

**BELIZE**

**No. 17/1/13**

**SENATE**

**Wednesday, 25<sup>th</sup> October 2017**

**10:00 A.M.**

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Pursuant to the direction of Mr. President, in writing, dated 20<sup>th</sup> October 2017, the Senate met in the National Assembly Chamber in Belmopan on Wednesday, 25<sup>th</sup> October 2017, at 10:00 A.M.

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Members Present:

Senator, the Honourable Lee Mark Chang – President  
Senator, the Honourable Godwin Hulse – Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration  
Senator, the Honourable Dr. Carla Barnett – Vice-President and Minister of State in the Ministry of Finance and Natural Resources  
Senator, the Honourable Michael Peyrefitte – Attorney General  
Senator, the Honourable Macario Coy Sr.  
Senator, the Honourable Stephen Duncan  
Senator, the Honourable Aldo Salazar  
Senator, the Honourable Eamon Courtenay  
Senator, the Honourable Valerie Woods  
Senator, the Honourable Paul Thompson  
Senator, the Honourable Markhelm Lizarraga  
Senator, the Honourable Rev. Ashley Rocke  
Senator, the Honourable Elena Smith  
Senator, the Honourable Osmany Salas

MR. PRESIDENT *in the Chair*.

PRAYERS *by Senator Rev. Ashley Rocke*.

**ANNOUNCEMENT BY THE PRESIDENT**

**MR. PRESIDENT:** Good morning everyone. First of all, I'll take the opportunity to welcome the 18 students from the University of Guyana and the Lecturer Mr. Kadasey Serrie, welcome to our sitting today. Honourable Members, by letter dated 20<sup>th</sup> October 2017, Cabinet's recommendation has been signified to the following:

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

## **BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES**

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Pleasant good morning Mr. President and colleagues. Mr. President, I rise to take charge of the following Bills the:-

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

Mr. President, in accordance with Standing Order No.49 (1), I move that these Bills be taken through all their stages forthwith. Mr. President, I also have a request from two Senators, if we may accumulate and do one debate for the first three Bills: the Land Utilization Amendment Bill, the Registered Land Amendment Bill and the Land Tax Amendment Bill.

**MR. PRESIDENT:** Honourable Members, the question is that those 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.

## **PAPER**

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to lay on the table, sessional papers no. 31/1/13 - The Social Investment Fund of Belize – Financial Statements for the years ended March 31, 2017 and 2016 and Independent Auditors' Report.

**MR. PRESIDENT:** Honourable Members, that paper is 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. **Accession to the Nairobi International Convention on the Removal of Wrecks Motion, 2017.**

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I move that:-

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

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

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

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

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

maritime casualty resulting in a wreck involve a State other than the Affected State;

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

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

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

**SENATOR V. WOODS:** I do have a comment on the Convention. First of all, thank you Senator Hulse, Minister Hulse for providing the full documentation on the Convention. And having perused it the questions or comments I have, from the last time we sat, and this worth was to have been on it, still remains.

In the Convention, under Article 1, it states, “For the purposes of this Convention:”, and if you allow me to quote, “‘Convention area’ means the exclusive economic zone of the State Party, established in accordance with international law or, if a State Party has not established such a zone, an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured”.

I rise to comment that we are acceding to an official, to a Convention, obviously an official documentation with reference to territorial sea. However, we do have a scenario in Belize where we certainly, on this side of the House, in previous sittings of this Chamber have stated that perhaps it is time, since there is clearly no negotiations going on with Guatemala, that we should amend the Maritime Areas Act. So, I am concerned that we will accede to a Convention with reference to a territorial sea when we have a question mark on that area regarding our own Maritime Areas Act with reference to territorial sea; that’s one.

Two, I’m a little bit lost as to the urgency of acceding now, as oppose to perhaps waiting while we have a, for us to have a proper discourse on the matter of the extent or coverage, if you will, of our territorial sea.

There are also some other questions, although I do think it is administrative and I’m too sure, I’m almost certain that there will be responses from the Government on how some costs can be recovered and so forth. The most pressing of concern for me, unless it can be clarified, is how do we reconcile acceding to a Convention that refers to our territorial sea when we all know that there ought to be correction to that primary Act that defines our territorial sea. Thank you.

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

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

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I move that:-

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

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

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

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

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

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

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

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I move that:-

**WHEREAS**, Member States of the Organization of Petroleum Exporting Countries (OPEC), being conscious of the need for solidarity among all developing countries and aware of the importance of financial cooperation between them and other developing countries, have established the OPEC Fund for International Development (OFID) to provide financial support on concessionary terms to developing countries;

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

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

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

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

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

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

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

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

**SENATOR M. LIZARRAGA:** Good Morning Mr. President. Mr. President, today we are asked to approve BZ\$35.3 million of Government spending for a new bridge. A new bridge over the Haulover River of/or at Haulover because there is a need; and we are asked to say that we are satisfied that there loan proceeds would significantly

contribute towards the efforts of the Government to rehabilitate the Philip Goldson Highway with the construction of a much needed new bridge on that highway.

Well, Mr. President, we have been asked this very same thing before. It baffles me, why we would need to authorize \$35.3 million for this new bridge. US\$12 million is coming by way of loan, which is only 68% and the other I am not sure where it's going to come from.

When I looked at this, this morning and I have been looking at it from yesterday but I confirmed it this morning because I requested the transcripts, the verbatim for the Senate for 2014. In 2014 we came to this very House and we were asked to approve a loan for that very same road, that very same bridge, as part of a package, at that time, for \$60 million. And I remember quite clearly and if I quote from the verbatim that we were asked, "...to seek to approve some \$60 million for this road;" with very little or no explanations, again, as to what we would be getting for that \$60 million.

When the Leader of Government Business answered, got up and spoke on it, he was not able to provide any of the details. While he recognized and did not quarrel, he said, with the statement that we have to be responsible with the people's money; that's in the records.

Mr. President, I'm going to be nice but what happened to the money for the bridge when we first approved \$60 million dollars? We know that works have been done, have been done at least from the Haulover Bridge to the junction with the airport, we know that works are commencing on that portion from the Haulover Bridge to Belize City. See, I was uncertain as to whether, and I know had asked the question, as to whether we would be getting a bridge as a part of that first \$60 million. But I found an article in the Reporter this morning that quotes the Chief Engineer, Mr. Puga as recognizing that a part of that loan package was, in fact, a bridge. The Reporter article claims that we would have been getting a four lane bridge. I believe, Mr. Puga is quoted as saying we would be getting a two lane bridge. Today, I see in this loan motion that we're saying we're going to be getting a 20 meter wide bridge. I still don't know if it's going to be two lanes or four lanes. We're still, Honourable Leader of Government Business, severely lacking in the details that we need to satisfy ourselves.

When I made the request for details in 2014, I said it would be nice for us to be able to at least see the details after the fact so that we could come back to this Honourable House and support any future such motions for the development of our infrastructure and for development in our country. And I look back and I remember, again, in November of 2014 when we were presented with a package for some \$420 million in loans, still all of them, severely lacking in details. We have seen the issues that have come up with this Faber's Road, with the questioning of what it is that we should get and what it is that we're supposed to get for Faber's Road. And it goes back to the same, same point we've been trying to make for a long time: we don't know how many miles, we don't know how wide, we don't know how thick, we don't know how much of nothing is supposed to go into these projects. And a one or two sentence explanation from anybody is not enough to convince us, increasingly so, not enough to convince us that we're getting value for money in this country.

Now today, we're being asked again to say that we're satisfied and that we approve the spending of another US\$35.3 million dollars for one bridge, after already having approved \$60 million dollars and that bridge should have been included in there. Where is this \$70 million dollars going to go?

I sincerely, Mr. President, hope that I'm wrong. I sincerely hope that there is a logical explanation; that there is a plausible because you know we'll have explanations. They are very good at explaining away and talking their way out of things. Yes Mike? I just don't want any explanation, I want to know if we're going to be having two bridges at

the Haulover and how many lanes? Because it baffles me, at the very least, to see whether if it's going to be a four lane bridge. Why would you have a four lane bridge leading into a two way highway when you cross the road? I don't know but I'm sure there are plausible explanations. But the point, Mr. President, I guess, is that the time to debate these things are before you approve them. The time to debate the details: whether we need two lanes, or whether we need four lanes, or whether we're going to get 10 inches of concrete or 6 inches; or whether we'll have a 3 foot median or a 10 foot median; those are the things you debate before. Those are the details that we need in this House to be able to support these motions when they come to us and those are the details that continue to be severely lacking. But we know, Mr. President, that it's going to pass because nobody wants to question these things; and the ayes will have it; and we will authorize today the spending of \$70 million dollars on something that has already been allocated for and something that has already been approved. Thank you, Mr. President.

**SENATOR E. COURTENAY:** Thank you very much, Mr. President. I rise like the Honourable Senator to express undiluted and unbridled concern about something, which the Minister of Finance with his characteristic lack of dignity, flushed with arrogance said last Friday, "any fool can digest it in five minutes". Mr. President and Members of the Senate, this Senator digests it in five minutes and we have upset stomach. We happy for berate people and tell them '*dem da fool*'. The question is why? The Honourable Leader of the Opposition said this and I will quote, "We recognize the importance of the Haulover Bridge. We are not against it but what is the emergency? You need to be able to give us an opportunity to study it and to be able to meet with the Ministry of Works and the Contractor and everything to get a better understanding of what is happening. This is too much, Madam Speaker. This is way too much and we object to what the Prime Minister is attempting to do once again in this House." Precisely what Senator Lizarraga is saying; bringing a motion with insufficient notice so that there can be no consultation, ramming it through the House, then bringing it to the Senate for a rubber stamp. Legitimately and rightly say, give us a chance to study it. Any fool can digest it in five minutes.

So let's talk about some accountability. Let's talk about some transparency. Let us talk, Mr. President, about some honesty, which is what is the minimum that should be in these proceedings.

Senator Lizarraga directed us, first of all to the Loan Motion, dated the 2<sup>nd</sup> of October 2014 for US\$29.7 million; effectively US\$30 million BZ\$60 million. And there was no doubt what the purpose was for: "...implementing the Philip S.W. Goldson Highway Upgrading Project including a new bridge at Haulover Creek, safety improvements, climate adaption works and related consultancy services;". Mr. President, the operative part of the loan motion said, "...that this Honourable House, being satisfied that the Loan would significantly assist the Government in financing the rehabilitation and upgrading of the Philip S. W. Goldson Highway between Belize City and Airport Junction Road, approves and confirms that the Government may enter into a Loan Agreement with the Caribbean Development Bank on the terms and conditions set out above, and further authorizes the Minister of Finance to execute and deliver the said Agreement and all other documents associated therewith." Well we know that the Minister of Finance executed those documents because monies have been disbursed: \$60 million dollars borrowed, Mr. President. When was it? March 2016, amidst a lot of fanfare, Cisco Construction was given a contract valued at \$13.5 million for that part of the road from the airport to the Haulover Bridge; \$13.5 million out of the \$60. Bankers, tell me how much that left with? \$47.5? The banker says I'm right. \$47.5 million left, Mr. President. You see how the fool is digesting it? We're looking for some honesty. Then again, 28<sup>th</sup> March 2017, this time it's Mr. Montero, \$20.9 million for that portion from the bridge to the roundabout at Chetumal Street. Bankers, we could call that \$21. \$20.9 out of the \$47.5, \$26.5 million are left. One would assumed, Mr. President, that the Government was honest when it brought this motion in 2015, had done its due diligence, had had the advice of the engineers, had had advice of the architects, maybe from Bill, I don't know and had

calculated that the amount that they were borrowing from the CDB was sufficient. \$26.5 million would have covered, what was it? A bridge, the upgrading of the highway, including a bridge, safety improvements, climate adaptation works and related consultancy services. There is \$26.5 million left, Mr. President, and before that is spent, the Prime Minister comes to the House with another motion. And when time is sought to do the requisite consultation, what are we told? Any fool could read it in five minutes. Well this fool, Mr. President, did some consultation. What do we find out? Senator Lizarraga, your concerns. We had a meeting with the project execution unit and you know what they said? The bridge is design to have three lanes, so that in the morning, two lanes would be going to Belize City and in the afternoon, two lanes will be coming up. And you know what they told us? That is a bad design because the highway on both sides of the bridge will be wider than what the bridge is going to be designed, the specs of the bridge. And they asked us to please raise our voices and too encourage the Ministry of Works to rethink that design. That, Mr. President, was months ago and since Friday we did more consultation. It gets worse. Any fool could read it in five minutes, Mr. President, Members of this Senate, there is a lack of frankness, there is a lack of transparency by the Government with this motion. I say so with certainty! The truth of the matter is as we sit and stand here today, the Government have gone back to their engineers and said, we need to start all over again. We need to go back to the drawing board because the design is too expensive and I am encouraging the Leader of Government Business to check with the engineers, the Ministry of Works right now, so it can reply.

They are consulting with M & M Engineering. They are consulting with others to see how they can redesign the bridge so that they can afford it, which begs the question, why the rush? Why are we approving, how much Senator Lizarraga? US\$35 million dollars today when you calculate it and the design has not yet been settled. Yes man, any fool could read it and understand it but we want some honesty. We want some frankness from the Government. Mr. President and Members of the Senate, the Haulover Bridge is an absolutely essential bridge for the transportation needs of this country. The road works that are required, I am being told by experts, in order to do that bridge will cost millions upon millions of dollars because there has to be a realignment of the approach and we know that it is swamp. Mr. President, the position is simple. This Senate and you could breathe as much as you want, this Senate has an obligation to exercise oversight. Mr. President and when we are told by people in Government that the design has not been settled yet. When we are told that the cost is still too high. When we are being told that the purpose of this loan is not as stated in the motion but it is a supplementary loan to cover costs, the Government's counterpart on the 2014 loan is one of the items that they are going to pay for and, Mr. President, cost of putting in the works, which were not sufficiently covered by the 2014 loan motion.

The long and short of it, Mr. President, we on this side, like in the House, will raise our objection. There is no urgency for this to be settled. We need transparency, we need accountability and more than all, we need some honesty from the Government. We cannot support this loan motion unless and until we have the full details of this final design for the road works that is too be done. The final details for the bridge that is to be built so that we can know that the people will get value for money and that this is just not going to be another massive cost overrun.

Mr. President, we do not support the motion in the absence of sufficient information. Thank you.

**SENATOR DR. C. BARNETT (Vice-President and Minister of State in the Ministry of Finance and Ministry of Natural Resources):** Thank you very much, Mr. President. I want to first remind my colleague Senators that projects like this come to the Senate for approval, not when the loan motion is being debated but when the capital project is included in the estimates of revenue and expenditure that are submitted every year. So that what we are doing today is not approving the expenditure, it's making the loan. They are two different actions that the Government has to take and they are

separated out in the Finance and Audit Reform Act and they are separated out when we bring them through the Senate. So we will see these expenditures as they actually take place through the annual budget exercise.

When the Haulover Bridge project was first conceptualize, it was as a part of the improvement of the Philip Goldson Highway from Mile 2½, that's the roundabout by Buttonwood Bay Boulevard through to, absolutely and Caribbean Shores, the airport junction. And it's always been accessed and it's always been, throughout the design phase, done in three separate portions. The first portion, which is been completed, that's part A. The second portion, which is currently underway, which is the portion between the Haulover Bridge and Buttonwood Bay Boulevard, and the third portion is the bridge itself. I happen to be in a different place when this loan motion was first brought to the Senate. In fact, I was at CDB, so I was on the ground in CDB when this project was being designed and contemplated; contemplated and designed. And it was clear from the start, this was one of the first projects that the bank had done doing what we now routinely do, which is, engineering for climate change. And there were special funds that were being brought in that was supposed to be taking account of the fact that climate change causes infrastructure to be much more expensive than we use to think, than we use to deal with. If you look at the portion of the road, for example, between Haulover Bridge and the airport junction you will recall during the construction phase, those of us who drove that road, that that road had to be raised, that the foundation of the road had to be strengthen with all kinds of engineering paraphernalia that I better stay away from because I don't know what the various names are. But you saw them putting in a variety of reinforcement in order to be able to ensure that that road would last the time that it was designed to last and it resulted in that being even more expensive than it was originally contemplated; and the same will be true of the portion between Belize City and the Buttonwood Bay Boulevard. The reality is that we are building roads in areas that have been traditionally river delta, wetlands, under mangrove with all that that implies for additional costs.

The original estimate for the bridge, the original funds allocated for the bridge did not have, at the time the loan was being considered, designs. It was an allocation, I'm talking about the conversation within CDB, Sir. I'm not talking about the conversation that was here. I was not here around the table when this was being done. So there was not any real estimate for what it would totally cost but there was an understanding that it was an essential part of the project because the bridge, not only because of the realignment but the bridge in itself was old and failing and needs to be changed, even if we were not replacing it to realign it. So that's absolutely accurate in terms of needing to replace the bridge anyway. The funds originally allocated for the bridge, by CDB are part of the total cost of the bridge. They are going to be used for the bridge construction. What is happening now, is that the full cost of the bridge is going to be covered by the co-financing from the OPEC Fund for international development. So this is an additional cost, now that the bridge has been properly conceptualized and the design elements have been set out. My understanding is that the process for design, the tendering of the design has commenced so there is an understanding of what the ball park is. The final designs are going to come in but we have to be able to proceed with the project once we have all of that in place. It is also my understanding that the OPEC Fund is allocating sufficient funding that Government's counterpart contribution, indeed, will be covered by the loan itself.

There is no strangeness about this. We have, in the past, approved co-financing of infrastructure. This is a project that is being undertaken under CDB procurement rules and to the satisfaction of OFID, their procurement rules as well. We have a process to go through in terms of bidding for a construction. When we reach to that stage that will go through following, again, CDB and with the approval of OFID for the procurement process. So there is really no reason at this time to be assuming that anything is other than aboveboard.

There is, if you look on the CDB website because in this day and age everything is in the public domain, the original project document you can find there and you can see what was allocated for what. You can see the various uncertainties that were identified as the project was being designed; one of the biggest uncertainties being what it would take to put a bridge that would last more than a reasonably, more than, I believe it is a 100 years bridge that is being designed for with major maintenance every 20 years, something like that. And if I am wrong it's just that I am getting a little bit there and I can't remember all of the technicalities that were before me at that time but that is the reality of what we're dealing with here. The bridge is absolutely essential to be replaced. Anybody who drives it every day knows the congestion on that bridge, knows that there are lots of funds that we spend everywhere, every year to keep it road worthy and it is the main thoroughfare into Belize City. It absolutely needs to be replaced and as quickly as we can and with a bridge that will deal with all of the uncertainties of climate change, and rising water, and all of the building on the delta that we're talking about there. So, Mr. President, I have no difficulty at all in approving and supporting this motion for these funds. It is absolutely essential for us to be able to act on the replacement of that bridge in the quickest possible time. Thank you.

**SENATOR P. THOMPSON:** Mr. President, good morning. According to the Prime Minister in his Independence Day speech of this year, he said that this project, the total cost for this project will be \$107 million; that's what he said. Now we know from this loan motion that the bridge is supposed to cost \$35 million, as you said. If you take away \$35 from \$107 that's \$72 million and so that means that this project, which is a project from the Buttonwood Bay roundabout to the airport junction, which is 6 miles of road is costing us \$12 million. I just want to put that out there for the Belizean people, \$12 million per mile from Buttonwood Bay roundabout to the airport junction and not even the airport junction, to the Manatee Lookout, Mr. President. The question I have though is this, Mr. President, when is this administration going to invest in people? When are we going to hear about a \$100 million project for better housing for people? When are we going to hear about a \$100 million project for education for those people who can't afford it? When are we going to hear about a \$100 million project for better healthcare? Those are my comment, Mr. President.

**SENATOR M. PEYREFITTE (Attorney General):** See why I love when you don't read, you are very quick. Mr. President, I am speechless, I'm speechless.

**MR. PRESIDENT:** Believe me Senator, you are never speechless.

**SENATOR M. PEYREFITTE (Attorney General):** I am trying to think how many times this has happened to me in my life, and it's like. You know, you know, it is so amazing, it would never cease to amaze me how this Government continues to engage in good governance and try to secure what the people of this country need and every time there is always opposition for opposition sake. There's always grandstanding by those who are holier than thou. Man, Senator Lizarraga, *weh ih gone?* You want to see height of median, eight inches think cement, you want to know, you *dah* engineer? What would you do with that information if it were given to you? If an engineer were to say, listen, we want the median to be six inches not ten, on what basis would you object; on what knowledge? We don't work out these details here; that's why you have a tender process; that's why you have consultation; that's why you have assessment of projects as we go along. Come on Senator! You *dah* bacon man, I *dah* lawyer. We don't get into those things. We don't know about those things. We are here to debate the fact on a policy stand point. Do we need that bridge to be replaced? Yes man. We need that bridge and the question about financial this and subtraction and addition this, you only needed to have asked. Senator Courtenay just ask. The Americans in the streets say, if you don't know you just ask somebody. Just ask. You could have asked Senator Barnett that before we came here. You could have asked the Financial Secretary before we came here and all the information would have been given to you. You could have gone on the CDB website. I agree, it does not take only five minutes for any fool to know it. It takes about twenty not

five. But it just takes a little bit of homework, man. Write the Financial Secretary or Senators in here; all the information is accessible to us but we don't want the information. There's a bridge; there's financing needed for that bridge, we're able to secure the financing for that bridge and so, therefore now, we have oppose that. No, because in 2014 I read something about a bridge; opposition.

I take this argument, Mr. President, from another angle. There is no ramming through the House, Senator Courtenay. That's like, you say, I say I silently used my chainsaw. There's no silence to that that's the purpose of this. You bring it to the House and the Senate for debate and for voting. Unlike what that side of the House did when they were in Government. They didn't bring anything to the House. That is why it was needed for the Finance and Audit Act to be passed and that is why we use it. We bring it to the House for debate and you can get all the information you want before the debate, during the debate, after the debate. So what, what are you really opposing? You are opposing the proper building and replacement of a bridge that you use every day Senator, every day. We want you to be safe. We want you sitting over there for a very long time. So we need a good bridge and if we have to borrow money for the bridge then we will borrow money for the bridge. It should be celebrated.

How long the UDP in Government now Senator? Long time, long time; on the verge of a fourth term but long time. Isn't it amazing, isn't it wonderful that we can still get loans like these at concessionary rates? That is to be applauded, man. I won't tell anybody. At this time, in the last PUP Government, all you could get were high, private interest rates from private banks. It is to be celebrated that this Government can still secure this kind of financing for this very, very important project and that is to be celebrated and will continue to be celebrated.

Listen man, there is a process, Senator Lizarraga. The People's United Party use to build bridges that fell down, you know. We don't want no bridge fall down. There is a process. It will be put to tender. People can bid on it. People can submit their design and then at that point you decide, which is the better bridge to be built. No man, it could be four lanes, three lanes, we don't know at this point but we need the funding for it. We have an idea more or less of how much it would cost and that is where we will go from there. And what's the urgency? Man, I think if this Government was to submit a budget too cure Aids, they would say what's the urgency? How you mean what's the urgency? We need a new bridge. If the bridge were to be damaged for some reason because it's old or God forbid it were to be cracked and somebody would get hurt, you know what they would say, Mr. President? Why did you wait so long to fix the bridge? So it is you're damn if you do and you're damn if you don't. But we don't care what the naysayers' say. This is the right thing to do. This Government continues to do the right thing and it continues to prove it can get loans at these wonderful rates for the essential things that we need. The proof of the pudding is in the eating Senator Lizarraga. From the moment we can get these kinds of loans, with these kinds of breaks is because your Government has shown and demonstrated that it is responsible, Sir. When we borrow money we are transparent, you know what the money is for and you will get a bridge that is well built so you can be safe and secure, Senator Courtenay. And if you want to know where the money went, Senator Lizarraga, just write. Mr. Waight will gladly give you the details and explanations that Senator Barnett just gave you. Just get the information. There's no need for grandstanding. The money is not missing. The money is right there and accounted for. This is not like when under PUP you can't find \$200 million. The money is there. All you need to do is ask. There's a Freedom of Information Act. There is no unknown. It's simple: you write it, you get it; plain and simple.

And so, Mr. President, that's why I say I am lost for words. How can you oppose the building of a bridge? You oppose the building of a bridge! The most important bridge in the Belize District, you oppose the building of that simply because it is this Government that's building that bridge? Well you'll be opposing for a long time because we will continue to build bridges. Thank you, Mr. President.

**SENATOR M. LIZARRAGA:** Mr. President, on a point of order. I need to correct what the gentleman just said. I, at no stage, opposed the building of a bridge and just for your information, Senator I do own a construction management company so I know, I know about the details of construction.

