

BELIZE

No. 25/1/13

SENATE

Wednesday, 28th November 2018

10:05 A.M.

Pursuant to the direction of Mr. President, in writing, dated 23rd November 2018, the Senate met in the National Assembly Chamber in Belmopan on Wednesday, 28th November 2018, 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, and Sustainable Development, Immigration
Services and Refugees
Senator, the Honourable Herbert Panton – Temporary Senator
Senator, the Honourable Michael Peyrefitte – Attorney General and
Minister of Legal Affairs
Senator, the Honourable Macario Coy Sr.
Senator, the Honourable Stephen Duncan
Senator, the Honourable Aldo Salazar
Senator, the Honourable Anthony Mahler – Temporary Senator
Senator, the Honourable Valerie Woods
Senator, the Honourable Paul Thompson
Senator, the Honourable Markhelm Lizarraga
Senator, the Honourable Rev. Ashley Rocke
Senator, the Honourable Elena Smith
Senator, the Honourable Osmany Salas

Members Absent:

Senator, the Honourable Dr. Carla Barnett – Vice-President and Minister
of State in the Ministry of Finance, Labour, Local Government,
Rural Development, Energy, Public Utilities, Public Service, and
Election and Boundaries
Senator, the Honourable Eamon Courtenay

MR. PRESIDENT *in the Chair.*

PRAYERS *by Senator Rev. Ashley Rocke.*

OATH OF ALLEGIANCE OF NEW SENATORS

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

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

SENATOR A. MAHLER: I, Anthony Mahler, 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: Congratulations, Senator Mahler and Senator Panton, and welcome to today's Sitting.

ANNOUNCEMENT BY THE PRESIDENT

MR. PRESIDENT: Honourable Members, by letter dated 23rd November 2018, Cabinet's recommendation has been signified to the following:

1. General Revenue Supplementary Appropriation (2018/2019) (No. 2) Bill, 2018;
2. General Sales Tax (Amendment) Bill, 2018;
3. Inter-American Development Bank - Additional Financing for George Price Highway Rehabilitation Project (US\$7,000,000) Loan Motion, 2018; and
4. Conditional Settlement Agreement between GDG Acquisitions LLC and the Government of Belize Ratification Motion, 2018.

BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): A pleasant good morning, Mr. President, and Colleagues. First, may I congratulate both Senators Panton and Mahler on their appointment to today's Sitting.

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

1. General Revenue Supplementary Appropriation (2018/2019) (No. 2) Bill, 2018;
2. Supreme Court of Judicature (Amendment) Bill, 2018;
3. Motor Vehicles and Road Traffic (Amendment) Bill, 2018;
4. Bills of Sale (Amendment) Bill, 2018; and

5. General Sales Tax (Amendment) Bill, 2018;

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.

PAPERS

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, I rise to lay on the Table, Sessional Papers No. 54/1/13 - Supplementary Appropriation (No.2) Schedule for Fiscal Year 2018/2019; and Sessional Paper No. 55/1/13 - Economic Development Council Annual Report 2017.

MR. PRESIDENT: Honourable Members, those Papers are ordered to lie on the Table.

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.

MR. PRESIDENT: Honourable Members, the question is that, at its rising today, the Senate adjourn to a date to be fixed by the President.

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

PUBLIC BUSINESS

A. GOVERNMENT BUSINESS

I MOTIONS

1. Resolution Authorizing the Acceptance by Belize of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting Motion, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, I move that - **WHEREAS**, the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (hereinafter called “the

Convention”) was entered into force on 1st July 2017, following the expiration of three months commencing on the date of deposit of the fifth instrument of ratification, acceptance or approval pursuant to its Article 34;

AND WHEREAS, the Convention aims to, modify the double tax treaties of all involved countries in an efficient and time-saving manner, by the implementation of the BEPS provisions in existing double tax treaties in cases where the two treaty states accept the requested amendment or the adjustment as included in the MLI;

AND WHEREAS, Belize is seeking to improve its standard by the implementation of tax treaty related measures to prevent treaty abuse, to provide for country-by-country reporting and improving dispute resolutions through mutual agreement procedures of the Base Erosion and Profit Shifting inclusive framework;

AND WHEREAS, the Government of Belize is desirous of expressing its consent to be bound by this Convention by acceptance pursuant to Article 27 of the Convention;

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

NOW, THEREFORE, BE IT RESOLVED, that this Honourable Senate authorizes the Government of Belize to accept the Convention, a full text of which is hereto annexed.

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

2. Resolution Authorizing the Accession by Belize of the Multilateral Competent Authority Agreement on the Exchange of Country-by-Country ("CbC") Reports Motion, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, I move that –**WHEREAS**, Belize has signed the Convention on Mutual Administrative Assistance in Tax Matters as amended by the Protocol (hereinafter called “the Convention”) on 29th May 2013, and enforced same on 1st September 2013, which provides in Article 6 for the Competent Authorities of the Parties to the Convention to mutually agree on the scope of the automatic exchange of information and the procedure to be complied with;

AND WHEREAS, the Multilateral Competent Authority Agreement on the Exchange of Country-by-Country Reports (hereinafter called the "Agreement") was signed by Belize on 20th June 2017, by declaration to comply with the provisions of the Agreement on behalf of the Competent Authority and the Agreement comes into effect in Belize in accordance with section 8 of the Agreement;

AND WHEREAS, by virtue of enforcement of the Convention, Belize has met the requirements of section 1 of the Agreement in relation to becoming a

jurisdiction for the purposes of the Agreement;

AND WHEREAS, the Agreement aims to increase international tax transparency and improve access of the Parties' respective tax authorities to information regarding the global allocation of the income, the taxes paid, and certain indicators of the location of economic activity among tax jurisdictions in which Multinational Enterprise ("MNE") Groups operate through the automatic exchange of annual CbC Reports with a view to assessing high-level transfer pricing risks and other base erosion and profit shifting related risks, as well as for economic and statistical analysis, where appropriate;

AND WHEREAS, a CbC Report is a report containing:

- (i) aggregate information relating to the amount of revenue, profit (loss) before income tax, income tax paid, income tax accrued, stated capital, accumulated earnings, number of employees, and tangible assets other than cash or cash equivalents with regard to each jurisdiction in which the MNE Group operates; and
- (ii) an identification of each Constituent Entity ("CE") of the MNE Group setting out the jurisdiction of tax residence of such CE, and where different from such jurisdiction of tax residence, the jurisdiction under the law of which such CE is organized, and the nature of the main business activities of such CE;

and a Reporting Entity ("RE") means the CE that is required to file a CbC Report conforming to the requirements of the CbC Standard of the jurisdiction of tax residence on behalf of the MNE Group;

AND WHEREAS, Belize is seeking to increase its standard on international tax transparency by requiring the RE of an MNE Group to annually file a CbC Report intended to be part of a three-tiered structure which will represent a standardised approach to transfer pricing documentation for tax administrations to have relevant and reliable information in order to perform an efficient and robust transfer pricing risk assessment analysis;

AND WHEREAS, the Government of Belize is desirous of expressing its consent to be bound by the Agreement in consideration of it being bound by the Convention pursuant to section 8 of the Agreement;

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

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

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

3. Inter-American Development Bank - Additional Financing for George

Price Highway Rehabilitation Project (US\$7,000,000) Loan Motion, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, I move that – **WHEREAS**, Belize being a member of the Inter-American Development Bank (the “Bank”), is eligible for development assistance in the form of loans, grants, and technical assistance from the Bank on such terms and conditions as may be agreed between Belize and the Bank from time to time;

AND WHEREAS, the Board of Directors of the Bank approved an Original Loan to the Government of Belize in the sum of US\$27,000,000.00 dated November 17, 2015;

AND WHEREAS, the Government of Belize has since approached the Bank for additional financial assistance since the Original Loan is not sufficient to execute all related components of the George Price Highway Rehabilitation Project;

AND WHEREAS, it is the intention of the Government to apply the additional financing to meet the costs of the supervision of the civil works; utilities relocation required to execute the civil works; and environmental and social mitigation measures; the additional resources will also augment financing for the administration activities of the GPH Rehabilitation Project;

AND WHEREAS, the overall project consists of civil works for the rehabilitation of the GPH from miles 47.9 (Belmopan) to 67.3 (Santa Elena Bypass); the supervision of the civil works; utilities relocation required to execute the civil works; and environmental and social mitigation measures; the civil works include the measures to address road safety, and climate change resiliency issues;

AND WHEREAS, the Bank has offered the Government financing of up to US\$7,000,000.00 from its Ordinary Capital Resources in support of George Price Highway Rehabilitation Project under the following terms and conditions:

Lender:	The Inter-American Development Bank;
Loan Principal Amount:	US\$7,000,000.00 Ordinary Capital of the Bank;
Disbursement Schedule:	Over a period of four (4) years from the effective date of the Loan Contract;
Loan Term:	Twenty five (25) Years from the date of signature of the Loan Contract, inclusive of a sixty-six (66) month Grace Period on Principal Repayment;
Repayment Period:	To be repaid in 39 semi-annual and consecutive, and insofar as possible, equal installments; first installment to be paid on the expiration date of the sixty-six (66) month period following the effective date of the Loan Contract;
Purpose:	To execute George Price Highway

Rehabilitation Project;

Rate of Interest:	Lending Rate is based on the LIBOR-Based Interest Rate;
Credit Fee:	A Credit Fee will be at a percentage to be established by the Bank on a periodic basis, not exceeding 0.75% per annum;

AND WHEREAS, under the provisions of section 7 (2) of the Finance and Audit (Reform) Act, 2005, the Government of Belize is required to obtain the prior authorisation of the National Assembly, by way of a Resolution, for such a borrowing;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that the Loan proceeds would significantly assist the Government of Belize to substantially improve the George Price Highway road infrastructure between miles 47.9 in Belmopan and 67.3 in Santa Elena to national standards, thereby decreasing travel time and costs, reducing road fatalities and injuries, and ensuring road accessibility by improving the climate change resilience of the corridor, approve and confirm that the Government may enter into a Loan Contract with the Inter-American Development Bank on the terms and conditions set out above for financing the said Project, and further authorize the Minister of Finance to execute and deliver the said Loan Contract and all other documents associated therewith.

SENATOR M. LIZARRAGA: Thank you, Mr. President. Mr. President, when this project was first presented to us, that we were assured by the Honourable Leader of Government Business that there were many new or many checks and balances and controls put into place for this project. This, of course, was at a request that we be provided the contract as is law under the Finance and Audit (Reform) Act, and as the Contractor General has reminded us. And I remember that the Leader of Government Business was quite forceful in saying, look, we have this control, and this control, and these controls in place, and this is going to be somewhat of a model. Well, today, when not even 5 miles have been completed for this 19-mile project, we are being asked to approve another \$14 million, bringing the total sum of this road to some BZ\$82 million. We are just starting with the construction of this road. And we are being told by this Motion, that the government has since approached the bank for additional financing assistance since the original loan was not sufficient to execute all related components of the George Price Rehabilitation Project. And when we listened to the debate in the House, we heard that the Prime Minister and the Minister of Works, say that this was for land acquisition, primarily, that people wanted too much for their land and that is why we needed to borrow this additional \$14 million. Well, aside from the fact that I am told that we should not, the government should not borrow for land acquisition, let us look at what it is that this Motion is saying, because certainly the Motion as it reads, has nothing in it that says this money will be used for land acquisition. The Motion says, “it is the intention of the Government to apply the additional financing to meet the costs of the supervision; utilities relocation, they have to move the lamp post for some of them, environmental and social mitigation measures; and additional resources will also augment financing for the administration activities. There’s going to be an increase in administrative cost, and further down we will see that that increase in administrative cost is going to be \$800,000 only for this portion of the US\$7 million, or \$14 million portion. It says nothing about land acquisition. And it goes on to say that the overall project consists of civil works for the rehabilitation of

the George Price Highway from Mile 47.9 Belmopan, to Mile 67.3. And the supervision of the civil works, the utility relocation required to execute the civil works and environmental and social mitigation measures, the civil works include the measures to address road safety and climate change resiliency issues. Nothing new, you know. This was all in the original Loan Motion that came before us. It is nothing new, so why are we borrowing the \$14 million?

The rate of interest is not fixed. There is a credit fee and it's a floating rate based on labor. And while this Motion refers to the Finance and Audit (Reform) Act, and it states that the Government of Belize is required to obtain prior authorization of the National Assembly, it fails to provide the contract as is required by the Finance and Audit (Reform) Act. Parliament should have a copy of that contract, so that we know exactly what it is that we are going to get, you see. Because in the first loan, it said that it made provisions for land acquisition as well, if I am not mistaken. And, of course, it ends by saying that the House being satisfied will approve this loan, well I wasn't satisfied then, and I am certainly not satisfied now.

But let me give you some history behind this loan, and this project. In 2015, a Trinidadian company by the name of HALCRO, was chosen as the firm that was going to design this project. And HALCRO got a payment of \$1.8 million to design this road and the bridge. And we paid \$300,000.00, I believe, because I think the sum total was \$2.1 million. This was a grant from the IDB, for the design and the verification or checking of the design by a local engineer. The design was approved by the Ministry of Works, by the very oversight bodies that were in place, by our own engineers. The design was approved, and we paid HALCRO and we paid the local engineer that verified it. Contract documents were signed to 2 companies, one Teichroeb and M&M Construction. The bridge was supposed to be \$11 million, I believe, and the road works for Phase II, the bridge was Phase I; Phase II would have been from here to the Iguana Creek Junction, that was some \$20.5 million.

And then, a company by the name of IMC Worldwide were given a contact to supervise the actual works. And their contract was for \$3.8 million. Well when IMC looked at the designs that were already approved, after having spent over \$2 million remember, on these plans, IMC found a number of major design faults and flaws that they questioned, and I am going to quote from the document with your permission, Mr. President, of a report that they made, maybe I should do that now. This was a report that they submitted, a design review report on February of 2018. And I quote, "The full design review operation did not commence until January 8th, 2018, at this stage, the contractors for lots No. 1 and No. 2, or Phase I and Phase II, had already commenced mobilization, which puts emergency on the review works. Both contract designs have a significant number of omissions and design queries that are itemized in this report. The itemized list covers all aspect of the design and has at times significant bearing on the functionality, the safety, the buildability, and budgetary constraints of the contracts. And when IMC wanted to get in touch with the company now that designed it, HALCRO, they couldn't, and this is what they had to say, "as the design consultant is not reachable, queries or design philosophies used cannot be answered, and much of the review has been a forensic examination of the design in an attempt to understand the concept used." Priority was placed on the Roaring Creek Bridge, where they had issues. It says, "Preliminary reviews concluded that some major design queries existed, and these were discussed with the Ministry of Works in a meeting held on the 13th January 2018." Now remember, by this time the builders had already mobilized, they had equipments sitting by the Roaring Creek Bridge ready to start. We had to be paying them as well, for doing nothing, waiting, because the designs are not good, they cannot start to build, that is why

the bridge took so long for the commencement of construction to begin.

A way forward, now I must confess that I knew about this from February of this year, but I said nothing. And why did I not say nothing, because of the following: it says a way forward was agreed where the contractor now will carry out any amendments to the design under what was termed “value engineering”. In other words, do away with the \$2 million worth of plans that we paid. We are going now to the very person that’s going to build it, M&M Engineering, by the way, they spoke highly of M&M Engineering in this and how much they contributed to the redesign. But, we had to go to the very person that’s going to build it and ask them, you design it, you help for us the design because the design that we paid \$2 million for was no good, it was faulty, it was dangerous. And this, of course, was to prevent major delays of the project which had already been mobilized as I said. And it says, Lot No. 2 or Phase II which is from Roaring Creek to Iguana Creek Junction, had similar design issues with the vertical and horizontal alignment. Mr. President, he goes on to say, that in their investigation they found, “the investigation into the design calculations was brought about by a lack of certain standards data that was expected to be seen on the drawings.” So the drawings were not adequate, he said, “But was not and by what appeared to be massive over design of certain elements of the bridge.” So when they saw that certain elements were overdesigned, they said, okay, we will do this value engineering and we will save money. So I said, okay, when I found out about this. I fully expected that this project would have come in under cost because of this value engineering exercise. Well we know now, that is not to be the case.

In summary, what IMC reported in January of this year was that there are many parts of the bridge that has been overdesign and can be simply amended to make the cost less than was originally tendered. So, we fully expected to see savings. The drawings contained many details that require amending in order to produce a design for a bridge that can be easily constructed and maintained in the future. And the designer had failed to include in the drawings essential details that the contractor requires to accurately construct the bridge as intended by the designer. And the designer had failed to check the drawings for their adequacy as details are shown that are obviously incorrect and not what was intended in the design. So the \$2 million plan was no good. We are going to go to the local contractors to help us now with this value engineering that was supposed to save us money.

Now it speaks about value engineering discussions. It says, “The design review of the Roaring Creek Bridge discovered several aspects of the design that stood out as being unusual and, in some cases, cost concern to the reviewer as the detail had the potential to have impact on the long-term integrity of the structure.” Now remember this is a plan that we already approved, \$2 million worth of plan. We have already approved it, and now, thankfully, the supervisors now found out that there were structurally hazardous details, and that these were brought to the attention of the Ministry of Works. But it says, “the amendments to the details would lead to either a reduction in the cost of the bridge or make it easier to construct, therefore, it was on that basis that the Ministry of Works agreed to approach the contractor for it to undertake the design of the amendments for the Ministry of Works to accept into the final for construction design.” So, I thought value engineering would save us money. When I see this Motion before us, I am shocked. Absolutely shocked! How can you go from a position to where you have value engineering, to a position now where you need an additional \$14 million? You see why it is that we always beg that you comply with the law and provide us with the contract so that we know what it is that we are paying for and what we should get. I have to be honest with you, when I first learnt of this, I tried to get in touch with the CEO of Ministry of Works, and no response. A few days ago, again

I tried and left messages, and no response. I spoke to three people from the IDB, they called me for a meeting on other related matters and I took the opportunity to raise this with them. I spoke to the Chief of Operations in Belize. I spoke to the Country Representative in Belize. And I spoke to whole team of them and I told them I had some major concerns about this breakdown in their system, where they paid even though it was a grant, it's still money that is for us, where we paid some \$2 million for plans and then we cannot get in touch with the people that designed it to rectify it, and we have to go to the very person that's building it. That certainly defies, I mean, I am glad M&M Engineering was able to do it, but it defies the spirit of these checks and balances that we have along the way.

