister; 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.

8. Registered Land (Amendment) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for an Act to amend the Registered Land Act, Chapter 194 of the Substantive Laws of Belize, Revised Edition 2011; to make provision, in the interest of administrative and operational efficiency, for the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister; and to provide for matters connected therewith or incidental thereto.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Registered Land Act, Chapter 194 of the Substantive Laws of Belize, Revised Edition 2011; to make provision, in the interest of administrative and operational efficiency, for the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister; 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.

III COMMITTEE OF THE WHOLE SENATE ON BILLS

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

Members and the media on the galleries, can you please excuse us?

(In the Committee of the whole Senate)

MR. PRESIDENT in the Chair.

1. Private Pensions (Amendment) Bill, 2016.

Clauses 1 to 13 agreed to.

Bill to be reported back to the Senate without amendment.

2. Referendum (Amendment) Bill, 2016.

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

3. Non-Governmental Organisations (Amendment) Bill, 2016.

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

4. Land Tax (Amendment) Bill, 2017.

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

5. National Lands (Amendment) Bill, 2017.

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

6. Mines and Minerals (Amendment) Bill, 2017.

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

7. Registered Land (Amendment) Bill, 2017.

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

8. Mutual Administrative Assistance in Tax Matters (Amendment) Bill, 2016.

Clauses 1 to 8 agreed to.

Bill to be reported back to the Senate without amendment.

IV REPORTING AND THIRD READING OF BILLS

1. Mutual Administrative Assistance in Tax Matters (Amendment) Bill, 2016.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the Mutual Administrative Assistance in Tax Matters (Amendment) Bill, 2016 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 Mutual Administrative Assistance in Tax Matters Act, 2014 (Act No. 15 of 2014), to provide for the implementation of the obligations of Belize arising under the Convention with respect to the standard of automatic exchange of financial account information in tax matters; to give effect to the Multilateral Competent Authority Agreement; to give effect to the Common Reporting Standard; 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.

2. Private Pensions (Amendment) Bill, 2016.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the Private Pensions (Amendment) Bill, 2016 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 Private Pensions Act, (Act No. 4 of 2016); to clarify terminology and obligations under the Act; 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. Referendum (Amendment) Bill, 2016.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole

Senate has considered the Referendum (Amendment) Bill, 2016 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 Referendum Act, Chapter 10 of the Substantive Laws of Belize, Revised Edition 2011, to make provision, in accordance with international best practice, for the holding of a referendum to be validated only by the satisfaction of voting thereon by a simple majority of votes cast and without regard to the number of registered electors casting votes; 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.

4. Non-Governmental Organisations (Amendment) Bill, 2016.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the Non-Governmental Organisations (Amendment) Bill, 2016 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 Non-Governmental Organisations Act, Chapter 315 of the Substantive Laws of Belize, Revised Edition 2011, to make further provision for the recognition of the status of registered Non-Governmental Organisations; 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.

5. Land Tax (Amendment) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the Land Tax (Amendment) Bill, 2017 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 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 the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister; 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.

6. National Lands (Amendment) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the National Lands (Amendment) Bill, 2017 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 National Lands Act, Chapter 191 of the Substantive Laws of Belize, Revised Edition 2011; to make provision, in the interest of administrative and operational efficiency, for the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister or to the Commissioner or any other senior officer of the Ministry responsible for lands; 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.

7. Mines and Minerals (Amendment) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the Mines and Minerals (Amendment) Bill, 2017 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 Bill for an Act to amend the Mines and Minerals Act, Chapter 226 of the Substantive Laws of Belize, Revised Edition 2011; to make provision, in the interest of administrative and operational efficiency, for the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister; 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.

8. Registered Land (Amendment) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the Registered Land (Amendment) Bill, 2017 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 Registered Land Act, Chapter 194 of the Substantive Laws of Belize, Revised Edition 2011; to make provision, in the interest of administrative and operational efficiency, for the responsible Minister to delegate certain functions to any Minister of State appointed to assist the Minister; 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.

A D J O U R N M E N T

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): 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 2:10 P.M. to a date to be fixed by the President.

PRESIDENT