**SENATOR M. PEYREFITTE (Attorney General):** No, no, no. Mr. President, this is not real debate, you know.

**SENATOR M. LIZARRAGA:** It's not a real debate.

**SENATOR M. PEYREFITTE (Attorney General):** Did I say something that was inaccurate?

**SENATOR M. LIZARRAGA:** Yes, you did. You said, I oppose the building of a bridge.

**MR. PRESIDENT:** Senators, excuse me.

**SENATOR M. PEYREFITTE (Attorney General):** You did not correct me. That's not the purpose, you don't get too preach two times; one time you get.

**MR. PRESIDENT:** Please, let us continue. Senator Salazar.

**SENATOR A. SALAZAR:** Thank you, Mr. President. Mr. President, you see when, I can understand why there is some hesitation here, you know. Because, when you belong to a party, when you are a member of a party that took \$20 million of the people's money from Venezuela and put it into private hands, which is supposed to go to the poor people of this country. When you belong to a party which, as we all call it now, Mahogany Heist, where millions and millions and millions of dollars were spent, which has been described as corruption of the most naked and shameless variety. No, that's not by a UDP personality; that is how the Amandala described it: Mahogany Heist, where millions and millions of dollars disappeared. So I could understand why there's trepidation because that's how they operate and it is key what the Attorney General has said. We're not here talking about money that has disappeared, you know, we're not here talking about money that has disappeared. We knew from way back then that we'll required counterpart funding. We knew how much it would cost and we knew that there was going to be additional funding necessary. So it's not that the money has been squandered. The thing is this: we're trying to build a road that is of an international standard in Belize from Belize City to the international airport.

The first part, when the loan motion came in 2014, right after that the Government started to work on that and we've now completed over a period of more than a year. I know because I drive it every day like Senator Courtenay and I can't help but think that Senator Courtenay, privately, is wishing for the bridge to be built because we need it. So right after that we completed the 3.5 miles of road from Haulover to the airport; that was in 2015/2016. Now we're working on the other part south of the bridge and then now we need the bridge; that's not a rush. We've been working on this for three years now. How can that be a rush? We're not rushing. We want to comply with the promises that have been made.

So like I said, we always knew that counterpart funding would have been required for this project. If the Government does not have the funding available but it is trying to comply with the promise it had made. What is so objectionable about getting that funding to finalize the project? I really don't understand what the opposition is. But when you want to criticize, Mr. President, you will find anything to talk about, about the bridge is too narrow to accommodate the lanes that are going to be. What do we have now? The bridge is going to be 20 meters wide. What we have now I don't even know if that is 9

meters. So it's probably less than 9 meters. We are seeking to improve the infrastructure of this country. And then we talk about when are we going to invest in people, Senator Thompson. So who uses the road, who uses the bridge? Isn't it people? Every day there are thousands and thousands of people that commute from Orange Walk and Corozal Districts into Belize City. I am one of them I commute from Ladyville and I can tell you that is an investment in people. Because of one portion of the project that has been completed I no longer have to sit in traffic for half an hour. Thirty minutes of my life has been given back to me because of that infrastructure project and Senator Courtenay can attest to that and that's every morning. So what do you mean that's not an investment in people, man. I don't understand that reasoning. People use the road, there are goods, commodities that are going to be going up the road and, as far as I can see, it's people that's building the road. Every day I pass workmen who are making a living. Those are people. So if it is not an investment in people that we're doing, if it's not a \$100 million investment in people, in the people driving from Orange Walk, from Corozal, from Ladyville, the people going up, the people coming from the airport, our friends from Guyana coming from the airport to Belize City then what is the investment in? So it is a major thoroughfare and I wanted to reiterate that. The money, yes, we need more money but the key is that it has not been squandered. We can show where the money went. The money that was borrowed, we have something to show for it. I ask you to go and look at Mahogany Heist and see what is there to show for those millions and millions and millions of dollars. Absolutely nothing! So like I said, I understand why there is trepidation but this project is really an investment in people and I cannot understand any objection to it. Thank you, Mr. President.

**SENATOR M. COY SR.:** *Buiti binafi*, Mr. President, good morning. Mr. President, please allow me. I cannot come to this Honourable House without I actually salute my brothers and sisters from South. Particularly, that I am from the South, Punta Gorda and the surrounding areas like Dangriga and so but I also want to extend it to all our brothers and sisters in the entire nation. To our Garifuna brothers and sisters, Mr. President, and I want to wish them all the best, especially that we're having this, approaching the month of November, the month that's all full of celebration, energy and all of those. Mr. President, so I want to wish them all the best and I do hope and pray that everything will be fine for us in the South. And I do invite you, Mr. President, to come along and join us *Peini*, Punta Gorda for the 19<sup>th</sup> and as well in Dangriga.

But President, we're living in a real world today and when I mean real world, real. We have some sets of people, a group of people that are against development; that are against accountability; that are against anything else and they will simply find things to complain about even if we are doing all the best that we are doing, Mr. President. And I just want to inform them, in fact, when I listen to the opposition colleagues there, Mr. President, talking about accountability and transparency and all those terms that we use here Mr. President, I want to remind them and I want to inform them or just to briefly inform them of many works that we have been doing in this country. In fact, Mr. President, I have never ever seen when I was a small boy, in fact, I am not from the city nor from the town I am from the village and people will advocate too that Mr. President. But when we use to come out in the town and in the cities when this administration, the PUP administration were in power, Mr. President, compare to how we have it today, man *lawd*, any blind man can see that. I quote, "any fool can see that" right? So, Mr. President, under this OPEC Fund for International Development US\$12,000,000 - Haulover Bridge Replacement Project Motion I'm in support of it; and not only do we are going to build this bridge, we have built bridge across this nation Mr. President. We have built from the North all the way to the South, from the East all the way to the west and I can stand here today, Mr. President, to inform the nation of the many bridges that we have built across this nation. We have repaired the Hawksworth Bridge, for example, Mr. President, the George Price Highway Chetumal Bridge, Mr. President. Allow me, allow me, Mr. President,...

**MR. PRESIDENT:** One second, Senator.

**SENATOR M. COY SR.:** Please allow me.

**SENATOR V. WOODS:** On a point of order.

**SENATOR M. COY SR.:** What's your point of order?

**MR. PRESIDENT:** Senator Coy, have a seat.

**SENATOR V. WOODS:** You're supposed to sit and continue after I am finish.

**MR. PRESIDENT:** Senator Woods, that is my job, I'm telling him to sit.

**SENATOR V. WOODS:** Thank you.

**MR. PRESIDENT:** Yes, What's your point of order?

**SENATOR V. WOODS:** The point of order, Mr. President, is that we're supposed to focus on the Bill that is before us not everything that is all around us or pretend to be around us. Merits, the demerits and the merits of this loan motion, this one.

**MR. PRESIDENT:** Senator Woods, if I would stick to those exact merits for every single motion that comes up we would all be having very, very short debates because we've had people on that side and also this side that does stray a little bit, yes. But if I allow it on one side I must be able to allow it on the next side also. Thank you. Please continue Senator Coy.

**SENATOR M. COY SR.:** Records speaks for itself, Mr. President. You see they'll jump up right away when I start to speak...

**MR. PRESIDENT:** Senator Coy, please stick to your speech, okay, your presentation.

**SENATOR M. COY SR.:** But, Mr. President, that is exactly what I am doing.

**MR. PRESIDENT:** Thank you.

**SENATOR M. COY SR.:** I asked you earlier that if I can just briefly look at the many bridges that we have built across this nation under this United Democratic Party Government. Bridge, thank you Senator, thank you, it's all about bridge today, right? Good, let's talk about the bridge then, right. We have built Mullins River Bridge and replace it after it washed from 2008 but they failed to do it. They never look at it. They fail to recognize that people live in Mullins River areas, the Middlesex Bridge, the Havana Bridge in Dangriga that we had replaced Mr. President. The six narrow wooden bridge on the Hummingbird Highway on the Stann Creek Valley Road. They travel those roads as well but they didn't worry about fixing those bridge. We in the south know what's the importance of these bridge. The Hopkins access road paved and built with bridges, come along, Mr. President. The Jalacte Road build with bridges. I can go on and on and on and on but I don't want to be long here, Mr. President, because I know they might jump again.

The Maypen Bridge that we have built in the Belize Rural North. The Mexico Bridge that we have built under this Government. The Haulover Bridge, what's the urgency? What's the need of it? Man, we travel that road. I don't travel like how you guys travel up that side but I know the importance of it. Why is it important? It's not only important to us, it's important to the Belizean people. The Belizean people deserve it, Mr. President. Another new bridge to be built at the airport link off. The bridge on San Antonio/Santa Rey Road that was built. The new bridge to be replaced by the Baking Pot Ferry. The new bridge to be built at Flowers Bank, Mr. President. The new bridge at

Bomba Village, the old Northern Highway. Mr. President I could move on and on and on and on and I could stand up here for the entire day, just to inform them and let them know the importance of what we have been doing across the nation.

But yes, there is another one that they talk about. Seriously, you talk about the spending of billions of dollars. Really, Mr. Opposition, Senator? What then have you guys did when you were in terms of Government? You had all failed us. You had all failed the entire nation and I would want to remind you of the three failed related projects guaranteed by the Government of Belize under *unu* watch that were called "...put option agreements between the Government and the Providence Bank of the Trust of Belize Limited." The first one was spending of US\$3.7 million - finance of a 30 thousand square foot casino Gallery Maya in the Northern Belize, ground was broken but it never happen, where the money gone? And you talking about accountability? The second, was over US\$1.8 million to bill a four lane, five miles, a long access to the casino by Northern Highway Property Management. Never materialized, where it got to? Seriously! And we will come in the Honourable House and jump and want talk about accountability, talk about this first. The third, was the US\$6.5 million to establish a fiber optics wire near it, never materialized none at all. Mr. President, see, we're easy and we are quick to jump on things just, not for our sake, you know. This Government is not working only for themselves, you know? They're working for the people of this country. We're working for them and because they have seen development right across this nation that they will oppose we today. *We nuh wah come come satisfy one man, or we nuh wah come come satisfy ourselves* in the Honourable House. Mr. President, we come to satisfy the people of this nation that are working so hard out there that deserve these bridge or deserve these development to be expand; and this is all what we're doing under this United Democratic Party Government. Thank you, Mr. President.

**MR. PRESIDENT:** Thank you for that very passionate speech, Senator Coy, very passionate. Senator Salas, please.

**SENATOR O. SALAS:** Yes, Mr. President, thank you. A hearty welcome to our friends from Guyana. I'm sure they'll find this very enjoyable.

I had no intentions and I have no pretensions, Mr. President, I had no intention to speak on this Bill. I, like everybody else here, I can't wait to drive across a modern Haulover Bridge. It's long overdue. We all can't wait for that to happen. But I have questions now with the revelations that we have heard, with the 2014 CDB Loan Motion that spoke to the very same thing. I have heard what our colleagues on the Government side has said and I am still concerned, I am still alarmed.

We have heard, we have heard that we can use the Freedom of Information Act to access information that we need. We can call any Government Office to get information that we need. But we have to be real as well, Mr. President. It's not an equal situation here; and look, I have the luxury to speak from a nonpartisan lens and I hope you see it as that with comments that I make. I have tried and I will continue trying to get information that I need to prepare for the debates. And I do access information sometimes and the technical term there is, sometimes, not as quickly as I would want. But look, I have no pretensions that we can stop this either; this will go through. We have heard that nothing will stop the current administration from governing. That's not, look, when we meet here at the upper Chambers it's to debate, it's to question. There's nothing wrong with questioning and debating. This is the opportunity for the Belizean nation to hear and receive, get more information to a great extent and I'm sure I will be challenged by my colleagues on the Government side. We have to go with what we were presented. We have to go with what is here. So look, we have all the right to ask, where is the money? And if money is left over, what are the plans for that? With all due respect to my colleagues on government side, the explanation is not sufficient, to me. When I said, I had no pretensions, we voted on what constituted a money Bill recently and three days later, it

was made law. So, that's unfortunate in a way, even though the House of Representatives had the opportunity to slow it down for more debate but that did not happen.

So I do have to ask as well, what is the rush when we have questions. Since, from what I read, we are still being asked to approve a motion that is seeking to do the very same thing. I have heard that with the first loan, is just to approve a loan not necessarily expenditure. I mean, I'm sorry but I don't quite get that. I don't understand that. And we approve a loan and now we approve another loan, three years later that is supposed to be doing the very same thing. So, we have to go with what we are presented. Yeah, so, I remain concern, I remain alarmed and we need the transparency. We need to know more. We need to be provided with information. It cannot be assumed that we on the non-government side will have all the information that our colleagues on the government side will have. That's all, Mr. President, thank you.

**MR. PRESIDENT:** Yes, Senator Elena, please continue.

**SENATOR E. SMITH:** Thank you, Mr. President. Just a few things, I am not going to be wasting anybody's time going back and forth with what PUP did and what UDP did but I've heard some information here Mr. President that really has me concerned. Excuse me. Again, I will say that every time that we come to our Senate meetings we make the request that information must be provided to us and we have been asking for that over and over and that these things be given to us in a timely fashion. When you get these things over the weekend who can you call to get information? And we have to understand that that we have other jobs to do too.

Now, I understand that my colleague is saying, oh we don't want information. There's nobody in here who has sense, who would refuse information and we should not be begging for information Senators. It should be provided to us so that when we make these decisions they are based on knowledge. Because whenever we stand and we ask questions, oh you're grandstanding. So asking questions now, means grandstanding. We have to be very careful, Mr. President.

We heard, we are living in a real world. Yes, we are. And so in the real world when you expect me to approve something, it means that you must provide me with all the necessary information that I can make a proper decision on what you have put before me. And so as we've heard, as my Senator over the other side reminded us, we were told that any fool could understand this. Yes, any fool can understand what is here but you know what? That was not finished because what is here is not all that we need to make a decision. And so I will complete that statement by saying that any fool might be able to digest this but *dah fool the talk but dah nuh fool the listen*. So provide us with information that we can make informed decisions. Don't come here and scold us because, oh we don't want it. Provide it and then we won't have to be asking for it. Thank you, Mr. President.

**MR. PRESIDENT:** Senator Rocke.

**SENATOR REV. A. ROCKE:** Mr. President, I take the time, as well, to greet our Guyanese friends, it's good to have you here and trust that we won't cause you to throw-up but that when you leave, you would have seen and understand what we do here.

I rise, Mr. President, in relation to supporting of the Bill, the motion, sorry, and I do that of my own personal experience. I had a chance to ride under the bridge in one of my friend's boat one time and I tell you what if you go under that bridge you would want that bridge to be moved, right now. I think people are scared when they ride over that bridge but they don't say it. But that's a dangerous bridge and I would hate that one day when we're having Senate Meeting that our Dear Senator is coming to the meeting and cannot reach here because the bridge fall in. I wouldn't want that to happen so we need to change the bridge. Another thing, I believe that when we look at what we're doing, in terms of the road, we've designed a beautiful road from the bridge to the airport and then

we're designing another beautiful road to the Belize City area. It would be remiss of us if we did not change the bridge that is there as well. I think, one of the question of timing is something that might need to be taken into consideration but I have known that I have seen times in our history when we were promised things and it never came to fruition. I think, we're happy now that we're seeing things happen that is making the Belizean people satisfied that the administration is working for us.

Another thing that I think, I take comfort in, Mr. President, is the whole CDB, OPEC Funding thing. I believe that in relation to any funding agency, if you go to them with any half bake or half cook kind of request, I believe these funding agencies today are very key at you presenting to them a good story and if you don't present a good story, well you could go about your business. But, I think, because they have been satisfied that here in Belize we have done a good job in using the money that we get to do what are supposed to do. I think, they are happy to lend us money at concessionary rate like we're getting. So I take this time, Mr. President, to say that we support the motion.

**SENATOR V. WOODS:** Mr. President, I rise to clarify a couple things regarding this motion. It is disingenuous, in my view, that we hear the statements or the suggestions that Senators who are questioning are opposing the need to replace the Haulover Bridge because that's a lie. No Senator is opposing the need to replace the Haulover Bridge. It's disingenuous in front of our young guests from Guyana that this is a display of what should be a mature debate that they are witnessing. Because it's really not a debate, Mr. President, nothing here ever really is, if we're going to be serious and honest. But on this Bill, how can we debate it properly, Mr. President, when we do not have all the information nor the justification, not to build a bridge, you know because we did that in 2014. So what is the justification for why this Senate and the country of Belize is being asked for a loan funds after they already approved \$60 million to do exactly what this did or what this is saying it will do.

I will get to your comments Senator Barnett because you are very clear in schooling us that there are two different actions. We're not approving the expenditure, we're approving the loan for the expenditure but that's what was done in 2014. And in 2014, on May 29<sup>th</sup> to be precise, the CEO Errol Gentle said, "...in reference to the \$60 million loan motion from CDB that it will include the new bridge to replace the Haulover Bridge and that it will be a two lane bridge but in the interim," he said, "it will be rehabilitated before we commence the works of the new bridge so that they can have passage while that new bridge was bring done". That was in 2014 with the loan motion approved for \$60 million. So when Senators are asking, well what happened to that? They have a right to ask because it's a lot of money that was approved then to do what this is saying.

Now, if you are suggesting and want us to believe and buy that this is for co-financing and that as, I noted earlier, that happens, nobody is questioning that. Government from time to time must acquire co-financing or counterpart funding but it doesn't say that in this motion. Hence why, we're asking.

Then we had to hear that funds were originally discussed, debated, what have you, or agreed on with the CDB but at that time, it did not include the design. Mr. President, whatever I say and whatever any of us on this side say, will be dubbed as grand standing, will be dubbed as just negating to negate sake and that's most unfortunate.

It's unfortunate, Mr. President because try as we want, the Opposition views will never be considered, in any measure of objectivity because the easiest thing in this style of Government we have, with this type of Senate that we have, is to go back to the wrongs of an Opposition which has placed them in Opposition and I have said this before in the Senate. But what I don't understand with this Bill is, that serious questions are being asked not just by the Opposition. They're being asked from representatives for the business sector, they're being asked by representatives for the NGO's network, they're

being asked by representatives of the Trade Unions of this country. Interestingly, not being asked by the Church although the churches in Belize were with all of the others demanding for Belize to sign on to UNCAC, which I place in context when we look at this loan motion. No, we cannot stop it. We know our colleague, the Attorney General, will say, have your say but you know how this thing work, Government will have its way. You've said that before.

**MR. PRESIDENT:** I am sorry Senator, I think that it was Senator Lizarraga said that.

**SENATOR V. WOODS:** No, not in this one, not in this session. Well, I believe Attorney General you went further saying, if you want have it your way, you need to put yourself on a ballot and get involved. I think, you remember that. But, Mr. President, it would be remised of any of us, who genuinely wanted to make a change from 2008 to stamp out corruption and increase transparency and accountability if we did not do the proper debate on loans like this. And why this one in particular jumps out, Mr. President, because we've been here before and the basic standards of ethical practice, whether in government or private section demands that you ask before you give yet another tranche of monies. Can you account for the first tranche of monies? That's standard. It doesn't need for a UNDP UNCAC project to be completed to get there. That's standard, Mr. President. So it is disappointing that we will always have those on the government side that will support anything that comes in front. Those on the government side viewing the Opposition always negating although they are clear examples where there has been bipartisan support and those on the non-government and non-opposition side being ridicule every time they raise questions.

You know for any objective Belizean out there, Belizean young or old, listening to us, we give them no hope, we give them no encouragement that we're serious about changing the way we do business. This key UDP thing is real. It's real every time you watch it in this Senate how we debate because we don't really debate what's in front of us. The Government side gets up and goes back to whenever and whoever, and *when you mi do this, how come when unu do this*, although it still doesn't justify why we're still doing it. And then on this side of the House, having learnt really tough lessons, because this is what we want: transparency, accountability, good governance. When we know we have a loan motion which should be looked at seriously because it's not a million dollars. When you add up 2014 and now we're well pass where we need to be and, as my colleague said, no less than the Prime Minister said on Independence Day, in his Independence Day speech, it's a \$107million for this particular project. He said it.

So it's disheartening because it will pass although we cannot account, we cannot reconcile not only the words of the Ministers of Government and those in this Senate who were present in 2014 who supported that loan motion then. We cannot account and reconcile the lack of works that have been done in the very area of construction that this loan motion says and for the very things that this loan motion says it will do again. No adult thinking person who is serious about integrity in Government, who is serious about transparency, accountability and who is serious not letting this be business as usual. No adult thinking person, no religious person, no business person, no trade person, no political person can tell me that they...

**MR. PRESIDENT:** One second, Senator Woods. Your point of order, Senator Roche?

**SENATOR REV. A. ROCKE:** Mr. President, I am tired of every time I come here and I listen to the Senator it's as she has to lecture us as though we are children. We are adults and I believe you should talk to us as adults as well.

**SENATOR V. WOODS:** What's the point of order?

**SENATOR REV. A. ROCKE:** That's my point of order. I feel that the way you are behaving, the way you are talking to us...

**MR. PRESIDENT:** Wait, wait, one second please.

**SENATOR E. COURTENAY:** Can the Senator direct you to the Standing Order he is relying on?

**MR. PRESIDENT:** One second. What's your point of order Senator; just deal with the Point of Order, please.

**SENATOR REV. A. ROCKE:** Well I make the Point of order, Mr. President, that I don't appreciate being talked to like a child.

**MR. PRESIDENT:** Thank you. Senator Woods, please continue.

**SENATOR V. WOODS:** I can't help insecurities and I don't appreciate when we try to do the right thing for the people by providing information, asking questions, we get ridicule on this side and on that side. Mr. President, the road was rehabilitated to fix some urgent concerns as was stated by no less than the Ministry of Works in that same September year, that month of 2014. The date to be precise was September 11, a press release was issued out. Now the loan motion was approved on May 29<sup>th</sup> of 2014. Ministry of Works on September 11, 2014 issued the press release that stated 'Urgent Rehabilitation Works will be done', and that was fine because it's in keeping with what was discussed and approved earlier in the year. So it begs the question that this motion could have waited until all the details involving the first tranche of \$60 million and now this tranche is provided so that we can fully digest. And in that sense, I do agree, it would have taken much more than five minutes had we been given all that we ought to have been given if we were to do right by the people of Belize in debating and ensuring that we're being transparent and we're being accountable.

Mr. President, this is not a loan motion. What it really is, is a supplementary loan to cover costs. Because until you can find, and I mean cost overruns, because it's until you can provide the details of what happened with the first and what this will intend to cover, if it is as Senator Barnett said, listen sometimes we do these things and you do have, and her words were, "sometimes you go over". Okay! But that's not in the motion and that's all we're saying, Mr. President. We know it will pass, we know it cannot be stopped but this is not being fair, it's not being transparent, quite frankly it's not being open, it's not practicing any of the principles of UNCAC. It's not practicing any, it's not demonstrating any standards of good governance when we cannot come to this Senate and be up, be forthright, be open and be truthful about where the monies went, what it was used for and why we now need to come back for yet another BZ\$35 million. Thank you.

**MR. PRESIDENT:** Senator Duncan.

**SENATOR S. DUNCAN:** Thank you, Mr. President. The motion before us is for a loan to construct the Haulover Bridge that, I gather from the conversation so far, everyone agrees is very much needed. I understand from the discussion so far that certain information is missing and I recognize that Senator Barnett and others have attempted to fill the gaps. It seems or it would sound as if though that information is not being accepted because we continue to see them as gaps. Senator Barnett being in CDB at the time the original loan was being discussed and now being a part of Cabinet, I think, is very much equipped to assist us with this information. But if we choose to not accept her information and to hold to our individual dogma and our individual positions then, of course we will never have a debate.

From what I can see and digest, Mr. President, the original motion back in 2014 had a very keyword in there that we seem to gloss over. A word: '**assist**'. That loan

motion did not say that, at that time, the funds were going to complete the construction of the road and the bridge but it was to assist. This motion, Mr. President, has two key aspects. In the third clause, it talks about sum of US\$12 million for partial financing of the project and that is partial, in terms of the bridge because this is specific to the bridge. The previous motion was for, had the bridge as a component rather than the totality.

The second aspect of this motion in the fourth paragraph, it says, “**AND WHEREAS**, the OFID has approved an offer of a Loan of US\$12 million to the Government of Belize to finance 68% of the total costs...” It is very clear that this is not intended to be the whole. It is very clear that the previous loan, which was to assist with this and put this along with that will give you the whole. I fail to see where the lack of transparency is. I, for my part, Mr. President, the government and I am sure the people of Belize has recognize that the government has been doing a fabulous job of infrastructural works. The good Senator has already provided us with several bridges that the government has built and we are now, at this juncture, when government wants to complete what it is doing and we’re getting as they said, ‘opposition’. I was hoping it was simply debate and that people, from the information coming out in the debate, would be able to find it within themselves to not try to stop the good work that is being done. But the US\$12 million, which is BZ\$24 million, I hear \$35, which is BZ\$24 million is, in fact, representing 68% of the total cost and clearly the balance from the previous loan is going to complete the work, which is what we want.