So, today, we are being asked to approve another \$14 million and we still don't know really, what it is that this money will be used for, because while Honourable Members in this House claim it is for land acquisition, which we shouldn't be borrowing money to acquire land. We still don't know exactly what it is that we are going to be getting for this \$14 million that's new, because the wording is almost the same. The wording in the original \$27 million loan was basically the same, for the same things. So, if there was a major blunder in the total design, and the total flaw, come out and say it man. Come out and say it and hold those responsible in the Ministry of Works who approved it responsible, because, of all these checks and balances that the Honourable Leader of Government Business told us were in place. But we see too many projects in this country with tremendous cost over runs, unprecedented cost per mile spending. And we have to question them man, we have a right. The law tells us that we have a right to know what it is that's in these contracts. We should be provided with these contracts. I still can't tell you about all the projects and all the monies we've approved, what it is that we were supposed to get for those hundreds and hundreds of millions of dollars in projects that we've spent money on with little or no oversight. And even when we have mechanisms in place, we see that we run into these sorts of things.

And then if you look at the documents that were provided to us, again, in the annex, it stated that we have national standards for roads now. Well I don't know about any national standards for road. I would love to know what the national standards for roads are, because then it would give us an opportunity and I've tried to call the CEO of the Ministry of Works again, to see what was going to be one of my questions to him. What are the national standards for roads? Because then if we are going to be spending money and borrowing money for road A, B, C, or D, we know that at a minimum, those roads have to have cats eyes, they have to have lights, they have to have double lines, single lines, dotted lines, they have to have whatever, because we have seen too many works in this country where there is no standardization. We spent from Belize City to Belmopan, I don't know how many umpteen of millions, and it is still not properly lit with cat's eyes or with lines.

And, again, \$800,000.00 of this \$14 million will be used just for administration, an additional \$800,000.00. Now, there is a new animal that's being created according to this annex of the project. And let me read it to you, Mr. President, it says, again, the very Ministry of Works by the way that will highlight prominently in an upcoming report of the Auditor General, these are the people that are going to be the executing agency for this loan. And that the executing agency, the Ministry of Works, will have what they call is a Program Management Unit, and this is what the Honourable Leader of Government Business had told us was this safety check in this thing the last time. And this project, now this is important, listen to this. This Project Management Unit will be responsible for, among other things, the monitoring of this project. But it will also be going to be responsible for the fulfillment of technical administrative and financial

management related to the execution. But it's also now, this is where the new thing comes in, it's also proposing to set up a Project Steering Committee, this monster will be created. And it's being created to facilitate the coordination between the agencies involved as part of the project execution mechanism. But this unit as well, is responsible for the monitoring and the strategic advice of the project. So you have 2 units doing the same thing, responsible for the same thing. Doesn't that allow for conflict? But look who is going to be on the Project Steering Committee. The Project Steering Committee will consist of key implementing agencies and stakeholders and will be chaired by the Ministry of Economic Development and Petroleum, Investment, Trade and Commerce, chaired by them, the PSCU will be responsible for monitoring and the strategic advice to the project. The PSC will be integrated by the Ministry of Works, Ministry of Labour, Local Government, Rural Development, Ministry of Finance, Natural Resources, Tourism, Civil Aviation, Coastal Management Authority, National Emergency Management Organization, Ministry of Agriculture, Fisheries, Forestry, Environment, Sustainable Development, and Immigration. My goodness, look at the amount of people we need now to monitor a road! The building of a simple road, 19 miles of road. All the Ministries almost. And, again, what role do they have with responsible for monitoring? You already have this supposed PMU. Or is it that the PMU isn't doing their job? If they are not doing their job, then we get rid of them and strengthen the Ministry of Works and make everyone over see it because we know the Ministry of Works has a lot of problems. So, at the end of this, and by the way, these documents that were provided to us, when we should have been provided the actual contracts are drafts, just drafts. And even so, the draft that was provided that says it's the loan contract, not the building contract, the loan contract, states one number and then the document states another number. So, I don't know.

Mr. President, I am sorry. In the absence of the actual contract documents so that we can know exactly what these monies are being spent on, there's absolutely no way that I can lend my support to this Loan Motion. We are supposed to be doing things differently, or, at least, that is what we were promised. That this project would have this new level of oversight and controls. And what we have seen to date is, we've seen \$2 million spent on plans that are no good. We haven't even completed 5 miles of road and yet we are coming back already and asking for \$14 million more. And now the total sum of this road is now some \$81 million for 19 miles of road. No man! Wait! There comes a time when you have to say enough is enough! And then you have people in the House, in the Lower House, saying the monies will be used for one thing, and then we have documents in the Upper House, the Senate, saying the money is going to use for something completely different. So which one of them is wrong? But yet we keep borrowing, and borrowing, and borrowing and we are expected to approve, and approve, and approve. No accountability! No transparency! We don't know what it is that we are going to be getting for that \$81 million. I cannot tell you, as a Member of this House, what exactly we are going to get and where we are going to get it. And then the people that you think, I am disappointed in the IDB, I'll tell you that, because they have so many controls, so many systems in place when they lend you money, and yet when I brought it to their attention, they would not have the courtesy, yes, they wanted to talk about what they wanted to talk about, and they promised they would set up a meeting with me to deal specifically with this issue. I am still waiting on that, and I put it on record. And I am disappointed in the CEO in the Ministry of Works too for the countless calls I have made to his secretary and his office, and I haven't gotten a response.

So my good friends, we can continue to burden the Belizean people with debt to infinity. But I am not going to be a part of it. I'm not going to be a part of it. And I cannot sit down here in good conscience, taking that oath that two of the

Members took this morning, congratulations by the way, in good conscience and support this type of abuse of power. We have a right to know, the Belizean people have a right to know who we are paying, for what we are paying it. And if somebody made a mistake, then come out and say it! Come out and tell the people at Roaring Creek why that bridge has taken so long to build when we approved the money a long time ago. That bridge should have been done a long time ago. The bridge should have been built a long time ago, I am glad you agree with me, Honourable, right? And yet you hear all kind of excuses, but we don't hear the truth. Somebody screwed up. It was a major screw up, right. But even so, apparently in that screw up we were supposed to save money, remember the report, value engineering. I truly expected that the Honourable Leader of Government Business would come back today, or someday in the future and say, look, as a result of these checks and balances we have put into place, we caught a mistake and we saved money on the project. Wouldn't it be nice if for once we could come to this House and get a report that says we came in underbudget? Wouldn't it be nice? But every time, every time we come here it's for more, and more, and more, and we don't know for what.

Mr. President, in good conscience, I cannot support this Motion before us today. Thank you.

SENATOR M. PEYREFITTE: Thank you, Mr. President. I would be very brief. One consistent thread I kept hearing from Senator Lizarraga's soliloquy and grand standing to the point where he laps into metaphor, but we won't get into that. If you want information, Sir, why do you go to the IDB? If you really want information, there is the Freedom of Information Act. Why would you call the CEO of the Ministry of Works, when as a Senator, you have as your colleague, the Leader of Government Business obviously and the Attorney General? Why would you call the CEO of the Ministry of Works, and why would you want to meet with IDB if its only information you want? Mr. President, I want to make the point clear again, and again, and again, any Senator in this Senate, not in this House, in this Senate, you have to put your name on a ballot if you want to be in the House, you know. Even if you run the risk of losing like me, you have to put your name on a ballot. This is the Senate, not the House. Any Senator in this Senate, who does not have the information that they say they want, they really don't want that information. But its convenient to come here and give the public the impression like this is some Gestapo Government running with so much secrets behind closed doors, no man! If you wanted a contract for this contract for that, if it exists, Sir, you are entitled to have it, not just as a Belizean and a member of the public, but, indeed, a Member of the Upper House. But if you go and ask IDB, IDB doesn't rate you. You are a Member of the Senate. Ask your fellow Senators who can get that information for you, that's the point. Whatever is the argument on the merit, whatever, whatever, Mr. President, that is fine. But I am tired of hearing Senators saying they don't have access to information and that's the point I want to make. And I don't know which contract you are talking about, maybe it's more than what we've had. I see here a Loan Contract, I see here another loan contract from May 2016, that was sent to us and emailed to us, that contains I don't know what more information than this you want. They even have a mathematical formula here that doesn't look like one plus one equals two. I mean, if you want more details than what's in this contract, man, listen to me. Right, if there is another contract that you want to know about, write to me, write to the President of the Senate, and say, under the Freedom of Information Act, I would like to have this contract with whatever contractors are involved, and the government has to provide it for you. So stop coming here and saying you don't have information, Sir! You talked about tell the truth that you foul up. You tell the truth and admit that you dropped the ball by not doing the proper research in the right place. Do the proper research in the right place. Why

did you go to the IDB? What do they have to do with you? You want information, Senator Lizarraga, you come to us and then you get whatever information that you want. Thank you, Mr. President.

SENATOR A. SALAZAR: Mr. President, I only have one fundamental problem with the contribution from Senator Lizarraga. Senator Lizarraga went on, and on, about the failures, he puts it, of the design of the bridge, or the fact that the design is not good. But the problem that I have is that he seeks to lay the blame for that at the hands of the government. That is absolutely false and misleading. It is not the governments fault. If there is a problem with the design of the bridge, I don't know, but I take it that what he is reading there is correct. If I am to accept it, as far as I know, we are dealing with an international lending organization, the IDB, they have certain approved contractors to do certain things, they go by international standards. A lot of times people in Belize cannot qualify to do certain things. Say a bridge design, I am guessing, but I am saying, how the thing is set up, in order for you to qualify you may have had to design 20 bridges before, you may have had to have done this, x, y, and z. There are significant standards before you can qualify, before you can even pre-qualify to submit a design for these sorts of things when you are dealing with an international lending organization. That design, as far as I understand, was sent out a considerable cost, yes, but it was sent to a qualified bridge designer. That has nothing to do with the Government of Belize. The selection of that design wasn't done by the Government of Belize. So if there was a mistake with the design, that's not our fault, that's not the government's fault.

And he said, the project execution, when you refer to the Project Execution Unit, it's the same people at the Ministry of Works, I understand, who execute the project, who over sees it and make sure it's, or their functionaries within Belize then that do it, that oversees this. And there is an independent person who oversees the work as well, another international consultant. So, when that design was sent to Belize, we don't, if we didn't qualify to be able to prepare the design in the first place, how is he going to fault us for accepting the bridge design which experts, which people with vast knowledge in this field prepared. How are we going to be faulted for accepting that design from an IDB approved expert? As it turns out, according to him, there is a problem with the design. As it turns out our very smart Belizean people can deal with it, as it turns out, but they would never have qualified to be able to give that design. I know that for a fact, I am not guessing. So, that cannot be laid at the feet of the Government of Belize as he purports to do. That is unfair. If the design was wrong it is not the government's fault, plain and simple. It's not the government that did it. So, where does that leave us? What are we going to do because the design was wrong, what are we going to do, leave the bridge undone?

In fact, what is before us is not even for money to correct the design flaw in the bridge, so I don't know why we got there in the first place. My understanding is, what is before us is in order to deal with land acquisition. Now the figure sounds high, eighty something million dollars, right. But from what I understand, anybody who goes to San Ignacio can appreciate that there is significant value there in land. If you are going to acquire land along that road, you are going to pay a hefty price for it. And, because it is an international lender, the values have to be at market value as far as I understand. And I don't think that this has to be settle without dispute. So, for my part, I think it unfair to lay the fault for the bridge design on the government. It's not government's fault. And I am not sure that a request was here to make up for cost of the bridge in any event. So, I don't think that this matter is dealing with that in any way. Thank you.

SENATOR V. WOODS: Thank you, Mr. President. Mr. President, I am a

little bit confused now. At first, at least in the reading of the papers I got referred to civil works and maintenance, but I see my colleague Senator Salazar, is saying almost definitively as if the reason for the over runs is for land acquisition. My understating having checked with the Financial Secretary that loan monies really ought not to be used for land acquisitions. And so I think that the difficulty that we are having, and that Senator Lizarraga has expressed in his research is to identify specifically what really is the over runs that have occurred that has resulted in a \$14 million additional expense on a project that had gone through some thorough research, thorough design to ensure that we would not have been in this position. I am also a little bit concerned because if it is another loan contract, US \$14 million, who is it that is overseeing this because I am not aware that there is a Contractor General yet that has been reinstated.

And the other point is, it obviously begs the question, I don't think anyone should be surprised in any event, at the questions coming up because this Senate has looked at other various road projects, and have had to deal with some scandals before, and notably the one of the Lake I Boulevard. So when you do the addition of what the cost of a mile is and now you look at this whole 19.4 miles stretch, it brings those concerns. So I can appreciate the questions being raised. I think, as a Senate, even though when you go on the IDB website, it says this has been approved. So clearly, this appears to be yet one of those obvious rubber stamp moments for the Senate, but the Senate is entitled to ask these questions no matter how uncomfortable or difficult they may be. Thank you.

SENATOR H. PANTON: Mr. President, I think what continues to be last in the Opposition to this project is that this is an IDB Funded Project. The protocols and processes by which the IDB operates in approving loan funds, disbursing of loan funds, and the executions of works, at my last check when I worked in the government service stood at V volumes, V. And it is a constantly evolving document. So I don't know how many volumes may be there now. So that, first of all, we were greeted with a fathom report that the Senator kept quoting from. None of us here in this Senate has the benefit of a peep. Not even a perusal, a peep at this report that he is quoting from, but he brings the report to the Senate. He quotes here, he quotes there. The bottom line, Mr. President, this is an IDB Funded Project. The IDB has their consultant in place now. You talked about a mis-design on the part of HALCRO, well HALCRO is building in Belize and has been designing in Belize from long before I was born. HALCRO could not have been given that contract to build, to design that building, unless they adhered to the conditions that are set out in the awarding of design contracts, by the IDB. And so, yes, so there is a design flaw, so what are we to do, throw up our hand and say, let us leave the bridge and continue to use the little small bridge in Roaring Creek, throw up our hands. What are we to do? And then, he harps on this term of value engineering. Now, I think it is an inordinate focus on the term value, but at the root of the phrase is engineering. So if the person tasked with the construction of the bridge according to the design of HALCRO was not tasked with the responsibility of designing the bridge, but now is tasked with the responsibility of designing the bridge. Please explain to me, Mr. President, how this logical mind can wrap around that being a less costly venture? More money is going to be spent. The contractor did not have the responsibility to design. The contractor is not going to design that bridge for free. There is a cost to be incurred from that, there is a cost to be incurred. So, we need to keep these things constantly in perspective, you know, because when people speak and nobody else respond, those things go as gospel you know.

When Gobles and Hitler started their journey in Germany, there were 500 newspapers and media outlets, you know, Mr. President. When they were done, there was none. If it didn't come from Gobles it was not published. And the

reason for that was very simple. If I am the only one saying anything, then whatever I have to say has to be cloth in some measure of truth, and if I say it often enough, people begin to believe it so that it sounds nice and beautiful when the Senator gets up with this long tirade. But each and every time he must be rebuked, because not because he says so it is the truth. In all of this, I don't hear anything, I end where I start, Mr. President, in all of what he had to say, I heard nothing of the IDB. And when he went there to check with the IDB, he should have asked, so what happened with HALCRO and the design? But he went for the wrong thing. thank you, Mr. President.

SENATOR A. MAHLER: Thank you, Mr. President, and good morning. My head is tight right now from some of the things that I have been hearing this morning and reading up about. And that's because I don't have pressure, right, but my head is tight, tight. What I am hearing from the other side is that we in Belize are supposed to take what we get from the IDB. So it is like if you go into footlocker and you know your shoe size is size 11, you want to buy a tennis or a shoes, or something, and they are telling you that you should use a size 8. The bridge drop short, and they are saying that's okay. No man, that is craziness! Guess who is paying for these works, it's the Belizean people, not IDB. And I can tell you from experience that we in Belize have put IDB in check before. Not because they say that they are right, they are right. No man, this is nonsense! Now, I still don't understand what this extra money is for. Is it for, what does it says here, supervision of civil works, so supervision is not real, it's just oversight of the civil works. Utilities relocation required to execute the civil works, and then they have a thing here, Senator Markhelm, environmental and social mitigation measures. And then, in one document, where it says civil works and maintenance \$6.6 million, and administration and evaluation \$400,000. And then, Senator Salazar said it was for land acquisition. In fact, the Honourable Minister of Works in the House last week said it was for land acquisition. So, I know they have a few former athletes, there is a thing in basketball that we play in Belize called drop short. Do you know what is drop short? Drop short is when somebody shoot at the rim and it doesn't even come close, it doesn't even reach the rim, right, that is drop short. You know what, projects after projects, I have been coming to these Senate Meetings just recently, but the discussions in here have always been about the blatant misuse of the people's resources. So projects, after projects you see are seeing are dropping short. Faber's Road. In fact, Lake I Boulevard that I just came up, and I see civil works machinery out there again trying to fix that Lake I Boulevard. You have the municipal airstrip sinking. If you talk to the pilots, it's not safe. And now you are coming back to the Senate here and in the House last week, and asking for an additional \$14 million to finish this project. I hope it can finish out with that.

But in basketball they have this thing called drop short, right, this project has dropped short by 25%, you know, 25%. I have a little experience with the IDB, all of them, OAS, from my past experience, and most projects have what they called a contingency in there. That is to deal with any over runs in the project. So you are telling me that our.

MR. PRESIDENT: One second, Senator Mahler, can you please adjust your microphone so that we can get your recording, so you can speak a little closer to it.

