

BELIZE

No. 8/1/13

SENATE

Friday, 30th September 2016

10:50 A.M.

Pursuant to the direction of Mr. President, in writing, dated 29th September 2016, the Senate met in the National Assembly Chamber in Belmopan on Friday, 30th September 2016, at 10:50 A.M.

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Members Present:

Senator, the Honourable Lee Mark Chang – President
Senator, the Honourable Godwin Hulse – Leader of Government Business
and Minister of Home Affairs and Immigration
Senator, the Honourable Dr. Carla Barnett – Vice-President and Minister of
State in the Ministry of Finance
Senator, the Honourable Vanessa Retreage – Attorney General and Minister
of Natural Resources
Senator, the Honourable Macario Coy Sr.
Senator, the Honourable Stephen Duncan
Senator, the Honourable Aldo Salazar
Senator, the Honourable Eamon Courtenay
Senator, the Honourable Valerie Woods
Senator, the Honourable Paul Thompson
Senator, the Honourable Markhelm Lizarraga
Senator, the Honourable Rev. Ashley Rocke
Senator, the Honourable Elena Smith

MADAM PRESIDENT *in the Chair*:

PRAYERS *by Senator Rev. A. Rocke*.

ANNOUNCEMENT BY THE PRESIDENT

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

Honourable Members, with the consent of the Senate and in keeping with Standing Order 84, I propose to vary the order of introduction of Motions under item B. Private Member's Business, to allow Motion No. 2 on the Order Paper to be taken before Motion No. 1.

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

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

MOTION RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE

SENATOR G. HULSE (Leader of Government Business and Minister of Home Affairs and Immigration): Pleasant good morning Madam President and Senators.

Madam President, I move that at its rising today the Senate adjourn to a date to be fixed by the President.

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

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

PUBLIC BUSINESS

A. GOVERNMENT BUSINESS

I MOTION

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

SENATOR G. HULSE (Leader of Government Business and Minister of Home Affairs and Immigration): Madam President, I move that-
WHEREAS, a Motion was proposed by Senator Michel Chebat, temporarily appointed as such, in this Honourable Senate on the 31st August 2016, for the appointment of a Special Select Committee to investigate the issuance of nationality, visas and passports in the Ministry of Immigration, arising from the findings of the Auditor General's Special Visa and other findings Report on the Immigration and Nationality Department for the period 2011-2013, which Motion was not carried;

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

AND WHEREAS, under section 70 of the Constitution of Belize, each House may make, amend or revoke Standing Orders for the regulation and orderly conduct of its own proceedings, pursuant to which powers the Standing Orders of the Senate (provisions of which are referred to herein) were made;

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

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

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

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

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

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

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

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

B. PRIVATE MEMBER'S BUSINESS

I MOTIONS

SENATOR E. COURTENAY: Madam President, I rise on a point of order. Madam President, we are about to consider a Motion to be moved by the Honourable Senator Rocke, which calls for the investigation into the irregularities in the Ministry of Immigration that have been identified in the Auditor General's Report. Sitting in this Honourable Senate is Honourable Minister of Immigration. It must be apparent that that presents on its face a conflict of interest. Madam President, not only is the Minister in the Senate whose Ministry is going to be investigated, the Honourable Senator's name has been mentioned in the reports. Beyond that, Madam President, we have the situation where the Motion that is about to be debated contemplates the calling, as witnesses, of persons who have been named in that report. So we have a specter of a Senator sitting in the Senate, participating in a Motion that seeks to investigate his Ministry, that seeks to investigate a report that names him. Beyond that, he is going to be. . .

SENATOR S. DUNCAN: Madam President, just on a point of order, I am trying to understand. I am not aware that such a Motion was down for debate today. I don't know if I am missing something. I am just checking.

MADAM PRESIDENT: It is not on the Order Paper, Sir. He rose on a point of order.

SENATOR E. COURTENAY: Thank you. As I was saying, the Senator is not only a Minister, it is not only his Ministry, he is named, he is going to be a witness. The Motion contemplates, Madam President, that the report be brought back to the Senate where he will be sitting. It is very clear to us on this side that in those circumstances the Honourable Minister is in a conflict-of-interest position. The conflict arises, Madam President, and it arises distinctly because you cannot be a part of the process that appoints what is described in the Motion as an independent and impartial Committee. You sit and say, "These are the people who I want to investigate." You participate in the debate that says, "These are the terms of reference. This is what I want this Committee to look at." You then come before the Committee as a witness, and then when the Committee is finished and it brings its report you are back in the Senate to consider its report. The Belize Constitution, the supreme law of this country, speaks to these circumstances, and it is very clear.