Everybody who does road construction, home construction or any type of construction will recognize that things change. Now, 2014, three years ago, a loan was approved to facilitate the work. The lender at that time recognize that it was not going to do the total project but that’s from two perspectives: (1) over the three year period inflation, costs, things change but also because the lenders generally, and I know that’s how CDB operates, they will not lend you 100% and you do need to find a portion of it. So from that perspective I fail to see, Mr. President, where the government is being disingenuous. And my concern is that we are trying to link limited information of lack of information with untruth and think that’s a stretch. That is a stretch. It seems to me that the Government is clearly saying that they know this is not the totality and they’ve put it before us to facilitate the continuation of the work which I think is totally proper; and they are coming before they do it. In fact, we all heard the news that the Prime Minister went to the States to discuss and finalize this transaction and now within days of the return of the Prime Minister it is in the House. Talk about transparency. Within days he has brought it to the House. It boggles the mind but you know everybody can structure things to soothe themselves.

I feel, Mr. President, that like everybody else, this work is totally needed and very necessary. And I can only hope that we don’t allow it to become bogged down and mired in bureaucracy because I also believe that it is, indeed, very urgent and on that basis I support this loan motion.

**MR. PRESIDENT:** Senator Hulse.

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, in accordance with Standing Order 10 (8), I move that the proceedings on the Order Paper be entered upon and proceeded with at the sitting at any hour though opposed.

**MR. PRESIDENT:** Honourable Members, the question is that the proceedings on the Order Paper may be entered upon and proceeded with at this day’s Sitting at any hour though opposed.

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

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, just a few words in wrapping up this motion. First of all, I welcome our young colleagues from the University of Guyana. I don't think, of course, it is any shock or surprise to them to participate in this debate because by far, I'm sure, they would recognize that this is one of the most calm and decent and gentle debates of Parliament, given Guyana's situation and the United States and the United Kingdom and France and South Korea and Taiwan; and all the developed countries in the world. This is really gentle.

I too lament, together with my Senate colleague Senator Woods, the composition of this Senate and its powers etcetera. But I leave it to her, in her young age, to continue to champion and challenge the reform procedure. I have passed that stage. Senator Courtenay and I spent an inordinate amount of time in the political reform commission trying to do this. But we have a Westminster System and the Westminster system dictates. When was it? In 1909 and then again in 1949 that the elected people who stump i.e. the Commons, the House of Representatives are the ones who have jurisdiction over money. We can't fight that but we, in the Finance and Audit Act, in which Senator Barnett participated by self, the esteem husband of the Senator was Chair at the time and all of us to try to improve on it a little bit so that we'd have this kind of debate and discourse. So, I think we have made some progress. But I just want to focus in on this particular motion and some few things.

I don't think that I heard wrong when I heard Senator Courtenay said there was \$29.6 spent from the airport down to the bridge, some such figure, I think he said. It's a nice piece of highway. I hardly go there but I know he lives there and when I saw it, I said, what, property values have enhanced with such a nice piece of road. Beautiful, especially the retainer walls almost in front of where he lives. I'm happy to see that. I understand that it's another \$20.9 for the piece from the roundabout to the bridge. That would make almost \$50 million out of a \$60 million loan, which the loan included the bridge. However, the bridge and there was various things with the bridge; you have to acquire land and you have to do design and all sorts of things. Let me deviate a little bit and say, I am happy to see we have reached a stage in this country where local engineers can do this kind of work; the work that Cisco has done and other construction companies should be commended, including the company from our Senate colleague. They do good work, they do good work. Formerly, we had crown agents and other people, we had Care and we had Asphaltic and those companies. So, that is good to know, good bridges are being built now.

But I want to focus in on the bridge itself because it troubled me a little bit when Senator Courtenay said that the project design people were talking about three lanes, etcetera, etcetera. Australia has these three lane roads and three lane bridges, which is kind of little frightening. So be assured Senator that I will check into that posthaste because I am not a fan of three lane anything, especially with people having to switch and change. But then again, the design said 20 meters which is 66 feet and 66 feet with the standard lane of 11 feet, give me 44 feet for the bridge and 22 feet left for the walkways on both sides. So it would suggest to me it is a four lane. I am just saying that and I'm not hanging my hat on it. This is my little piece of engineering. And it is also going to be 490 feet long. In addition to that, I want to make the point that Senator Rocke made that if you go under that existing bridge, you'd be frightened to cross it, indeed. The pylons have long deteriorated and in fact, I remember when I was part of the Super Bond renegotiations efforts I said to all the representatives of the various financing groups there, including people from Germany, China and everybody; I said, 'you could say what you want you know and while we intend to pay our loans because we're an honourable government, we are not going to disenfranchise or we're not going to punish the people of Belize because we need to fix that bridge'. That was one of my things. I said, 'and so we

will find money to do it because when you are going back to the airport, you'd be frightened if you stop and look about that thing'. That was about two or three years ago.

The truth of the matter is, I don't think we're quarrelling with the bridge. I don't think we're quarrelling with any of that but from the \$60 million which has been the subject of the debate, it seems to me there is \$10 million left for the bridge, which, if you do the math, \$24 million now and \$10 round it off to \$35, 68%, call it 2/3; the math kind of makeup. Two thirds now, we had a third before. So it's not a conflict. It was \$60 million for the bridge, it was \$60 million for the project from the airport to Belize City, including the bridge. I don't think Senator Courtenay is arguing with the bridge at all. So I'll give him all the credit because he lives there and I know he said, we want a very good bridge over that Haulover so I'll have no problem with that.

I do have to make a little quick comment though with Senator Thompson because for the first time he spoke very short. And I don't know if I misunderstood when he said, government should spent like a \$100 million on housing and do things for people. Immediately all my antennas with up. Housing, 100 million, I do remember Mahogany Heights and I remember Las Lagos and I remember Fresh Pond and all of them, *soh we nuh really want goh down deh*. We have spent on infrastructure and infrastructure that looks good.

Last but not least, I want to veer in a little bit on details because sometimes I'm not sure what these details are. I don't think that the Senate and Senators would want to be given or to be forced to digest the kind of details that will justify how we arrive at \$20 or \$30 million. The kind of thing that Engineer Moody did in a press conference where he spent almost two hours talking about box culverts and rendering and the fact that it was half inch steel, 8 inches apart. The fact that the main highway was 3/8 steel, 18 inches apart, the concrete was 6 inches thick and he will cut it every 10 meters so that he will force the crox and the canal will be trapezoid which will have a base. I don't know if that is the kind of data we want. I use to be an engineer, right now I'm a Senator. I *nuh* sure that I would want that kind of detail because that's why you have the Project Execution Unit and the design guys, etc. So I am comfortable in their expertise to say to me, this is the design, this is going to be good, this the insurance people are handling it, the consultants say it's okay, the contractors will do it. And I was very happy to hear when that good young engineer, who is a chartered engineer said, 'we will monitor'. In other words, we got to make sure that the cement has the correct slump test that the steel is correct and it is Belgium Blue Steel and not some standard steel. I was glad to hear all of that detail that will be monitored as it is being built because we know we will get some value for money. Then there are accountants and finance people who can add it all up.

For my good friends from Guyana, the whole principle of how we are govern and the principle of our electoral system is not to create experts out of the politicians. Politician in the history is the guy, who talks the loudest on a soap box and say, *I wah build wah bridge* and if you elect me I will build a bridge. And then he has the wherewithal to pass the motions, etcetera but then it's the engineers who design, the contractors who build, the accounts who totes up the figures, the legal people who do the legal work and make money and all of that. And all he does is the day when the bridge is opening somebody write a speech for him and he stands up there and maybe somebody even straighten his tie and he gives a little speech and he cuts the ribbon and he says, 'I've delivered on my promise'. That's how we govern, right Senator? We *nuh* sit here to be the engineers, and the accounts, and the lawyers, and the finance people; that's why we have all the people in those professions. And yes, in our own right we have attorneys. I am happy to see in this Parliament, we have three well qualified attorneys. Let me look round to make sure; three qualified attorneys, who add to the mix. We have business people, we have finance people, we have bankers, we have school teachers, we have environmentalist, we have business people who are well, we have a preacher; this is a great Senate and I, as I said, use to be an engineer and we have business people.

So, Senators, the issue here is the government comes back to say OPEC has now agree to fund the other 68% of civil works, civil works. I will, however, make sure Senator Courtenay that the project execution unit and those people don't have no confusion with this bridge because the last thing we want is confusion. And it will not be politically dictated because it's not politicians that decide bridge, it's engineers and thing.

On that note, I ask for all of your support. Thank you, Mr. President.

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

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

## II BILLS FOR SECOND READING

**MR. PRESIDENT:** Honourable Members, the question is that we debate: Land Utilization (Amendment) Bill, 2017; Registered Land (Amendment) (No.2) Bill, 2017; and Land Tax (Amendment) (No.2) Bill, 2017; together as one bill.

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

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Thank you Mr. President. In the spirit of good cooperation, colleague says we will have one debate with the three Bills:

### 1. Land Utilization (Amendment) Bill, 2017.

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

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

Mr. President, I also rise to move the second reading of a Bill for an Act to amend the Registered Land Act, Chapter 194 of the Substantive Laws of Belize, Revised Edition 2011, to establish the Land Registry as a Department of Government in the interest of administrative and operational efficiency; and to provide for matters connected therewith or incidental thereto;

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

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

**SENATOR V. WOODS:** Mr. President, in reading the Bills, I guess it's more questions than anything else and perhaps Senator Barnett will be able to shed some clarity. On the, since we're debating them as one, it doesn't matter in which order, I assume, right? Okay. So on the Land Tax (Amendment), basically we're saying that the roles and the responsibility that once was under the Commissioner of Lands and Surveys will now be transferred over to the position of a Commissioner of Land Tax. The question that I have on this one is, does this mean that valuation role that was under the Lands and Survey and under the Commissioner of Lands and Survey, does that move and come under the Commissioner of Land Tax? And does the whole, does that also mean that valuation remains within the purview of, what I assume now will be, the Department of Natural Resources? Like I said, Mr. President, because we're doing it as one and not necessarily going in any one specific order. That's some of the areas I was not clear on. And then on Land Utilization, sorry, under valuation as well, again, my reading of the existing legislation, we have the Land Tax and we have stamp duties. The Commissioner of Land Tax will be a person just for the land tax aspect of it, valuing and so forth? And then there is an office of, although I could not find this necessarily, this terminology 'Office of the Commissioner of Stamp Duties'. My understanding is that, that is what we have in practice. I believe its Ms. Noreen Fairweather, if I'm wrong on that do correct me, that takes on that role and is it that that position is within what would not be the Department of Natural Resources or is that position now assigned under the Ministry of Finance? And I ask because when you go, but before I get to that let me finish with the others.

Then we move on to the Land Utilization (Amendment) Bill; here basically, as I understand it again, is that the Chairperson of the Land Utilization Authority will no longer be the Commissioner of Lands and Surveys but now it will be the Director of Natural Resources. I could not find where the Director of Natural Resources is. Is that a Department and this person is now the Head of that Department? I am assuming it's that based on the Prime Minister's reference in the House that these are all Heads of Department and so, we're not necessarily going to hire from without, safe and except for possibly the Commissioner of Land Tax. But then if these are Heads of Department, I'm a little bit also not clear, if then those, should those not be, for the lack of a better term, Mr. President, enacted, created by some other legislation that outlines the department and what these departments are? Why do I say that? Because when I look at, as an example, when I look at the Fisheries Act or the Environmental Protection Act it would read such as the following: 'For the administration and regulations of this Act, there shall be established under the Ministry for the time being responsible for' in this case I looked up the one for environment. So, 'for the Environment a department known as The Department of the Environment'. So I raised that only because I saw reference to Director of Natural Resources and I'm not seeing how they'll reconcile where that position is.

Now if these are administrative or structural adjustments, it still, when I go on the website of the Ministry of Natural Resources to try and understand what it is and when I checked in with those at the Ministry to help me understand, am I looking at administrative or structural realignments and how will the structure change? The response I got was that this is in essence, we're going from the Ministry of Natural Resources having the Lands and Survey Department along with Hydrology, Mining, I believe there was also on there Solid Waste. It really is restructuring and we now have five departments. Again, correct me if I misinterpreted that or if I understood that wrongly.

Those five departments were or will be or are because I got also information as if some of this is already someone in practice or we're testing, something to that effect.

So there is the Department of Lands and Surveys that will retain your, the duties of the Commissioner of Lands and Surveys as it pertains to the surveying, mapping and so forth. Then there is the Lands, now will be the Registry Department, which will be a government department and that is what the Registered Land (Amendment) Act does. And the head of that department will now be the Registrar of Lands who is already in place, there is a current Registrar of Lands but that will be moved up to Heads of Department. Then you will have a Natural Resources Department and that will consider your mining, your hydrology and, for the lack of better term, any of the other things that were taken out, if you will, of lands and survey. But there will also be a Department of Spatial Data and that will include those things like what the Land Information Center was doing and my understanding is, that too will have a Head of Department, who is more than likely from the position that already exist as a Deputy Commissioner of Lands. And then there will be the Revenue Department or Department of Revenue and the head of that department will be Commissioner of Land Tax. So in effect there will be five Department of Government.

So the clarity I seek is, should there be some legislation that establishes those departments of government for the ministry responsible for Ministry of Natural Resources as it has been done with the, as I cited earlier example, Environment and as well as Fisheries and there are many others. And in fact, when you look at the composition of the Land Utilization Authority and the representatives listed there, you can for the most part, you can point to a legislation that refers to those positions. I could not do that for that of Director of Natural Resources, hence the question was raised. But having said that, Mr. President, and looking at it in its totality, let me first say that and declare, obviously working in private sector and having had just a brief stint in public sector, I do appreciate separation of duties. I appreciate it even more from the private sector experience I have had because it is that thing, if you will, that aids or helps to prevent fraud, theft, collusion and it does help to catch errors. It does provide oversight. So separation of duties, the critical aspect of it and the need for that, I think anyone in private sector can appreciate that. It is intended to be an internal control mechanism.

I ask about the valuation because one can say, and I don't know the thinking, which is why I'm asking that perhaps this is where we'll get to. Is it that, eventually valuation will be taken out of Ministry of Natural Resources and placed under the portfolio of Ministry of Finance because that will definitely be a separation of duty that would be most welcome.

And, Mr. President, one cannot look at these Bills and not view it in context of the scandals that have brought the country to even revisit any or all of this that occurred in Lands under the, one of the former Minister of Natural Resources and former Deputy PM So this should be welcomed. This really is an attempt to try and not let us get there again so it should be welcomed. I have questions regarding process, in terms of establishing government departments and should there be a legislation prior that enacts, if you will, for the lack of better term, those departments? What the roles and responsibilities of these new heads and I say new not necessarily in personality but in position, what the roles and responsibilities of these persons will be, these positions will be? It suggests that this will be upgrades in terms of reference so these would be moving up, if you will, to heads of department and those do have regulations. I'm sure our Senator from the National Trade Union probably have more experience with that, obviously than I do. And then obviously the ultimate test, how does all of this ensure, not ensure because we do live in a real world as Senator Coy mentioned earlier today but certainly minimize or attempts to prevent the likelihood of collusion; and the likeliness, if you will, of persons abusing the system, either by undervaluing, overvalue whatever the case may be, which is why I asked about is the intent to the separation intended to go further and at what point to bring valuation

which really leads to a financial revenue issue under the Ministry of Finance? So those were my questions.

**SENATOR O. SALAS:** Yes, Mr. President, thank you very much and I am glad I can speak before my colleague because I do have a couple questions. I do want to point out that I support the three amendment bills, as they say, in the interest of improving administrative and operational efficiency. I do have a couple questions though and I notice that when we take the three amendments together, we're removing several, what would previously key functions of the Commissioner of Lands and Surveys. So it begs the question and I look forward to the clarity, what does that say about the hierarchy within the ministry, the hierarchy within the Department of Lands and Surveys which previously had or up to now really has Land Registry, National Estate, Surveys and Mapping, Physical Planning, LIC and Valuation? You know, taken together, I think, what will remain under the Commissioner of Lands of Surveys will be National Estate and Surveys and Mapping if I am understanding this correctly. I want to know also if this isn't an effort to eventually make the position of Commissioner of Lands and Surveys obsolete or not necessary. And I hope to get some clarity on that and some clarity on what this means, as I said, on the overall hierarchy and institutional structure of the Ministry.

A comment on the Land Tax Act and I want to refer us to, if I may refer to my notes President, on section 3 of the Substantive Land Tax Act, that speaks to the appointment of the Chief Valuer, 'The Chief Valuer shall be for the purpose of the Act as appointed by the Public Services Commission....,' and there are other sections that speaks to the roles and functions of the Chief Valuer. My understanding is that if we are changing some of the roles and functions of the Commissioner of Lands and Surveys, the post of Chief Valuer may now be redundant and even though that post may be vacant, now, the fact is that it remains in our law books and since that won't be needed anymore, those functions should now come under the Commissioner of Land Tax; my understanding. Then I would recommend that we look at if that, indeed, is redundant and if so the necessary amendments made to the Land Tax Act.

And finally, a broad question in relation to tax collection and under whose responsibility should tax collection related to land matters go? And I'm wondering, I'm asking, I actually suggest that tax collection should be the responsibility of the Ministry of Finance and in relation to land matters not of a government department or of the revenue section within the finance section of the central administrative or administration section of the Ministry of Natural Resources. In other countries such as our sister Caribbean country Jamaica, my understanding is that valuation and registry land tax, all of these revenue related units come under the Ministry of Finance and I believe that this should also be the case in Belize. So in Jamaica for instance, applications are submitted to the valuation section for assessment. The applicant then pays stamp duty to the Ministry of Finance, then goes to Land Registry to register the transfer. So I would suggest that we also look at that in the spirit of improving administrative and operational efficiency. Thank you.

**SENATOR E. SMITH:** Mr. President, just a few observations. I note that we have removed the Assistant Secretary of the Ministry under the Land Utilization. If we go to the old one where we have the list, the composition. In the old one it has there the Assistant Secretary of the Ministry, sorry, the Secretary of the Ministry responsible for lands who shall be the Secretary. I was just wondering if the role of this person will be playing, the planner, would it be a little bit too much for this person to also be taking notes as well, taken minutes as well. I'm just asking because I'm not sure what would be the role of that person on this authority.

Also on section 2 where it speaks of quorum, I note that it says four of the eight members; there are eight members listed and quorum is four. Normally quorum is 50% plus one. So then it would be then five persons who would make up quorum. So I would ask if the Senator could just answer those observations. Thank you Mr. President.

**SENATOR DR. C. BARNETT (Vice-President and Minister of State in the Ministry of Finance and Ministry of Natural Resources):** Thank you very much, Mr. President and thanks very much for all of the questions because they are important and they reflect a lot of the discussions that were had internally as we sought to figure out how we can improve the functioning of the Ministry of Natural Resources. That Ministry has Lands and Surveys, Minerals, Mining, Water, Physical Planning, Land Tax, all of the Information Systems. It's a wide cross-section, yes, the Land Registry, which is a part of the Lands Department and over the years we have seen a lot of backlog in the work of the Ministry. I know that what has come into the public domain is what we term scandals but for me, the bigger problem is the efficiency or lack thereof and the lack of effectiveness in concluding everyday transactions. Thousands of transactions in queue, people cannot get their registrations done, cannot get their purchase prices approved, cannot get and it's simply put, a function of the way the Ministry was organized or is presently organized. Right now, what we have effectively is two sections, just two sections: the Lands and Survey Department and what we call Central Administration.

And Lands and Surveys Department includes: National Estate, Surveys, Mapping, Inspection, Physical Planning, the Land Information Center, the Spatial Data Systems, Land Registry, and Valuation. All of those things are currently under the Lands and Surveys Department and it's something that's happened over time. As new things began to happen, more and more work was added to the Lands and Surveys Department and the Surveys Department really only has one person in charge, that's the Commissioner of Lands. And it's become really very difficult for everything that happens to be funneled through one office; it's just physically impossible for that too result in a situation where everything gets done in time.

The central administration of the Ministry includes: Customer Service or Policy Unit or IT Section and it also has technical units being the Hydrology and the Mining Unit. So what we're seeking to do in making the changes that we're doing, is to flatten the organization and to define bodies of work that are doable in an efficient and effective way given the resources that we have.

So the first things we're doing, we're establishing the Land Registry as its own Department. Now the Land Registry currently exists. It is a Unit within the Lands and Survey Department and it was set up at a time when the work of that unit was relatively simple and it was not really a lot. Not a lot of land in the country was registered land at the time that unit was established and we're moving to a situation in which we want more and more of the land in the country brought under the Registered Lands Act system. We're also dealing with more complicated kinds of land ownership structures. At the time when the unit was set up, we never had strata plans and all of those things and so, it's becoming really quite complex and it's also becoming voluminous. There's a lot more that's happening in that department than, in that unit than used to happen when the unit was first established.

So we're moving the Land Registry into its own Department and that will allow us to upgrade the leadership of that Department. So we want to be able to upgrade that so that people at the head of that section will be able to deal more effectively with some of the more complicated matters that come before it; much more involved in the more complicated, legal processes that are now coming through the Land Registry. So that's the first thing, we're establishing the Land Registry as its own Department, giving the head of that section functional authority and management authority over what happens within that Department.

The second thing that we're doing is bringing together the various parts of the Ministry that deal with revenue collection. Revenue collection happens at, with the input of a variety of people, a variety of positions and so we're bringing those together and establishing a proper Land Tax Department. One of the realities that we have is that in the absence of leadership at that level, in terms of land tax matters, the Commissioner of

Lands really does not have the time on a day to day basis to manage that process. So when you hear about arrears of land tax, there's a functional and organizational process that allows that situation to get out of hand. So we're establishing that unit, that Department separately and I think there were a couple of questions that were asked in relation to the role of the Commissioner of Stamps.

The Commissioner of Stamps, you won't find in any of the laws related to the Lands Department, that's in the Stamp Duties Act. And the Minister of Finance appoints a person whose responsibility it is to discharge that function and that person needs to be advised and informed by the work of valuations and all of that; and so all of that has come together.

We have as the Senator pointed out, appointed somebody to be the Commissioner of Stamps. That appointment comes out of the Ministry of Finance. That is one part of the "tax collection" that happens in the Ministry because then there is the other part of tax collection which is the collection of land tax itself. I don't know quite frankly, whether or not the Ministry of Finance is prepared to go to moving all of that over to Finance. The truth of it is, within the Ministry of Natural Resources, within the Lands Department in particular but also in our new Land Revenue Department, we need that functional relationship with the valuers on a daily operational basis. So I don't know from an operational point of view whether and we talked about this internally, whether it would make sense for us to move everybody because if you move everybody then you have that need to have the same functions still performed within the Ministry of Natural Resources.

What we are doing to make this process run more smoothly we are reestablishing, rebuilding our valuation roles, our tax roles because over long years those things have fallen apart. So we're doing all of that and once we have that in place and running more smoothly then it becomes easier for the process of administering land tax and stamp duty to take place. So there is some work that we're doing there.

We also, in the course of making the changes, as was pointed out, we're bringing Mining Unit, Hydrology and Physical Planning together. Physical Planning is where the land, the work of the Land Utilization Authority lies. Now each of those units, what have been technical units, operate under their laws already. They each have their own law that determines what they do, how they do it, who input, what comes out of their work and where licenses have to be issued how those licenses are issued. All of that happens at the level of the laws that guide the work of those units. Those units are units that work very closely with the private sector; the three of them. If you're building a resort and you need to do some rebuilding of a beach you need Mining Unit. If you're digging a well to water your plants you need your Hydrology Unit. If you're building and need to subdivide you need your Land Utilization Authority which works with the Physical Planning Unit. And so we've grouped those three together. They are responsible, really, for important aspects of our natural resources. So we've grouped them together and placed them under the management of a department head because what we would have in the absence of that and what we've been having is where Land Utilization matters are dealt with in one side, and then water matters are dealt with on another side, and then members of the public keeps going between one and the other rather than having it well managed internally so that the interaction is smoother and more logical. So that bringing them together is an attempt to make that interaction with the private sector in particular more efficient and processing becomes more smoother and quicker.

And yes, we are grouping the Land Information Systems. We have several Land Information Systems within the Ministry. The Land Information Center, then there is our database system, the land folio that we use to keep track and then there is a large project that's being funded through the World Bank. I believe, it's the National Spatial Data Infrastructure project that's seeking to place the Ministry in a position to provide geospatial data to a variety of stakeholders across government and the private sector. And it's important for all of those database systems to be well harmonize, accurate across them

and so we're bringing them together as well so that that can happen. As it is right now they are in different places under different responsibilities and it doesn't work as smoothly as it can. So that's what we're doing.

Now all of this being done, we're really only adding one additional post too the Ministry and that's the person who is going to be heading the Land Tax area. Everybody else is a reorganization that's happening. It's not a creation of any new position. So that in terms of cost to the Ministry, we're not seeing any significant cost at all in the implementation of this new structure.