SENATOR A. MAHLER: So you are telling me that this project has consumed all the contingency and now we have to go back to the people and tell them we need an extra BZ\$14 million for a 19 mile stretch of road, that will cost the Belizean people over \$80 million. Madness! Madness! Either we have some weak engineers at the Ministry of Works, or weak leaders who couldn't tell the

IDB, listen, this does not work for Belize! No Minister is paying for it. It is not the IDB paying anything back, it's the Belizean people. It is \$80 million, you know what, for this government, from I have been growing up, I have been hearing the actual cost of a road is maybe a \$1 million per mile, with inflation and everything it could be \$2 million, but with this government, the cost of road building has gone up to almost \$3 million, and in some instances \$8 million per mile. This is serious money. This is not like what the Honourable Cordel Hyde said in the House last week, this is not monopoly money. This is a serious issue when you have a lot of people who need a lot of services all across this country and we are wasting money. So, just another \$14 million, let's go back to the people and that's alright. I thank you.

SENATOR S. DUNCAN: Thank you, Mr. President. If I am to believe the position taken by the Senator that, in fact, there was an error in the design of this bridge, then it seems to me that that is of much greater import than whether it is done by the IDB or whoever did it. Very often we have these situations that people become concerned about why you did this thing, we picked it up after the fact it becomes a problem. Here we are learning that, in fact, this was picked up sufficiently well in time that we could do something about it. In fact, what has not been said so far, is that the project, the bridge, we have probably avoided a travesty, have that design flaw not been identified in time and we had gone through with that work, what could have happened to the people who use that bridge? I think it is very important that it was picked up, and I think that has something to do with the rigor, the monitoring, and the checks that have been taken place. That is why it was picked up. It was not just picked up just by chance, it seems to me that a review was being done, monitoring was taken place, and it was picked up. So, effectively the things that were being asked for, it seems to me are, in fact, being done. And, this, at the very least, says to us that there is benefit in doing, or continuing to do what was being done.

If you were to read the Bill, it says very clearly, that the funding is to be used in part for social mitigation measures. I fail to see where the conflict exists between what some people are saying the funds are to be used for and the suggestion that the funds are to be used also in part for land acquisition. Why is not land acquisition social mitigation measures? If, in fact, you have to move people and you have to relocate people, and you have to disrupt people's lives, why is that not a degree of social to try to mitigate the impact to those people who have to be relocated to another area? Effectively while we try to find different phrases and words to suit ourselves, the reality is the funds are to be used to help to complete the project and people have to be relocated. So, effectively, to my mind, Mr. President, it is covered in the Bill. It is also, to my mind, a positive that we have been able to pick up the flaw before building the bridge, before constructing the bridge, so that we are able to address it. Now, to the Senators point, I do understand his disappointment that there are no savings from it, but I think it is of more importance for us to correct the flaw even if it costs us a few dollars more, to ensure the bridge is done and that people are not injured in using the bridge. We wouldn't want a bridge to collapse when people are using it, so let's fix it. So I believe that the monitoring process and the controls process in place is actually working and that is a good thing, Mr. President, I support the Motion. Thank you.

SENATOR P. THOMPSON: Mr. President, I'll stick to the point that was made about the land acquisition that my colleague just mentioned just now. Land acquisition, I am not sure how that become, that explanation from Senator Duncan is way out there, but what we would have liked to see included in the notes, included in the information pocket that we have, would have been the total amount for land acquisition. The Prime Minister said it. The Minister of Works

said it, and now Senator Salazar have said it, that's it's for land acquisition, and Senator Duncan, four of them now, four UDP Representatives, land acquisition. We would just like to know what the total cost of land acquisition is out of this \$14 million? We would like to know who the owners are of these lands? We want to know the land owners? We want to know which land it is? Do you know why we want to know this, because in the recent past, we had a situation where there was a land, what is it called, the land compensation scandal. Do you remember that, in 2016? And this very government said at that time, by the end of the year we are going to provide you with information about this land compensation list. It's now 2018, you know, and we haven't gotten that list as yet. But there was a press conference that says, the Prime Minister said that we are going to provide you with this information. So we don't have to ask for it, you volunteered that you were going to give it, but we have not gotten it yet. Where is it? So when you are saying that how we can ask for the information, it doesn't make sense that we ask for information, you volunteered the information and you don't give it. There's one of two things that may be happening here, because I'll be brief, and I'll be short, I am short. One of two things, this may be incompetence, costly incompetence, or this may be another legendary UDP hustle. Thank you, Mr. President. (Applause)

SENATOR O. SALAS: I dint not intend to speak on this Motion, but a lot of very interesting things have been said. A lot of very interesting revelations, and I need to point out one, just one, I'll be brief. I'm short as well. What I see as a major discrepancy between the draft contract, and we were presented with draft contract and the Motion. The draft contract for the project refers to civil works, supervision of civil works, utilities, relocation, environmental and social mitigation and the administrative aspects. The Motion also refers to what I just listed, but then it goes on to say what the intention of the government is, and no where there in the stated intention of the government does it say that it is to apply the funds to civil works. That has been said, but I need to reiterate that it goes into supervision and everything else, but not into applying it to civil works. So, you know, to me that's a major inconsistency between this loan Motion and what its draft contract states or stipulates. And I emphasize draft contracts. So it can be adjusted, it can be amended before it is finalized. That's my comment on that, Mr. President, it has me very concerned.

SENATOR E. SMITH: Thank you, Mr. President. It seems my colleague is surprised that I am standing here behind you. Mr. President, you know, at the end of the day when these loans are being made, it always ends up that it's the working class who have to bear the burden of these loans. And for us, as an organization, when we get these documents, we do our very best to review and provide feedback as to the position that I must bring when I come to these meetings. And for me to come here now and to be making decisions on the documents that I have been provided, and to now be understandings from my colleagues that social mitigation is equal to land acquisition. Yes, it entails that as well. Those were your words, Sir. It entails land acquisition. And then we are told that the loan is for land acquisition. And so then it would mean that when we made our decision on this matter, it was based on wrong information, because our decision was made on what we were given, now I am hearing land acquisition. So I am not sure what portion of that amount is going to be going for land acquisition, and what portion will be used for what was stated in the document that we were given. And so I think then, that I am hoping that the Leader of Government Business will be making some clarifications in his presentation so that we can have a better understanding of really and truly what this loan would entail, and how this would be shared up among all that we've been told that the loan is for. And so I await that clarification, Mr. President, thank you.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Thank you, Mr. President. A lot has been said. Let me try to start at the top. I think Senator Panton said this is an engineering project. Just a little issue here. None of us in here, as far as I know, are charged with the responsibility of reviewing the detailed engineering drawings and estimates of any project. They come to us, those don't even come to the Legislature, it's a function of the Executive, all the engineers and everybody. And in a previous verification of mine when I did some work for CISCO Construction Company, I recalled how we third world people was simply dismissed no matter where you went to study and what you knew. Belize has some awesome engineers, not qualified at all, you always have to get the proverbial, no disrespect "white man", from HALCRO, from Keia, from every one of them. And there have been some of them that have designed left hand roads because they come from New Zealand and they think every British country drive on the left. I can call them out for you right now, all of you all drive on them. Its hard to steer, if you drive on the left you are fine. And there have been those who, like when they were doing the Kendal Bridge, you design the bridge that you would launch, this was engineers from Sweden. They couldn't even get the bridge down the Hummingbird Highway because they didn't take into account the fact that you cannot get that down the Hummingbird Highway and there was no way we could launch that bridge. So that had to take CISCO Construction again, with local engineers to decide how to get up the Kendal Bridge. I think that one was \$16 million. But, CISCO Construction still couldn't qualify to design it.

You have M&M Engineers, a group of young boys, the Matus brothers, former cross-country champion, and all of that. I knew them from they were little boys, they are great engineers. They innovated a lot of things but get no contract to design anything. In fact, there is a good friend of mine by the name of Pete Lizarraga who has a construction company, brother to the Senator. Let me tell you, good engineer. No man! I am giving kudos, couldn't get no contract to design. You know that, he can't. And I wish he would, his wife is my cousin. They are smart people. The point I am saying is that when these things come about and you get these international loans, part of their transparency and accountability responsibility is that they tender internationally and they approve the contractors and they approve the design people.

That IMC Report that the Senator talked about is kind of little legend around because the comments were that had HALCRO used juniors to design that, that's how they don't respect anything in Belize. But its not the design so much, its the estimates, terribly underestimated. I heard Senator Mahler talk about the Faber's Road, but man there was a press conference in which engineer Moody and Hugo, and Puga, got up and talked about the design in great detail, and all that was involved in drains and everything, and everything, and everything. I am here to tell you, Senator, I am here to tell you, that every one of those engineers who come to Belize to design, I don't care what they design in Belize, I have said to them, over and over, and over, in them swamp, if you want to build good roads to take heavy things, you have to pile them and bridge them. You run into billions of dollars, its right down Mississippi, that racist part of the US, have some bridges that are 25 miles long over swamp, New Orleans the same thing, and so that's how those are done, and in Holland, even different. But the point I am making is that the estimates were wrong, they were wrong. No, Sir, that also is not correct. The estimates were wrong because there were lots of things that were not taken into consideration, and there was a lot of work done after the design, after the estimates, they didn't take into consideration a lot of things that should have happened to get it the way it should be.

I want to get to the other point, it is not fair to suggest that, as Senator Thompson said, that this is some hustle. Man, let us not take onto ourselves the responsibility to be the engineers and everything. There are people in the Ministries, they are competent people, they are people with character and dignity man. You cannot go through and be disparaging them and laughing at them and stickering with them. That's not right. I can take all the criticism you know, but those people in the Ministry of Works, and I have a lot of engagement with them, yes, there are some complaints, there are people in every ministry, heads of departments and all kind of thing that is under all kind of pressure. And it's not everybody that's that meticulous. I can tell you, for a fact, I can tell you for a fact, one of the tremendous weakness we have in this country, and this is legend, show me any house, show me any building that you build, or any house in this country that comes through with the proper estimates and is done for the cost without some cost overrun. Why is that? Because we have a tremendous weakness in this little country, it will be designed, those are fancy boys in office. Then there are engineers who are everywhere. Then out on the road, or on the construction site, there are men who doesn't have the skill and they are left to do, and somebody swan by in 5 minutes. I have encountered that over and over when the PUP were in office, and now that the UDP is in office, I can tell you as a fact that when Forest Drive was being built, I called over and over the engineers they said come out here now, come out here now, how those boys are showing is wrong. I took it on myself to do, and they come saying, yes, yes, boy, you have to do it so and so. No man, keep yourself here to see how the guy is nailing it, to see how he is doing it. You are the skilled person, or I hope you are. And then I see some that tumble down, a pile of cement that they have to try shovel up. That is legend in this country.

Those of you who are old like me, or older, would remember when crown agents was here, you always had that little hard hat, white man, with short pants with a thing on his side and he is walking around and saying, "put the shovel there, move that pipe there. That is not correct." That is how it used to be. I worked under these systems. It used to get on my nerves but that's how it used to be. We don't have that. We send men out there. We send this out there, and that out there. That bridge that you are talking about, my uncle that live right next door complained about the height of the bridge last Christmas, and said to me, nephew please, man, they don't need to put it 10 feet high, the flood only come to this height, this, that, the other, and he was adamant that a big wall would be put in front of his building and he won't be able to get out of his place. In fact, he is also sick and all because of these things, this was an obsession of his. He said and his property value went down and etcetera, etcetera, government should buy my property, he was railing up. It is 10 feet higher than the present thing. That's what they design to match the height up the hill so that when there is a next massive flood the road would not stop. And the original design did not take that into consideration. And for flood mitigation they wanted to make sure that there was not an hour too that the traffic would not move because now we have a heavy highway with a lot of traffic going and you cannot have any delay. Those of you who know Belmopan would remember sometime about 20 years ago, there was a flood that covered the Roaring Creek Bridge and railing completely, and it was 2 days and that nothing could pass. That is what they are trying to fix. And the original design was to fix the road, align the road, and didn't take into consideration those things. That was a big mistake.

The bottom line is, and the final point that I want to make is on the project document in front of us, it says, civil works and maintenance \$6.6 million, and administration and evaluation \$400,000; and \$7 million. I will be guided by this document and nothing else. But Senator it also talks about the PMU. Let me clear that for you. The Project Management Unit is this unit in the Ministry of Works,

they are exclusively dedicated to bank projects which the government and the bank previously agreed, they are qualified engineers. But it's not a duplication to have a Public Steering Committee. The Public Steering Committee cost nothing to this project. This is simply made up of the existing ministries, but it is to facilitate, in other words, if the Project Management Unit need some data on the environment, or from NEMO, they don't have to worry because NEMO is commissioned to give that information. Anything with agriculture is committed to give that information. I can tell you for a fact that the S-curve that they are knocking down the hill where they made the bypass, as a concern of how they will prevent further erosion of that hill. And so they had to contact people, experts in the ministry who could recommend the kind of plants that they have to plant there whose roots will hold the soil together so there is no erosion. That is the kind of contact between the Project Management Unit and the Project Steering Committee. That arrangement is so that when they ask agriculture, agriculture people won't say, well boy I have nothing to do with that. This committee is set up to facilitate, but it's not a duplication nor is it an extra cost.

Last but not least, ladies and gentlemen, Honourable Senators, all of this at the end of the day is what the Attorney General said. Information and data to Senators has got to be provided through the necessary request. Nobody can withhold that information. And so, please, ask for you information. I will not provide it. I do not promise and commit to abide it, its not my responsibility to provide it more than what I get here myself. I too have to do my research. I too have to call the Financial Secetary. Just ask the relevant ministries. The Attorney General has said his ministry is responsible for that freedom of information, the Ministry of Works is responsible for providing some of these. But at the end of the day, the road cannot be left where it is. It cannot stop half way. Well it could, you know, but it will be a disaster. It has to be completed and this was the purpose for the additional fund.

I ask that the question be put.

SENATOR A. MAHLER: Mr. President, I would like to call for a division to vote on this Motion.

MR. PRESIDENT: Division yes. Clerk or Deputy Clerk, let me read the question and then you do the division.

Honourable Members, the question is **NOW, THEREFORE, BE IT RESOLVED** that this Honourable House, being satisfied that the Loan proceeds would significantly assist the Government of Belize to substantially improve the George Price Highway road infrastructure between miles 47.9 in Belmopan and 67.3 in Santa Elena to national standards, thereby decreasing travel time and costs, reducing road fatalities and injuries, and ensuring road accessibility by improving the climate change resilience of the corridor, approve and confirm that the Government may enter into a Loan Contract with the Inter-American Development Bank on the terms and conditions set out above for financing the said Project, and further authorize the Minister of Finance to execute and deliver the said Loan Contract and all other documents associated therewith.

Mr. Clerk, kindly proceed with the Division.

CLERK: A division has been called on the Motion, Inter-American Development Bank - Additional Financing for George Price Highway Rehabilitation Project (US\$7,000,000) Loan Motion, 2018.

The Senators voted as follows:

Senator Godwin Hulse	-	Aye	Senator Herbert
Panton	-	Aye	
Senator Michael Peyrefitte	-	Aye	
Senator Macario Coy Sr.	-	Aye	Senator
Stephen Duncan	-	Aye	Senator Aldo Salazar
	-	Aye	Senator Anthony Mahler
No			
Senator Valerie Woods	-	No	
Senator Paul Thompson	-	No	
Senator Markhelm Lizarraga	-	No	
Senator Rev. Ashley Rocke	-	Aye	
Senator Elena Smith	-	No	
Senator Osmany Salas	-	No	

MR. PRESIDENT: Honourable Members, we have seven (7) Senators who voted “Yes”, Six (6) Senators who voted “No”. I think the ayes have it.

4. **Conditional Settlement Agreement between GDG Acquisitions LLC and the Government of Belize Ratification Motion, 2018.**

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, I move that – **WHEREAS**, GDG Acquisitions LLC (“GDG”) sued the Government of Belize “(Belize)” in the United States District Court for the Southern District of Florida as the assignee of a December 18, 2002 Master Lease Agreement (“MLA”) contending that Belize was liable for additional lease payments on telephone equipment purportedly provided under the MLA and seeking damages and the return of the equipment (the “Action”);

AND WHEREAS, Belize counterclaimed in the Action against GDG and brought a third-party complaint against the assignor of the MLA, International Telecommunications Limited (“Intelco”), contending, among other things, that the MLA was invalid and that Intelco was liable to it for damages arising from its failure to install and service the telephone equipment;

AND WHEREAS, Belize and GDG seek to settle their differences arising out of the disputes raised in the Action;

AND WHEREAS, GDG and Belize entered into a Conditional Settlement Agreement on 15th November 2018, under certain terms and conditions;

AND WHEREAS, the key terms and conditions of the Conditional Settlement Agreement are as follows:

Condition Precedent:	Agreement to come into force and effect only on the ratification of the Agreement by the National Assembly of Belize;
Settlement Amount:	Two Million Five Hundred Thousand United States Dollars (US\$2.5 million);
Payment:	In one single payment of US\$2.5

million;

Payment Dates: No later than 14th December 2018;

Releases: Upon ratification of the Agreement and upon payment of the Settlement Amount, the GOB and GDG each will release the other from any and all claims, liabilities, obligation, losses, actions or causes of action of any kind and nature whatsoever arising out of or relating to the Action, including all claims that were or could have been brought in the Action;

AND WHEREAS, this Conditional Settlement Agreement shall only have full force and effect upon the ratification by the House of Representatives and the Senate;

AND WHEREAS, the Government of Belize is desirous of settling its differences with GDG;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that it is in the public interest to settle outstanding differences with GDG, and being further satisfied that the proposed terms and conditions are appropriate and acceptable in the circumstances, hereby approves and ratifies the Conditional Settlement Agreement dated 15th November 2018, between the Government of Belize and GDG, including all the key terms and conditions contained therein.

MR. PRESIDENT: One second, Senator Lizarraga, Senator Hulse, please go ahead.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): 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; all those against, kindly say no. I think the ayes have it.