Section 121 of the Constitution mandates that the persons to whom this section applies which includes Members of the National Assembly shall conduct themselves in such a way as not to place themselves in positions in which they have or could have a conflict of interest. Beyond that, Madam President, it provides that no person who is a Member of this Senate should conduct themselves in such a way to allow their integrity to be called into question or to endanger or diminish respect for or confidence in the integrity of the government. I put it very simply. There is an appearance of a Minister participating in a process to which he will be subjected. It is my respectful view that section 121 of the Constitution calls upon the Honourable Senator Godwin Hulse to not participate in the proceedings today.

The point of order I raise, specifically, Madam President, is the following: this Honourable Senate is required to protect its privileges. One of its privileges and right is the right to speak and participate in debates, and where, in our view, there is a clear violation of the Constitution, it is my view and it is the view of this side that the Honourable Senator, who I have asked to voluntarily recuse himself

and he has declined, the Senate should excuse him from participation in today's debate on the Motions relating to the investigation. And that is the question that I am asking, that the Senators vote to ask Senator Hulse not to participate in the debate. Obligated. (Applause)

SENATOR S. DUNCAN: Madam President, I rose on a point of order. And unfortunately Senator Courtenay was allowed to continue. But, to my mind, the Motion been put forward by the Honourable Senator at this time does not comply with the Standing Orders in terms of giving us notice. And so while we are being asked to vote on a matter that did not come before us within the time, and that is why I rose on that point of order, but he was allowed to continue. Section 24 is clear, and I don't know why we should be amending the orders of the day to incorporate a motion that was not given the proper notice. That's my thinking.

SENATOR E. COURTENAY: Madam President, my friend Senator Duncan should read not only Standing Order 24 but read Standing Order 25. Not only read it, but listen specifically to what I said. I said this Senate has an obligation to protect its privileges, and, if you read Standing Order 25, it says, "Unless the Standing Orders otherwise provide, notice shall be given of any motion which it is proposed to make, with the exception of the following". And if you go to (k), "a Motion relating to a matter of privilege." There is no requirement, Madam President, if I am raising a Motion relating to the privilege of this Senate for me to give notice, and I ask that the Motion be seconded by a Senator, and that the question be put. (Applause)

SENATOR A. SALAZAR: Madam President, we are in the section dealing with privileges, but, in my view, this Motion should have been brought with appropriate notice. I am not certain that the type of Motion which Senator Courtenay proposes to be moved is one which is covered by Standing Order 27, unless there is something else to show how it is covered by Standing Order 27, apart from saying that it is covered by Standing Order 27. In my view, I am not confident that he should not have given notice. I feel that notice should have been given of this. There was ample time to provide notice. There are other issues which are being brought by Senator Courtenay for which appropriate notice has been given. So, in my view, it is a violation of the Orders of the Senate to make that Motion now.

SENATOR V. WOODS: Madam President, I stand to second this Motion. I think it is very clear, under exemption from notice, that no notice was required. It is a clear conflict of interest, and the question should be put. The Motion should be put for vote by the Senate.

MADAM PRESIDENT: Honourable Senators, I draw your attention to Standing Order 27, paragraphs (3) and (4) and particularly paragraph (4). The matter having been raised as a motion relating to the matter of privilege, I am not clear in my own mind, not being a learned lawyer like yourself, Sir, that it is a matter of privilege. And paragraph 4 of Standing Order 27 says that, "The President shall then state whether, in his (her) opinion, the matter may or may not affect the privileges of the Senate; provided that if he (she) deems it necessary he

(she) may defer that decision until the next sitting of the Senate.” It is not clear to me that it is a matter of privilege. It is not clear to me. You’ve raised an important point. It is an important point, but it is not clear to me that the Standing Order that you’ve raised it with is the appropriate one, and I would want to defer that decision, Sir. It is really a significant decision that you are asking Senators to take in terms of effectively telling a Senator that they cannot participate in the business of the Senate, and I would prefer for decisions of those kinds to be properly notified so that they could be properly researched and decisions made on the basis of proper information and advice. So I am not at this stage entertaining. If it is something that we need to bring back, we can do that at the next sitting, Sir.