The question was asked whether valuation moves. Yes, Valuation will now be a part of the whole revenue structure, stamps and stamp duty and land tax; and that is an important part of establishing our tax roles, our valuation roles, in forms all of that works, so yes, that's moving.

I was asked about hierarchy in the Lands and Surveys Department. We're in a situation right now where our Commissioner of Lands is, the best description I can give it's physically impossible to do all of the responsibilities that currently fall under that person, just physically impossible. So we're addressing that. So we're allowing a position that's going to be able to get the work done and at the same time we are getting that flattening of the organization for greater efficiency. But there is no lack of work for the Commissioner of Lands at all. We're hoping that with this we will be able to get work done. All those leases and purchases, and management of processes within the National Lands, we're hoping to see that be more effectively done and for the backlogs there to be removed, to be worked through. And there's a large, there's a long backlog of work that's there that we also have a separate little project too help us to get to where we're current with everything. We have a separate little project that we've set up where we're seeking to put in place the files that need to be processed so that we can bring everything up to date. And in fact, if I can share a little bit of information, since we've sort of refocused how we're doing all of this in the last several months or so we've actually finalized and signed off on 640 or so grants that were in the pipeline and a little bit over 300 purchase applications that were in the pipeline. Renewal of leases, issuance of lease fiats and all of that we had in the pipeline; we've removed a 150 of those. We've completed processing and approvals within the Land Utilization Authority Process of almost 300 instruments. So that there is a lot of work that we're doing to clear up our backlog but the backlog, as I keep reminding myself, is quite significant and therefore there is a lot more effort that we do need to continue to do that. So there is work going on at an accelerated pace and we've set up a little project to help us to get this done and that project when it comes to an end we should be up to date with our various sets of works that we're doing.

The Senator for Labour asked whether the Secretary to the LUA should be the Physical Planning, Head of Physical Planning. That's how it is right now because that is the person who's responsible for managing all of the work on the ground in terms of when applications come in, making sure that they cover what needs to be covered, information is provided and then placing it in front of the Land Utilization Authority. So that doesn't change the way it currently operates.

The question about a quorum. We did not change the quorum. It says here, any four of these eight. And what tends to happen at that LUA meeting, as I am informed, I don't participate in the LUA meetings obviously, that's a technical process, those, all of those people who are on the LUA, the Chief Engineer of the Ministry of Works, the Forest Officer, the Agricultural Officer, wherever the input of those officers and the departments or ministries that they represent, whenever that is required that input is sought directly and is provided. And so that the purpose of all of these is to ensure that for each individual application that comes before the authority all of the technical inputs are inputted into the work of the LUA. At the end of the day we need decisions to be made, we need them to be made on strong, technical information and on a timely basis. And so we're trying to structure a process that will allow that to take place.

I think those are the main questions that were asked. Let me just finish up by saying that within the Ministry of Natural Resources, we recognize that the operations related to land, the accuracy, the certainty of tenure of all that we do are really fundamentally important to all of the economic activity that takes place. So we're focused on ensuring that we bring up to date all of those outstanding matters that need to be brought up to date so that people can feel comfortable that their business transactions are not being held up because registry process isn't completed or we've not produced a lease fiat that a bank will accept as collateral. We want to bring all of those up to date. We want to be current in the things that we do because we recognize how fundamentally important all of the processes are to maintaining an economy that's stable and where business transactions can take place as efficiently as possible; and that we do not appear to be the stumbling blocks to completing of business transactions.

Oh, you asked about the Chief Valuer. You know we have not, in fact, had a Chief Valuer in place for a long time. It's a critical position that we need to have but that position doesn't change. It doesn't change at all. That person is an important person, in terms of the work of the ministry as a whole, and the inputs that are provided are provided for a specific purpose as identified in the law but that person is also really important in the whole functioning of all of the valuation processes that take place. So that's a position that we would like to fill. We're putting them, if it's not been advertised recently, it's going to be advertised soon because it is a position that we do need to have in place on a continuing basis. Okay. Thank you very much, Mr. President.

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Thank you, Mr. President. Just quickly, I thank Senators for supporting these amendments as part of the whole structural reorganization of the department. When I took it in 2015, 2016 actually, it was quite a thing and previous to that there had been no significant efforts to try to sort it out. Those efforts were continued by Senator Minister Vanessa Retreage and I want to congratulate my colleague Senator Barnett for taking it to this level because over the years there's been so much back and forth in Lands Department and all sort of things that has happened and not happen.

I recall when I first was appointed to the Ministry, people asked me what kind of headache I took on but the place was like a bazaar. At least now it is calm, clear and some serious work has happened. So thank you Minister. I move the second reading of the Bills.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Land Utilization Act, Chapter 188 of the Substantive Laws of Belize, Revised Edition 2011, to strengthen the membership of the Land Subdivision and Utilization Authority; and to provide for matters connected therewith or incidental thereto; be read a second time.

The question is that the Bill for an Act to amend the Registered Land Act, Chapter 194 of the Substantive Laws of Belize, Revised Edition 2011, to establish the Land Registry as a Department of Government in the interest of administrative and operational efficiency; and to provide for matters connected therewith or incidental thereto; be read a second time.

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

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

The three Bills were read a second time.

#### 4. Immigration (Amendment) Bill, 2017.

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to move the second reading of a Bill for an Act to amend the Immigration Act, Chapter 156 of the Substantive Laws of Belize, Revised Edition 2011, in relation to temporary residency; to include the Chief Executive Officer of the Ministry responsible for labour on the Visa Vetting Committee and clarify the role of the Chief Executive Officer of the Ministry responsible for the Police on the Committee; and to provide for matters connected therewith or incidental thereto.

**SENATOR V. WOODS:** Mr. President, I rise on this Bill, the Immigration (Amendment) Bill with several questions, several concerns. I am at a loss having reviewed the Immigration Act and the amendments made, I believe it was 2013, 2014 and 2016, as to what is the urgency of now creating temporary residence for investors.

The Minister of State in the House Meeting on Friday, responsible for Immigration, made reference to the rationale being that of investors who need to be able to have residency to do business, open bank accounts, what so have you but cannot have more than one; I'm paraphrasing. My concern, Mr. President, of all the priorities, of all the priorities for this Senate, in the midst of the Senate Select Committee having its inquiry on the Auditor General's Report for Immigration in the Ministry of Immigration, Nationality, Passport and so forth, why would we think with this now? One would have to assume, unless told otherwise and presented with data that it is some urgency because of investors being turned away or lost opportunity in investment because of not being able to present in a shorter timeframe than the process that allows for permanent residence for them to conduct their business in Belize. But that wasn't raised. Maybe that would be raised now with data, with numbers and the value of investment lost in 6 months, in the past 12 months, in the past 5 years. The value of investment opportunity lost because we did not have this in the Immigration Act.

Let me say that including the Ministry of Labour Representative on the vetting Committee, I think, that's very clear cut. I think that makes sense that that would be strengthening that Committee because the truth is there is a lot of request that do come to Belize and through Immigration for foreigners coming here now being justified for why we need to grant work permits and all of this. And so it would help, it certainly would help to have them on the vetting Committee in Immigration. And I think that's a responsible thing to do because Belize does have a high unemployment rate and so we want to create a balance to ensure that we're not abusing the system and were certainly not encouraging more employment that perhaps could be filled here. So my concerns are not with that aspect of the amendment.

The concern I have, as mentioned earlier, is the supposedly urgency for temporary residence. How much faster, because it's not clear in this, at all. How much faster will the process be for temporary residency, to grant that, than the current regular permanent residence process; it's stated nowhere in this amendment to help to justify. And that's important because one wants to know or wants to certainly be assured that the same vigor, rigor and thorough due diligence that is to be done for permanent residence will be done for temporary residence. But if it will be done for permanent and we are saying it can be done in a shorter time then why it is not the case for the latter? And do we want that? Why would this country on the heels of a very live and ongoing inquiry, which by the Prime Minister's intervention that it should really ought to be wrapping up, so why not wait? Why not wait for it to be wrapped up, have recommendations, and if the issue is a real one for investors not having temporary residence then that should be incorporated in

that recommendation. But for us to now, in the midst of a very live debate, if you will, or live discussion, live inquiry, let me not trivialize it, I fail to see why we should support this at this juncture. And because it lack necessary details to justify it and because it lacks the details that will give assurance that it's not going against all that we have been trying to correct.

Furthermore, how do we speed up a process in a department that is already understaffed, overworked with the ordinary functions of Immigration, including that of the due diligence and the whole new processes set in, which ought to have been set in regarding permanent residence, nationality and the like? How will we do that?

The other point I raise is, Government, as I recall, does have an investor policy. Why is it that that policy could not be strengthen if it is that it has weakness that is either creating a barrier, a delay or a blockage of some sort for these investors that are apparently trying to get in here? And from my understanding, Mr. President, that investor policy that the Government of Belize has isn't necessarily a bad one. So why are we not rallying behind that? Or at least rally behind that until the Senate Select Committee completes its exercise and brings its recommendation in. The last thing, I think, any of us would want is to be counterproductive to a process that was to ensure transparency, accountability and that processes were being followed.

And so, Mr. President, I do welcome the addition of the Labour Representative. I think that is critical and it is good coordination that would add to that communication, coordination among the respective ministries, especially when we have foreigners applying for these things. But I do not see the relevance nor the urgency on the temporary residence and I cannot support that aspect of the Bill.

**SENATOR P. THOMPSON:** Mr. President, I have a few questions myself and I'd like to state before that, though, that to become eligible for permanent residence, I believe it takes a year. Section 3 and the questions I have revolves around section 10A.(3)e). And section 10A.(3) says, "An application under this section shall be made in the prescribed form and be accompanied by documents referred to in the following paragraphs, in relation to the applicant - e) details and evidence of investment in Belize valued at not less than \$500,000.00 dollars, along with the following in relation to the applicant's presence in Belize:- (i) title of real estate ownership; (ii) business or personal bank statements; (iii) company registration certificate or other certification showing the interest of applicant in a corporate body as owner of the body or of a majority or controlling interest; (iv) trade licence; (v) social security registration or card; (vi) general sales tax returns; (vii) income tax returns." My question is, Mr. President, this \$500,000 does not state whether it is U.S. dollars or Belize dollars, that's one. And two, why would a temporary resident want to invest so much money in Belize? Are we creating a loophole for tax evasion or money laundering? You don't think we have enough problems with the banking sector at the moment? For a person to establish all of these requirements in this country, wouldn't you get a permanent residence instead? Because it would take over a year to do all of that.

In this document I don't see anywhere there is a fee for a temporary resident permit. I may be missing that.

And finally, Mr. President, the question I have is, is this an economic residency program? Because I don't see any provision here that says that this is not a pathway to citizenship because if it is a pathway to citizenship then it is an economic citizenship program. Maybe somebody can answer those for me please. Thanks.

**SENATOR E. COURTENAY:** Mr. President, I associate myself with the comments made by Senators who spoke before me on this Bill. There's no need for me to repeat them. The Bill has to be seen in the context of the ongoing inquiry established by the Senate and as a matter of policy one would need to know what is driving this Bill and

what is driving it now. As Senator Woods has indicated, what has been said in the House surely cannot justify it.

I want, Mr. President, to speak to specific provisions of the legislation because it seems to me that the language used creates problems. Let us start with 10A.- (1) “A person who meets the requirements of subsection (2), as applicable, and subsection (3), may apply to the Director of Immigration and Nationality Services to be granted temporary residency in Belize.” If I read this correctly, it is saying that subsection (2) is only applicable if you’re a dependent. I assume that that is the reading that is to be given to subsection 10A.- (1) that it is only if you’re a dependent that subsection (2) applies and what is the main provision is subsection (3). There needs to be a little bit of clarity there as to whether both 2 and 3 needs to be satisfied.

When one turns to subsection (3) of the Bill, it says, “An application under this section shall be made in the prescribed form and be accompanied by documents referred to in the following paragraphs, in relation to the applicant - a) passport of foreign country of which applicant is citizen.” We have seen in our inquiry passports presented that are not current. This law will not require there to be a current passport of the applicant.

b) “a Police Record issued by the last country of residence dated not more than six months from the date of application.” Mr. President, it has to be a police record issued by the current country of residence; not the last the current. Where you are living now. Secondly, it says, “a Police Record issued by the last country of residence dated not more than six months from the date of application.” It does not require that that police record reveal that you have no convictions. I say, again, we have seen in the inquiry corrupt, illegal, invalid police reports presented to the Immigration Department.

c) “a letter to the Director explaining the applicant’s reasons for requesting temporary residency.” Is any reason good enough? What is it that the Director will be looking for? Some criteria needs to be set out in c) so that the Director knows what he or she is looking for.

d) “evidence of a primary place of residence in Belize, with at least one of the following in relation to the residence – (i) rental (or lease) agreement and utility bill; or (ii) property title and property tax assessment by municipal authority.” If you are living outside of a municipality and you have property you cannot provide a tax assessment from a municipal authority. So again, this needs to be corrected if you’re living in a rural area.

Interestingly, e) “details and evidence of investment in Belize valued at not less than \$500,000.00 dollars, along with the following in relation to the applicant’s presence in Belize:- (i) title of real estate ownership; (ii) business or personal bank statements; (iii) company registration certificate or other certification showing the interest of applicant in a corporate body as owner of the body or of a majority or controlling interest; (iv) trade licence; (v) social security registration or card; (vi) general sales tax returns; (vii) income tax returns.” Mr. Chairman, Mr. President, sorry, first of all, one is assuming that these are cumulative. So if you have just arrived, you had just bought a piece of property for more than half a million dollars, you are just starting, you cannot get this because you don’t have a sales tax return, you don’t have income tax return, you probably will just be registered for social security. But it goes on, Mr. President, this whole company certificate registration, what if you have property in your name and not a company? I cite these example simply to say that in the context of the ongoing inquiry, we have these loopholes, these things that are not specific and people who are ill intentioned take advantage of legislation that is not accurate. So my point with highlighting these is based on what we have experienced and indicate that we on this side believe that the legislation needs to me more specific, clearer and more direct in what is required of these applicants.

Couple other points, Madam President, it is remarkable that a person can apply under this legislation that is proposed and qualify for temporary residence but to qualify

for permanent residence the requirements are less. You have to do more to become a temporary resident than you have to do to become a permanent resident. That seem to me to be illogical at minimum. It begs the question why is this being done at this time?

Further, what is the duration of a temporary residence permit? If you own property in excess of half a million dollars, you have invested in a company, you are registered for social security, etcetera, why would you then want to become a permanent resident? You just stay with a temporary resident's permit? What is the policy for transitioning from temporary resident to permanent resident? Where is that spelt out? What is the relationship between those two permits? That needs to be clarified in the legislation in order to avoid mischief.

Finally, Madam President, we draw to the attention of the Senate that this legislation is coming at a time when not too long the Senate Committee will finish its work and make, I thought it would be music to your ears, and make its recommendations. And the serious question that is asked is whether or not we should wait until that is completed before this is done. If not, then I think we are entitled to the explanation as to what is it that is going to happen in the immediate future that cannot await the outcome of the Senate Committee Report.

I also support the addition of the CEO of Labour to the Committee, Visa Vetting Committee.

My final point is this, Madam President, what one looks at the Substantive Laws, section 13 sets out the six types of permits that can be issued: an in transit permit, a dependent's permit, a temporary employment permit, a student's permit, special permit, visitor's permit. The Bill proposes to add a seventh, temporary residence permit. Section 14 sets out the procedure for an in transit permit and it says the application is to be made to the Director of Immigration. Section 15 sets out the procedure for a dependent's permit; application is to be made to the Director of Immigration. Section 16, temporary employment permit; application is to be made to the Director of Immigration. Section 17, student permit; application is to be made to the Director of Immigration. Section 18, special permit; application is to be made to the Director of Immigration. Unfortunately, in the Bill that we're now debating nowhere does it state who the application is to be made to. I say again, in the context of the inquiry and all the mischief that we have seen the Bill should spell out specifically that the application should be made to the Director and I see the Honourable Attorney General knitting his brows. There is no provision in this Bill. Look at the other provisions that specifically say that the application is to be made to the Director. It says, "a letter to the Director explaining the applicant's reasons for requesting temporary residency." When you sit in the Senate Committee and you listen to how people get around what the law says, when you see the mischief that has been done, we suggest and recommend very strongly, Madam President, that the legislation spell out in detail to whom the application is to be made and who grants the permit. Thank you very much.

**SENATOR M. LIZARRAGA:** Thank you. Madam President, I am going to be very brief. My colleagues have raised very serious concerns. I would like to add that we had, as you know, Madam President, the CEO of the Immigration Department and the Director who we questioned quite extensively about not only what took place in the Department but what are the things that needed to be strengthened and if there is any other thing that they wanted to share with us for example. And in none of their presentations was this, that we see today, identified as a matter that of any urgency or even as a matter that needed addressing. So this really shocked me, that this is the first time I'm seeing the need for this that it hasn't been brought up in the hearings.

So it leads one to ask, you know, why is this being pushed and for what purpose? Is it that we have a new policy to attract investment or present investors of need of this? Do we need to have this to facilitate present investors for banking purposes? What is the

matter and why is it being pushed? Everybody else is waiting for the Special Select Committee to put into place whatever it is that they think they need to put into place or to begin investigating or to do whatever. Why is this being pushed through in this manner and not a part of the overall recommendations that will come from the Committee to strengthen the way we do things at Immigration? That baffles me. And again, it needs to be said here that we have heard from the Director of Immigration that she is facing severe staff constraints. And it seems to me, Madam President, that she is going to be put in the position now where she is going to have to be verifying a lot of things. She's going to be having to, for example, verify if the investment are in place. How does she look at the value, the valuation for example, of these things? Does she have the expertise in house? There are lots of questions to me that stem from this that I believe that needs to be addressed. And I'm really again, like Senator Paul, I'm wondering if this is not some economic residency program that is being put upon us because of the tightening or because of the new controls in the Immigration Department. So it lends to a lot more questions than answers and I think that, I'm hoping that possibly the Leader of Government Business can address some of them for us today. Thank you.

**SENATOR S. DUNCAN:** Mr. President, I am certain the Leader of Government Business will be able to better articulate the position since he was once in Immigration. But as I read the Bill, it seems to me to differentiate between people conducting business within the country, who are in the country as compared to people who are trying to just get into the country or who just are applying for the first time to come into the country. In other words, as I read, it is conceded that the requirements might be more stringent that what is required for permanent residency but it's an issue of time.

In the case of this, it seems to me that to have the things listed in this Bill you have to be doing business in the country and it is not to apply to get a status in the country. But that you're already in the country doing business and as a result of that you want to have some sort of temporary residency to probably assist with or facilitate the ease of travel etcetera, in and out of the country, as you move around. From what I am seeing here, it is asking for you to have personal bank statements. Now, you notice it doesn't ask for you to have a bank account. It says you need a bank statement, which would suggest that there are already activity in the bank account. It also ask for you to have lease agreement, a trade license. So these are things that already exist that support what you're doing. You're required to have social security registration or card and the last one says, income tax returns. You will only have the income tax returns after you have filed income tax, which means you have gone through a period of running a business. So it is not for new people coming in to try to get a status within the country. So economic citizenship doesn't come into play at all. It is really for somebody operating within the country who is doing business and if you notice, it is focused on business activity. So it is not any Tom, Dick and Harry coming in. So you're talking about a businessman who can demonstrate that I have done business in the country so I have income tax returns to file. I have filed it and here are my income tax returns. Here are my general sales tax returns, so I have done business. So effectively, I am doing business in the country and I can have a temporary residence status.

So from that, Madam President, it is clear to me that the Bill is not trying to usurp, replace the existing requirements for permanent status, citizenship status or any of the others. In fact, this is trying to be incorporated into the existing Act. I do not see why the existing Senate Select Committee hearing should have any bearing on this. I mean, that has its place. It is necessary, it is being done but I don't want us to try to see that as the end all and be all of everything. The country continues to run; we continue to perform and this is surely not tampering with those aspects that the Select Committee is looking into. This is a new area which is being built into it and we're all conceding that it is actually very stringent. As I read it, I am trying to think who will qualify but isn't that a good thing? Because in fact, it says that we will not need a Commission of Inquiry for this aspect of it once it's put in because it is clearly very robust. And it is being built into the existing controls that are already there. It is not replacing or substituting any of those

existing controls. It is to fit into them along with the additional controls that are being placed which require you to produce certain information. And if you look at the information it's requiring to produce, each one requires matriculation or qualification in its own right. So for you to have a trade license, you have to qualify. For you to have a title to own property, you have to qualify. For you to have a company registration certificate as a non-foreigner, you have to go through a process, which includes approval by the Central Bank of Belize. For you to have general sales tax returns, you have to register to pay GST. In other words, all of these things require a process in its own right even beyond applying for the status. And so from that perspective, I really don't see any subliminal theory, conspiracy theory in here, I really, maybe I am wrong but when the Minister of, when the Leader of Government Business in his, I mean, he was an ex-Immigration Minister, I am sure he will be able to explain, right, he still is; still is, exactly. Thank you, Madam Speaker.

**SENATOR M. PEYREFITTE (Attorney General):** I know, Madam President, that the Minister will take them to school in a minute. But I just wanted to point out, when you talk about grand standing and opposing for opposing sake, Madam President, it's right here, man. Senator Courtenay, you don't know who to apply to? It's right here.

The first amendment, it says on the side note, temporary residence and it says here, and I hope you're paying attention because some of the Senators behind me tend to have the same questions that the PUP have so let me answer it for everybody. "A person who meets the requirements of subsection (2), as applicable, and subsection (3), may apply to the Director of Immigration and Nationality Services to be granted temporary residency in Belize." You do have a person who you apply to; the Director of Immigration. Man, but you see something as simple as this you pretend you don't see in the Bill, well it makes you question every other debate point you make and that's all I will say, Madam President.

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Madam President, let me try to walk through a little bit of this. I am a little surprised that my colleague representing the business community was surprised or shocked to see this because this emanated from the business community. Back in June of 2016, BELTRAIDE, through the Ministry of Trade and the Ministry of Immigration put a paper to Cabinet explaining what could be done for potential investors as the laws, as Senator Courtenay rightly said, and let me just pause to say and in defense of my colleague, I think it was simple an oversight that it was application to the Director of Immigration.

But in any case, the current law makes available an in transit permit, a dependent permit, a temporary employment permit which we call work permit; a student permit, when you going to UB or any place, a special permit and a visitor permit. But BELTRAIDE presented to us in several meetings, in fact, they had a study done. The five investment pillars, which Senator Woods supports and all other Senators I think support, is first of all that the investment is economically and socially acceptable and legally doable. Two, that in fact it brings foreign exchange. Three, it brings revenue to the Government of Belize, some revenue. Four, it creates employment. And five, it preserves or it possibly enhance the environment. So all the projects and there are voluminous amounts of projects, have been analyzed by BELTRAIDE and the investment committee along those lines and, as the case might be, certain pieces of legislation are passed to facilitate that. Several Ministers sit on that Committee. It's a Committee of the Cabinet, supported by BELTRAIDE as the Secretariat.

But the problem came up that a lot of these investors, how they get to Belize? They get a visitor permit, that's first thing. And then they have to stamp up every month, every month, every month, every month, which is a little bit of a hassle because if they miss a month Immigration grab them or at least chastise them. Then after six months they have to leave the country, if they were here the whole six months, and then they have to

get a visa or something like that, a permit again to come back in. So that doesn't really satisfy their needs because this is the man that is putting his money. So then they have been going to work permits but he is not really the worker he is the employer. I could name several but I won't call names in this Senate, who have huge investments in Belize and this going and coming. They don't want to be citizens and they can't be permanent residence because permanent residence you have to live here and you have to wait five years and turn citizen. They don't want to do that because they are legal resident in another country and you can't be legal residence, I guess, in two, three countries; you only could, your legal residence is the U.S. There even some investors who have said to us, 'look, we have other nationalities but we have a permanent residence for the U.S. And if we ever get a permanent residence for Belize well, then that is a big problem because you can't be permanently resident in two place.' But they want to be able to go and come and be facilitated with that going and coming without having to apply for visa and back and forth. And so, BELTRAIDE after the study, suggested to the Department of Immigration, to look, maybe we create this position of temporary residency. So the guy is free; renewable every year, every year it would be renewable. And in fact, he has to apply again and apply again but once he is there and the conditions continue to be met, it will be given. It will never morph into permanent residence and definitely not morph into citizenship but it's a facility so he can go and come, don't have hassle at the airport, he could see his investments, etcetera. I can, as I said, name a few. In fact, I will name one, one is the manager and the owner of Belcampo, one is the Big Falls Sintut Group who's been here from '92. And whenever they come, they have this issue of having to, and they come man, *aye'yayeh* I have to go to pay this \$100. I have too stamp up and that is the man who has put his money, who got two hundred and add employees, who pay taxes, who owns land. And that is why the requirements look so strenuous because it's not intended to be flippant. It's intended and it's not intended for a person, who just comes to Belize, visit Belize, like Belize, buy a lee house in Belize and want to reside here and become a permanent resident; not intended for him at all. It's a special category for these investors and these businessmen. So it's tied into that Honourable Senators.