SENATOR M. LIZARRAGA: Thank you, Mr. President. I was hoping that our good friend, the Attorney General would have probably gotten up to say a few words on this before, but he has to wait, it seems, until after I go. Mr. President, what I want to say about this contract, I am going to cover with what we've maintained since we've come, and even prior to my being in this seat, or when the Leader of Government Business was in this seat. It is unfortunate again that we are not privy to these commitments made on our behalf so that we have input into them before they are signed. None of us have exclusive knowledge on anything, including the good attorneys who we've seen have contributed

significantly to our losses. I am saying the Belizean people have suffered because of one simple fact that we have not properly seen debated these contracts before we get into them, before any government gets into them. So, Attorney General, this is why when the Honourable Leader of Government Business was sitting here he would make the same call and this is why I continue to make the same call. If you don't have anything to hide, why don't you bring it to light? We are paying today as we've seem we've paid in many other instances because of these things that were not brought to light. And I would hope that we would learn from it, and that we would improve as promised. Remember this was the government that was going to bring accountability and transparency, transparency. So, we continue to make the call, and this is a good example of why we made that call and continue to make the call. Thank you, very much.

MR. PRESIDENT: Are you going to speak, Senator Peyrefitte?

SENATOR M. PEYREFITTE: Yes, yes, of course, Mr. President. But where is all the bluster? Where is all the excitement? Where is the grandstanding? Senator Lizarraga, this is the shortest speech you have made in the history of the Senate. I am telling you it is the shortest speech in the history of the Senate. And, Sir, this is a contract that was signed in 2002 by PUP, so don't come with that. This is another case. He let me down, Mr. President, he let me down man. And I would suggest for the six PUP's to not say anything about this contract you know.

SENATOR M. LIZARRAGA: Mr. President, on a point of order, I mean, please. You already had your time in the political realm...

MR. PRESIDENT: Excuse me, wait, wait, wait. What's your point of order?

SENATOR M. LIZARRAGA: Mr. President, that was uncalled for and I want him to retract it, casting aspersions.

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

SENATOR M. LIZARRAGA: Why did he need to say there are six PUPs in this place?

SENATOR M. PEYREFITTE: I did not say that.

SENATOR M. LIZARRAGA: I have a constituency.

SENATOR M. PEYREFITTE: Mr. President, I said, the six PUPs. Now, my grandfather used to have a saying, that *di hag whe geh hit da di wan whe bawl*. I didn't call your name. I didn't say anything. All I am saying to you is this. Here you have...

MR. PRESIDENT: One second, Senator Peyrefitte. I am going on a little break and so Senator Duncan will be taking over. Just give me a second so that we can exchange seat and then you can continue with the agenda.

SENATOR M. PEYREFITTE: Sure. This settlement, Mr. President, is based on the fact that the country through its duly elected and appointed Minister of Finance, in 2002, signed an agreement with a company and naturally the agreement was breached. And so there were some significant time and energy spent in court. The government, because of this contract signed by the PUP, essentially put the government in a position that we would have to pay for telecoms equipment even if they didn't work. Or if you read the contract clearly,

even if they didn't exist. We are being sued for \$44 million, and through litigation back and forth, we got to the point where we couldn't get around that this was a contract signed by the Government of Belize whether we liked it or not. So we decided to settle reluctantly, and with the gnashing of teeth to say it was not worth the risk to lose the \$44 million if we were to lose a court judgement, but rather to settle the matter and get rid of this retirement package for the boys once and for all. Mr. President, it's a straight forward Settlement Agreement. We could have come to terms with paying it off, but the government of the day, the UDP Government of the day, has decided to clean up, once and for all, another PUP mess. Thank you, Mr. President.

SENATOR A. SALAZAR: Mr. President, let me say just a few comments on that. We heard, just now, condemnation of the \$7 million for the road to San Ignacio. I always tell my colleague Senator Thompson that it seems as if he has a problem with San Ignacio because we keep fighting down good things for San Ignacio. And we heard repeatedly, and Senator Thompson spoke about a hustle, but I challenge them, each Member of the Opposition to decry this, and to condemn in the strongest language, the same way you did so previously for a road for our people, to condemn what the Minister of Budget Management did back in 2002. It is a travesty. It is deplorable. They went, and they waived our sovereign immunity. I read the contract they waived our sovereign immunity. They gave up our jurisdiction, the jurisdiction of our courts here in Belize. They gave jurisdiction to the southern district of Florida to rent telephones which were useless because they could only call one, couldn't call the other one. There was no interconnection when this was signed. It is a shame, and anybody who doesn't condemn it should feel ashamed as well. Mr. President, when we look at the agreement, it is so one-sided. I don't think it was ever intended to benefit the people of this country. The intent must have been that which we are in the position right now to get a judgement against us in US dollars, which we cannot fight. I'm obliged.

SENATOR O. SALAS: Yes, Mr. President, thank you. I must say that I am in complete agreement with my colleague who just spoke. And I want to join him in condemning that past decision. And it is a shame that we now have to pay as a result of that decision. And I understand why we must or else we'll keep on going in to what is not necessarily uncharted waters now where the bill, the debt to the Belizean people keeps growing. So, unfortunately, I am at pain to say, to agree that we must approve this and cut it off, and let it end there for this one. But there is another thing I want to condemn, Mr. President.

I want to help you, colleague, and point out to the Standing Order that you should have quoted earlier, and it is on Contents of Speeches, Standing Order 36, subsection 4, where it shall be out of order to use offensive or insulting language about members of either Chamber. We all know, it is clear what my colleague the Attorney General meant when he referred to 6 PUPs. It is clear. Whoever says it is unclear is fooling him or herself. And we have been compared to the Lower Chamber. We have had more robust debate here, and we have behaved much better. Let's keep it that way man, let's keep it that way. Thank you, Mr. President.

SENATOR M. PEYREFITTE: But, Mr. President, is it offensive to be called a PUP? Is that what the Member is saying?

SENATOR O. SALAS: To me it is. I am a NGO Representative.

MR. PRESIDENT: Yes, he has made his point, Senator.

SENATOR H. PANTON: Mr. President, I would, indeed, be offended if

anyone were to call me that. Mr. President, do you remember as children, we would take a milk pan, we put a hole, and tied a stopper and pull it in a milk pan, and you put a hole in another milk pan and you take the stopper and you tie it, and you pull the string tight, and when you speak into one milk pan, my elder brother who have the other milk pan at the opposite end of the room could have heard my voice, that is what we are paying for, Mr. President. My colleague suggest that that is even better than what we are paying for. Mr. President, they came to Belmopan and installed a system where you can dial an extension number and speak to someone else, where an extension was on their desk, because every desk didn't have an extension. You couldn't call your ministry in any other district. You couldn't call a phone number. So the first thing, you had to have two phones on your desk, the Intelco mumbo-jumbo, and a regular BTL phone. Mr. President, it would have been better and far cheaper to put a base radio in the Prime Minister Office and give the Financial Secretary a walkie talkie. That is what we are paying for today, a piece of nothing.

But in preparing for the Senate Meeting today, Mr. President, I went, and I did a little research. I went back to the Guardian Newspaper, Volume 23 of 2003. At the time, Mr. President, there was a up and coming stellar who was the editor of that newspaper. He seemed quite seized of the political and economic situation at the time. And he ran a head line story that Sunday, Mr. President, entitled "*Musa Offers Ashcroft Intelco in Secret Meetings.*" A very insightful piece of article. I would encourage the members of the media to go back and do the research. But let me just highlight what was happening in Belize at that time. And, there is a quote in the article, Mr. President, if I may read with your permission. And the writer was speaking of what Lord Ashcroft had to say at an AGM of BTL. He was speaking of the then Ministers of Government, and he said, he declared, you will know when these government officials are lying, their lips will be moving. That is what Ashcroft thought of the government at that time. But the article continues to go on in just a brief history of how Intelco came into being. November 2000, it says, Mr. President, LGS Company Limited, LGS by the way was the precursor to Intelco, but you could have searched up and down in the files at the Companies Registry. LGS Company Limited was never incorporated. Nonetheless, LGS and the Government of Belize signs an exclusive 15-year contract to provide telecom services to government agencies. At this time, Intelco didn't own a piece of wire, a pliers, a telephone, nothing at all. Not even a company certificate issued by the Companies Registry.

In January 2001, a series of meetings begins with Lord Ashcroft and the Prime Minister, and Minister Fonseca, at which time Ashcroft expresses concerns about unfair competition and the in rules be made into BTL's business. The Prime Minister and Fonseca, according to Lord Ashcroft's affidavit, in the Court of Appeal suggested that, "They suggested", and this is quoting Lord Ashcroft's affidavit, "that I try and buy out Glen Godfrey's business." Dead raise, Mr. President, dead raise. This, Mr. President, is the genesis of Intelco. This kind of insider training is what has us here today. All we needed to do, as I said, Mr. President, was one base radio in the Prime Minister's Office, and give the Financial Secretary a walkie talkie, they could have heard each other well and it would be more cheaper. But alas, the stark reality is that this contract was made in the name of the Government of Belize, something we cannot run away from. And so, at the end of the day, we must pay. Thank you, Mr. President.

SENATOR S. DUNCAN: Thank you, Mr. President. Mr. President, this is one of those Motions where you really want to vote against it, but I take the steer from Senator Salas that it's almost as though you are obliged to in the essence of trying to bring these things to a completion. It's one of those bills where you ask the question, how much more? How much more can we take? How much more of

this type of payments will we be seeing? Over the last 11 years, we have seen this government working assiduously to try to clean up some of the misdeeds and wrong doings of the previous government. And the result, whichever way you cut it, is that it all continues to hurt the tax paying public. And this is no different, we have to pay it, and it will hurt the tax paying public. Unfortunately, people like me, can't hide. My tax comes out upfront before I get my pay. So, one can only imagine, Mr. President, how much worst it would have been had the people not made a bold move to change the government in 2008. Eleven years later we are still dealing with some of those things. This is the type of bill that makes us say to ourselves, no one from that Said Musa's Administration should get a second chance at running this country. There is absolutely no way we would want to see a repeat of what we are dealing with now. Eleven years later and we still haven't hit the bottom yet. What else is there? Of course, there are those who will say to you that the two government are the same thing, they like to use that phrase you know. The two government are the same. But after the negative impact of what we have been experiencing over the last 11 years in trying to settle debt after debt, payments after payments, for the past administration, I can only hope that people will see it differently.

Effectively what we have here is a bill to pay a Belizean, and I think the public should take note that it is actually to be paid in US dollars. This is to pay a Belizean, right? We talk about how much we love our country, but this is to pay a Belizean in US dollar, taking out scarce resources out of our country at a time when our country needs US dollars, but yet we love our country. This is one of those get rich quick schemes that have blown up in our faces like the others, Mr. President, that was called at one point, Pension Plan for the Boys in Belmopan. The only problem is we the tax payers have to pay for it. Mr. President, when you compare this type of situation to what we were faced with in just the previous bill, trying to pass additional funding to complete something that will benefit the public, at least, we know where the money went, at least we can ride over it, whether it's a bridge, whether it's a road, we are now being asked to pay \$2.5 million dollars that did not benefit us, and will not benefit us because they are taking it out of the country. Not even the conscience to spend it back in Belize so that somebody in Belize can benefit from it. We will take it out of the country. They already ripped us off, already rape the country, and now that they are getting paid they will take it out of the country. They don't even have the decency to spend it in Belize, to say, boy, at least I can help somebody else. And when you compare that to the bill that we had before that is going to help thousands of Belizeans on a road, on a bridge, call it what you will, and even if the cause of the additional funding is because somebody made an error, at least it will benefit us here in Belize, and we can see that it is going into the country.

Mr. President, like I said, this is really very unfortunate. It is one of those times that you are torn, you really don't want to pay it. Like the UHS Bill, I don't think it should be paid. But, I think Senator Salas is correct. I think Senator Salas is correct that we should pay it to finish it. Having come down from the amount that the Attorney General has pointed out to where we have it down to BZ\$5 million, or US\$2.5 million, I think we need to settle it and let it go. But I do believe that the punishment meted out by the Belizean people against the People's United Party, keeping them out of office for the last three terms, should continue until those who are responsible for these types of things are no longer on the slate. And I believe that they ought not to be given another opportunity to run our country a second time. Thank you, Mr. President.

SENATOR V. WOODS: Mr. President, I wasn't going to speak on the Motion, or limited what I speak on only because of my voice today. But some of the remarks made in the presentations on this Motion really is uncalled for. And I

have to call it out. Senator Salas and Senator Markhelm Lizarraga both made reference and the Attorney General continued in his remark. The issue is that it is not, it is insulting to Senators who are duly appointed to this Senate by their respective sectors and organizations to be referred to as anything but those representations. There are three Senators appointed by the Opposition, the People's United Party, there are six appointed by the government of the UDP Party, there is one from the business sector, there is one from the churches, there is one from the NGOs...

MR. PRESIDENT: Excuse me, Senator Woods, we are discussing the agreement here.

SENATOR V. WOODS: Yes, but, Mr. President, these remarks came up, and as I look at Standing Orders, I can certainly speak on what has been stated, and I am doing that. The other point, no, I took my notes, Attorney General, something that I see you do often to try and rebut when you speak on what Senators have said referring to the Bill and in their presentation on the Bill.

The other point I make is the reference, Mr. President, that Senator Salazar made that everyone should decry this Motion, and those who don't should be ashamed. As I said, Mr. President, and I have said this before in this Senate, there are many decisions made by the government of 1998 to 2003, that has landed them in the Opposition seat, and rightly so, I have said it before, and I will say it again, one should learn from this. But these, if I am to take it from Senator Salazar, as if nothing has been done under this current government, we just debated a Motion where in an effort of having learnt from the pass, one should not want to make those same mistakes, yet we seem to be making them rather regularly because of the interest of political benefit. Mr. President, nobody in their right mind, Senator Salazar, I have said to you before and to this Senate, I have decried it before and I will decry it again, what you all need to do is decry the many scandals that your party and your government has been doing. The disservice that is being done is not to any of us in this House personally, it is to the people of Belize. And until we can change the way and our discourse, the way we do our politics and our discourse, on matters that really hurt the people, the tax paying people of this country, until then, there will no longer be the reference to the P/UDP, or no longer the reference to both government are the same. It is a shame because, Mr. President, this Bill, nobody likes it, just like nobody liked the NEWCO one, just like nobody likes the BTL one. But as the very current Prime Minister Barrow, who I understand now will extend his position, I believe, until the next election, but until the current, as the current Prime Minister has so boldly stated in the matter of a bill incurred by a government, Orange Walk Town Council, he said boldly and rightly to the Orange Walk Town Council Mayor, who is the PUP Representative, said, the contract was made with the council. When councils change, you cannot ignore the bills of the past council, it must be dealt with. The contract was made with the Government of Belize, rightly or wrongly. And, as Senator Salas said, as bitter as it is, as disgusting as it may be, this bill, he understands and recognize means that it will no longer prolong it. But I stand, Mr. President, because it is not us that are being dealt a disservice, it's the people of Belize. Every time we get up in this Senate, and grandstand, as the Attorney General likes to say, the grandstanding normally doesn't usually occur if we would just allow Senators to do their debate and make their presentations, particularly when you go after the non-government, or non-opposition appointed Senators, that's when you particularly get into your grandstanding.

So, Mr. President, I rise to make those points because this morning's session, and interventions on this bill, I thought particularly unnecessary in some of the personal attacks made, and really did not address what should have been

the content at hand. Perhaps there will be a day in the future, because when government change, and it will, there will be Bills and Motions that come up because of decisions made by the past government. And if we cannot develop some maturity in the discourse that we have here, then all we will be doing is making the Belizean population more and more disenchanted with the governance of this country. Thank you, Mr. President.

SENATOR M. PEYREFITTE: Mr. President, pursuant to Standing Order 33 (4), I would like for all of the Senators who claim that I said that Senator Lizarraga and Senator Salas were PUP Senators, where did I say that in my speech? We can go, Mr. President, back to the recording, and when they find out that they are wrong, I would accept an apology. I never said that. I believe it, but I didn't say it. I never at any time said, and I want to clarify that under 33(4). I could have been including Senator Rocke. Why those two took offense to that statement? They are making a mountain out of a mud hole. But I, at no time, said what Senator Woods is saying that I said, and the record can speak for itself.

MR. PRESIDENT: Point taken, Senator Peyrefitte.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Thank you, Mr. President. Mr. President, there are a number of issues that came up. First of all, let me start at the bottom by saying that we may not all agree with the matters that come fort to this Senate. But one thing I know for a fact, is that I have not presided here over any Motion, over an resolution, or over any Bill that has come back that was a secret agreement done by this government that I am a part of. Indeed, in the days when I sat in the seat for the private sector, we never got the supporting document. And while I keep hearing that we did not provide the contract, etcetera, for the loan Motion, for example, we provided the contract and all the details. Now the Senator may want the details of the execution contract, that's another matter. That has not come to this Senate. I just wanted to preamble by that, because there are a few things that we have to bring up with this Motion. A little bit of the history will serve well.

In 2002, when this was signed, and I will show the whop to use that local phrase which the Belizean people got. I am glad that Senator Woods decry the whole thing. In 2002, there almost was no Intelco. In fact, you see in 2001, sometime in September, there was a company called the Saint James Building Society, and the Saint James Building Society closed its doors in September of 2001 and transferred all its assets and everything to a bank, at that time, by the name of Alliance Bank. And they had quite a few legitimate loans, all were transferred to Alliance Bank. The manager of Alliance Bank, at the time, accepted those transfers and everything was clean. However, in April of 2002, the Social Security Board, under the Securitization Program, bought two mortgages from Saint James. Remember now, Saint James no longer existed, but Social Security Board bought two mortgages, one from a company called Intelco, and one from a company called Western Caribbean. The Intelco was \$9.4 million, and the Western Caribbean was \$11.1 million. Just let's deal with the Intelco. Now, those mortgages that Social Security bought under the Securitization Program was subsequently sold to the DFC. The DFC then, subsequently sold them to a company called BMC, Belize Mortgage Company registered in the Cayman Islands. And those mortgages were finally sold to the Bank of America in New York. That's how its mortgages went up. Monies came down from Bank of America to Belize Mortgage Company, from Belize Mortgage Company to DFC, from DFC to Social Security Board, from Social Security Board to Saint James, which no longer existed. And Saint James instructed that the monies be paid to

Hibernia Bank in New Orleans. It was \$9.4 million. The arrangement under the securitization, of course, was that Saint James would have collected from Intelco, for who it was holding a mortgage, but remember they no longer exist and they didn't transfer that one to Alliance. And then its Saint James to then pay to Social Security, who would pay to DFC, who would pay to Belize Mortgage Company, and then pay back to Bank of America. That was the arrangement. But then there was no Saint James to collect from and Intelco that couldn't pay. So as a consequence, that chain broke along the way, and Social Security was left holding the bank, and Social Security then had to fork up the money to pay up, going up with the mortgages.