We therefore proceed, Senator Rocke, with your Motion.

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

SENATOR REV. A. ROCKE: Madam President, thank you for the privilege, and if you would allow me I’d like to preface my Motion with a few comments and then if you would allow me, as well, to use my notes for the Motion.

I first want to say that the church wants no quarrel with nobody. The church seeks to bring people together, not divide people. When we met as the church, we talked about what we believe would have been an appropriate composition for the Senate Select Committee. In our view, we had agreed on three from the Government, one from the Opposition and the three social partners. After going through that and putting that together, we were called by one of the social partners, and, in their view, they were asking us to support their position. And their position was that the composition should have been or would have been, in their view, two government, one Opposition and three social partners. In the spirit of collaboration and support, I took the information that I got back to the church. The church decided, in the spirit of collaboration and compromise, we will accept that position: two from the government, one from the Opposition and three from the social partners. And I believe I need to make this clear because people are of the opinion that we are just gung-ho on our position, but that is not the fact. The fact is that we were willing to listen to other people and based on their decision make our decision. And so we then went ahead, got legal assistance, and are prepared to present to this Honourable House this morning our position. (Interruption)

MADAM PRESIDENT: Can we have silence in the gallery, please? If we are not going to be quite in the gallery, then we will have to ask you to leave, Sir, please.

I am sorry, I cannot, you have to allow the business of the Senate to continue. If you are not going to be quite, we are going to ask you to leave, Sir. (Interruption)

Honourable Senators, let us get on with the business of the Senate. Pastor Rocke, please continue.

SENATOR REV. ASHLEY ROCKE: I would want to refer those with questions about the decision taken by the church to refer their comments to

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

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

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

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

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

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

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

1. TERMS OF REFERENCE:
 - A. To conduct an independent and impartial investigation and inquiry into all policies, processes and procedures in the grant of nationality, and the issuance of visas and passports in the Ministry responsible for Immigration and Nationality that pertain to the findings of the abovementioned Special Report of the Auditor General for the period 2011 - 2013;

- B. To examine pertinent documentation;
 - C. To determine whether, consequent on the investigation and inquiry, statutory and other procedures were complied with;
 - D. To require the attendance before the Committee of the Chief Executive Officer of the Ministry responsible for Immigration and Nationality, pursuant to section 61A(2)(g) of the Constitution of Belize;
 - E. To require the attendance before the Committee of those Ministers named by the Auditor General in the Special Report;
 - F. To require the attendance before the Committee of the Director of Immigration and Nationality and all such current and former public officers in the Ministry responsible for Immigration and Nationality, pursuant to Standing Order No. 72 of the Senate Standing Orders, as well as for the production of all relevant papers and records of the Ministry, as may be necessary to conduct its enquiry and investigation;
 - G. To examine all such persons required to attend before the Committee as witnesses, pursuant to Standing Order No.72 of the Senate Standing Orders;
 - H. To hold and conduct its sittings and meetings in public except for sittings which are held only for the purpose of deliberation of the matters which are the subject of the Committee, which sittings shall be held in private;
 - I. That the Committee shall hold its hearings with due urgency and expedition and, without prejudice to the requirements of Standing Order No. 75 of the Senate Standing Orders, make a report to this Honourable Senate as soon as may be practicable of the result of its inquiries, with all such comments and recommendations as the Committee may deem fit, furnishing this Honourable Senate with a full statement of its proceedings and of the reasons leading to its conclusions and recommendations; and
 - J. That the report shall be tabled in this Honourable Senate and become a public document.
2. COMPOSITION OF SPECIAL SELECT COMMITTEE:
- A. That the Committee be appointed consisting of six Senators, as follows:-

- (1) two from those appointed on the advice of the Prime Minister;
 - (2) one from those appointed on the advice of the Leader of the Opposition;
 - (3) the one appointed on the advice of the Belize Council of Churches and the Evangelical Association of Churches;
 - (4) the one appointed on the advice of the Belize Chamber of Commerce and Industry and the Belize Business Bureau; and
 - (5) the one appointed on the advice of the National Trade Union Congress and the Civil Society Steering Committee;
- B. The Senators who are members of the Committee shall, at the first meeting of the Committee, elect a Chairman of the Committee;
- C. The Quorum of the Committee shall be three.

Madam President, I therefore move that Motion.