And as I said, I know the Senate investigation is ongoing and everybody is gun shy but the truth of the matter is that we have a country to run. And in fact, the investigation covers a period, a finite period which was some atrocities that happened between, up to the end of 2013, I think it was. Sad, sad, sad but it is history and its being investigated to see who was responsible, etcetera and also some recommendations. And I am sure that a lot of the recommendations that will be emanating from that report have already been done; a lot of them have already been done. In fact, the Visa Vetting Committee is one and I am happy to hear my Senator colleagues support that, in fact, the CEO of the Ministry of Labour sits on that Committee as well because that is a very tight committee; and it's intended to ensure that people who get permits to come to Belize are genuine people.

So with that explanation and, as I said, it emanated from the business community and from investors. All the way back in June 2016 this Cabinet paper was done and it took this time because Immigration looked at it. But last but not least, the requirements, especially the requirements at (e), Honourable Senators, the original document said three, any of three. The Director of Immigration and Nationality, when she went to the House Committee, two weeks ago, insisted and convinced the House Committee that it should be all seven. And as I said, some of them may be difficult to get. I don't even know who will qualify because we spoke at length with respect to the banking because for the most part the banks don't necessarily want to open accounts if you are not a residence of some sort; that's what I understand from all the bankers but the Central Bank is working on that.

Also this issue of title of estate ownership. We have had to get that properly defined because there are business owners who don't own the title but they lease the business. I have been told by the esteem attorneys that, in fact, that is good and proper title. The Director insisted that all 6, all 7, just to make sure that it is very tight. So maybe we will wind up with about 5, 6, 7, maybe 8 people at most and if that. But it opens the

way for the investor who asks you the question: What can I do to be able to go and come without hassle? What can I do to be able to go and come without hassle? I will take the liberty to call again the **Singtut** name because they have invested from '92, huge investment. They have sugarcane, rice, cattle, all sorts of things. They employ a lot, a lot of people. They have a huge business going from every time the two brothers who and there is one who is permanent here but the others when they go and come and spend two or three months, this stamping up, stamping up, stamping up becomes a bit of nuisance. So that's what it is, Madam President, and I trust that with that explanation, colleagues would like to support.

I move the question.

**MADAM PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Immigration Act, Chapter 156 of the Substantive Laws of Belize, Revised Edition 2011, in relation to temporary residency; to include the Chief Executive Officer of the Ministry responsible for labour on the Visa Vetting Committee and clarify the role of the Chief Executive Officer of the Ministry responsible for the Police on the Committee; and to provide for matters connected therewith or incidental thereto, 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. **Belize Trade and Investment Development Service (Amendment) Bill, 2017.**

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Madam President, Belize Trade and Investment Development Services Amendment Bill 2017. Mr. President, I rise to move the second reading of a Bill for an Act to amend the Belize Trade and Investment Development Service Act, Chapter 282 of the Substantive Laws of Belize, Revised Edition 2011, to alter the composition of the Board; to provide for a new method of appointment of staff; and to provide for matters connected therewith or incidental thereto.

Madam President, if you allow me, let me just give a little background to this. I normally allow the debate and then I answer question but let me give you a little background to this because this again is structural, to try to ensure that BELTRAIDE function a little smoother. It's been in existence for some time. It was the successor to TIPS. If my memory serves me right, I think at one time Senator Courtenay was involved with BELTRAIDE. I started the original one which was the Trade and Investment Promotion Service and this service has its, as its objective the implementation of the Government of Belize policies on attracting and stimulating private investments. At present BELTRAIDE structures comprise of two major divisions: the Trade and Investment Development Division and the Enterprise Development and Enovation Division. Each division has a general manager that reports to the executive chairman, that's the structure.

Although improvements and strategic gains has been won over the years BELTRAIDE Board of Directors has seen the need to streamline the institutional structure for greater efficiency, effectiveness, transparency and accountability. The current structure, therefore, needs to be consistent with the Act.

I'll give you a little history. Back in 2008 BELTRAIDE was subjected to two amendments, the Act. Act No. 4 of 2008 and Act No. 10 of 2011, to improve the

functional ability. In 2008 the BELTRAIDE Act was amended to replace the Executive Chairman and General Manager post with a Chairman and Executive Director. In 2011, changes were again made to revert to an Executive Chairman to replace the Chairman and an Executive Director to provide for the Director of Administration.

Because of the current structure of the board there is now a need to bring the principal Act into conformity with some critical elements of the makeup of BELTRAIDE Board. These elements include appointment, functions and terms of selection of directorship of the institution and its board members and their accountability to a Chair. There is also the need to streamline the organizational structure with the legislation for operational efficiency. These adjustments will ensure alignment of government policy with the execution of BELTRAIDE.

There are a few other things we want to do also. Want to include in this responsibility of a small and medium, SMEs. Those are the people and the size of investment that do not necessarily meet that big or large sum of investment for which they have been principally responsible. So the amendments being presented in this paper are recommendations made in an institutional assessment that was carried out and seeks to create the platform for a revitalization of this whole institution.

I will just summarize the amendments. Replace the position of the Executive Chairman with Chairman but this time the CEO of the Ministry for Investment and Trade and Commerce will serve as such, along with the board of directors. Provides strategic directions and oversight. Replace the Director of Administration in the position of Executive Director as functional and administrative manager of the organization. Realign the composition of the board to ensure that the members serving represent the relevant economic sectors to be developed and will have the relevant enterprise and qualification required to provide strong leadership and a restatement of the functions and activities of the organization. This to me is one of the most important. To meet a more targeted required scope of activities and to guide BELTRAIDE in its important national role as the arm government that leads enterprise development and innovation, export and trade, investment development and the broader scope of business development.

As I said before, BELTRAIDE acts as secretariat to the Investment Committee of the Cabinet, which is a very functioning and very strong Committee. It meets once a month, roughly, to look at the potential investment and they have thoroughly, thoroughly analyzed, potential investors are sometimes asked and are required to make presentations to the Committee. It's a fairly large group of Ministers and Executives and those projects are then analyzed in the greatest depth. As you all know by now, if the green light is given an MOU is developed, which is non-binding. I understand by the legal people, it does have some legitimate expectations but it's legally non-binding which gives the green light for the investor to begin his detail work because sometimes people don't want to spend a lot of money and don't know if the thing will fly. So they come first with a general outline and after that if he is given a green light then they do their investment, their detail work, which is expensive because consultants and all these EIA people are very expensive. And then at that stage, they will then apply, if the relevant law does not already cover it, such as the Fiscal Incentive Act, they will then apply for any special concessions, which then will come to the House and this Honourable House for approval. If it is and then thereon and up and running; so that is the process. I just wanted to give that background for our members so that they could appreciate why the changes to the BELTRAIDE Act. Thank you, Madam President.

**SENATOR O. SALAS:** Yes, Madam President, thank you. Just a few brief comments. I must say that I am in complete support of adding the development and promotion, facilitation of micro, small enterprises along with medium enterprises as an additional function of BELTRAIDE. I think, that's long overdue. I think, that's a very good thing. I also support the proposal that the roles of Executive Chairman and Administrator, what is the exact role? Administrator, the Director of Administration are

subsumed under the role of an Executive Director. I think, that's a very good move as well.

But I would like to make an observation on board composition and one on Fiscal Incentives, which would require us to look at the Fiscal Incentives Act briefly. But under board composition, let me refer to the notes here, in the current Act as far as the private sector representation, I think there is reference to associations. In this case, in the amendment, there is reference to sectors. If we look at, my question is, what does the propose amendment mean for the selection of private sector reps who represents their respective associations as oppose to board sectors? And my read of section 7(1) (c) and (d) is that it appears to me to be inconsistent with the amendment to section 10. Section 10 (4) of the principal Act, as amended reads, "In the case of a member of the board appointed under section 7 (1) (c) and (d) of this Act, the Minister may also terminate the directorship of such member, if a request from the organization which nominated him is received to that effect." And under the amended composition, there is no reference to organization or association but it is to sector. So I'm not certain how that will work if the need arises to terminate a directorship and to have it replaced. So I think, you know, that needs to be looked at and see if there is any inconsistency there. That should be clarified, that should be corrected.

In relation to fiscal incentives, my understanding of this is that the whole idea is that micro and small enterprises can qualify and be eligible to be an approved enterprise and then qualify for fiscal incentives themselves. And the amendment here and which I think is a good thing, aims to define what a micro, a small and a medium size enterprise is. I compare that to the definitions in the Fiscal Incentives Act, which defines small and medium but not micro. But even in the definition of what constitutes small and medium there are now inconsistencies with the definition under this BELTRAIDE Amendment Act. So if I could refer to an example, just bear with me, please, briefly.

If you look at section (3) (2) of the Fiscal Incentives Act, it speaks to three levels of investments: one not less than \$250,000 but not exceeding \$500,000, one not less than \$500,000 not exceeding \$750,000 and once exceeding \$750,000. But in the BELTRAIDE Amendment Bill it now introduces the micro enterprise which is less than 50, less than \$50,000 with annual sales of less than \$100,000 and it introduces a small enterprise, which has annual sales of less than \$500,000 and a capital investment of less than \$150,000; and a medium enterprise with annual sales less than \$1.5 million and capital investment of less than \$500,000. And that is not consistent with how that is defined in the Fiscal Incentives Act. So I bring that to the attention of the upper Chambers here because I see this and my interpretation of this is that there is an inconsistency between this BELTRAIDE Act as to be amended and the Fiscal Incentives Act as it defines those enterprises and therefore their eligibility or qualification for fiscal incentives. So I raise that and I look forward to the explanation or clarification. Thank you.

**SENATOR V. WOODS:** Madam President, the question raised by Senator Salas, indeed, I think are valid and if we can get clarification; last thing we would want to think consistencies in those definitions. I did have a question in terms of understanding and I'm trying to appreciate what was the rational in changing the definition of the composition of the board of BELTRAIDE. Yes, the point is noted that if we go from association to that of representative from the sector, how does one reconcile that section of the law that refers to when one ceases to be or no longer a director and how do you go around selecting the replacement? But apart from that, if I can turn to the amendment, where it has one, it lists several public sector representatives and then it lists several private section representatives and then it list the one recognize private sector organization representative without identifying which organization. And I'm just, I would like, if you will, a clarification as to why was it, what was the rational that the way it is now, which is, correct me if I'm wrong here, but that that representative looking at the current Act was coming from the Belize Chamber of Commerce and Industry. I believe I had also recognized, I may be wrong in my recollection, but in that same composition of the current Act, it also recognize tourism

representative from that of the Belize Tourism Industry Association. In any event, what was the rationale?

I do appreciate Senator Hulse deviating from norm and giving us a context before the debate. I certainly encourage if that could be done more. I think that would certainly clear up some of the questions that come after on some of these Bills and Motions. But that certainly would be one of the questions. Having worked at the Protected Areas Conservation Trust Fund, I do think that separation of having an Executive Director and a Chairperson makes a lot of sense. I continue to maintain segregation of duties, responsibilities is so important for efficiencies, yes, but also for transparency, accountability and not just with financials but in decision making as well. So it's good that this is getting back to where it ought to be, in terms of that structure. But the question is on the composition and the rationale as to why that change in those areas.

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Thank you. Thank you, Mr. President. Two quick things then, with respect to the question raised by Senator Salas, the Fiscal Incentive Act will be the one that has to be amended because, as you noticed, that starts at 500,000. The whole idea was to include investments below that and to give them an opportunity too, so that small, what is not called small and micro can flourish as well. So, it was almost in a way counterproductive because let us take for example a large investment that has a fiscal incentive but their products are going in the domestic market as well. What we have been doing is in a way, over the years, disenfranchising smaller investors who do not enjoy those levels of relief and are also competing in the domestic market so we'll have to correct that, that's for sure.

The other point about it is, again, I am not personally a fan of subsidizing the food basket to be exact, in other countries over that of my own country. There is a difficulty in that and as a consequence those are some of the things we have to look at when we look at the Fiscal Incentive Act. But I just wanted to clear that point for you.

With respect to Senator Woods, I don't have a one hundred percent response but in discourse with the BELTRAIDE people I was told that, in fact, because in several of these sectors you had different organizations and it seems that we have a multiplicity of organizations representing certain sectors that it was easier to select from the sector, tourism, agriculture, energy, etcetera rather than from the organization. But more importantly, the board as it is, as it was comprised had quite a serious function in terms of dealing with investments. Right now because most of those come to the Investment Committee and the Investment Committee is the one that deals with these investments, the function of the board is less specific in that sense and less utilized. Those were some of the explanations I had. I can easily look up some additional reasons and ask the people involved.

But with that, I move the question.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Belize Trade and Investment Development Service Act, Chapter 282 of the Substantive Laws of Belize, Revised Edition 2011, to alter the composition of the Board; to provide for a new method of appointment of staff; and to provide for matters connected therewith or incidental thereto; be read a second time.

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

Bill read a second time.

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

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to move the second reading of a Bill for an Act to amend the Married Persons (Protection) Act, Chapter 175 of the Substantive Laws of Belize, Revised Edition 2011, to extend the age for which a child born of a marriage is entitled to maintenance; to make further provision for entitlements and obligations, arising from or relating to orders under the Act, and to provide that they be applicable to a wife or husband, as the circumstances may require; and to provide for matters connected therewith or incidental thereto.

**SENATOR V. WOODS:** I had a feeling that nobody would comment on the Married Person's Amendment Act, based on the House Meeting. But, Mr. President, I'll be brief. I have to say that I am particularly pleased to see that finally Belize seems to be, although in incremental stages we'll take it, in addressing gender neutrality. It's so important and I don't see it in any of the papers we got but my understanding is that, there is a Family Law Review that's on the way and it has several persons involved in that. I know that Dolores Balderamos Garcia, who was a champion for a lot of the changes in legislation dealing with families and children and with women issues was particularly, her counsel was sought and that's very pleasing to know.

But it's important to, for the record, Mr. President, although I know it's so tempting to just bypass this Bill and it goes quickly, to at least recognize that this is a Hallmark moment. Although, it may not appear that way but it is a Hallmark moment; we're talking gender neutrality. You did do it with the help of Ms. Balderamos-Garcia. So it's one of those rear little moments and I'm grateful that members of both side of the political aisle, if you will, contributed to this.

It's also important that it is an attempt and it will be ongoing process, so I'm assuming, Mr. President, we'll be seeing several more pieces of legislation that tries to bring legislation on par with others that it has some linkage to. So for example, the maintenance of children moving it up under this one to 18 years is now on par with that that is called for in the Families and Children's Act. That's very important and recognizing that if such persons continue on to further education that it allows for that coverage to continue up to age 21; another important and there will be many more of these, I'm hoping, to strengthen law that deals with family and children.

In meeting over the past several months with Mrs. Balderamos-Garcia and several others who are involved in looking at how to strengthen legislation regarding this matter, I am pleased to hear some of the things that are being considered. I would like to state for the record, so that it may not be missed, that perhaps it's time in the interest of families and children that we also consider the age of marriage. It is still 16, yet we talk about maintenance up to 18. So I do hope that that too will form a part of the discourse. And I also hope that legislation of this nature not be taken lightly not either by the House or the Chamber. It is those pieces of legislation unfortunately that tend to just be assigned either to a Minister that is responsible for women affairs or families. But really it ought to be something that is discussed and debated and at least recognized and congratulated by all members of parliament when we're doing it the right way. So these are first steps and I support this.

**SENATOR M. PEYREFITTE (Attorney General):** As the Minister of marriage, I support it too, Mr. President.

**SENATOR O. SALAS:** Yes, Mr. President, one small observation, at the risk of being called over meticulous or anal here, but my read of this and fully support it and you are, we are all to be congratulated for passing this. A key purpose here, my read of it, is to make this gender sensitive or gender balanced. And so the only observation I make in reference to section 2 of the Substantive Act is, whether the same changes shouldn't be made where, you know, wherever married woman or husband is mentioned it shouldn't be

referred to as spouse as well. Because that clearly was the intention in some of the other amendments where, if we look at number 10 in the amendment Bill, where it now reads from one spouse to the other and before that it was by the husband. Number 11 reads of a married person when before that it was of a married woman. But the changes weren't made to section 2 where it refers to any married woman and her husband, etcetera. So that's the observation I would like to make that, I think, to be consistent with the amendments, well the spirit of the amendment, the same amendments should be done to that section 2. Unless I'm missing something here and I look forward to the Attorney General's clarification.

**SENATOR S. DUNCAN:** Senator under interpretation that would cover it. Under interpretation because that would impact the whole legislation. The first section under interpretation No.2.

**SENATOR M. PEYREFITTE (Attorney General):** “**Interpretation. 1A.** In this Act, ‘spouse’ in relation to any person, means the husband or wife of the person.”

**SENATOR O. SALAS:** Where spouse becomes ... but section 2 where it refers to any married woman and her husband...

**SENATOR M. PEYREFITTE (Attorney General):** Remember your husband is your spouse, you know.

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

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

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

Bill read a second time.

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

**SENATOR DR. C. BARNETT (Vice-President and Minister of State in the Ministry of Finance and Ministry of Natural Resources):** Mr. President, I rise to move the second reading of a Bill for an Act to amend the Misuse of Drugs Act, Chapter 103 of the Substantive Laws of Belize, Revised Edition 2011 to decriminalize the possession of *cannabis* in amounts not exceeding ten grammes, to provide for the imposition of monetary and non-recordable penalties for the possession of *cannabis* in such amounts occurring on school premises, in specified circumstances, to decriminalize the smoking of *cannabis* on private premises; and to provide for matters connected therewith or incidental thereto.

**SENATOR M. LIZARRAGA:** Mr. President, thank you. Mr. President, please allow me some brief introductory remarks on topics I will not dwell on but need mention. And I ask for your permission to refer to my notes and to do some extensive quoting throughout my presentation.

Mr. President, the Misuse of Drugs Amendment Bill 2017 has been able to amass by partisan support from the two major political parties. So the likelihood that it will be passed today is almost a given; it's very high. This move towards decriminalization could well be but the first step towards legalization and as such, these first steps should be very cautious and well thought out steps. To date, only certain members of the religious community have loudly voiced any objections to this Bill. The universal Catholic Churches' position on marijuana has always been clear. It was St. Thomas Aquinas who said, "Being a good citizen means recognizing the government's authority but following laws that are just". In this light, Mr. President, I believe that we all agree in this Honourable House today, that it is totally unjust to convert a curious or even an addicted youth or person, especially young persons to criminal status for a dependency or a psychological or physical need for *cannabis* use; or any drug for that matter really. Perhaps the time has come for us to view drug dependency, its use, its misuse as a medical problem and as a disease and not only a legal problem. The catechism of the church states, Mr. President, 'the use of drugs inflicts very grave damage on health and life. Their use, except on strict therapeutic ground is a grave offence'.

Studies rejecting the myth of nonthreatening marijuana or marijuana bring a soft drug are plentiful but wrong. Mr. President, we offer caution today, to the current wording of certain aspects of this Bill and recommend that we either amend sections or expedite the regulations that should cover some of the areas that are worthy of rebuke in this Bill.

The Bill today, Mr. President, does not go far enough and is, in many way, very typical of the way we do things in parliament, Attorney General. Not enough thought has been put into this Act, we believe. So we will all readily agree that studies abound, Mr. Attorney General, that there are many documented benefits of the use of marijuana as a medical drug. We agree there are certain sick persons that can and that do benefit from the use of this drug. While medical marijuana is legal in Belize and I was schooled by the Attorney General on this, thank you Attorney General. I am told, that no one has ever applied to sell such. Marijuana, however, is a drug and as such, as with any drug, Mr. President, it is our view that all supply potency and access needs to be regulated. Non-criminal access through medical marijuana has been used by many countries to control access for health purposes.

Industrial hemp - with the passage of this law today, the definition of illegal marijuana has changed. This now offers great potential for a new industry in Belize and that product should be fully explored as a way to legally lift many of our expert farmers in this area, out of poverty and I emphasize, our local farmers, not just the chosen or selected few.

Crime - we have already heard that many murders occur in our country because of the present supply chain. The Minister of Police has already stated publicly that we have seen an increase in murder that he links ...

**SENATOR M. PEYREFITTE (Attorney General):** Mr. President, a point of order.

**MR. PRESIDENT:** Yes, have a seat Senator Lizarraga. Yes, your point of order?

**SENATOR M. PEYREFITTE (Attorney General):** I have to be fair. I'm very tough on Senator Thompson when he reads and we object. The Senator said, he wanted to extensively look at his notes and quote but he's doing more than just that, Mr. President. He is reading his entire speech so far and we have to be fair.

**MR. PRESIDENT:** Senator Lizarraga, whenever you're quoting, you could just let us know so we could know when you're not reading and when you're quoting.

**SENATOR M. LIZARRAGA:** Thank you Mr. President. Again, we have heard, Mr. President, from the Minister of the Police that many murders linked to supply chain of

marijuana occur in our country and he link these to imported marijuana. This Bill, Mr. President, absolutely fails to address the supply, while acknowledging that there is a demand, Mr. Attorney General.

In Jamaica, for example, Mr. Attorney General, in their efforts to decriminalize this drug, they addressed not only supply, not only access, not only licensing and regulating but they also focus on quality controls and standards, Mr. President. Those are my brief comments, as I said before, for the outset.

Now, let me get, please, Mr. President, into the substance of my address which is marijuana and its effect on our youths. I have consulted, Mr. President, with many medical professionals, as well as research papers, on how marijuana affects the brain development and especially those of our young people. I have heard, where members of this Government, Mr. President, have expressed that this Bill is not intended to encourage marijuana use and I believe them. And I give them the benefits of all the doubts and I do believe that they are sincere, Mr. Attorney General, in the expression of such. However, in many instances, when mixed with the vast amount of research that has been conducted on the effects of drugs, on brain development and the risk factors that lead to increase usage or as cause of increase usage, I fear that many aspects of this Bill does quite the opposite, in fact, of what the drafters say. Again, I believe sincerely so, that they so seek to discourage the use and especially the use by our youths.

Mr. President, I would like to quote here from the National Institute of Drug Abuse; they found, Mr. President that smokers who heavily use *cannabis* in their teens, through adulthood, showed a significant drop in IQ level. They quote and the quote is, “From average intelligence to the lowest third of the intelligence range. There is an established link between adolescence pot smoking and psychosis”.

Recently, Mr. President, research presented at the Berlin Psychiatric Conference showed that teenage use of *cannabis* hastens the onset of schizophrenia. New findings may fuel those worries because they did a study in October, sorry, the results were presented at a congress on October 9<sup>th</sup> 2017, in Berlin and these results were from a study from 1200 young person’s where schizophrenia was presented. The analysis showed a wide range of genetic, environmental risk factors for developing debilitating mental illness. The results being submitted for publication showed and I quote, “For persons who had consumed *cannabis* before age 18, schizophrenia development was approximately 10 years earlier than others”. The higher the frequency of the use, the data indicated, the earlier the age of schizophrenia onset. I quote, “*Cannabis* use during puberty is a major risk factor for schizophrenia. The more *cannabis* you take and the higher the potency, the greater the risk. Looking into the data, clearly, yes, the data showed increasing risk of psychosis.”

If I may quote as well, Mr. President, from another study, a study published by the National Health Institute entitled ‘Effects of *Cannabis* on adolescent brains’, which states and I quote, “the literature not only suggest neurocognitive disadvantages to using marijuana in the domains of attention and memory that persists beyond abstinence but also suggested macrostructural brain alterations. Your brain matter actually changes with the use of marijuana.”

It goes on and I quote, “Changes in white matter trapped integrity. Poorer coherence in white matter fibers. Abnormalities of neural functioning; an increase brain activations and changes in neurovascular functioning.” It goes on, Mr. President, and says, that early initiation of marijuana use and more frequent use has been associated with poorer outcome. Mr. President, this study says, it is difficult to ascertain whether reported group differences reflect preexisting brain architectural differences that lead to substance use and risk taking behaviours that are certainly, more prevalent in other studies. I will speak more this preexisting brain architectural differences in a short while. But nevertheless, the study continues and it says, “We have seen the difference in brain tissue integrity following heavier marijuana use and heavier marijuana use does predict future

risky behaviours such as increase marijuana use and aggressive and delinquent behaviours”. So the more you use, the more you want to use. The more your use, the more aggressive you become. The more you use, the more delinquent behavior you display.

Mr. President, there are several studies, like this one, that show the very similar matters that I raised. But I chose this study because, this study has been used by many other studies and been referred to by many other studies and I will refer to some of those in a bit. Mr. President, we see medical professions in this and other studies associate marijuana use with differences in brain tissue integrity and, Mr. President, those are their words, not mine. I predict and I quote, “Future risky behaviours, such as, delinquent and aggressive use”. This part alone, Mr. President, should give us pause when we begin to consider and take into account what we have seen in our country, what we’ve seen happening in our country, among our youth on the streets. Increase marijuana use and aggressive and delinquent behaviours should sincerely cause us to do some deeper analysis before embracing this and any changes in law without more serious and much more comprehensive analysis.