It's all connected you know, because those two mortgages, the Intelco and the Western Caribbean were part of what became the North American Mortgage Securitization Program. And when the Bank of America discovered that, in fact, that North American Program had that little wrinkle, if you could call it that, and there was a little panic. How it was fixed was by going to BTL, to Michael Ashcroft to say, we need some help with a nineteen point something million dollars here that we now have to pay, so that the mortgages would look legit. So he agreed to buy them under what was called an Accommodation Agreement. That is the tangled web that was woven. But Intelco got their \$9.4 million, and it is that \$9.4 million in 2002, that they used to buy some crappy equipment which they leased to the Government of Belize. But because they no longer existed really, they couldn't maintained and manage it like a proper telephone company, so they were dumped on the people of Belize, and the Government of Belize, and said, under this master agreement, you are responsible to maintain, you are responsible for repair, you are responsible to do everything you can, but you need to pay us, on a quarterly basis. So that's a double whammy. And so the government decided, they won't mess with it because it is nonsense. But then, to make the little pie more sweet, that was transferred to an American company called G something G, GDG. And that GDG Company in the United States now, brought the suit in the United States because the agreement was that the litigation could take place offshores. So we get whop again. This would have resulted in some fantastic billions. So we had to settle for this \$2.5 million.

The point I am making with all of this, Mr. President, is that the Intelco really was a scam. The whole issue of the program going all the way up and coming all the way down resulted in us getting that disgusting Accommodation Agreement which resulted in two hundred and something million dollars to BTL when we acquired it, and that was the reason government had to acquire it, to stop that. I keep making that point and the Belizean people kind of miss it. When I retire I will write a good book chronicle everything. You know how I know, because in these Chambers I carried out the Social Security investigation on that matter. I alone with two other colleagues from the social partners and we wrote the report alone. We didn't get any help. It took us 22 months. But the bottom line to all of this is that I want to reiterate the fact that this government has not, at any time, brought or got involved in any of these little secret things that history will show. It will cost us a dollar, let alone these millions. There was the Accommodation Agreement, I gave the history. There was the UHS, that one is even worst, because, at least, under the Accommodation Agreement we got BTL, for that its up and running. Under the NEWCO deal, there is the airport there, yes, it sits all over the place, but there is an airport, and its working, and we are all flying in and out of it. Under the Intelco, we got some crappy little phones, but we did get some phones and some little system that worked a kind of *poco tiempo* way, but at least something. The reason why the UHS is so nasty is because we didn't get anything, not even an injection, a needle, nor a bed sheet. We got nothing. And whether we like it or not, I want to make the point that every time we stand in this Senate and the House, and the House is responsible for money

Bills, but the Supply Committee can only approve monies from the public fund for three things: some service, some goods, or some charity. We do it every year in March, and end of March for budget. And maybe you may disagree that the cost of the goods is worthwhile like my good Senator Colleague, and other Senators who question the cost of the road, that's legit to question it. But we get a road. Some good is there. Or you might question the cost of the service, but some service happens. At least this one had a kind of service, as expensive as it is, or some charity.

Again, the Accommodation Agreement, we ended up with BTL, pretty good, expensive but pretty good. We ended up with NEWCO, there's an airport, kind of pretty good but it could have been better. And now we have Intelco that we are paying the \$2.5 million for, which is, well, as painful as it is, we did have a little telephone service, and Senator Panton call it a walkie talkie, whatever it is, but we had. I just want to close by saying, with the UHS remember, there was no goods, definitely no service, and definitely you couldn't put that kind of money to charity. I ask that the question be put.

MR. PRESIDENT: Honourable Members, the question is **NOW, THEREFORE, BE IT RESOLVED** that this Honourable House, being satisfied that it is in the public interest to settle outstanding differences with GDG, and being further satisfied that the proposed terms and conditions are appropriate and acceptable in the circumstances, hereby approves and ratifies the Conditional Settlement Agreement dated 15th November 2018, between the Government of Belize and GDG, including all the key terms and conditions contained therein.

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

II BILLS FOR SECOND READING

1. General Revenue Supplementary Appropriation (2018/2019) (No.2) Bill, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, I rise to move the second reading of a Bill for an Act to appropriate further sums of money for the use of the Public Service of Belize for the financial year ending on the thirty-first day of March, two thousand and nineteen.

Mr. President, this Bill is in accordance with the Motion that we just read.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to appropriate further sums of money for the use of the Public Service of Belize for the financial year ending on the thirty-first day of March, two thousand and nineteen, 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. Motor Vehicles and Road Traffic (Amendment) Bill, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister

of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, I rise to move the second reading of a Bill for an Act to amend the Motor Vehicles and Road Traffic Act, Chapter 230 of the Substantive Laws of Belize, Revised Edition 2011; to make better provisions in relation to the registration requirements of bills of sale in relation to vehicles and trailers requiring registration to be done with a Transport Department or municipal authority in the respective district; 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 Motor Vehicles and Road Traffic Act, Chapter 230 of the Substantive Laws of Belize, Revised Edition 2011; to make better provisions in relation to the registration requirements of bills of sale in relation to vehicles and trailers requiring registration to be done with a Transport Department or municipal authority in the respective district; 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. Bills of Sale (Amendment) Bill, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, I read the Motors Vehicles and Road Traffic (Amendment) Bill, 2018, I will come back to the second Bill, but I want to read the Bills of Sale, which is a compendium to the Motor Vehicles.

Mr. President, I rise to move the second reading of a Bill for an Act to amend the Bills of Sale Act, Chapter 246 of the Substantive Laws of Belize, Revised Edition 2011; to make better provisions in relation to the registration requirements of bills of sale in relation to vehicles and trailers by requiring registration to be done with a Transport Department or municipal authority in the respective district; and to provide for matters connected therewith or incidental thereto.

MR. PRESIDENT: Honourable Members, the question is that the Bills of Sale Act, Chapter 246 of the Substantive Laws of Belize, Revised Edition 2011; to make better provisions in relation to the registration requirements of bills of sale in relation to vehicles and trailers by requiring registration to be done with a Transport Department or municipal authority in the respective district; 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. Supreme Court of Judicature (Amendment) Bill, 2018.

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

Development, Immigration Services and Refugees): Mr. President, I rise to move the second reading of a Bill for an Act to amend the Supreme Court of Judicature Act, Chapter 91 of the Substantive Laws of Belize, Revised Edition 2011; to make provisions allowing petitions for divorce by consent of the parties in non-contentious proceedings; and to provide for matters connected therewith or incidental thereto.

SENATOR REV. A. ROCKE: Mr. President, I rise to speak on this Bill. This is a Bill that is particularly close to my heart because of my audient proponent for families, how important it is. I want it to be understood that I am not, I know the government has to do what it has to do, and I am not opposing what they are doing. However, the issue that we are facing in our society today, especially with domestic violence, and especially against women, has been on my heart. And when I thought of the Bill that is before us, it seems, again, to give a freedom for people divorcing each other. I noticed that in our society we have ministries for children, we have ministries for women, we have ministries for youth, but all of us would agree that we have no ministry at all for men. And while divorce may seem like a way to help families, for me it is a band aid situation, and the violence against our women will still continue. I don't know that it is the will of the government to make it easier, but if you all think that is correct, then you are in your prerogative to do so. However, from a Christian stand point, and from a biblical stand point, I believe that we are not doing our society a service by allowing them to walk away freely from each other. And so, I don't know, maybe something can be devised, rather than a band aid situation for this whole marriage issue because the marriage situation, as I understand it, is the first institution. If the first institution fails, then we will certainly have the kind of things we are having in our society.

I was thinking that maybe apart from just making marriage, you can separate easily through a divorce system, I was wondering if the government would not consider instituting a secretariat, particularly to deal with male issues. Because obviously in our society it's not necessarily the women that are the proponent of evil, or adverse condition against their family, it is particularly that we are seeing our men beating on our women, shooting them, killing their own children, and nothing seems to be in place to bring some kind of civility to that. And so, I would want to recommend, on this issue, that apart from making it easy to divorce, that some kind of secretariat be created, some kind of institution be created that will help to deal with helping our men in our society. Our men are not doing too well. Our men need some help. I think, over and over as you can see, you hear it over and over, just last night, again, I heard that the lady who sold cheese, she was found dead somewhere in Pomona, some male person was accused of killing her. And I think that helping our society may mean instituting laws, but there is also that conscious thing that we have to do to help people to change their mindset in our society about how they treat, especially men, how they treat women and children.

And so, I am advocating here today, not just for the inclusion of that law, I have no issue with that law, but I say, some other things have to be put in place that will help our men in our society. And so, I want to offer that contribution concerning this Bill today.

SENATOR V. WOODS: Mr. President, I very glad that this Bill is being done, and I congratulate the Attorney General's Ministry in its attempt to try and clean up some of these laws in terms of where some of the archaic provisions still exist. And recognize that clearly, there is a lot more work to be done. A lot of these legislation tend to be handled in a somewhat fragmented approach. The fact that a woman or a man can now no longer have to wait three years to get divorced

after having determine that it is simply a decision that is not working out, I think is a good step forward. It is provided, of course, with consent, that they both consent to it, and perhaps we will get to the point, at some point in the future we are progressive enough where a man or a woman may determine that it's really not a good fit for him or her, and not to have to wait three years. So I am not quite clear where the logic is for that, but nonetheless this is a step forward. It is very easy to get married, it's very difficult to walk away from that decision when you realize it was perhaps, not the best decisions. And I think kudos goes to the government and to the Attorney General's Ministry in this attempt to try and rectify that.

Certainly, I don't necessarily think it is a link, necessarily a direct one to that of the scourge of domestic violence. And I do share Pastor Rocke's concern with that. As a woman, as a wife, as a mother, the events that have been unfolding in this year alone is staggering, and at some point, I hope, the Senate will be looking at laws that will complement not just this, but will also address a lot of those concerns because it is a serious scourge in our society, it has to be dealt with. The divorce law, if I can coin it as that, however, I think is a progressive move forward for women and men, in this country, who, as adults, have determine they've made that wrong decision. We do more harm by forcing people, as a state, to stay together. We do more harm by forcing people, as a state, to stay together in that situation, especially when children are involved. So, I congratulate the government for this and I look forward to more progressive changes.

SENATOR REV. A. ROCKE: Mr. President, as a marriage officer, I was under the impression, I don't know, I may be corrected by the Attorney General with him being here. But as a marriage officer, I was under the impression that if there was a marriage that was not working out, within the first three years, there were actions that could have been taken to annul the marriage. You didn't have to go all the way through a divorce. They could have annulled the marriage. I don't know, maybe I stand corrected by the Attorney General. Maybe he can address that for me. But help me to understand that because I was under the impression that you can get an annulment rather than a divorce.

SENATOR S. DUNCAN: Mr. President, I think it is very unfortunate that the institution of marriage, as I perceive it to be, to have been ordained by God, to have come to this level. But I must agree with both Senator who spoke before me that, in fact, we have to make allowances in situations like this. I believe that we are at the stage where the sacred institution is becoming almost like a trap, people get in, and then you struggle to get out when you find out that it's not working which is very unfortunate. The misuse of this institution, the abuse we find in it really has to be condemned. And I do agree with the Senators that this is a step in the right direction, but it is not sufficient. But I have to accept that it is a start. I would certainly like, Pastor Rocke, like to see greater intervention in terms of trying to influence the socialization of our male children much earlier, and to try to see what we can do about it. It is very clear that we have reached the stage where the security forces are not able to protect our women. It is probably overwhelming, I don't know, but certainly with all the things we are hearing, I think it is high time we do something. We need to stop hearing about these murder, suicides, and things of this nature. We need to be able to help our people to find different ways of dealing with differences, better ways of managing rejections, and our whole emotions. And I really would like to see that we go a little further. I do support Pastor Rocke on that call, but I have to support the Bill even though, I must confess, I am one who strongly try to adhere to the institution of marriage in its Christian context. But we also have to be practical with life. Thank you, Mr. President.

SENATOR M. PEYREFITTE: Thank you, Mr. President. Mr. President, exactly what Senator Woods said, her concern and her input was, and Senator Roche's concern and input, what we were trying to do was to exactly bridge some kind of compromise between the two positions. You have the churches position which is essentially, well, if I misquote the popular saying wrongly, please correct me, Pastor Roche. But what God has put together, no man shall separate or make asunder. Is that the proper way to say it? Or close enough, good enough. But the reality of life is that you have some people who are not very good at marriages, and some people who it would be better for the family, better for the situation, if those two people, indeed, go their separate ways. We live in a society where, of course, we would love to live up to the ideals that when a person marries another person, you are faithful to them and you would never want to come out of that marriage for the rest of your life, until death do you part. However, we do live in a real, mostly secular society and there has been a cry. I will give you one glaring part of the law that is most uncomfortable for many people to talk about. Under the law, and I am sure Senator Woods would appreciate this very much, there is a term called 'wifely duties,' and it is so archaic and ridiculous, that essentially it means that you are obligated as a wife, to have sex with your husband. And your husband is entitled to have that pleasure and have that wife fulfill that duty. And only in the presence of a separation order, and under the pen of the Director of Public Prosecutions can a husband be charge for raping his wife. We believe when we spoke to a cross section of society, an especially in deed to the women, that their position, especially for those who were abused, it was their heartfelt belief that they couldn't do anything about their abusive husband, they couldn't do anything about their abusive partner because marriage was something you couldn't get out of. So, they just remained silent and took the abuse.

And what we are trying, by bringing up this subject again, by amending the law is that, listen, there is a way out if the two of you choose to just come out. Under the current law, if three people are living separate and apart for three years, and they have been married for three years, they can apply for a divorce. The problem is that some people get married, within a year or two, they realize that that's not the person for them and they move out. They move out and they go to live with somebody else sometimes. And what they want to do is to say, listen, the person that I now live with is the right person for me, and I would want to regularize that current relationship and get out of the previous one. And so we are saying, listen, if two sensible people, mature enough to understand that their marriage and their union didn't make it, then they can come together, go to the Supreme Court and tell the registrar or the judge that they want, by consent, to have a divorce. Now, once this law is passed, we have also developed matrimonial rules that will go through the details to flesh out what happens with this, but this has to be passed before we come out with the rules. And what we will do, just like this, we will share the rules with the public for your input.

But for example, we are saying, look, the two persons must be present, they must show full consent that indeed they are consenting to this divorce, and that they want out. Because we don't want it, the lawyers, of course, would love to see a petition by paper with affidavit signed that you no longer want it, but then we don't want a person, a husband, or a wife to come back and say, well I didn't sign that, or I didn't agree. Just to, and I will get to the importance of the 1 year and time. So it's the church that says you cannot get divorce, you should stay in that marriage. There are some other people who said, as Senator Woods is suggesting, that either party should be allowed to say, you know what, I don't want to remain in this marriage, make a declaration to that effect and you are divorced. Whether the husband or wife agrees is immaterial, I want out, we thought that that was a very aggressive step and we didn't want to go there, not yet. We wanted to give couples the chance to say, look, if you want out, then both

of you must agree. Some would say, if you could have agreed to anything you wouldn't be wanting to get a divorce right. But we are just hoping that people would be mature enough to do it. Some people in the Muslim community in Belize told me, but why do you need consent and why do you need a year? You should say I divorce you, I divorce you, and it's done. We believe that that is too far because it has a lot of effect.

Now two things I want to mention here, that is not so obvious when you look at the Bill and I think I need to explain it. It doesn't affect division of matrimonial property nor custody or dealing with children. The divorce just means that you are divorced, you are not married anymore. If you have any property dispute, if you have any children dispute, that continues in the normal way. But we don't want people to be affected by what they are now doing in their new life. For example, when it comes to division of matrimonial property, arguments have been used that property should be divided because of your current behavior, one of those being that when you live with someone else. But if the law allows you to be divorced and to legally live with that other person, it removes that complication from the process. The one-year deadline, why not six months? Well, Senator Woods, to be honest with you, we had an issue, what came into our mind, what came in to my mind and reinforced by Senator Hulse and the Immigration issue, once you marry a Belizean, that comes with a lot of rights, and after a year of being married to that Belizean, you can apply for nationality. We also do not want marriage to be a business, marry someone from abroad, they immediately get Belizean citizen through whatever and then they divorce. No, you are going to stay married for as long as it takes for whoever is married to you as a foreigner would take before they can apply for nationality. And, if that person who is a national want to divorce you before that, well they will have to wait. We are forcing people to say, listen, don't disrespect the marriage, give it a chance, be married for at least a year and have both people consent before they can get that divorce.