SENATOR A. SALAZAR: Madam President, I rise to second the Private Member's Motion.

MADAM PRESIDENT: The matter is before you, Honourable Senators, for your consideration.

SENATOR M. LIZARRAGA: Thank you, Madam President. Madam President, to be very honest with you, my presentations were aligned to first present on the first Motion on the Order Paper, but you swapped the order. But I will, with your permission, refer to some notes and seek to address this second Motion which has now become the first Motion.

Madam President, Senator Rocke is absolutely correct in saying that there has been quite a bit of negotiations, deliberations, research, and consultation in arriving at our respective positions. We will not be supporting this second Motion which has now become the first Motion because it lacks, in our view, clarity in many areas, ambiguity in some areas, and what we believe are positions that cannot be defended. It would be difficult for us to defend under the Constitution and the Standing Orders.

One of the first things, and please forgive us if we are not the legal gurus like some of the other Members in this House, but I stand to be corrected, is that in the very heading of this Motion it speaks to investigate the findings of the Auditor General's Special Visa and other findings Report, singular, not reports.

The Auditor General has put out three reports, not one, and not only on visa. The Motion that we will support speaks to nationality, visa, and passports, three reports. Words have meaning.

If you go down in the second paragraph that speaks to, “AND WHEREAS, the Auditor General has, in her Special Visa and other findings Report,” again, it speaks in the singular, not the plural. The Auditor General had a visa report, had a nationality report, and a passport report, not only visa. It goes on to say, “AND WHEREAS, the Government acknowledges, and heeds the call of citizenry, including *several* of the Social Partners represented in the Senate”. It didn’t say all. It certainly is not heeding *our call*, and it’s certainly not heeding the call of the unions because there is no way we can defend, what I will discuss when we get to the terms of reference. And, again, at the end of that third paragraph it speaks to the findings of the report, not reports. So it is consistent. This Motion is consistent.

But, Madam President, it speaks to Standing Order 70, that is headed “Constitution and Chairmen of Select Committees”, that it is going to be guided by Standing Order 70 that provides among other things that every Select Committee shall be so constituted as to as far as possible, reflect the balance of parties in the Senate. Well, Madam President, with your permission, I will read from section 70. In section 70 of the Standing Orders, it says on section 70(3), “Except as is otherwise provided by these Standing Orders or by special direction of the Senate, a Select Committee shall elect a Chairman from among its Members.”

And then if you look at section 69, the heading is “Special Select Committees”. I draw this to our attention because, Madam President, I realize that there is a difference between a Special Select Committee and a Select Committee. Otherwise why would both sections speak to a different way of naming the Chair or speak to different processes for naming the Chair? And I realize that section 70 is speaking to the Select Committees under Standing Order 64, which clearly states the Standing Orders Committee, the House Committee, the Committee of Privileges, the Regulations Committee, and the Constitution and Foreign Affairs Committee of the Senate, which by the way, we still don’t have, and, have never met, since I’ve been a Senator. So section 70, Madam President, does not apply. What applies is section 69. And section 69 says that, “A Select Committee other than a Standing Committee shall be known as a Special Select Committee.” And I believe that’s what we’ve all agreed that we want. We want a Special Select Committee to have these hearings. And it says that a Special Select Committee, “shall be appointed by order of the Senate which shall specify the terms of reference of the Committee and shall consist of such and so many Senators as may be directed by order of the Senate and, in the absence of such direction, shall consist of such Senators as may be chosen by the President.” So, Madam President, we are talking about two different sets of Committees, two different rules. And I put it, that the balance of parties in the Senate, under section 70, does not refer to Special Select Committees.

But let us look at the proposal that has been made, under the composition that is being proposed, to have 6 Senators. First of all, we know that a Special Select Committee has been appointed in the past by this very same body, and we know that the composition of the then Committee was five. And how was that Committee composed? It was composed of the five parties in the Senate, because, we have five parties in the Senate. We have the unions, the churches, the business, the government and the Opposition; five parties. So when coming to our conclusion we could defend it from that stand point. It reflected the five parties in the Senate. Precedent had been set before by a previous Special Select Committee

of this Senate. And, Madam President, if we focus on the word “balance”, and the proposal coming from the churches today, the Motion before us today, is trying to reflect what they call is balance but they give the government side two seats because they have six seats in the Senate, they give the Opposition side one, so that means for every three Senators you have you get one seat, then how comes the social partners are getting three seats? How can we defend that? So that rule certainly can’t apply. Otherwise the social partners would only have one seat, yet the Senator is proposing that we have three seats. So certainly that section cannot apply. The balance they are talking or the balance of parties is the different groups, different entities. We have that balance in the second Motion that is going to be proposed. Five parties are being represented. How much more balanced can you be than that?