Last Friday, the Minister of Home Affairs again, rightly, raised this concern that spoke about what is happening on our current law, what is happening under our current law, okay, under which marijuana use is illegal.

Mr. President and colleagues, now we can appreciate why exposure to *cannabis* and poverty combined delivers the perfect one, two, knockout punch to our youths because we know that poverty and the lack of proper nutrition leads, Mr. President, to an unhealthy cognitive development of our young people and I need not remind this Honourable House that almost 50% of our children live below the poverty line.

Mr. President, I consulted with medical professionals before I make my presentations and many of them pointed me in directions and pointed me to studies and impressed upon me that I needed to do research and seriously review before coming here today. Some of these studies, Mr. President, again, referred me back to that original study that I quoted and with your permission, I would like to quote and I’d be willing to share the results or to share these article with members of this House if they are so interested.

The name of the first research paper, Mr. President, is entitled, “Persistency of Cannabis used Predicts Violence among acute Psychiatric Discharge” and it was published on September of 2017. And the general findings said, ‘These findings are particularly relevant as they suggest, that the longer individuals report having used *cannabis* after a psychiatric discharge the more likely they are of being violent in the following time waves’.

Another study, was entitled, Mr. President, “Lower risk *Cannabis* use Guidelines. A Comprehensive Update of Evidence and Recommendation”. This was published in August of 2017 and again, it said, ‘Regulatory measures should be implemented along with any legislation. The most effective way to avoid *cannabis* use related health risks is abstinence and avoid early age initiation of *cannabis*’.

The third study spoke about: ‘Cognitive functioning of adolescence and adult *cannabis* users’. And the overall results of this study showed that frequent users perform worse than non-users on measures of effective control.

Mr. President, another study was called, “Mechanisms contributing to cognitive deficits in *cannabis* users”. And the study showed, sustained activation of CB1 receptor signaling it as a major contributing factor for the onset of cognitive deficits associated to chronic *cannabis* use, in particular, within the working memory and the decision making domains. And the final, what this means? It says that exposure to this cannabinoid certainly affects your memory, your working memory, how you figure out things, how you

make decisions, right, that is what this study focused on Madam Senator; and as I said, I'm willing to share all of these sources with you.

And the fifth and last study, I'm going to quote, Mr. President, and the reason I am quoting so much, fellow Senators is because this matter is not to be taken lightly. I'm talking here about the future of our country, our youth. The fifth study was entitled, "Why not Pot"; a review of the brain base risks of *cannabis* and it was published in April of 2016. And this study looked at five risk factors under the acronym: DDUMB, which stands for Dependence, Driving Underachievement, Mental illness and Bad to worse. And they found, Mr. President, and I quote, "*Cannabis* dependence or addiction is real, one. Two, driving under the influence of marijuana is unsafe. Three, marijuana use has a strong association with global underachievement. Four, marijuana elevates the risk of developing a psychotic illness and worsens the course of several serious mental health conditions in certain individuals". And five, it says, "provided, complex evidence that supports a bad to worse or a gateway role of *cannabis* in the development of other substance use disorders. Important to note, most of the harms are likely to be present when marijuana use is frequent and starts early in adolescence".

Mr. President, that's just five out of the fifteen studies chosen because they cited to quote the earlier study that I quoted. Mr. President, we have to see that through all of this, the consensus is that there is growing evidence that we should do everything in our power to keep our youths as far away from marijuana as possible. However, Mr. President, I put it to you, that this Bill effectively does make it easier for our youths to access these drugs. And I'll tell you how. The current Misuse of Drugs Act, Mr. President, holds that once someone is found on a school compound with marijuana, any amount of marijuana, they are treated as if they were trafficking drugs. And I quote section 18(2) of the current law; it says, "subject to any regulations under section 9 of this Act for the time being in force, a person found in possession of a control drug in any school premises or any other place of education or training or any center for the rehabilitation of drug addicts, or in the immediate vicinity of any such premises is deemed to have the control drug for the purposes of drug trafficking, unless the contrary is proved. The burden of proof being on the accused."

This has now been amended, Mr. President, and I make reference to a newly added section 18 (2 A) which makes a circular reference back to section 7 (7) (a), section 7 (7) (b) stating, that the penalties for those found on such premises with less than or equal to 10 grammes of *cannabis* cannot suffer any penalties greater than outlined in section 7 (7) (b) which provides the following and I quote, "the offender is not liable for arrest or detention but could be simply issued a warning from the police. On the second or subsequent offences, the offender will be issued a violation ticket based on the regulations empowered by section 28(a) and currently the ticket fee is placed at \$100 but is subject to change". It also states in this Act, Mr. President, that regardless, in the case of a repeat offender, it shall not constitute an offence nor form part of the criminal record of this person.

Now, Mr. President, if we want to discourage the use of marijuana in kids, why would we, in the stated spirit of not encouraging drug use, especially among our young, why would we want to relax, why would we want to relax this aspect of the law? We could appreciate, maybe, a change that sees the offender receive a violation ticket in the first offence, which then creates a paper trail. A verbal warning would not so record the offence. Where is the database going to be, when you stop somebody on the street because you found them with marijuana? How is the officer going to know if you had had a warning before or if you've had a ticket before for that matter? The question is, do we really, do we, Senators, members of this Honourable House, members of the Government, honestly believe that warnings and tickets, Mr. President, would be sufficient of a deterrent for would be violators to stay away from educational institutions and their immediate vicinities?

Mr. President, I would like to quote from a study, by the Ministry of Health, that is posted on their website and entitled, "Prevalence and Pattern of Drug Use in Third Year Belize City High School Students." This was in 2012/2013 and it found and I quote, "the illicit drug marijuana has the second highest reported prevalence. Lifetime 35.1%, lifetime experience. Past year experience 26.3% of students and current exposure 19% of students. Marijuana prevalence was higher than tobacco prevalence in all three categories and I send you to page 25 of that study. That's all, you say? 1% is too much, Senator.

This prevalence, Mr. President, was not among the total population of Belize now, nor was it among the total youth population. This was only Belize City, third year students. And in yet, well I'll quote from that in a minute. But another point we need to grasp and I need to sink in is that while, all of this is happening, while marijuana use is completely illegal in this country, okay?

Now, there is another study done with input from the National Drug Abuse Council, a Unit of the Ministry of Health and it found that in the past year of that study, 26.3% of third form students were exposed to marijuana. The Ministry of Health, National Drug Abuse Council, Mr. President, in its own study now entitled "National Secondary School Drug Prevalence Survey, Report on Drug Use in Belize" found the following in regards to secondary school students and I quote, "The male population reported higher lifetime, higher past month and higher past year prevalence of marijuana when compared to the female population. Lifetime prevalence of marijuana for males was 31.7% and 16.7% for females."

Now, let's recall Mr. President, what this study had set out to do and I quote, "The information collected provides a general assessment of the state of drug consumption as it relates to secondary school students, in the country of Belize. The population that this survey focused on was secondary school student. The most relevant observation of this study is that alcohol and marijuana remains prevalent among this population." And I repeat, these statistics were found under the current law when marijuana is completely illegal.

Now, Mr. President, what do we believe will occur in our country, when the risks associated with being caught, trafficking, anywhere near a school is reduced? Do we believe that prevalence will decline? Colleagues, fellow Senators, let's be realistic. Let's be realistic. Mr. President, I see where this Bill provides for drug treatment for those found with *cannabis* and this is a very good thing; we support it totally. But we believe it falls short because of the way the gates have been opened for our youths to be more exposed to this drug. Because we know there are people in our society who can't wait to exploit our youths, Mr. President, now we're addressing cure. It should have been addressed a long time ago. Would it not have been more prudent, Mr. President, to have focused on prevent and cure before, as all the data and studies that I've just mentioned recommends, before we open the door?

Additionally, the new legislation states that parents are going to be asked to bear the costs but there are no penalties associated and there are no guarantees if they don't take up this responsibility. I'm going to make reference to something I heard the Minister of the Police said and this speaks to more now about the difficulties of legislating good parenting. And I heard, as well, the Attorney General speak to this on the 'Know your rights program' and I hear the difficulties, Mr. Attorney General, and I agree with you but however, let's be real. Do we honestly believe that all our parents and guardians are going to ensure that these kids are not smoking or otherwise using marijuana, anywhere near their children? Because we know, we know that exposure to second hand smoke is as detrimental to the development of the brain of these kids. The Minister of the Police says, that he know of instances where persons were giving kids marijuana to hold, you don't know if it's just to hold or use but certainly they are exposed to this second hand smoke environment as well.

Senator Smith, I feel sorry for the teachers that are going to have a higher number of students now, I believe, showing up in school with odd behaviours and after having been exposed to their fair share of second hand smoke, right? And we know what this has done to the development of their cognitive abilities. And yet we begin to question, we question many times, right, why our test scores are so low? We question why our children are not doing better in school? And we trying to lay the blame at the feet of the teachers. These are all the things we need to take into consideration, Mr. President.

Mr. President, while this drug was illegal, I remind you what the Ministry of Health explains. It says, according, and I quote, "According to the *cannabis* abuse screening test, males are at a higher risk of *cannabis* abuse where 79.6% of males are high risk and 20% of females are high risk". And remember, Mr. President and colleagues, this is while the drug is completely illegal and having possession of *cannabis*, near a school, is treated as trafficking. The study goes on to say, Mr. President, that persons between the ages of 11 and 14 had a 12% high risk, while the drug was illegal and being near a school was treated as trafficking. It said, 15 to 16 year olds, Mr. President, had a 43.4% high risk, again, while the drug was completely illegal and being a near a school was treated as trafficking if you're in possession of *cannabis*. And persons, it said, Mr. President, over 17 years had a 39.5% high risk. It seems, Mr. President, that while the report covered all these wide ranges that the highest risk population was our young people, male young people and especially between the years of 15 and 16 years.

So, Mr. President, as we said earlier, yes decriminalize; yes, expunge criminal records that prevent young persons from getting gainful employment. The business community supports these measures but don't tell us that you're trying to discourage *cannabis* usage, especially amongst the young population and then turn around and place weak deterrence for these would be violators, who wish to expose our children to illicit drugs. We say again, the first offence, someone being found near a school warrants a ticket, perhaps, instead of jail time but the second offence certainly, Mr. President, we are saying, should be in line with the current section 18 (2) of the Misuse of Drug Act. Actually, Mr. President, we believe also that it should be added to this Bill that anyone found supplying or exposing marijuana or marijuana second hand smoke to anyone under the age of 18 years old should be treated in a similar manner as if they were near an educational institution. And this includes parents, who are so inclined to use marijuana near their children or worse to give them marijuana as the Minister of Police acknowledged.

I admit, Mr. Attorney General that it is going to be difficult to legislate for that one but I am certain that if there's a will, we will find a solution. If all the relevant stakeholders are consulted on this particular aspect we must could find something to deal with exposing our young people to marijuana.

There are other areas, Mr. President, that I'm going to just briefly cover because I focus on the youths because they are most at risk and because we invest, as a country, 25% of our tax revenue, 25% of our budget goes to the education of these children, who are our future workforce, our future entrepreneurs and our future leaders and we are damaging them by allowing this continued exposure to marijuana. We believe that any attempt, Mr. President, by anyone to profit from or profit while retarding the cognitive development of our children in this country, they should be severely punished; anyone found profiting from such. And while many of us are elated about this Bill or this Act before us, it would seem that all the scientific and medical researcher's warnings or caveats on the young have been relegated to a passing thought; and again we're going to be chastise for raising this urgent matter, I'm sure. I'm sure the Attorney General will have his way with me, in a little bit, but I stand ready to take it. But, Mr. President, I will take it. But beyond the youth population, there are other areas of concern, this amendment is going to have serious ramifications for the workplace and the workplace environment. What happens when a worker shows up at work impaired or under the influence now, after having legally smoked in the privacy of their home? They do it now, yes; and it's illegal. Now they will

do it more but there are consequences. There are consequences and businesses will have a cost to incur. What will this cost be? Will it be now that we have to do tests on our workers? And I'm talking here especially about people who operate heavy machinery, who are showing up to work high. What happens when they harm themselves or harm others because they are working high? How is this going to affect Social Security? It's going to drive up the costs at Social Security. Is Social Security prepared for this? Have they been consulted to see what effect it's going to have on the demands from them? Have we done those studies? Insurance companies; will premiums go up because of liability? Transportation companies; bus companies; remember what the studies said earlier about driving while under the influence. Dangerous goods, fuel trucks, gas stations, dangerous equipment; how will this affect OSH? Have we done that study? Have we seriously thought this true? Question: is it now legal to drive under the influence, since you could smoke at home and get high and then go drive your taxi or go drive whatever; is there a test? Will the police be testing? Do we even know what the, I don't know all the technical terms but what the legal limit for THC content in your body will be? Have we decided all of these things? Have we looked into them?

So, Mr. President, I beg and I put it to you fellow Senators, please, if we are not going to amend this Act today, which I hope we could or would, I would hope, colleagues and Mr. President, that I hear that we will say that this Bill will not come into force until the regulations governing this Bill are written and that we present them both together. Because we need to address these issues and many more that I have not raised and perhaps my other colleagues will raise some of them. But we need to have these matters fully ventilated, properly drafted and ready to be passed simultaneously with this Bill when it becomes law; for the sake of our children, if nothing else. Thank you Mr. President.

**SENATOR M. PEYREFITTE (Attorney General):** Thank you Mr. President. I must say that I found it, Mr. President, very curious, you can feel free to have your way with him Senator Courtenay, I have no interest in doing that.

I have to comment though, Mr. President, that I do wonder why, Senator Barnett insisted on introducing this Bill to the Senate, I do wonder why. Secondly, Mr. President, I have to confess to Senator Lizarraga, maybe now I know how you feel, maybe, when you say you don't have enough information sometimes about certain things. You quoted all these studies that talk about the negative effects of marijuana but you don't say the names of the people who wrote or did these studies. You said they were done, some studied by some National Institute. Who sponsored, maybe this is information I want, who sponsored those studies? Who paid for those studies? I would not be surprised, Mr. President, if they were paid for by tobacco companies or pharmaceutical companies that want to rain against marijuana because they don't want any competition.

Mr. President, no proof have been provided to me, in my extensive work done on this Bill, that demonstrate to me that marijuana is any more dangerous than the already legal drugs that I currently use. I drink rum. How is rum, alcohol, liquor less dangerous than marijuana? How many people have been found drunk driving? How many people have killed people while driving? How many people have died while driving? How many times have you heard anybody in a car accident under the influence of marijuana? I have never heard any. So where are the stats coming from? I don't know of any matters in the juvenile courts, the inferior courts, as to students in possession of marijuana in school? Where is that information coming from? Other than, oh, they are more than likely or 41% or 200% exposed to it by 2015. I mean, where are all these oppositions coming from? There isn't a difficulty with students possessing marijuana in schools, where you get that from? And this is another problem I have with the *Chicken Little* analysis. Not because something becomes legal means that people will do it. If sodomy ever becomes legal I wouldn't engaged in it, not because it's legal. I would still refrain from doing it. You're saying that simply because something becomes illegal more people will get involved in it? No, not necessarily so; not necessarily so at all. You may be surprised to know that by it becoming legal, it becomes less of a rebellious thing to do and you may not even want to

do it anymore. There is no scientific evidence to demonstrate that simply because something becomes legal or more or less illegal means that the use of it would increase. And, I think, it's very disrespectful by Senator Lizarraga to assume that simply because marijuana becomes legal to a certain extent that parents don't have the ability to parent their children. Not because something becomes legal means that you will allow your child to use it. Good parenting will prevent your child from doing that. I have a child and I the guarantee you *ih noh the touch marijuana, alcohol or cigarettes before ih 18; not while ih living in my house*. But that's good parenting. You cannot legislate parenting. You cannot pass a law to ensure that a parent or parents will prevent a child from doing something or being exposed to something. They are already exposed and we're not, I brought a prop, Mr. President, it doesn't contain marijuana; it contains what it says it contains. That's a half pack of cigarette. It says here, the Director of Health Services advises that smoking is dangerous to health. In some parts of the United States, they removed all euphemisms. It says, smoking kills. In some parts of Europe where I have seen cigarettes sold; they show you the inside of a person's throat as a picture on the back of the cigarette box. There's no outcry from the business community nor the business Senator against cigarettes. Children in school smoke cigarettes too, where is the outcry? They drink alcohol, where is the outcry? So then, what is the problem then? What is the real problem with marijuana? Why is there a fight against marijuana? And we're not saying or engaging in any form of free for all here. This, Senator Lizarraga from what I'm told, 10 grammes of marijuana is equivalent to about 10 cigarettes, half a pack; right here. If you are caught with more than that on the school premises, as an adult, you will be applied the old law. You will be charged for trafficking. You have to understand it's not a free for all, its 10 grammes or less. We're encouraging mature people who smoke marijuana and who we believe it has less of an effect on them, than cigarettes and alcohol to enjoy their marijuana responsibly. There is no study to indicate that people are less productive at work when they smoke marijuana or before. Who, from the people I know who smoke marijuana, they don't want to smoke before they go to work. They want to smoke when they leave work. And back to parenting, as well, people who smoke their little bit of marijuana, they are not giving it away. They certainly not giving it away to any child. Just like you, I grew up in Belize City among many people who smoke marijuana, and they couldn't influence me or peddle that to me. I was afraid of my mother, parenting again. Not because something is legal means that it will be used more intensively, come on, man. That's an insult to the people who are responsible parents.

Next thing, we're saying, the Courts are being clogged up by people who are being charged, detained, taken to Court for marijuana in this amount or less. It makes absolutely no sense. The police need the break, we have bigger issues than small amounts of marijuana. And it's not a free for all, as I said. You can possess this pack of very dangerous product, a very, very dangerous product; cigarette. You can take it to church. I can bring it in this Assembly. You can take this to the police station and this is very bad for you. This is terrible for you. Why would it be so bad, for me, if I am a user of marijuana to have this same amount of marijuana in a box like this, when I come in here, so I can smoke after this Senate meeting? What would be so wrong with that? Where is the scientific harm in that? There's nothing to prove that and there are serious restrictions. And what I like about a law, Mr. President, you know they say when something is good everybody like it. No, something is good when everybody hate it. It doesn't fully satisfy anyone, this piece of legislation, that's what is good about it. The church and other people who object to it, have to understand that at times they serve alcohol in church, so a man can have some marijuana at home. Come on, let's be fair. And the people outside, who want free for all have to understand that any major move like this has to be done tonically. You cannot go from zero to a hundred in two seconds. You can't just go for full legalization that equally would be irresponsible. So what are we saying? If you smoke weed, we are not questioning you, we're not investigating you as to where you got it from; that's your risk, that's your business. You have 10 grammes of weed in your pocket, you can go anywhere in this country and it is not an offence, except if you go and you are on a school premise.

Now, why is there a warning? Why is there a ticketing system first? You could make an honest mistake, you know. I could have my good weed, in my pocket, in my car, driving to pick up my daughter from school. I get on the school premise and I forget the good weed *in a mi pocket, I nuh di left it in mi car*, I don't want nobody thief my good weed. I get on the premises to pick up my daughter, the police are doing a raid and they rub me down. 'Mr. Peyrefitte, what are you doing with weed on you?' 'Boss, I never want to leave it in the car, I bring it...'. 'Listen to me, I don't care what your concern is about your weed, it looks like 10 grammes or less. Do not bring it here again. It's legal but next time you leave it in your car off the premises'. That's the purpose of the law. Because simply possessing it shouldn't be something serious if you are an adult. If you are a child and you have marijuana on you or any drug for that matter for which you are not authorized to possess or use until you're 18. Then we're saying wait. We're not going to arrest a 12 year old, 13 year old; 12 is the age of responsibility. We're not going to arrest a 14 year old or a 15 year old because as teenagers, especially the boy who haven't done, which of us haven't done mischievous things at that stage? Senator Thompson, I mean, we do lot a *lee thing weh we dah want wah lee run*. So we're saying, listen to me, marijuana is not a good thing to use, you know. So we're going to put you in a drug counseling program so you can learn about the effects of drug use, about the bad effects of marijuana use. It's not all good, it can't be all good. But at the same time if you find that same 15 year old child with a cigarette on him, a pack of cigarette on him, there is not required program, there's no required counseling. Under this legislation we're saying, the counseling could be had by anybody that the Minister regulate and say, 'listen to me, we want the Courts and the...', sorry, I'm jumping all over the place but the Family Court already has its own programs for juveniles. You do some community service, you paint a school, you cut some grass, something, to let you know that as a child you're not allowed to be engaged in this behaviour. And if there is a cost you, as the irresponsible parent, will have to bear that cost because then you should take care and ensure that you're giving proper supervision to your children. Not only that, that type of law already exist on the books; where a Magistrate in our Family Court for a juvenile offender can already have the parent be responsible for offences by the juvenile. That's already on the books.

Now, there is a big difference between possessing it and smoking it. Ten grammes or less, no school, you're an adult, you are home free but you can't smoke it anywhere. There are two offences currently on the books that will remain on the books. It's one offence to possess the marijuana. It's a separate offence to be smoking it. So if the police catch you the smoke it, your charged for possessing what you're smoking and for smoking it. What we're saying is this, you can only smoke it privately. Now you could smoke a cigarette that is ten times worse for you, according to other studies that I have read, publicly if you want; no harm. You can go in park right now, I can go on Albert Street right now and light up one of those Colonial and smoke it with children around and it's no offence. And those children will be ten times more affected than if I were to smoke a spliff. And it affects them ten times more but we're not outlawing cigarettes, we're not outlawing alcohol. So why are we hating on the marijuana?

It says, you smoke that marijuana at home, in your house, on your private premises or on the premises of another private place that allows you to smoke. Now, proper parenting, again. Currently, when I smoke my cigar I tell my daughter to go in another room or I go in another room to smoke it; that's only responsible parenting. As a parent you want to smoke your marijuana at home, you do it in your privacy, you go outside, in your yard or you go in another room from your child. You can't legislate that. You can just hope that people will be good parents. How do you ensure that; how do you make sure of that? No Act of parliament, no passage of any law can ensure that people would behave in a certain way. All you can do is say that is what will happen if they do; that's all you can do.

Let me touch a little bit on industrial hemp and I wanted to ignore the snide comment made by Senator Lizarraga indicating that, more or less, I don't want you to say I'm misquoting you that only special people will be allowed to grow hemp. Industrial

hemp, after this is passed if it is passed, will be totally legal. Anybody can grow it, anybody. It won't be, there's a certain THC content that will be prescribed once the law is passed and when that happens then you will know exactly what regulations to follow. And as long as you know that then you can grow your industrial hemp for whatever purpose you want. There's no big deal. And, indeed, for medical marijuana, are we going to blame Dean Barrow for the fact that nobody has applied for medical marijuana or no doctor has applied for the license to distribute it? A doctor can apply and if they qualify and they have the right thing, they can import all the marijuana they have under their license. It's there. It can't be controlled, it's already on the books. It's been on the books for umpteen years. We've had medical marijuana long before California, long before Arizona, long before Florida. We've had it on our books. It's right there. You just have to look, you just have to read the Act, you just have to read it. It's right there. So that is not something new. All we're saying is that you have people who don't want to smoke cigarettes, don't want to smoke cigars, don't want to drink alcohol, they prefer to smoke marijuana. Why is there such this hatred for people who want that particular drug? Because there are all drugs; there are all drugs and the more dangerous ones are actually legal. So all we're saying is that we're not even making the least dangerous one legal, we're making it only legal in certain circumstances.

And we're saying, you can have it for the purpose of smoking it, privately in your home as an adult. If you are a hotel and you own that hotel privately and you allow your guests to smoke and they possess less than ten grammes, that's fine, that's your premise, that's your hotel, that's their room. If you don't want them to smoke, there are some hotels already have no smoking policy where you can't even smoke cigarette. So, it doesn't stop people from putting regulations in their places of business or wherever. You can say no smoking here, period. So it's not a free for all. The sky is not falling in. Belize will not be destroyed. Belize may actually mellow a little. May actually relax, relax. Maybe when some of you write your speeches for presentation in here, you will actually be a little bit cooler; chill, relax. What's the big deal? What's the big rejection? Where is all the noise coming from? And I was glad to hear the Leader of the Opposition say, *man nuh stop deh*. Legalize the whole thing and done. And there are some of who feel where there is good logic in some of that. But we are saying, no, we cannot just go from total illegality to total legality without taking steps. And the Parliament is a live animal, you know. It's dynamic. If it is not working Senator Lizarraga, we could go back, we could go back, change it back and make it totally illegal again. We are a Parliament. You can set in the Senate, you can make a suggestion for a change in the law. You can lobby the House to change it, tweak it, to adjust it the way you think would bring about a better result. It's live, it's open to change. The genius of this process is that anything can be changed so, let's not lose sleep man. Smoke marijuana if that's your choice and get a little sleep and relax. There's no difficulty in this thing. It has not been proven that it is dangerous to the alarming effects that people want to make it seem as, that is not what the Science is saying. It's not what the science is saying.