The annulment, Pastor Rocke, for lack of a better way to put it, is a church thing. It has nothing to do with the secular part of marriage. When two people get married in a church, with the greatest respect, the greatest respect to you and God, the church is essentially from a legal stand point in our laws just simply a place where you get married. The church has its rules. The country has its rules. The church may say you have entered into a legal divorce, but we don't recognize that because the church doesn't recognize that. Well for better or for worst, the secular law over rides the churches law. Annulment comes about when the church decides in its own wisdom and deliberation that we want to treat this marriage as if though it never happened. So rather than saying what God has put together, no man can make asunder, what the church would say is that before we can say that we are allowing this marriage to come apart, we prefer to say that the marriage never happened, and that's annulment. To me, erase it, like it never did exist. Under our current law, if you divorce, it will be plain for the record to see that you were once married and that you got a divorce, unfortunately for some of us, more than once. So, I hope I have clarified some the queries and the questions behind it, but it is a step forward, some people think its not enough. Some people think we are going a step backward, but we are trying to chop this proverbial baby in half so both people can say, listen, we still have something that at least for a year the sanctity of marriage is protected? But after that year, if two people realize they are not making it, they should be able to present themselves before the court and say that they want a divorce. That was the cry that we were getting from the society and so we had to balance the two to come up with a law that would be. People who are progressive don't like it. The church wouldn't be crazy for it. You know when you have done something correct when both sides are not completely happy, then you know you have done something. And so, that was the result and the reaction we

got back from this piece of legislation, and we try it on for size, if we feel like we want to be more progressive we take it another step. If its causing problems, then we know we may have to consider it. That's my submission, Mr. President.

SENATOR O. SALAS: Thank you, Mr. President. I rise to wholeheartedly support this Bill, and I thank the Attorney General for the explanation he just gave which, if there is any way I could support it even more, after that explanation. Like my colleagues who spoke previously, I agree that it is a step. There is more that needs to be done, but it's a step, a very important step. I support what Senator Pastor Rocke said when he referred to gender base violence, and the fact that the men need help. We cannot ignore the men. But I need to state the obvious that another major reason why a couple would want to end their marriage is because one has been suffering from physical or sexual abuse at the hand of the spouse, and, almost always, it is the woman who is the victim. We need to recall the horrific murder suicide in Punta Gorda. There is a saying that goes, it takes a village. Well in this case the village let down that poor woman. The entire village was not there for that poor woman. So I agree, in the rules, in whatever comes next, we need to put mechanisms in place to help the victim, protect the victim, guide the victim forward, and in this case, it will be difficult, just think about it, the spouse that has been suffering from horrific abuse to have to sit down with, I will say the husband, to initiate and carry so that the divorce proceedings go through. So the victim, more than likely the woman, will need all the support she can get.

But to end, I want to refer to a recently conducted Parliamentary Sensitization Forum that was held, I believe last week, if I am not mistaken on HIV/AIDS, and how to end the stigma of discrimination. And just to exemplify the challenge we face for us as parliamentarians to lead the charge to protect the victims in this case. This session was called for parliamentarians, but of the 31 Area Representatives that we have, only 5 attended, plus the Speaker of the House. Of the 13 Senators, only 4 attended and my colleague Senator Lizarraga was out of the country, so that's understood and the President of the Senate. That's only like 25% of parliamentarians attended this session, where we, the ones who stocked with it for the entire meeting realized, when we talk about ending the stigma of discrimination, we were there to talk about each again, is that this go beyond the need for antidiscrimination laws etcetera. It goes across the board. I congratulate the women parliamentarians because with the exception of 1, every single women parliamentarian attended. So we men, while on one hand, the violent men among us need help. The men leaders among us need to step up and do much more than what we have done. So, I reiterate my support for this Bill. Thank you.

SENATOR M. LIZARRAGA: Mr. President, thank you. I would like to just add a few things. There is a saying that says, 'so goes the family, so goes the nation.' And we talk about the institution on the marriage, and the importance it plays in creating these healthy units of institutions to build a strong country. And we've seen the many social ills you've articulated, most of you have articulated some of those. The social ills that come about because of the breakdown of this institution of the family. And while I totally agree that in some cases, especially in abusive relationships, which to me the foundation from the very beginning was never there otherwise the marriage wouldn't have ended up, or wouldn't have, exactly. So especially in abusive relationships the marriage should be terminated.

The Attorney General made mentioned of two sensible people and the commitment, or the decision that they made. Well one can question whether, in fact, those people were really sensible to begin with, and let me explain. I listen to the First Lady as she made a presentation to the teachers in an event they had at

the Civic Center in Belmopan not too long ago. And she realized that our young people needed more counseling in many things, life skills, whatever, including morale, values I might add. And I believe that while it is necessary for us to look at these abusive relationships and a way to get people away from them, so that we avoid the tragedies that the good Senator just mentioned. We owe it to our nation to try and do everything possible to create these strong institutions, not only institutions of the family but institutions throughout.

I would like to see, as parliamentarians, and that is why the other day, I wholeheartedly supported the presentation made by Senator Barnett. Senator Barnett made a very passionate presentation and I supported her wholeheartedly, and I got up, without really being able to do so. I got up and I said to her in earnest good will that I look forward to working with her and supporting her in this championing and calling, and certainly supporting Bills of the nature that would strengthen that unit and would move towards having good families, helping our young men, and you know, and addressing the social ills that leads to those abusive relationships. In the first place, it stems from a lack of, I think, good, strong fatherly figures in the home, lack of respect. More and more we see now from our young people, a total lack of respect, and manners, good common manners. So, I would like to see, not only a way for them to get out, but I would like to see more programs initiated and championed how do we make our units stronger? How do we help people? First, to be in a position to become two sensible people, to make that decision, that's a lifelong commitment, and that commitment comes with responsibilities, it comes with children, with the upbringing of those children, the caring for those children. And it is not an institution that should be entered into lightly. So, I look forward, colleagues, to other pieces of legislation that would lend to the strengthening of all the institutions, and especially that most sacred of institutions, the institution of the family. Thank you, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Thank you, Mr. President. First of all, I want to thank in advance, Senators for the support. This is a very complex and sensitive issue. I hear Pastor Senator Rocke, I hear Senator Peyrefitte, and I hear Senator Duncan, I hear Senator Woods, Senator Lizarraga and Senator Salas, everybody that has spoken. I have to be extremely careful what I say because I always believe that my mom would come out of her grave to strangle me. This is the cornerstone of the church, morning and evening, whatever she did we had to go to Saint Ignatius Church and put flowers on the altar, etcetera. And you my boy, who was an altar boy, and then up to a deacon, you have to be careful. But that's one side. My mom says, you rough it through, that's what she used to say, you rough it through no matter what because you agreed for better or for worst, sickness or health, whatever until death do us part, so you rough it through. And then, some years ago I was privy to be the Master of Ceremonies at the wedding of my niece, Marion Jones in the US. And she decided she would not throw her bouquet in the traditional way, she would give it to the oldest married couple. So, I started at ten years, because there was no point at starting at one year, and we were going, going, going, and we got to a couple that was, I think, 57 years. I knew the man well, they call him Double C and his wife was Ruby. So after Ruby got the bouquet we asked Ruby to say a few words, what is the secret of a 57-year marriage? And Ruby brought up 4 children, 1 boy and 3 girls and they all had PhDs and this is in the South of the United States and they are black people. And Ruby said, "because I manage all the money at home. I could show you the first, I actually framed the first dollar I made." She has it frame in her house. And then she went on and on, and on, and the discipline. So I then turned the microphone to Double C, and said, what is the secret of this 57-

years marriage? He is a little stutter, he said, “well, well, well Godwin, it is very simple, very simple, very simple,” he said, “there can only be one boss. So in my case, I just shut my mouth and do what my wife says.” That was the secret of that success. But the truth of the matter is they stayed together.

And as I look around in this Chamber, I am always reminded of also what my dad used to say, “strong fathers make strong sons.” And starting with Senator Lizarraga, I knew his dad, up here I think is in United Ville or Ontario, right? United Ville. Strong man. I knew Senator Peyrefitte’s dad, strong man. I think Senator Peyrefitte, as a boy, used to be afraid. I knew Senator Salazar’s dad, he thought at Comprehensive School. And strong women. I knew Senator Woods dad. Strong men make strong sons and strong families. When I was a kid going to Saint Ignatius, there was nobody on that King Street and Euphrates Avenue that never had a Mr. in the house. Nobody so we knew everyone at my school had a Mr. This, and Mr. That, and Mr. That. I didn’t even know the word single family, it never existed. Now maybe like my mother said, the wives rough it through, or you rough it through the marriage, you won’t agree every day, whatever that meant. Of course, I never saw any beating in my house, I never saw any of that. But then again, back then when you were getting married there was a whole lot of grooming and teaching and it was almost like there was marriage matchmakers. You didn’t used to go and do your own thing, they would organize it for you, properly too. And it was organized along a lot of lines to which was unfortunate sometimes, but we did that. But we’ve moved into an era of freedom, doing your own thing, etcetera, etcetera, and that is that side. Now the other side of me, which some people has said to me, including the Attorney General, that it’s a contract, and every single contract has an out clause, and every single contract has a notice period, and every single contract has some penalties. And so, this contract too should have its out clause, its notice, and penalties, and it should not be dependent on two people. I am just tired of the wife, please don’t report that. Quoting, quoting, I am just tired of the wife, so let me leave. That is how some people look at it, or that they are tired of the husband. Now that is the secular legal part of that discourse. My mom would say, what is it that you are saying, because what God has put together let no man put asunder.

So I will introduce a third, and this is on the heels of what Senator Pastor Rocke has said. One of the reasons we have so many problems in this society is that the boys are not being brought up as men because they don’t have dads to bring them up, and I know I will get in trouble with the women, I know I will get in trouble with the female Senators. I know I will get in trouble because my good colleague Senator Barnett, she is not here, did a thing at the Bliss Institute and I rose up and I said you know what, women can’t raise boys. I know I will get into trouble. And I went on and I said why. They all jumped over me. And I said because when those boys reach the age of 14, 15, 16 and they testosterone is coming up, they start to get fresh and then mommy and boys have a close relationship just like daddy and girls. And many times, I used to have to say to my boy, boy you are on thin ice, thin ice. And that is always a thing, thin ice boy. And when there is not a man around, whether that is a grandfather, an uncle, and older brother, or some figure, sometimes, sometimes not all the times, the women they have great difficulty. But unfortunately, in our society, it’s only the women raising the boys. Only the women are raising the boys, and you see it all the time on the media in the night, my little boy is not bad. For the short time that I was the Minister of Police, at 2:30 A.M. my phone was ringing, I always keep it on just in case there is something, and this lady is on the phone, “Mr. Minister please help me.” I said, what Ma’am? She said, “my little boy just got arrested by the police.” I said, what? I am sleepy, man, this is at 2:00 A.M. in the morning, early morning. She said, “the police said he was in a car with some boys that had a gun, but he wasn’t doing anything.” I then said, how old is the little boy? She said, “he is 15

years old.” I said, Ms. a 15-year-old boy, out of his bed at that hour with gun in a car, man, don’t call me. What do you want me to do? The police are doing what they are to do. I had given the police the orders to do police work, because at 15 years old, I would have known where my boy is, that is for sure.

So, Pastor Rocke, what we need to do, since we’ve brought this Bill, which we all support, it still doesn’t solve the issue of the kids. It still doesn’t serve the issue of the boys. And maybe the institution you are talking about is a mentorship for the boys, especially the boys, and I am not just partial to them, I have girls and boys. But the girls are not having the problem that the boys have, and some people say its testosterone versus estrogen. I am not in that department, so I cannot talk. But the boys are running wild, there is nobody to control them, nobody to mentor them, nobody to guide them, nobody to make them men. Nobody to make them men, and by making them men, I always talk about this thing where I would say, my daughters used to say, “daddy pays more attention to the boys them.” I would say, “Yes, because the girls are good, the boys need they need the attention because they need to learn how to handle women.” My dad said one thing to me, he said, “Young man, let me tell you something,” and he said, “like how you will get your own girl, and like how you will have your own family and thing, and when the girl is getting upstart, you might want to pop a little lick on her, you have to practice you know.” He said, “Don’t do anything that you didn’t practice.” He said, “So guess what will happen? Like how you might have that in mind,” he said, “start to practice on your mom and your sister.” Now you know where that would go, practice on your mom and your sister then I would have him to attend to. Those were some kind of down to earth advice and we used to pass behind Baptist, and he used to say things like, do you see that place there, if you ever go back there because you are standing up for the right of anybody or for yourself, I will take down the wall and take you out. But if you ever go back there for doing wrong, don’t call me because I am not your father. And those kinds of advice reverberate in my mind throughout my life. What I am saying, Senator, the boys need a tremendous amount of help.

Now this Bill, which will make it easy to divorce. I support Senator Woods because you should not be in any relationship which is a burden, which you cannot deal with every day, which you are sad from you wake up until you go to sleep, or there is violence, because it doesn’t have to be hitting, it could be psychological and other kind of violence and all kind of thing, the silent treatment, and all kind of thing you hear about. They talk to you and say good morning and you don’t answer. I know a young lady who work for me for years, and she used to say, “Aye, when I get up in the morning and say good morning, he doesn’t even answer. When I ask him what he wants to eat, he doesn’t say anything. And when I put the food for him, he pushes it away.” He didn’t hit her physically, but those are some heck of a relationship to live in. Who wants to be in that torture? And then she is young, do you imagine going with that for 30 or 40 years? Lord! But at the same time, the children have to be taken care of, and I think that’s Senator Lizarraga’s point. Children has to be taken care of. Boys have to be taken care of. And so maybe the next move is to see how we fashion the institutions to deal with that. The divorce is fine, maybe what we have to come back with at some time, is a Bill to ensure the children are dealt with, because I also hear from lots of women, in these proceedings in court where the Magistrate says to them, but the poor man cannot afford it. I know personal cases of that. So, if the poor man cannot afford to pay, then what is the woman supposed to do? The child has to eat, has to have clothes, has to go to school, so where will she find the money? And then if you put him in jail, that won’t help the situation because worst he won’t be able to afford, and that penalty doesn’t work, so we have to find a solution to that then. I move the question.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Supreme Court of Judicature Act, Chapter 91 of the Substantive Laws of Belize, Revised Edition 2011; to make provisions allowing petitions for divorce by consent of the parties in non-contentious proceedings; 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. General Sales Tax (Amendment) Bill, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, I rise to move the second reading of a Bill for an Act to amend the General Sales Tax Act, Chapter 63 of the Substantive Laws of Belize, Revised Edition 2011; to clarify definitions in the Act; and to provide for matters connected therewith or incidental thereto.

SENATOR M. LIZARRAGA: Thank you, Mr. President. Mr. President, this Bill before us today has one purpose, and the purpose says to circumvent a decision taken by the highest court in our judicial system. The Caribbean Court of Justice made its decision stating that certain monies should be reimbursed, refunded. Monies were paid in error, or collected in error, and the government now has an obligation to return those monies. This Bill, as I said, is designed to circumvent that decision. Whether it's going to be successful or not is another matter, because there are many opinions that state that the person's constitutional rights may have been affected by this Bill today. Mr. President, basically what has happened is that we had a law that was passed, a tax law, and we have seen so many instances where the interpretation of these laws are less than clear. And the administrators of the law are sometimes put in a position where they have to make decisions. In this case, the court is very clear, it's says, "The Commissioner of GST insisted that GST was payable and so the tour operators had to observe the GST." They had to eat it, so to speak. So these companies went to court and said, no, the way we understand it, the intent was never to tax us. And this is not the first we've seen situations where the administrators of the GST have maintained positions separate from those that are in specific industries. What is a tragedy though, is that it has taken so long to resolve this issue, an issue that could have been resolved quite quickly by legislation, by an amendment to the legislation to make it clear, to clarify it. This thing has been dragging on from 2006, and now, we are in 2018 facing the consequences of our inability as legislators to pass clear legislation, or less than clear legislation. So, that is why it's important for us to have legal reform. That is why we keep saying that there is an urgent need for legal reform in this country to deal with those grey areas and those cloudy laws that sometimes are not as clear as they need to be.

Mr. President, I would like to congratulate the government at this time for passing a national trade policy yesterday, adopting a document. This document was accepted, I understand, yesterday after great consultation. And, I would like to, with your permission, paraphrase from this document, more so from the press release of Cabinet yesterday. Where the trade policy seeks to achieve, it says, 5

main objectives. And two of these objectives, Mr. President, so as not to delay, deals with legislation and recognizing that we need to strengthen our legal framework so that investment can happen in this country. This document took a look at all the matters affecting investments in our country, and one of the things it identified was legal certainty. If you want to have investors come to your country, you want them to feel comfortable, that we have some strong legal system that works, and that is going to protect them and protect their rights. Legal certainty is one of the key elements that investors look for in any country before they go and invest their money. And today we are faced with our retroactive piece of tax legislation that seeks to nullify this judgement that the court has awarded. The court has basically said, you collected this tax in error, and you have to return the money to these people, with interest from 2006, with 6% interest. And the government is saying, but we don't have the money. We can't afford it. And that may be true, but can we afford to send this message today that we are sending?

Mr. President, with your permission, I would like to read a document put out by a Tax Policy Council, it speaks to retroactive tax legislation and how it actually undermines the rule of law. And with your permission I am going to quote. It says, "Tax litigation decided in favour of the tax payer will obviously invariably result in revenue losses to a state." If you collect taxes from somebody that you shouldn't have collected in the first place, of course you are going to have to pay back and it's going to be a loss to the government. But perhaps what we should have done was put that money in an escrow, a separate account or in trust until that matter had been decided. You shouldn't have taken the money, put it into general revenue and spent it. The article goes on to say, "If revenue loss is the only justification necessary for supporting retroactive tax legislation, then no tax payer is safe from having a sound court decision subsequently, reverse retroactively through legislative action." It's basically saying the government can do no wrong. The government, we are not safe, investors are not safe because the government has the legal right and might to threaten you, to even take you to court and jail if you don't pay your taxes. But if the law finds out that you paid those taxes in error, or that the government collected them in error, and you take redress through the courts, and the courts judge in your favour saying, the government owes you the money. How would you like for the government to say no, no, no, we are going to pass a law tomorrow that from way back then, you are not entitled to that money because we are changing the rules of the game. Twelve years down the road, me and you knew that this law needed addressing from 2006, 2007, 2008, it should have been addressed, it should have been, it should have come to this House, and we should have passed a law to make it very clear. Well, I don't even know if it needs to come to this house because the other day when they wanted to remove the zero rating from 140 Tariff Headings to put them into a new taxable bracket, the Prime Minister signed an S.I.. So that's all it needed. If there was an issue, if there was a contention that people in the industry were saying, look, the way we read this law, we shouldn't pay tax, because the services we are providing are to foreigners, or is being sold abroad, or collected abroad. And there is an exemption for international travel or travellers, cruise ships. Then it was either the responsibility of the Minister of Finance to sign an S.I., to correct it, or it should have come to parliament if that's what it needed. I am sure the Attorney General will tell us which. But it should have been addressed from way back then, avoiding this now where we don't even know how much we owe these people, and we don't know the pandora's box that it has opened, because now there is the possibility that all tour operators that have paid this tax can lay claim. This is my understanding.