And, Mr. President, I hope that people will accept that all we're doing is relaxing a situation on a drug that's not as dangerous as the ones that we already have that are legal. It's in small amounts, half pack of cigarette equivalent, it's for adults only, it is to stay away from schools. Those are conditions, now, what could possibly be wrong with something like that? Thank you, Mr. President.

**SENATOR A. SALAZAR:** Mr. President, I think that the contribution of Senator Lizarraga is a pristine classic example of what I call and what English people call a slippery slope fallacy, which is that, it is an argument that some event must follow inevitably from another without any argument to support that inevitability. Because the point is that, all of a sudden when this law passes now everybody is going to run out and get high and start to drive their bus, drive their forklift, student will start to smoke, go to school, insurance premiums will raise and that is really a fallacious argument. Because it presupposes that a law like this, which decriminalizes small amounts of marijuana will result in increase, dramatic marijuana use without providing any evidence, any iota for

that statement. So it is a flawed link, in my mind. And I want to address, because the Senator spoke about the harmful effects of marijuana but the harmful effects of marijuana that he speaks about, I too have had a look at the studies in particular about the schizophrenia issue; I will address that shortly. The negative effects of marijuana that he's talking about has to do with habitual persistent, heavy abuse of marijuana and, in fact, that is the case if you abuse anything. If you abuse food, you're going to have negative effects on your health. Alcohol will have negative effects on your health. Nicotine will have far greater negative effects on your health.

So to address the issue about, in fact, I'm going to quote the facts because the premise that I mention that decriminalization of marijuana will somehow lead to greater abuse or use is not true because the example of Colorado in the United States, where the State government, contrary to the federal rules has legalize marijuana. They have noted since 2013, I believe, that there is a drop in the use of marijuana among youths. In fact, Colorado is below the national average for marijuana use in the United States and that is a study that I looked at. So that and we come back to this issue about whether it is really that marijuana will have these deleterious effect in large quantities or on persistent use and we look to the fact that alcohol, which is legal, alcohol which is legal and this is a fact, is 114 times more toxic than marijuana. Yet that is legal.

Now the issue about schizophrenia, which Senator Lizarraga spoke a lot about, I wish to clarify, in fact, there's a recent study from Tel Aviv University in Israel and we must not assume or we must not take a correlation for cause. That means that, because people who have schizophrenia use marijuana, does not mean that marijuana has caused the schizophrenia. And the study by Tel Aviv University shows and it was done on mice but this is where most studies comes from but the results have shown that where there is no genetic predisposition, the THC does not cause the schizophrenia, does not cause schizophrenia. It is only where there is a genetic predisposition that that schizophrenia comes on in certain circumstances. And in fact, that correlation is true for schizophrenia and alcohol, schizophrenia and cocaine, schizophrenia and heroine, schizophrenia and cigarettes because people with schizophrenia are more likely to use these substances. So it is not fair to say that marijuana will or to suggest that marijuana will lead to psychosis or schizophrenia. Because to say that then, it would be the same for any other substance, which somebody can abuse. So, as I said, there is that genetic, there is that predisposition and this is a recent study. I believe, it was done this year. So, I think, we need to be very careful because we can use studies and we can use scientific evidence to sort of skew the facts a bit.

What we are talking about is the recreational use of marijuana. The significant abuse of marijuana is something that persists today as it is despite the state of our law, in which possession is illegal. And they can point to no study that shows that the decriminalization of small amounts of marijuana will lead to abuse. In fact, as I've said and I will close with this, in Colorado the example is actually the opposite. So thank you, Mr. President.

**SENATOR O. SALAS:** Yes, Mr. President, thank you. I rise to make a few comments on this amendment Bill. I would like to offer some advice to my fellow Senators, in particular, Senators on the Government side.

When we offer comments on this amendment Bill, I ask you to please don't get overly worked up or overly defensive. This Bill will pass; this Bill will pass. The two major parties have expressed their support for this Bill; so it will pass. And in some respects it's a very progressive Bill because it is, the intent is to decriminalize the possession of small amounts of *cannabis*. In this case, it would be 10 grammes and I have a question about where that 10 grammes came from? I'll also use a prop. I'll use this stopper, coco cola stopper here. I did some research and this can take up to a half grammes of *cannabis*. So 10 grammes are 20 of these. I don't have large hands, so certainly it will be more than a handful; more than a handful, 15 to 20 cigarettes, so larger than that

probably A.G. So, that's not necessarily a small amount. So my question is, where did that 10 grammes ...? No. Some countries that have decriminalized the possession of *cannabis* have gone, I saw 2 to 5 grammes. So I ask the question again, where did that come from? I completely understand one of the main reasons for decriminalizing possession. Too many of our people, as Attorney General said, we're clogging up the Court system, are being sent to prison, are being sent to mingle with the harden criminals; that's not fair to them and I support that argument. But now when we look at the other intentions, 'provide for the imposition of penalties for the possession of *cannabis* in such amounts occurring on school premises'. We need to pause, we need to be aware of what the concerns are. None of us here are counselors, are psychologist, are school principals, are school counselors unless there is one here. I stand to be corrected, sorry. There is an educator here, to my left.

I did some research as my colleague Senator Lizarraga did and, you know Senator, I won't say that the arguments that you presented are 'slippery slope' and 'Chicken Little'. We are no experts so we have to do our research and see what the expert says. And I will not paraphrase what the expert say because I don't want to get the words wrong. So with your permission, Mr. President, in a little while, I want to quote a few, not as long as my colleague went. He actually referred to some of the same documents I found. So I won't go into those. But I heard that if they're caught, they will be sent to a drug rehab or counseling program. Look, that would be all good and well if our country would have adequate drug rehab and counseling facilities and expertise; we do not have, we do not have. I heard about sending them to community service. Community service is not counseling, it's not rehab, that's a form of penalty, a form of punishment.

If you allow me, Mr. President, I want to very briefly quote from some people, some associations in the known and this comes out of the very own report from the decriminalization of marijuana Committee that was published in 2015. The Mental Health Association of this country said that in their experience the use of mind altering substances can and does have serious negative effects that exacerbate the underlined mental health and social problems that an individual might be facing and that is especially true for young people. And that is why they recommended that you should be discouraged while expanding access to treatment and rehabilitation. And I repeat that again, I spoke to several professionals, professional counselors and they did not hesitate to tell me that our country does not have adequate, I'll repeat it again, adequate rehab, counseling facilities and less so, experts to deals with that.

Our Government, our country's own National Drug Abuse Council believe that as a country we're not prepared to address the issues that decriminalization could have on our society. Even if under minimal control quantities and I quote a short phrase from them. The said, "We live in a country where limited rehabilitation and treatment infrastructure is available and the path to establish well structure structured minimum standard of care for treatment service providers is in its infant stage"; in its infant stage.

To quote from a few school principals and school counselors and professional counselors, 'We are preparing the next generation. We are thinking about the big responsibility of forming the future leaders of our country. In this respect, we cannot help but be concern when we look at the facts of how it affects the developing brain. We cannot turn a blind eye to that. The brain in the adolescence years go through a lot of changes so amiable. For a person below the age of 25 consumes on a regular basis, you know grant it, infers to consumption on a regular basis, the person is exposed potentially to a long term damage or negative side effects.'

This school principal asked, how does this amendment affect their school policies? How do they need to align with it? One school, in particular, told me that in any given year, over the last few years, 18 to 20 students drop out because of marijuana use and they specify that to me; because of marijuana use. And that's just a couple schools that made the statement.

A professional, actually two professional counselors told me, trained at the Masters level that Belize does not have the sufficient resources to support those in need. We need training and all the other necessary resources. The weed of the past is not the weed of now. They are laced with pesticides, laced with other things. So another question I have is, who will supply it? Who will supply the *cannabis*? Where will it come from? These questions need to be asked.

And I was wrapping up, I want to quote a few short sections from a paid review article by the American Psychological Association, entitled, "Marijuana and the Developing Brain". This was written in November 2015, six months after the decriminalization of Marijuana Committee submitted their report. So they did not have the opportunity to review this report. It was published six months after they presented their report. According to the APA, it said, "In the short term marijuana has been shown to impaired function such as attention, memory, learning and decision making. Marijuana used in adolescence or early adulthood has been associated with a dismal set of life outcomes, including poor school performance, high dropout rates, increase welfare dependents (in the case of the U.S.), greater unemployment and lower life satisfaction." And I accept that alcohol use may already been causing some of that but *cannabis* has certain compounds that exacerbate that or that have their own deleterious effect to the adolescent brain.

Duke University found that persistent marijuana use was link to a decline in IQ. Even after the researchers control for educational differences. They also determine that at least until the early or mid-twenties, the brain is still under construction. If that should not concern us, what will? After the age of 25, well, so what, our brains have developed for the most part but up to the age of the early twenties to mid-twenties, the brain is still under construction and that should concern every one of us here; especially in our small country and limited resource pool where we need to develop our human capital.

So, concerns, we should be concerned and granted this Bill doesn't necessarily address that but because it refers to persons found in possession under the age of 18 years would be required to participate in a drug treatment or drug counseling program. That obligates us as a country, our government to ensure that we put the support where it is needed to provide more access to drug rehab facilities, counseling programs. What we have available right now is dismal, dismal and I speak from experience in relation to counseling services, I know relatives of mine had had to use counseling services. It took me many months to find a suitably trained counselor to deal with the particular issue that we had to deal with. I'm speaking from experience. So, please don't tell us when we make comments, like this, that it's the *Chicken Little* approach or the slippery slope; don't do that because then you are insulting us and our intelligence and the concerns that we have.

But I will end by saying, a recognition and acceptance that the amendment Bill will pass, it will pass. So the next step now, is to focus on improving our resources, our facilities for drug rehab and counseling. And I end with that. Thank you Mr. President.

**SENATOR DR. C. BARNETT (Vice-President and Minister of State in the Ministry of Finance and Ministry of Natural Resources):** Thank you. Mr. President, obviously I rise in support of this amendment. I am not a person who advocates, in any way, the use of marijuana. As a matter of fact, I don't advocate the use of any drug, except those prescribed by a medical practitioner that supposed to be helping you get better. But I do recognize and I believe that we are in a situation in which we have taken a hardline view on the use of marijuana. A view which does not necessarily coincide with any rational view that we take of the use of alcohol.

The internet is a hell of a thing. Alcohol affects two crucial parts of the brain, which are vulnerable when a teenager is developing. This can result in irreversible brain

changes that can impact decision making, personality, memory and learning. Alcohol acts on the nerves cell of the brain and disrupts communication and I can go on because there are many studies that show exactly this same thing. And the reason why I'm even making a comment on this is because the study that was cited that is posted on the Ministry of Health's website; and it's a very good study. I encourage everybody to go and look at that study because it has a lot of information that would help us to understand the things that our young people go through and would help us in the policy making arena, and I include everybody in here, to understand the way in which we should be making policy. And we should be making policy on the basis of full information, not partial information.

My Senator colleague cited this study of teenagers; third form students ages 14, 15, 16 and use of licit and illicit drugs. And he did not tell a lie. He said the second most prevalent drug is marijuana. And the data is that 35% of the young people studied said that they have used it at least once in their lifetime. This average age 16; 26% have used it in the last 12 months and 19% used it in the last 30 days.

For alcohol; that same set of young people, 76% have used it in their lifetime, 57% used it in the last 12 months and 41% used it in the last 30 days.

I understand everything that my colleague says about the need for counseling, the need for us to do better by our children; I understand all of that. But if we are so concern about the use of our young people of marijuana, then we have to be even more concern about the use of the other drugs; we have to be. And let's be real. It is illegal for children 16 years to be using alcohol; and I say using because it's a drug that they're using. It is illegal. It is illegal for them. It's illegal for them to use alcohol, it's illegal for them to use marijuana. And if the argument against it is that it is mind altering and it affects their decision making. One of the critically important findings in respect of alcohol is that it affects the ability to perceive danger, which is particularly important for young females.

But I want us to be very clear and maybe it's because I am a social scientist by training and I know that there is a perception of using data; you know, the old joke about data, lies, damn lies and then statistics. We have to be honest and full when we are using existing studies and existing data to make a point because the whole point of this study is not about the use of marijuana. It's about the dangers that our young people face from the full range of drugs that they begin to use at a very early age and the most, the one they are introduced to earliest and the one they abuse the most is not marijuana; it's alcohol and it affects them for a very long time. So let's be honest and forthright about that.

There is nothing in this Bill that is encouraging anybody to use marijuana. Nothing in it that's encouraging that. It is simply saying that if you use it, you have to use it in your own home. If you are caught using it in the public arena, anywhere in the public, you are still committing a crime. If you are a person underage, we're not going to give you a criminal record, we have too many young people who have criminal records at an early age, for less than 10 grammes and that affects them for a very long time. With this amendment, we're not going to be doing that anymore, we are going to be channeling our young people towards the information that we hope will help them to make better decisions about what they do and what they don't do.

At this stage, Mr. President, I just simply want to say that it is time for us to get on with the business of this Senate today, we're kind a taking a little bit long, that's alright. Some of us have gone but I would want us to understand that this particular piece of legislation before us is not in the least bit telling anybody to go out and light up any spliff in any public area. It's not telling anybody that, it's not telling anybody that it's okay to do that; it is not. Thank you very much, Mr. President.

**SENATOR P. THOMPSON:** Mr. President, I lend my support to this effort to decriminalize marijuana. I think it's something that should have been done a very long time ago. All the youths, as Senator Barnett said, whose lives have been tarnished now

have a chance to maybe lead a life of success. Since this Bill talks about the expungement of criminal records for people who were caught with possession of marijuana and fined up to a \$1000.00 or less, I would ask for their benefit, for those affected people, to please explain how that process would work. Because you know these things are not always straightforward. You may have a scenario where someone was caught with 5 grammes of marijuana and maybe paid more than a \$1000.00 or there may be a situation where someone was caught with 8 grammes of marijuana and was not fined and went to jail. So for the benefit of those people and to try to cover everything, we really would like an explanation to those affected persons, how the process of expungement will happen? I think that's very important. Thanks.

**SENATOR M. PEYREFITTE (Attorney General):** I am not sure, I am prepared to concede if the Senate rules are different, Mr. President, but I know under the House rules, the two sides agree, then the rules can be put aside just for the purpose of facilitating the House. I wanted to know if I could quickly answer the Senator's question.

**MR. PRESIDENT:** Yes, please.

**SENATOR M. PEYREFITTE (Attorney General):** It would operate, the purpose of saying that if it a \$1000.00 or less fine it can be expunge is simply to send the message that it was a very minor offence or a small amount or that the situation warranted you not being treated seriously by the law. So the amounts don't differ. So if you want to expunge your record, all you need to do is to apply to the Commissioner of Police. You get your record, well they would have it but you get your record from the Magistrate's Court or wherever you are convicted, you apply and you ask for it to be expunge. Of course, that is not an automatic process, I mean, if you are a career criminal, then maybe not. But we're trying to say that if that is there on the books there is a great chance that that would just be removed. Of course, the offences for which you were charged will remain on your record. But just that marijuana fine for less than a \$1000.00 will be expunge because what we are trying to do is this. It would be kind of unfair for you to have experimented or use small amounts of marijuana in the past but you happened to have gotten caught by the police. You paid your fine, it's unfair to you now that all of sudden people can use it freely, 10 grammes or less. So just simply applying in the normal course and then the Commissioner will deal with it. Yes, just apply to the Commissioner of Police.

**MR. PRESIDENT:** Senator Peyrefitte, just for future purposes, as a Minister of the Government, you have the right to reply to any statements after.

**SENATOR E. SMITH:** Thank you, Mr. President. I am not going to be discussing much as it relates to education because my colleagues have taken over that part from me. But having been in the classroom for 32 years and counting, I have seen where we've had students who come from homes where smoking of marijuana is or it occurs regularly. And we've seen where it has affected these children when they are in the classroom. As a matter of a fact, we've had students in our schools who at the age of 6 or 7 are found with marijuana in their possession and who say to us that their father gives them marijuana to smoke. And so we are aware that little ones are being affected and will continue to be affected by this matter. Now before I get any other chastising, I'm not saying that this is what this will do I'm just saying that this is what is happening right now. And so we are well aware of the affects or the effects that this will have on our students and our young people.

And as Senator Thompson said earlier, from the NTUCB we are a bit concern that persons who would be needing assistance might not be able to get as much as they need because the proper things are not in place. And my colleague spoke about NDAC, we are concerned that NDAC might be given some assistance so that they could do a better job of assisting the persons who will need to get some assistance. But at the same time we are also relieve to know that persons who do have a record, as it relates to this marijuana matter, that that can be erased and they can be able to hopefully seek employment without

that being a reason for them not being able to be employed or to get other essential things that they might need without that record hampering them from doing so.

We also feel, Mr. President, that while there are not many persons who are at the Hattieville Prison for drug offences, we know that persons who are in that facility, the cost is a burden to our taxpayers. And so with this in place then, we feel that it's going to lessen the burden on taxpayers for the cost of providing for these persons when they are incarcerated.

We want to ask, Mr. President, that we continue with the education, that government continues to educate the people on this matter because as we have probably heard, some persons do not understand fully what the intent of this Bill is. And so some might feel, as was said earlier, that I can go with what I have anywhere and I will be free to do as I please. And so we just need to educate our people so that they can fully understand what this Bill is speaking to and please, let me say again, I am not saying that this is what the Bill will do. I am saying that we must take the time to educate the people so that they can fully understand what the Bill covers and what is not covered. So that they are aware of what they can be charged for and what they will not be charged for. So please don't misunderstand what I am saying.

The NTUCB is asking that we have periodic reviews of how this is working and what effects it's having and how we have helped those persons who are in need of assistance; rehabilitation. If we monitor and we review how that is working and to see if there are any other needs that we might be able to provide for these persons. And so with those said then, we also want to ensure that we are aware that the regulations are need to be well thought out. We heard talk earlier about, ---young children and persons who are able to purchase these things and all of these things are to be found under the regulations. We want to ensure that it is properly well thought out and it is inclusive of all the areas, of all possible areas, so that our minors then are not caught between this. And so with that said then, Mr. President, my organization, the NTUCB supports this Bill. Thank you.

**SENATOR REV. A. ROCKE:** Mr. President, I rise to give my contribution to the amendment to the Misuse of Marijuana, Drugs, sorry. This has been a grappling day for us. It has been that way because in many aspects when we think of why this Bill may have come about was because of the obvious situation that was happening at the prison, where people were being collected because they were found with small measures of marijuana. And it could have been that they were blocking up the legal system, we're not sure maybe I can be educated along that line.

However, as it relates to the substance in question, we: children of men have decided that the substance is classified as illegal. Illegal because of its addictive potential. And so in light of that, we: children of men have decided that if we are caught, doing it or smoking it that we would be, those persons would be incarcerated. Because the drug is considered illegal, I am supposing you can see where the church would quickly agree that the church cannot be party to anything that is illegal. And so in light of that, we have had to deal with the, in principle, what the government is trying to do. We understand what you're trying to do. We understand what the law is trying to do but as it relates to the church and its position in the issues of drugs, we cannot support that change. We understand, in principle, what you're trying to do and what you're trying to accomplish but the question is, was there other ways in which this could have been done rather than giving the smokers the leeway to smoke? Would it have been better if those people or if the government could have found another way to deal with the drug issue? That's another question that we have. And so, we, the church, we feel that we have a moral and a spiritual responsibility to our Belizeans brothers to say that this may be that we're going down the wrong way.

We recall in the book of Exodus that the children of Israel wanted to eat meat and God said to them, 'don't eat meat. That's not good for you.' But they wanted meat

anyway so they got meat to eat. When they had the meat to eat, thousands of them died that day because they wanted meat. I don't believe that because people want things, we always need to give them. I believe that sometimes to secure and protect our people, we need to say, 'no'. And whether it is that we will help them or not only time will tell but if we say, no, chances are the 'no' may protect them eventually. And so, like I said, it has been a grappling Bill. It has been a grappling amendment for us but in most of the cases, most of the Minister and men of Religion seem to think that it may not be the proper way. As well, we're also asking that those who continue to peddle drugs and continue to sell drugs to our young people that when they are found, they are dealt with by the full extent and measure of the law. We cannot, we cannot for the likes of us continue to allow people to put our society at jeopardy by allowing, especially the young people of our society to engage in the use and abuse of marijuana. I had a typical example, not very long ago. I had a funeral at my church and the case is that at the church when the people who come to the church are either, were involved in gangs or other things usually the gang members come and everybody surrounds the church. And they make it their business to smoke the weed around the church, as if they are burning calli to the death. At that time, the policemen came around and I happened to had in my company, the Minister of the Methodist Church down the street who can attest to the fact that two of the young men ran through the church brandishing guns in their hands. And I don't know whether they were high or not but it really frightened the people that were there and the ones who were outside smoking the marijuana and going on, carrying on, they were making a big deal of it, you know. So that we at the church, you have called this thing illegal, you have said it's illegal, we do not want to have party to sanctioning or supporting anything that is illegal and that's our contribution.

**SENATOR V. WOODS:** Madam President, I know it's late in the day and we are not finished with the agenda. So I'll definitely do my part to try to be brief. Let me say from the outset and so that it's clear on the record, that I certainly support the idea that we don't send persons to jail for a stick of weed or for 10 grammes; that we don't disenfranchise persons with a criminal record for that.

And this Bill, to my recollection, from its inception was about that. It was also about that because as the Attorney General so clearly stated, it clogs up the Court, it is unnecessary costs and all the other explanations that he gave to that regard as well; as well as the other Senators.

And, Madam President, I was happy to support any Bill that came to us that did just that because that was the primary rational. I have been public with my comments that it should have been done a long time ago. So many people, not just young, young and old or older, quite frankly have a criminal record. Working in the private sector, one of our requirements to hire is to get a police record and once we ask for it, a lot of times we get the response, '*I will tell you right now I had to pay a fine or a had to spend a lee time but dah mi only for a lee stick a weed. Dah nuh like a di sell it or a di supply it or stuff like that.*' So I appreciate it, I really do. And so, if it were that I would have gladly be able to say, I support this Bill but I don't.

It will still pass because it has the majority and these are my reasons why I have difficulty. It reminds me, Madam President, of a very old Proverb: 'There is a many a slip between the cup and the lip.' The idea should have been welcomed by all and the outcome should have been what the idea was. But, Madam President, why I cannot in good principle, support a Bill that is doing more than what its set out to do is because it goes against the very principle of responsible government. It goes against the principle of ensuring that we do the proper research and gather all the data and educate and provide the discourse and set up the enabling environment for the other aspects of the Bill not for the lessening of penalties. I thought that could have been a straightforward discussion, honestly. I thought that should have been an easy draft for all the reasons cited by the Attorney General and for all the reasons cited by the other Senators as it relates, on both sides of the aisle, as it relates to the lessening of penalties, criminal records, clogging of

the Courts and all of that. But like a many headed medusa if you will, by adding the other sections now without regulation, without the proper framework, it needs to more, all these questions that you're hearing and all these doubts and all the reference to so many different research and it leads to all the concerns raised; as it should. Mr. President, it should because we are taking what has always been an illegal substance, and although it states in limited fashion, we are making it legal. That's a significant change for any country, any society. The Attorney General did say, it would be legal but in limited use and those uses are the medical marijuana which by law, he already states and has pointed us to that direction where by regulation, through regulation the Minister can provide the parameters, if you will, for medical marijuana and it lays out the sections in the law for what all that entails: either prescription that may include the drug, supply that may include that drug and so forth. I'm not aware if there are such regulations. That's certainly would have, if they are, if they are, then they should have been part of the discourse because clearly there have been a misunderstanding, when you listen to some of the back and forth.

But beyond that, it now goes into industrial hemp. It's an entirely new industry that is now being made legal because of the fact that the *cannabis* train, which is hemp, is now not going to be an illegal substance. And there is nothing wrong with that but that is legalizing now and the amendment speaks to the THC content as maybe prescribed. We are changing for the benefit of a new industry and we do need new industries in this country. The economic situation and the lack of opportunities require that we look for new industries and hemp worldwide, industrial hemp, is a major, in Canada alone it is a billion dollar industry. A couple billion dollars industry in the U.S. and in other parts of the world. It's a serious industry for fabric, for mulch, for animal feed, for human food; it's big business. But the law does not prescribe, does not state any regulations for that new industry. Where is the *cannabis* licensing authority that will give the licenses for cultivation and for processing? And if we're going, because it's a new industry and one that quite frankly has proven that it has significant returns for our country and for those who invest in it, we ought to make sure that as a responsible government that it is done fairly and equitably. So in some countries, the licensee or the individual or the business entity that gets the license to cultivate can also get it to process allowing for some fair and equitable, if you will, distribution. But another interesting thing about hemp, Mr. President, it is a variety of the *cannabis*, as it's noted, the clarification in the amendment, the *cannabis* it is a variety of it. But to the amateur eye, it looks rather similar. So that's why you do need that licensing authority because you have to make sure that it's really hemp that's being cultivated, processed. And in humble view, Mr. President, I thought that that could have been accomplished by a separate Bill not under the guise or decriminalization and still have a Bill that would have done what we're all saying and what we heard was the primary reason for doing this; to not disenfranchise our young men and women or older men and women for a stick of weed or 10 grammes that in and of itself is progressive and forward thinking. If we had done it that way, Mr. President, and not rush as we seem to always do in this country, no matter who is at the helm of government, we just rush legislation, rush things that come here. If we had done it that way would have had some time for that same periodic review to access how is it working; the decriminalizing aspect. How is the society being impacted? Was it, indeed, a situation where we were perhaps prematurely too scared? And then that certainly could have also allowed the time, Mr. President, for us to do the proper research and analysis of how other countries have done the legalization of marijuana for industrial hemp, for limited recreational use because this does that too by virtue of having it in the privacy of your home or if it's not your home, in a hotel room or somebody else's home, provided you have consent so that's limited recreational use based on a limited quantity. But we didn't do that and had we done that exercise we could have had enough data and all the research that looks at all the arguments, juxtapose it against how it's been done in other countries, which have similar styles, government and societies like us and see how they weighed the pros against the cons and how they came to a balance and what frame work was put in place to alleviate some concerns.

I don't think that would have taken away from the merit of the amendment to the Act to limit it, for the time being, to lessening the penalties and not having the criminal record. Actually, I thought it would have been a most bold and progressive move if we did it even in a bipartisan way so that when we brought the Bill to legalize for those purposes it would have enjoyed the full support, knowing what the regulations are; and that's important because this is a significant change. With drunk driving, as the example the Attorney General give, you know what the legal blood alcohol limit is. Whether you are an adult or not and you're caught driving above the legally prescribed blood alcohol limit, then you know what the consequences are. We don't have this. My concern is not, as I said, with the first aspect of this Bill, which I thought should have been the only aspect, if we were talking about decriminalizing. But we are dabbling in legalizing even if it's for a limited purpose. Mr. President, there are some very good examples were the legalization of marijuana is even far more extensive, if you will, or broad and then there are examples in other countries where it's more narrow and restricted. So we would have had the benefit, if done properly; all the education, the campaigning, all of that would have been done to fully ventilate.

The other concern why I thought that should have been an important aspect before we advance to limited legalization, as we speak about industrial hemp, in particular, because the reality is, Mr. President, the men and women being pulled aside for the stick of weed or 10 grammes, as it is right now, they are not those that are necessarily under higher income bracket of society. They are not the executives in office who do it. They are ordinary, everyday Belizeans. So when I look at the industry of hemp I also want to ensure that we do not encourage, by not having the proper regulations, that the ordinary, everyday Belizean is not disenfranchise from that opportunity. Because the Attorney General, I do share a view that, indeed, a lot of the major pharmaceutical companies the world over, very clever. But so too are business persons, who perhaps have greater access to those who can determine if they get a license or not and without the proper regulations in place we run that risk. There was an example not too long ago in this country where there was a raid of sorts on a weed farm. I'm assuming it was a legitimate weed farm and not a hemp farm. But if it was a hemp farm, which back then, it would be illegal but now this would be legal, is it that those average farmers will be the ones now that will benefit from this industry, which is the need for proper regulation?

The other thing that I or the last thing, I should say, that I want to add to it, Mr. President, is that the Attorney General was also and I'm very grateful for the clarification because there still seems to be some misunderstanding that you can't smoke it, you can't cultivate it, you cannot sell it and you can't supply it. So where will they get the 10 grammes to possess it? And where will they get the 10 grammes to smoke it in the privacy of their residence or their friend's home with their friend's consent or a hotel room? So in that respect, it's illogical not to consider the proper parameters to legalize such limited use. So I know that the Bill will pass. It enjoys majority of the Senate but it will not enjoy my support.

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Thank you, Mr. President. I anticipated the Misuse of Drugs (Amendment) to have a long discourse. Just a couple of quick points though: (1) listening to my various colleagues, I'm up and down, I'm up and down. But we are being asked to do a couple of things, the first is to decriminalize the position of *cannabis* in amounts not exceeding 10 grammes not to make it legal, to decriminalize it and I'll be corrected by the two attorney's here.

It is my illegal to throw garbage but it's not a criminal offence. So it's not everything that is illegal is a criminal offence. We're not making it legal. It is illegal but we're decriminalizing the 10 grammes. In other words, if you got 10 grammes, *we nuh wah send yu dah jail*, basically; that's what it is doing.

We're also being asked to provide for the imposition of monetary and non-recoverable penalties for the possession of *cannabis* in the same 10 grammes occurring on school premises. In other words, school premises off limits no matter what. That's what we're being asked to do. It's a 'yes' or 'no' to these. Do we want to continue to make it a crime or not if you have 10 grammes? Do we want to ensure that if you're on a school premises with the same 10 grammes we *wah* penalize you, monetarily and otherwise? And the third one, is to decriminalize the smoking of it in your house. Senator Woods is absolutely right, it's a catch 22 because to get the 10 grammes you have to get it from somewhere and whomever you get it from is a dealer and that's an offence. So what it is saying is, 'guess what', *ih nuh the say go out deh* and get it and smoke it. It is saying, so that the police don't hassle with this and all of this and besides, who will measure if it's 10, 11 or 12 grammes; all of that is an issue. But then it takes me to Senator Woods' second point, regulations. The problem is with regulations is that regulations is subsidiary legislation. It comes after the main legislation. The parliament says, 'okay, we *wah* do this'. Then the Minister is given the wherewithal to bring out the details, and as far as I understand, that is already being worked on because there is a lot of details to how you will deal with this. *Unu feel free to correct me anytime I wrong.*

The legislation however, the actual principal Acts says, regulations may be made by the Minister under any provisions of this Act, which will include the amendment (a) may make different provisions in relation to different drugs, different class of persons, different provisions of this Act and other different cases or circumstances, can make regulations. He may make regulations and may make the opinion, consent or approval of a prescribe authority or any person authorized in a prescribed manner, material for the purposes of any provisions of the regulations. And may, the regulations he make, may contain such supplementary, incidental and transitional provisions as appear expedient to the Minister. But here is the important thing, the Minister shall not make any regulation under this Act, except and after consultation with the National Drug Abuse Council. So there is, tight so even the regulation he's going to make it's going to be in accord with the National Drug Abuse Council, he can't just think it up. The law already makes provisions for that.

Then it goes on and says, 'any regulations made under this Act by the Minister shall be lay before the National Assembly and be subject to negative resolution.' But it shall be lay before the National Assembly, so you will see the regulation but the regulations have to come after the amendment to the principal Act, man, that's the first thing. Secondly, he can't make them without the Drug Abuse Council saying and approving and third thing father or Senator, with due respect for you, it is not to make it legal. It is to remove the criminal offence from it. That is what we're doing for the 10 grammes, only the 10 grammes nothing but the 10 grammes, if you smoke it in your house.

With respect to the hemp, I think they had to include it because the hemp is another species and let me just read from, everybody is reading from quotes, give me a few minutes. It says, "Hemp is one of the oldest domesticated crops known to man. It has been used for paper, textiles, and cordage for thousands of years. In fact, the Columbia History of the World states that the oldest relic of human industry is a scrap of hemp fabric dating back to approximately 8,000 BC. So what exactly is hemp, and how is it different from the psychoactive form of *cannabis* that we consume medicinally and recreationally?" It is different, you see? "Let's dive into some hemp 101 so you can better understand the versatile material." Because it's a little different they are not taking the same thing. "There are many different varieties of *cannabis* plant. Hemp also called industrial hemp refers to the non-psychoactive (less than 1% THC) varieties of *Cannabis sativa* L. Both hemp and marijuana come from the same *cannabis* species, but are genetically distinct and are further distinguished by use, chemical makeup, and cultivation methods." So talking two different things. Senator Woods is right, it look alike; so I hear. "Hemp can be grown as a renewable source", blah, blah, blah. But I want to get down to the more important little aspect. It says, "Hemp requires much less water to grow and no pesticide so it is much more

environmentally friendly than traditional crops.” That’s a plus for the Senator from the thing, but it says, this is the part that’s interesting it says, “Hemp can do a lot, but it can’t get you ‘high’. Because hemp varieties contain virtually zero tetrahydrocannabinol (THC)”, let me not try pronounce them big words. Thank you very much. “Your body processes it faster than you can smoke it. (BUT) trying to use hemp to put you on a cloud nine will only put you in bed with a (serious) migraine!” Then it goes on, why was it illegal, blah, blah, blah.

So what we are doing is saying that, just like medicinal marijuana we *nuh* the deal with that, we the deal with the actual one that has the psychoactive effect. And what we’re doing with it is saying look, ‘10 grammes in your house the smoke, we won’t bother with you. On a school premise you will get fine and what else; and everything else is illegal and it continues to be illegal.’ We are only decriminalizing that little aspect of it and that’s it; end of story.

I heard what Senator Lizarraga said and I heard my other esteemed Senators and all the detrimental use of it. But gentlemen and ladies, Senators let’s be real, you *nuh* stop the devil you know, *nuh* stop the devil. If you look right now in this society and the whole world for that matter one of the things that is plaguing and driving every single crime and everything we do is this insatiable pursuit of the almighty dollar, which people will sell their mothers on the beach for right now. There is no limit to getting, getting. The greed is sickening. And the few people who have some integrity and stand up and won’t be are the odd people out these days. Sometimes I wonder if people don’t wake up in the morning and their first prayer is, ‘Dear Lord, who can I *jeng* today, who can I rip-off today? That might be the first prayer. Because the brotherly love and the kindness and the gentleness and the generosity and putting children in the right way and ensuring things are proper gone through the window. Senator Elena is right, she has a hard time in school. My wife taught for 42 years, lee longer than you. She tell me the drama in school with children coming that their parents the smoke weed, whether they give them or not. The take thing home, the hustle, people the put their young daughters into prostitution; all driven by money.

So ladies and gentlemen, Honourable Senators, I ask for your vote but I just wanted to make those clarifications. There will be regulations, which you will see, they must be guided by the Drug Council and the industrial hemp we said, that is not part of this madness because it’s not the same species. Thank you and I ask the question.

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

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

Bill read a second time.

## **8. International Banking (Amendment) Bill, 2017.**

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to move the second reading of a Bill for an Act to amend the International Banking Act, Chapter 267 of the Substantive Laws of Belize, Revised Edition 2011, to make new provision in relation to the categories of publicly owned or controlled entities resident in Belize with whom international banking business may be transacted; and to provide for matters connected therewith or incidental thereto.

**SENATOR V. WOODS:** Mr. President, it's really a question or seeking clarification because I don't see why the Bill is necessary. But if I go by what has been exchanged in the House, as I rise for comment on this, it really is about the statement that this really is to facilitate, this came about because of the need to facilitate BTL investing some, I believe it was \$35 million by way of a loan with an international bank. I believe the bank cited was Atlantic International Bank.

Given the concern that the country has had over foreign exchange, obviously that raises a concern because that would require repayment in U.S. currency or the foreign currency. And so it begs the question, if this was, as is understood by that exchange in the House, because of the need for BTL to invest and the reasons why, quite frankly is irrelevant. That's not why one should do this. It's to look at impact on the foreign exchange here, is it that the company has demonstrated, and there is the data for that, its ability to repay without a strain or drain on the foreign exchange? It was noted, although it was not specified that it was a portion, I believe, of the investment that is required but did not specify what that portion was. So it's really a question which leads to the difficulty in understanding why this needs to be done and why we should support it.

I also noted on, if you allow me to refer to the amendment, yes, it refers by clarifying the WHO is allowed now to engage in such transactions. Yes, the Government of Belize but then it starts adding the Government of Belize; "(iv) is an entity wholly owned or subject to majority control by, (A) the Government of Belize; (B) the Government of Belize and Social Security Board (established under Social Security Act), in the aggregate; or and (2A) 'majority control' in relation to the affairs of an entity, means the possession of a level of influence whether by ownership of a majority a shares or possession of majority of voting power," so really it's more than just BTL. Obviously, my understanding is that any legislation so approved would trump any regulation that goes against such legislation. So, I'm assuming there would be now some changes in the exchange and controlled regulations. But those are my concerns as we are asked to look at a Bill to allow BTL in a sense to invest millions by a loan through an international bank. It's impact on our foreign reserves or if we have look at that, given the size of this. Thank you.

**SENATOR P. THOMPSON:** Yes, Mr. President, I want to add a question to that. We understand that the liquidity in the banking system is high at the moment and so the question is, why is it that we would want to borrow from an international bank here, as oppose to borrowing from the domestic side?

Another question I may ask is, is the reason for that that maybe there is a shortage of foreign exchange in our system and we would want to now rely on our foreign liabilities; and we know that the international banking system is also threatened at the moment.

And the final question would be, is this maybe killing two birds with one stone? This may be something that we're doing now and we have intentions of doing something else later with another institution, a wholly owned institution because now, for example, and this is just a question, BIL is able to go and get a loan from an international bank. Maybe this is a way for us to try to find ways to get monies to pay Venezuela for oil that we're getting at the moment. We don't know and these are questions that I have and I know my enlightened colleagues over there will be able to answer those for me. Thank you.

**SENATOR S. DUNCAN:** Thank you, Mr. President. As I understand it, within the system right now, we are very liquid in terms of domestic liquidity, Belize dollars. But what is happening here is BTL, to my mind, recognizing that in order to do what they wish to do they need U.S. dollars and so the international bank are able to lend them in U.S. dollars. I get the impression, and it is my understanding, that BTL and if the country over time can afford what is happening but to do so in one lump sum would be challenging but

over time you can do it. BTL itself generates U.S. dollars and so they are able to use those U.S. dollars to pay back and service a U.S. dollar loan, right. But that is why you get a loan from a source that has the U.S. dollars and then you're able to pay it back over X number of years because you can afford it.

Also, the country itself would probably be able to afford it, if it is spread over a period of time rather than in one lump sum. So not to mix up the two things, in this case, we're talking about the International Banking Sector, which is not factored into the foreign assets, the foreign reserves of the country. It is separated and so from that perspective it does not have any bearing, immediately when the loan is drawn on the foreign reserves of the country but rather, as it is paid in future years, on a more lenient and affordable basis than that will come into play but not at this stage. That is my understanding of the situation, hence the reason it is being amended to allow them to borrow from an international bank. As it relates to any future use, I can't comment, I really don't know in terms of what is planned down the road. But I think it is totally proper that within the law, if the government is able to do certain things, then I don't see why entities which the government similarly control should not be allowed to do it. So from that perspective it seems reasonable to me.

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

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the International Banking Act, Chapter 267 of the Substantive Laws of Belize, Revised Edition 2011, to make new provision in relation to the categories of publicly owned or controlled entities resident in Belize with whom international banking business may be transacted; and to provide for matters connected therewith or incidental thereto, 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:** Members of the gallery, can you please excuse us while we are in the Senate Committee. 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 will examine and 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.

(In the Constitution and Foreign Affairs Committee)

MR. PRESIDENT in the Chair.

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

Motion in its entirety agreed to.

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

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

Motion in its entirety agreed to.

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

(In the Committee of the whole Senate)

MR. PRESIDENT in the Chair.

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

Clauses 1 to 4 agreed to.

Bill to be reported back to the Senate without amendment.

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

Clauses 1 to 4 agreed to.

Bill to be reported back to the Senate without amendment.

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

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

4. **Immigration (Amendment) Bill, 2017.**

Clauses 1 to 5 agreed to.

Bill to be reported back to the Senate without amendment.

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

Clauses 1 to 9 agreed to.

Bill to be reported back to the Senate without amendment.

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

Clauses 1 to 12 agreed to.

Bill to be reported back to the Senate without amendment.

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

Clauses 1 to 8 agreed to.

Bill to be reported back to the Senate without amendment.

8. **International Banking (Amendment) Bill, 2017.**

Clauses 1 and 2 agreed to.

Bill to be reported back to the Senate without amendment.

THE SENATE RESUMES

**PUBLIC BUSINESS**

**A. GOVERNMENT BUSINESS**

**IV MOTIONS**

**(Adoption of Motions)**

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

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, the Constitution and Foreign Affairs Committee of the whole Senate has met and considered the Accession to the Nairobi International Convention on the Removal of Wrecks Motion, 2017 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, having considered the Convention hereto annexed and being satisfied that it would be in the interest of Belize so to do, hereby authorizes the Government of Belize to accede to the Convention.

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

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

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, the Constitution and Foreign Affairs Committee of the

whole Senate has met and considered the Resolution Authorizing the Ratification by Belize to the Agreement Relating to the Operation of the CARICOM Development Fund (CDF) Motion, 2017 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 the Senate authorizes the Government of Belize to ratify to the Agreement, a full text of which is hereto annexed.

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. Land Utilization (Amendment) Bill, 2017.

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to report that the Committee of the Whole Senate has considered the Land Utilization (Amendment) Bill, 2017 and passed it without amendment.

I now move that the Bill be read a third time.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Land Utilization Act, Chapter 188 of the Substantive Laws of Belize, Revised Edition 2011, to strengthen the membership of the Land Subdivision and Utilization Authority; and to provide for matters connected therewith or incidental thereto, 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. Registered Land (Amendment) (No.2) Bill, 2017.

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to report that the Committee of the Whole Senate has considered the Registered Land (Amendment) (No.2) Bill, 2017 and passed it without amendment.

I now move that the Bill be read a third time.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Registered Land Act, Chapter 194 of the Substantive Laws of Belize, Revised Edition 2011, to establish the Land Registry as a Department of Government in the interest of administrative and operational efficiency; and to provide for matters connected therewith or incidental thereto, 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. Land Tax (Amendment) (No.2) Bill, 2017.**

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to report that the Committee of the Whole Senate has considered the Land Tax (Amendment) (No.2) Bill, 2017 and passed it without amendment.

I now move that the Bill be read a third time.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Land Tax Act, Chapter 58 of the Substantive Laws of Belize, Revised Edition 2011, to make provision, in the interest of administrative and operational efficiency, for a Commissioner of Land Tax who shall be charged with the functions previously exercised by the Commissioner of Lands and Surveys; and to provide for matters connected therewith or incidental thereto, 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. Immigration (Amendment) Bill, 2017.**

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to report that the Committee of the Whole Senate has considered the Immigration (Amendment) Bill, 2017 and passed it without amendment.

I now move that the Bill be read a third time.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Immigration Act, Chapter 156 of the Substantive Laws of Belize, Revised Edition 2011, in relation to temporary residency; to include the Chief Executive Officer of the Ministry responsible for labour on the Visa Vetting Committee and clarify the role of the Chief Executive Officer of the Ministry responsible for the Police on the Committee; and to provide for matters connected therewith or incidental thereto, 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. Belize Trade and Investment Development Service (Amendment) Bill, 2017.**

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to report that the Committee of the Whole Senate considered the Belize Trade and Investment Development Service (Amendment) Bill, 2017 and passed it without amendment.

I now move that the Bill be read a third time.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Belize Trade and Investment Development Service Act, Chapter 282 of the Substantive Laws of Belize, Revised Edition 2011, to alter the composition of the Board; to provide for a new method of appointment of staff; and to provide for matters connected therewith or incidental thereto, be read a third time.

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

Bill read a third time.

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

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to report that the Committee of the Whole Senate has considered the Married Persons (Protection) (Amendment) Bill, 2017 and passed it without amendment.

I now move that the Bill be read a third time.

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

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

Bill read a third time.

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

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to report that the Committee of the Whole Senate has considered the Misuse of Drugs (Amendment) Bill, 2017 and passed it without amendment.

I now move that the Bill be read a third time.

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

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

Bill read a third time.

**8. International Banking (Amendment) Bill, 2017.**

**SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration):** Mr. President, I rise to report that the Committee of the Whole Senate considered the International Banking (Amendment) Bill, 2017 and passed it without amendment.

I now move that the Bill be read a third time.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the International Banking Act, Chapter 267 of the Substantive Laws of Belize, Revised Edition 2011, to make new provision in relation to the categories of publicly owned or controlled entities resident in Belize with whom international banking business may be transacted; and to provide for matters connected therewith or incidental thereto, 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.

**ADJOURNMENT**

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

**MR. PRESIDENT:** Senator Woods, don't worry, I nog forget you Senator Woods. Yes, please proceed.

**SENATOR V. WOODS:** Thank you, Mr. President, and thank you for allowing me the time to make a few remarks on a matter of public importance, which I had requested of your permission that being on HIV status in Belize, it's stigma and discrimination.

I do refer to some statistics, so forgive me if I do have to refer to my notes, as I don't want to misrepresent the statistics provided by the Ministry of Health.

In the latter part of summer 2017, this past summer, I had the opportunity to sit and meet with the Director of the National Aids Commission, Mr. Enrique Romero and the Chairperson of the National Aids Commission, who happens to be, the Speaker of the House Mrs. Laura Tucker-Longworth. It was a very informative session and I'm very glad I took the time to do that, in my interest to understand more about the status of HIV, particularly from the issue of access to health, stigma discrimination and in the context of human rights.

In 2016 there was about 225 diagnosed cases in Belize. So over the past three years, 2014, 2015 and 2016, it looks like Belize has finally stabilized its rate of infection. But we should not at all be satisfied with number exceeding 200. This is still very much an issue. The infection is particularly alarming among young females, ages 20 to 24 and the next major gap is about age 60. That's very concerning.

The access to the information on HIV for our young females is coming primarily through prenatal clinics. So that's another suggestion as was reported by the Ministry of

Health in their 2016 Report and in my discussion with the National Aids Commission that's worrying because obviously it's suggesting that we still have a long way to go as a society regarding unsafe sex.

The top three district, Mr. President, were Belize, Stann Creek and Cayo. And the concern that, as I understand it, in that detailed presentation that was made to me is because the rate is still high. And the rate is still high because we still have a long way to go with education, empowerment. We have a long way to go with encouraging more people to access the anti-retroviral treatment. And that is the ultimate goal, as I understand it, for Belize is for those persons infected in Belize to be on that program but more importantly, to virally suppress the infection and passing on; and you can only do that by accessing the health care. So why more of the infected persons are not accessing because of fear of disclosure of the information? It's a very live and real fear because of loss of employment if found out? Because of inability to get employment if found out. Because of harassment. General stigma and discrimination. This becomes even more alarming when you look at the vulnerable communities, specifically that of the LGBTI community, men having sex with men and the other vulnerable minority group.

The prevention efforts for HIV and Aids can only be maximize if we educate, and if we empower, and if we enable the environment. And that would have to come with a lot of support, not just from the good work of the National Aids Commission and the Ministry of Health, but indeed even at the parliamentary level but between both chambers of the House because it will require for us to be committed to a policy and possibly legislative measure to anti stigma and discrimination.

In 2016, the UN had a political declaration, as it regards to its campaign, to end HIV/Aids by 2030 and that was the right to health for everyone and everywhere.

Our Speaker of the House in Belize, Mrs. Laura Tucker-Longworth, just last month, was honoured among many others in the Caribbean with the distinction by PANCA the Pan American Partnership to Prevent Aids. And HIV and she was honored with one of the recognition as champions, one of their champions initiative campaign and it was because of her work in her capacity as the Chairperson of National Aids Commission in championing the need to not only end the Aids and HIV epidemic, if you will, or rate of infection but to also work to sensitizing people about the reality of it, the status of it and then to start encouraging real policy and legislative measures to end the stigma and discrimination. That will require help and so I thought, notwithstanding everything else that this Chamber has to look at and all the issues, whether there are political differences, whether it's high rates or crime and all the day to day issues that both Chambers grapple with. I do think that it was important given the recent release that I know was going to come out publicly on the status of HIV, given the recognition of the Speaker of the House as one of those Champions on this initiative and given the information presented by the National Aids Commission on how serious this is still, even though, the rate of infection seemed to have stabilized, although still alarmingly at 200 and still alarming are some of the other areas of concern in terms of access to health and why it's not happening at the rate we want. So despite all of those issues that we have to grapple with as a parliament, no matter what it is that we're grappling, human beings are at the core of it and no less is with HIV and Aids. And so, I hope that as we close today, we can consider, perhaps, at some time in the future, having the Speaker of the House, in her capacity as the Chairperson and maybe along with, of course with the National Aids Commission, making a presentation to both Chambers to sensitize all of us to what they're grappling with and maybe have discourse on how can we move on policy and legislative measures to end stigma and discrimination to our vulnerable groups and persons infected with HIV and Aids. Thank you for the brief time to allow me to say that.

**MR. PRESIDENT:** Honourable Members, the question is that the Senate do now adjourn.

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

The Senate now stand adjourn, unanimously.

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

**PRESIDENT.**

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