Yes, I see why we are in the position because we never addressed it way back when we should have addressed it. We continue to have this inability to address things in time because we take these firm positions, when sometimes the

solutions are simple like I said, you just strengthen the legislation either through an S.I., or by coming back to parliament and saying, you know what, we are making this amendment to the law because this portion of business that was not paying taxes should be paying taxes and it wasn't clear, and so we think that they should pay to erase all doubt and uncertainty, we are amending the law. From 2006, that is our job.

Mr. President, this retroactivity law, also highlights the separation of powers concerns between the legislative and judicial branches of government. If every time the courts pass a law, I mean we all know our democracy, we have different legs, right, we have parliament, we have the executive, you have the judiciary, and there is supposed to be checks and balances. And if the Judiciary or the executive in this case, if the Executive is going to take the position that every time there is a court ruling against, it's going to defy it, or retroactively put a law in to effect when they break the law, because that's what happen, according to the courts, or tax collection agencies acted outside of the law. And we've seen that before where the Finance and Audit (Reform) Act was breached. And again, we passed a retroactive law to avoid penalties under law. What sort of message does this send to investors? What sort of confidence does this give for doing business in Belize and doing business with the government? Again, the trade policy that was recently adopted recognize that legislative reform, and legislative certainty were key elements for businesses to be attracted to Belize so that we can create jobs for these young people coming out of school. We need legal certainty if we are going to ask our Belizean investors to take risk and invest. We need to know, we need to be assured that the goal post won't change. That you have a field, and that's one goal post, and that's the next, and it's going to be there tomorrow, and the day after, and next year it's going to be there. And we have a right. We have a right to expect that as investors. We have a right to expect fair play.

The article goes on, Mr. President, and it says, "If tax payers cannot rely on the statutory law in effect at the time they file their returns, then tax payers will lose trust in the tax laws and the voluntary compliance system will falter." How can a government ask tax payers to voluntarily comply in a tax system when the rules can change long after the tax reporting period has closed? And where government losses, our tax payers win in litigation that can be arbitrary reverse by retroactive tax legislation. How would you like that tomorrow the tax department came and said, retroactively, do you remember all that zero rated, something you were selling in your restaurant, today its taxable? You can't. Just because they were correcting the tax wrongly, because the law was not clear, because those that are entrusted with the administration of the tax, or in many instances we note that the, I'm at a loss for words right now, regulations, the regulations that are passed, sometimes you have difficulty matching the Regulations and the intent of the law. Or certainly politicians, when they talk to you about a law that is going to be passed or whatever, they assure you, or they assure the business community, look, the intent of the law is so, and so, and so, and so. But when the law is passed, those that administrate the law and the regulations sometimes differ. And we've seen this, this is the result of that. So we owe it to ourselves. That's why it is important that we are very careful what we pass here. That when we pass a law in these Chambers, we have strong consultation, wide consultation to avoid specifically things like this. And when we have these cases, there are cloudy areas, it is our responsibility to clear them up legislatively, and have the tax reform, or have the S.I. passed in a timely fashion to lend certainty to the business community. We have to have, we have to develop this attitude. All of our institutions have to develop this attitude that we are not **adversaries**, we are here working together for the development of this country and working together to create this predictable environment. To create this safe environment for people to want to come and invest.

Mr. President, the author closes by saying, “Upholding retroactive tax legislation subject only to the states unfettered discretion to behave reasonably undermines the rule of law and makes a mockery of due process, protections afforded to tax payers. Retroactive tax legislation violates numerous principles of sound jurisprudence, including fairness, equality, certainty, reliance, and finality.” When you pay your taxes, or when you shouldn’t pay them, you want to know that you are done. That obligation is behind you, right. And nobody wants to pay taxes under duress, as in this case. So, Mr. President, we are in a bad place today, in a damned if you do, and damned if you don’t situation because our government has spent money that was not theirs to spend. It collected money that it was not theirs to collect. And they firmly believe that they had every right, but the highest court in our land has said, no you were wrong.

Mr. President, this matter has been very, very concerning to the business community and I have been flooded with comments, varied comments, and a lot of them have not been positive. There has been but one positive, one positive comment in all of this. And they said, I hope that like just the way we are passing retroactive laws now to deal with irregularities that government may have been involved in. I hope in the future we can have retroactive laws to deal with those politicians that have done wrongly. That is the only hope. To hold people responsible for their inaction or their action because we have a fiduciary responsibility here to safeguard, to protect, to uphold the constitution, etcetera, etcetera. So, Mr. President, this is a lesson for us, it is a lesson for the tax administrators, it is a lesson for the Legislatures, it is a lesson for the Minister, that we need to learn that we must face these matters and address them in a timely manner because too many times, too often we’ve seen that as a result of these delays the tax burden on our Belizean citizens only grows, our liabilities only grow, and our confidence shrinks. The investment climate is not a good one. I truly hope that the government will seriously consider implementing that document that they launched yesterday, the new trade policy, because it is a very comprehensive document, and it speaks to legal certainty, it speaks to the need for legal reform, and it speaks to a whole host of things that we need to change in this country if we are going to have an investment climate that is going to provide for those thousands, and thousands of students that we have coming out of school every year, and for us to truly give our Belizeans an opportunity in the future to be prosperous, and for us to become the prosperous nation that we should be if we did things right. Thank you, Mr. President.

SENATOR O. SALAS: Thank you, Mr. President. I rise to give my comments on this General Sales Tax (Amendment) Bill. To borrow a term that Senator Lizarraga used earlier, this is a case of damned if you do, and damned if you don’t. And, I think we are in a place where we need to try and determine what is the least painful way forward and I am not convinced that this is it. This amendment Bill here is just under 2 pages, at first glance may appear to be a rather innocuous piece of proposed legislation. But, as my colleague has said before, it is clear what it is trying to achieve in attempting to negate the CCJ ruling of 12th October 2018. It’s the retroactive nature of the Bill backdating it 12 years, that also concerns me, to around the time that GST first came into force. So that’s how far back this is going. Cruise tourism started in Belize around 2002, and GST came into being about 4 years later. I am concerned about what appears to be a legislating, going backwards, rather than legislating moving forward. And I worry, like my colleague who spoke just before me what precedents this may be setting. I am concerned that we are just walking setting ourselves up to going to more rounds of very expensive litigation. The CCJ ruling was clear, in a nutshell and I paraphrase, the court rule that the supplies of tour services by contracted operators to international cruise lines visiting Belize constitute zero rated supplies

and should not be charged GST on such supplies. As a couple of us, as I had said earlier, the Bill aims to negate that CCJ ruling. Going forward I understand that it is our duty as Legislatures to correct errors. But I ask, is it correct to aim to do retroactively to that extent? And I repeat, there are more law suits coming, they are coming, that it makes me wonder if I did not choose the wrong career path, I should have been an attorney and there will always be work along those lines.

I am no fan of cruise tourism in the sense that as a World Bank Study in 2011, determined a typical cruise ship on the coast of Belize generates over 2,000 gallons per day of oil, bilge, water and one ton per day of solid waste. Disposing of such waste by cruise ships along the coast of Belize negatively impacts our shore line, fisheries, snorkelling, diving, that it makes me wonder, shouldn't we consider instituting some sort of a pollution tax? I know that won't fly. The cruise lines are very powerful, highly influential, it doesn't mean we shouldn't try, but I am pretty sure we won't and that won't fly. But even though, what I have said about the cruise industry, I have to recognize that a 13 or so port agents, tender boat operators, tour operators, that provide ancillary services by contract for the international cruise lines do contribute to the economy in meaningful ways. I gathered that we put them all together, they employ over almost a 1,000 Belizeans and they pay taxes, business tax, income tax, and the other economic benefits. And if I may quote, Mr. President, from a Business Research and Economic Advisors Report, \$86.1 million in total cruise ship, and cruise tourism expenditure in Belize last year, generated direct employment to up to a 1,700 Belizeans, paying \$18.9 million annual wages. Looking at direct and indirect cruise tourism expenditures, that is even more and that contributes to over 2,500 jobs. And almost US\$30 million in wage income in Belize for the last fiscal year. So, the industry is contributing to the economy. The amendment Act, if approved, will affect these contracted operators that are exempt from charging and remitting the GST from non-resident customers.

I would like to refer to the General Agreement on Trade and Services, GATS, that refers to tourism as an export. And Belize's membership in the World Trade Organization that automatically implies our acceptance of GATS. Trade in services under that is defined as the supply of a service in 4 modes and tourism falls under mode II. And I quote, "The supply of a service in the territory of one member to the service consumer of any other member." So, here, Mr. President, the consumer crosses the border and so he is a non-resident in the country where the service is consumed. And the example is the services provided in Belize by local contracted operators to cruise tourists, tourists who arrive on cruise ships. The GATS therefore seem to be clear on the definition of what modality tourism falls under and that tourist is in reality an export. So, I need to point out to the GST guide in Chapter 10, imports and exports. Section 10.2 under exports states that, exports will be zero rated. I have spoken to a number of people in the industry, Mr. President, and I get the sense that it can be showed that this, that I just referred to includes cruise tourism operations, so it then follows that we can easily demonstrate that the services provided were, indeed, exported. The GST guide states that exports will be zero rated, that sends a clear message on the intent of that was to include all exports including cruise tourism.

I read the CCJ judgement and I note that the sole source of income generated for the visiting cruise line is the revenue earned with the contracted arrangement and sale of shore excursion tours. These, Mr. President, are directly connected to the operation or management of a ship engaged in international transport. I gathered that without the tour sales, Mr. President, the cruise lines would not have a reason to visit Belize. And I ask, may we be running the risk if we are not careful of killing that golden goose? There are other ways, I feel, Mr. President, that we could collect the GST, and an example is, why not focus on the

cash paid to tour operators, the independent tour operators? The problem is though, most of them are cash paid, that may be too cost prohibitive to police.

So, I conclude, Mr. President, by repeating what I said earlier, it's a damned if you do, damned if you don't situation. In attempting to do away with what the government sees as a loop hole or to correct this major oversight so many years later, we may just be setting up ourselves to walk right back into more expensive rounds of litigation. Thanks, Mr. President.

SENATOR S. DUNCAN: Mr. President, I wonder if we are not probably conflating a couple things that may be ought to be separated? I think, firstly, it ought to be recognized that the courts ruled in favour of the government on two occasions, both at the court of first instance, and secondly at the Court of Appeal. So, as I hear the Senator suggesting that an amendment ought to have come earlier, it's not normal for you to assume you lose when the court rules in your favour and make any changes. So, therefore, it is not, I mean, I don't find that it is unreasonable for now that the court has ruled against the government for the amendment to come now. On the two previous occasions, the courts ruled in favour of the government so there was no need to make any amendment. The last, or highest court has decided that no, they will go against the government and that clearly the amendment now has to come. So, I think that addresses the issue of the timing.

Now in terms of the retroactive impact, my understanding is that there is an individual who was not paying and so, I can appreciate and understand why that individual would feel aggrieved to be called upon to pay now if you look at the legislation retroactively. And that is a fair argument. But I question the aspect of those who have been paying over the years under the understanding that they were to pay, or they ought to have paid, which also was the intent of the government and they paid. Are we saying that government should now pay back those millions of dollars, which, of course, we are already trying to pay so many other things? When people paid those taxes back then, with the understanding that they ought to have paid it, they did not feel that they were being aggrieved at the time, except for this individual who took the matter to court. So, I think there has to be a different approach based on that. One individual went to court, did not pay, and clearly, I would say the question in that individuals mind is, well, should I have to pay now? And then there are those individuals who have been paying, and the effect of not addressing the legislation would be that you now have to go and give back to all those people what they, at least, they are open to claim. They can make the claims, and government would probably be obliged. To my mind, it is clear that the governments intent was, and is, that these taxes would have been paid. If, in fact, a court of law is now saying that there is this understanding which differs from what the government intent was, or not just the government, the National Assembly when the law was passed. The National Assembly makes laws, and judges interprets them. So if the National Assembly made a law with one thinking, and the intention to accomplish a certain matter, and it turns out when the judges interpret it at a later date, that they interpret it differently to have an outcome that does not accord with the intent of the National Assembly which passed the legislations at the time, then I think it is only proper that some remedy be put in place.

Now the retroactive part, I think, might be where the rub is, but again, I say, and I question, whether the rub is with everybody, or is the rub with the individual who has won his or her case? Because I got the impression on the introduction from one of the Senator's to say that this is designed to circumvent or overrule the ruling in the CCJ. Well, it is only proper that the government take steps if a ruling is made which it feels that it cannot simply just accept. It cannot

overrule the ruling and go back to the CCJ and say don't do that, but it has to pass corrected legislation. So, I think we probably ought to unpack it to establish. Are we talking about everybody who paid knowing that they were paying the tax but did not feel that they were being disadvantaged or they didn't feel aggrieved versus that person who felt aggrieved, took it to court and has won? And I think there are two different scenarios to my mind where that stands. And from that perspective I am saying, probably we ought to unpack it and not everybody can be treated with the same broad-brush. Now I am not a lawyer, so I will listen to what the lawyers have to say, what can be done about that. But clearly the government cannot leave things to stand as they are because the courts have already ruled that government, the intent of the National Assembly when they passed that legislation we have a different understanding. And so government has to take corrective actions to get its original intent to be acceptable and become the law. If the courts are saying well that is not how the law reads, so then they have to get the original intent now to be read and incorporated properly. So I will listen to see what the lawyers, and clearly when the Attorney General has his say on the Bill. Thank you, Mr. President.

SENATOR A. MAHLER: Thank you, Mr. President. Mr. President, do you know what this reminds me of, when I was a young man and I used to play games, there was always this one individual at the middle of the game, or after the game wanting to change the rules just to suite themselves. In reality this is what the government is doing at this time. It's using a heavy-handed approach to beating down a sector of the tourism industry that is very, very valuable. By passing this amendment, government is saying what they have been doing wrong all this time, they are trying to make it right, and that's a dangerous precedent. These are the facts, Mr. President. Cruise Solution challenged the government throughout the court system all the way to the CCJ and finally got the ruling in favour of them. So what the government has been doing all these years has been wrong. Now, in the House Meeting or in an interview, the Prime Minister said that actually the other operators were eagerly lining up to pay and were willing to pay. This is not the truth, Mr. President. Actually, the 14 cruise operator or tour operators that have cruise contracts registered their displeasure, or they made a complaint to the government. Now the problem is, since the CCJ has ruled in favour of Cruise Solutions and Discovery, I believe, and I'll wait to hear from the Attorney General that the government owes these operators millions and millions of taxes that they've collected. From my investigation, I believe it's somewhere over \$10 million. I've been told that one tour operator, the government would owe that entity about \$7 million, so, and that's one of the bigger ones. So when you put all of them together, I would say it would be well over \$10 million. Now, I believe this is the reason why the government is making this piece of legislation retroactive, or the amendment retroactive.

Now, the other crucial issue here is, for me, is that you are burdening a sector of the tourism industry with some onerous taxes. If you add the business tax that they pay of 6% and the 12 ½ % GST, you are talking about almost 19%. And for any business that is difficult to handle especially in these difficult economic times. And the reality is, they can't pass on that tax onto the cruise lines. They have to absorb that into their normal daily activities or normal operations. Mr. President, I am not a lawyer, I am married to one, but I believe that in its principle, having a law being retroactive is a dangerous precedent for Belize, especially with how the government is handling its business this time around. Thank you.

SENATOR A. SALAZAR: Obligated, Mr. President. I hate to seem as if I am always at odd with my colleague from the business sector, Senator Lizarraga, but its just that sometimes I feel I am compelled to clarify some of the things that

he says which are wrong. Because if we don't clarify it, it will be taken as if that is the case. He suggested as if the tax authorities and the government knew that they were collecting, they knew that they were doing something wrong from 2006, that was absolutely not the case. To say, you know, they were breaking the law from 2006. As it turns out, technically, now that the judgement has come down, they have said that what the tax authorities was doing was not in accordance with the law, that is factual. But to suggest that the authorities knew they were doing something wrong, he said it many times, they knew that they had a problem from 2006, is absolutely not the case. In fact, the tour operators, including the one who got the judgement, who got the award in court was dutifully paying his tax in 2006, 2007, and 2008. In 2006, was when the GST Act was passed. And he was, in fact, or, not he, because we don't want to personalize it, but it's a company. The tour operators, I believe there were two of them, who took the government to court were paying their taxes in 2006, 2007, 2008. In fact, I am reading from the judgement. By the 22nd August 2001, this is 2011, one tour operator owed \$111,000.00; the other operator owed \$152,000.00 plus. The tax authorities commenced enforcement proceedings in the Magistrates Court. When the tour operators would not satisfy the amount due, the authorities asked the court to commit their directors to prison for failure to pay. So this was in 2011. All along everybody was operating on the understanding that they ought to have paid these taxes. So, it's not a situation where we knew we were doing something wrong, the tax authorities. I am reading from the judgement. So, I am not making this up. And this is what the judge said, it is at this juncture, and this is not going to be flattering to myself, Mr. Peyrefitte, and Mr. Panton here, is at this juncture that the Tour Operators Council devise an ingenious plan, one that only a lawyer could conceive. I have to be fair to all concerned. One that only a lawyer could conceive, the notion was advanced that the tour operators were not liable to pay anything whatsoever whether arrears or future GST. So it was in 2011, after the judgements came in at the Magistrate's Court, as the judgement is saying, a lawyer devised this, had this idea that, you know, to interpret the law in this way. But wait, but what happened, we went to the Supreme Court after that, the magistrate disagreed, first of all. We went to the Supreme Court, the Supreme Court disagreed with the tour operators as well. After that, we went to the Court of Appeal, the Court of Appeal disagreed with the tour operators as well. So why would you have, at this point, nobody perceived that there was any problem with this law, nobody. So it's not that the GST department was doing this in a back handed fashion in some sort of devious back office and it knew it was doing something wrong. It thought that it had the authority of law to do what it was doing. So let's get that very clear. We need to make that very clear.

Secondly, and I am not going to criticize the CCJ, but I need to point something out. There is a very powerful and instructive descending opinion from the court, by the President of the Court. The President of the Court himself, I am not going to criticise the judgement, but I bring this up only to say, and my colleague will probably elaborate, I bring this up only to say that the President of the Court, wrote an opinion which side with the view of government and with the GST authority. That is the President of the Caribbean Court of Justice. Right? Why I am saying this is to make it clear to the public that it is not that the GST was off on a limb and they were doing something totally wrong, okay. So it is lamentable that we are at this point right now, but we don't want to make it seem as if, oh, we were blatantly violating the law, everybody knew, that's absolutely not the case. The other thing we need to understand is that GST doesn't belong to the tour operators, that is not their money. The GST is a tax which you only hold in your pocket for government. You only hold it for one month for government. (Applause) So, now you need to understand that, so if it's anybody, it has to go back to it will be the tour operator, the cruise ship. It will be to the one who was supposed to pay the GST. So, it's not that an operator would be entitled to put that

GST in his pocket. The GST belongs to the person who was supposed to pay it, not to the tour operator. So we need to make that very clear. So when you say that millions of dollars are owed to tour operators. I will take my seat now so that my colleague can elaborate. I am obliged, Mr. President.

SENATOR M. PEYREFITTE: Senator Mahler if your Senior Counsel was sitting where you are sitting, he would be very clear. But probably there is a reason why he didn't want to come today. Mr. President, let me just continue from that point that Senator Salazar was making. I have my law firm, back when I was charging \$100 for a service, \$100, I was GST registered, which means that at the end of a period, when I sent that bill to my client, my client would pay me the \$100 plus \$12.50. So the client would pay me \$112.50. I then would take that \$12.50 that doesn't belong to me, that was not as a result of my work, and give that to the government plus \$6.00 more which is the taxes that lawyers would pay, income tax. So let's make something very clear, whatever monies these operators paid to the government was not their money. It was the money that they collected from the customers. Now, for those of us who read the case, and not following some bullet point that they heard somewhere, it turns out that Cruise Solutions was not a good negotiator. So, the cruise people told Cruise Solutions, we are not paying you any GST, but since you have to pay GST, you will have to take that out of your profits. Do you understand, Mr. President? So, they were getting such a sweet deal from the cruise industry that they didn't mind paying the GST out of their pockets which they should have collected from the cruise ships. Now, Mr. President, nobody less than the President of the CCJ, in a descending opinion, nonetheless. But, if you read the judgement and look at his reasoning, it is easy to see why that was the proper interpretation. Cruise Tour Operators taking people to Altun Ha, or Blue Hole, or wherever has nothing to do with the operations and working of a ship. But the CCJ majority disagreed. And so, the judgement is that they should not have been paying the GST. But remember, whatever GST they paid shouldn't have been their money. They should have collected that. And one has to assume that if you are paying it, you are collecting it. Why would you pay it if you are collecting it, unless you are hiding something?

Now, Mr. President, I've tried to listen to some of the speeches, and it's a pity that Senator Courtenay is not here today because he would have put this off to bed. Retrospective legislation is perfectly legal. There is nothing wrong with retrospective legislation. The Constitution provides for retrospective legislation when it comes to civil matters. The only thing the Constitution says at section 6 is that you can't do retrospective legislation for criminal matters. But the English Parliament, they themselves have passed legislation as it affects criminal offences, or having to do with the criminal realm, under their own Police Bill. So there is not only precedent for retrospective legislation, but also for criminal retrospective legislation. The CCJ in its judgement made very clear, they are not going to tell us, now go and amend your legislation to fix this problem. But the way they coined it, they say look, have the legislation be read this way. Then we would have ruled in the government's favour. That's their type of language that they use to say now go and amend the legislation to fit and to solve your problem. They are not going to say go to parliament because they respect separation of power. But parliament, as well, under the Constitution is empowered to make law for the good order and peace of the people of Belize. Retrospective legislation is perfectly legal and acceptable. All we are saying, because people like to use the deprivation of property argument, that doesn't apply here, because we are preventing you from collecting money that was not yours in the first place. It is not your money, so how can you claim as a cruise operator? If you take Cruise Solutions out of it, all the other cruise operators, how can you sue for money to be returned to you, are you saying that you will return it to the customers who booked your tours 5 or 10 years ago? You will find them and give them back their

money? Because whatever GST you paid, you had to have collected from those people. It's not your money.

So, Mr. President, I just want to dispel this notion, that, indeed, retrospective legislation is perfectly legal. I don't want certain Senators to give the impression that something is wrong here, or you are changing the game. It is common practice. Oh my God, it is common practice that you go to court and the court may interpret a piece of legislation as unconstitutional, or inconsistent with something, and it is the job of parliament then to come to parliament and fix the error, fix the error. It happens every day in jurisdiction that have law and order, every day. And if you have to make it retrospective, you make it retrospective. And if there was ever a situation to make a law retrospective, it is this one because it is not hurting anybody who is claiming to be hurt. The people who are crying to get back this money don't legally have a right to this money. So that's not changing the rules in the middle of the game. Those people were trying to apply, or trying to come up, trying to use a judgement to aggressively come to government for money that doesn't belong to them. It doesn't belong to them. It's not your money. So, Mr. President, that's my submission.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Thank you, Mr. President. I think it has been clearly elaborated with respect to the GST and who it belongs to. And I think Senator Salazar and Senator Peyrefitte did an excellent job. But indulge me a little bit with this retrospective thing, because I heard it out there a lot. Two things must be made clear, it's not that the Constitution allows, it's that specifically for those who are engaged, section 81 (4) makes it very clear, make laws with retrospective effect. In other words, you can go backway. But the mother of all laws, the mother of this system, the mother of this legal system we have, that we have adopted, etcetera, and at the risk of being deemed incorrect by my three esteemed attorneys on this side. Indulge me to read a little judgement on this same matter of retrospective that was done by none other than the Parliament of the UK in the face of a Privy Council Judgement. And this was not to collect any money in the past, this was with respect to properties that was damaged. It was called *Burmah Oil Company Versus Lord Advocate*. And it says, "The *Burmah Oil Company Limited Versus Lord Advocate*, AC 75, was a court case, raised in Scotland, and decide ultimately in the House of Lords. The case is an important decision in British constitutional law," from which we copy ours, "and had unusual legal repercussions at the time." And it was decided, the facts, "the case concerned the destruction of oil fields in Burma by British forces in 1942, during the Second World War. The destruction was ordered in order to prevent the installations from falling into the hands of the advancing Imperial Japanese Army. It affected the *Burmah Oil Company* which brought an action against the UK Government represented by Lord Advocate. In the Outer House of the Court of Sessions, Lord Kilbrandon found in favour of *Burmah Oil*. The Crown appealed, and the First Division of the Inner House of the Court of Session unanimously reversed the decision below. *Burmah Oil* then appealed to the House of Lords." It sounds just like us. "The House of Lords held by a 3-2 majority that although the damage was lawful, it was the equivalent of requisitioning the property. And any act of requisition was done for the good of the public, at the expense of the individual proprietor. And for that reason, the proprietor should be compensated from public funds." And it goes on. But the significance, in the end the result was frustrated by the passing of a retroactive act of parliament called the *War Damage Act of 1965*, which retroactively exempt the Crown from liability in respect of damage to, or destruction of property caused by acts lawfully done by the Crown during or in contemplation of outbreak of war in that instance. You all can look it up. I cited it because, to clarify for Senators who are not aware. One, we get our

provisions from the English Legal System, and that is in our Constitution at 81 (4). And that government has a responsibility and a right to correct these things when they find, not even in the face of the judgement of the court, and so it might look like an insult to CCJ, but it stems from that, that kind of judgement.

And secondly, Senator Peyrefitte is correct. The GST doesn't belong to anybody. They are only agents who holds it temporarily, up to a month, I think, and then hand it over to the government, that's all they act as. So, if they have been paying it, and paying it and not collecting it, *nimodos*, in a way. Yes, but then you should collect it, and if you pay it, then it is assumed that you collected it. You can't be paying, and paying GST for 4 years, is it 4, Senator Aldo? I think it is 4, and then you come back and say, oh, I wasn't collecting. No man! So, Mr. President, I move the question.

SENATOR M. PEYREFITTE: Mr. President, if I may just read one section of the Constitution for clarification. No, if you say no, then its no. But I know that normally the Senators like clarification of certain things. If it's a no...

MR. PRESIDENT: If I allow you this time, Senator Peyrefitte,...

SENATOR M. PEYREFITTE: But if you say no, then it's no, Mr. President.

MR. PRESIDENT: Please do it and let's move on.

SENATOR M. PEYREFITTE: It's 81(4). It says, "No law made by the National Assembly shall come into operation until it has been assented to by the Governor-General, but the National Assembly may postpone the coming into operation of any such law and may make laws with retrospective effect." It is within the Constitution, Sir.

MR. PRESIDENT: And the reason I allowed you to speak, Senator Peyrefitte, is because you are the Minister of the Attorney General, right.

Honourable Members, the question is that the Bill for an Act to amend the General Sales Tax Act, Chapter 63 of the Substantive Laws of Belize, Revised Edition 2011; to clarify definitions in 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.

III COMMITTEE OF THE WHOLE SENATE ON MOTIONS AND BILLS

MR. PRESIDENT: Honourable Members, in accordance with Standing Order 68A, the Senate will now resolve itself into the Constitution and Foreign Affairs Committee, a Committee of the whole Senate, to consider the Motions referred to it and, thereafter, in accordance with Standing Order 54, the Committee of the whole Senate to consider the Bills that were read a second time.

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

Officer, can you please clear the galleries for us while we are in

Committee, after we are finished we will invite you to come back. Thank you.

(In the Constitution and Foreign Affairs Committee)

MR. PRESIDENT in the Chair.

1. **Resolution Authorizing the Acceptance by Belize of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting Motion, 2018.**

Motion in its entirety agreed to.

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

2. **Resolution Authorizing the Accession by Belize of the Multilateral Competent Authority Agreement on the Exchange of Country-by-Country ("CbC") Reports Motion, 2018.**

Motion in its entirety agreed to.

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

(In the Committee of the whole Senate)

MR. PRESIDENT in the Chair.

1. **General Revenue Supplementary Appropriation (2018/2019) (No.2) Bill, 2018.**

Clauses 1 and 2 agreed to.

Schedule agreed to.

Bill to be reported back to the Senate without amendment.

2. **Supreme Court of Judicature (Amendment) Bill, 2018.**

Clauses 1 to 3 agreed to.

Bill to be reported back to the Senate without amendment.

3. **Motor Vehicles and Road Traffic (Amendment) Bill, 2018.**

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

4. Bills of Sale (Amendment) Bill, 2018.

Clauses 1 to 4 agreed to.

Bill to be reported back to the Senate without amendment.

5. General Sales Tax (Amendment) Bill, 2018.

Clauses 1 to 3 agreed to.

Bill to be reported back to the Senate without amendment.

PUBLIC BUSINESS

A. GOVERNMENT BUSINESS

IV MOTIONS

(Adoption of Motions)

1. Resolution Authorizing the Acceptance by Belize of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting Motion, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, the Constitution and Foreign Affairs Committee has met and considered the Resolution Authorizing the Acceptance by Belize of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting Motion, 2018, and has agreed that it be returned back to the Senate for adoption.

I therefore move that the question be put.

MR. PRESIDENT: Honourable Members, the question is, **NOW, THEREFORE, BE IT RESOLVED** that this Honourable Senate authorizes the Government of Belize to accept the Convention.

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

2. Resolution Authorizing the Accession by Belize of the Multilateral Competent Authority Agreement on the Exchange of Country-by-Country ("CbC") Reports Motion, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Madam President, the Constitution and Foreign Affairs Committee has met and considered Resolution Authorizing the Accession by Belize of the Multilateral Competent Authority Agreement on the Exchange of Country-by-Country ("CbC") Reports Motion, 2018, and has agreed that it be returned back to the Senate for adoption.

I therefore move that the question be put.

MR. PRESIDENT: Honourable Members, the question is, **NOW, THEREFORE, BE IT RESOLVED** that this Honourable Senate authorizes the Government of Belize to accede to the agreement.

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

V REPORTING AND THIRD READING OF BILLS

1. General Revenue Supplementary Appropriation (2018/2019) (No.2) Bill, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, and Sustainable Development, Immigration Services and Refugees): Mr. President, I rise to report that the Committee of the whole Senate has considered the General Revenue Supplementary Appropriation (2018/2019) (No.2) Bill, 2018, 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 appropriate further sums of money for the use of the Public Service of Belize for the financial year ending on the thirty-first day of March, two thousand and nineteen, 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. Supreme Court of Judicature (Amendment) Bill, 2018.

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 Supreme Court of Judicature (Amendment) Bill, 2018, 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 Supreme Court of Judicature Act, Chapter 91 of the Substantive Laws of Belize, Revised Edition 2011; to make provisions allowing petitions for divorce by consent of the parties in non-contentious proceedings; 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. Motor Vehicles and Road Traffic (Amendment) Bill, 2018.

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 Motor Vehicles and Road Traffic (Amendment) Bill, 2018, 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 Motor Vehicles and Road Traffic Act, Chapter 230 of the Substantive Laws of Belize, Revised Edition 2011; to make better provisions in relation to the registration requirements of bills of sale in relation to vehicles and trailers requiring registration to be done with a Transport Department or municipal authority in the respective district; 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. Bills of Sale (Amendment) Bill, 2018.

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 Bills of Sale (Amendment) Bill, 2018, 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 Bills of Sale Act, Chapter 246 of the Substantive Laws of Belize, Revised Edition 2011; to make better provisions in relation to the registration requirements of bills of sale in relation to vehicles and trailers by requiring registration to be done with a Transport Department or municipal authority in the respective district; 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. General Sales Tax (Amendment) Bill, 2018.

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 General Sales Tax (Amendment) Bill, 2018, 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 General Sales Tax Act, Chapter 63 of the Substantive Laws of Belize, Revised Edition 2011; to clarify definitions in 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.

A D J O U R N M E N T

SENATOR G. HULSE (Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development, Immigration Services and Refugees): Mr. President, I move that the Senate do now adjourn.

MR. PRESIDENT: Senator Mahler, you said you had something to say on the adjournment.

SENATOR A. MAHLER: Mr. President, thank you for giving me the opportunity to say a few words on an issue that all Belizeans should stand up against. At the last Senate Meeting, Senator Barnett spoke about the abuse of women in Belize. Today I want to shed light on the abuse of our children that happens far too often in our country. According to reports from the Department of Human Services, over the last 5 years there has been close to 6,000 cases of abuse against children reported to the Police Department. It is 6,000, Mr. President, this translates to over 1,200 cases per year, or 100 per month. I must stress that statistics like this are always grossly, underreported, and I would not be surprised if the true number is close to two or three times what has been reported. According to the definition of abuse, abuse entails neglect/abandonment, sexual abuse, physical abuse, and emotional abuse. What are we coming to as a nation when so many of our children are being abused on a daily basis? This reality tells me that too many of our people are rotting at the core.

Mr. President, Belize has many issues that we as a people must address as we mature. However, I strongly believe that one of our priorities must be to take care of our most vulnerable citizens, especially the 1,000s of children who are afflicted by poverty, disease, neglect, abuse, and lack of opportunity. Mr. President, we can ill afford to allow the abuse of our children to continue unabated. As a nation, we can ill afford to have so many of our children fall through the proverbial crack with little hope of their dreams coming through. The other day, I was reading the newspaper and I came across two articles, and I was so irate. The first said, ‘Woman Fined \$1,500 for Causing the Death of a Baby’; and the second said, ‘Young Man Fined \$1,500 for Stealing a Bike’. Mr. President, what this tells me is that the life a child has no value here in our country. I don’t have the statistics as yet, but like most crimes in Belize, those against children often go unpunished. Like many people who perpetrate crimes all across Belize, far too many of the culprits who violate the innocence of our young

children go unpunished.

Mr. President, we are failing our children at a time when the world is there for them to conquer. If we don't do better, our future will be a tumultuous one, and our history will be judged harshly. But, Mr. President, there are people who really care, I believe that it is important to acknowledge those technical officers within the system who are working hard to respond to reports of child abuse. The social workers and the police work around the clock to ensure that children are safe as they respond to the reports of child abuse. They are the unseen heroes. There is a lot of good work happening, but the current players are often stretched thin. There is need for expansion for many initiatives which are difficult with the existing resources available, and that is why the wastage that we see happening in Belmopan sickens me, Mr. President. The adequate resources are not going where they should be going.

In closing, I want to say that the children of Belize are innocent, they are vulnerable, and they are dependent on all of us to help them grow into responsible and capable human beings. Mr. President, the children of Belize are also curious, and their affirmative years should be one of playfulness, of joy, and of peace and tranquility. The future of our children should be shaped in harmony and cooperation and their lives should be developed as they expand their views about the world and gain new experiences about life. Our children should be given hope and should not be filled with fear and a toxic view about the road ahead of them. Today, far too many of our children have lost hope, and thus, we must collectively and tirelessly work to do better. Mr. President, our future depends on it. I thank you.

MR. PRESIDENT: Thank you, Senator. (Applause) 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 2:50 P.M. to a date to be fixed by the President.

PRESIDENT