Again, under the terms of reference, it keeps making mention of that one Special Report, not reports. Madam President, I would like to refer us to section 72, and this is very concerning to me. Why is there this need for the composition as being proposed? Why is there this need? I look under Standing Order 72(12), and it concerns me because it says, “If the Committee desires to summon any witnesses, the Chairman shall supply the name, residence and occupation of every such witness to the Clerk of the Senate at least seven days before his (her) evidence is required. The Clerk shall then, subject to the directions of the President, summon every such witness on behalf of the Senate.” Either way you turn, it seems that what is being sought is absolute control, and it concerns me because, Madam President, I thought that this was going to be an impartial Committee, well balanced, trying to give the people of this country the public hearing that they deserve, that we are obligated to give to them, trying to ascertain what mistakes were made in the administration of the departments, trying to determine how the reports, plural, of the Auditor General could, in fact, help us to strengthen administration, strengthen policy and strengthen the day-to-day administration of these departments that fall under the Ministry of Nationality, passport, etc.

I believe, Madam President, as I said, I was prepared to defend the first Motion. I believe I will speak more on why it is that we took the time, really, and the effort. I mean the business community’s position, Senator Rocke, was not finalized until late yesterday evening, as you know, and I shared it with you in an effort to try and convince you that, in fact, we had done quite a bit of research, quite a bit of homework in arriving at our position. So, Madam President, I will speak to that Motion at that time. I am hoping, and I am in a conundrum here because I suspect that after this, after we contribute on this Motion, there will be a vote. I am anticipating that the government side will support this vote, and that the Motion will carry. But you haven’t heard what I consider to be the better Motion. And so, when you support that Motion as well, I don’t know how we will have two Motions on the floor.

SENATOR V. WOODS: Sorry, on a point of clarification, Madam President, I just want to be clear. Senator Lizarraga, are you saying that there will be, what should have been the first Motion will now be the second Motion? Is that clear, Madam President?

MADAM PRESIDENT: That is what it is, yes.

SENATOR V. WOODS: And so there will be another round, if that Motion is seconded?

MADAM PRESIDENT: Yes, it is.

SENATOR V. WOODS: Okay, I just wanted to make sure I understood.

SENATOR M. LIZARRAGA: That's what I understand the President to say. So I am assuming, based on what the President said, that we will have an opportunity to discuss and debate both Motions. So I don't know how it is going to pan out. But anyhow, those, Madam President, are our concerns. And hopefully, like I said, when the Motion is presented, that Senator Courtenay is presenting, that has input from the business community, that has consultation with the partners, I am hoping that we will acknowledge the depth of that Motion. It leaves very little room for questions or concerns, I believe, and I will be making a plea then, to all the Senators to support that Motion. Thank you, Madam President

SENATOR A. SALAZAR: Madam President, I rise briefly just to make a couple points. Obviously Senator Lizarraga, I'd like to point out on an issue which was raised in the sense that he treated or is treating the report as three separate reports but, in fact, that is not the case. I just want to clarify that in the executive summary of the report, it says, "The audit covers the period 2011 to 2013 and starts with the visa examination progressing into the nationality and passport examinations, etc. The individual reports are lengthy due to the different finding and the manner in which they were executed." The presentation is done in sections. It is one report, but it is done in sections. So to refer to the Auditor General's Report is not covering all the reports is not necessarily accurate because it is one report but it's done in sections.

Secondly, I feel that, if there are issues to, the logic escapes me as to why you would wait for a second Motion when it is free for any Senator to propose amendments to this Motion, and then it can be debated at this point. And Standing Order 25(b) is quite clear in that you do not need to give notice to amend a Motion, except if the Motion stands in your name then notice must be given that you intend to vary and you cannot vary if it substantial halts, etc. So if there is a need for any amendments, and if the intention is to really sort the details of the Select Committee, if that is really the intention that we really want to have this Select Committee determined, in accordance with everybody's input, then there is absolutely no need to wait for a second Motion. We can propose an amendment, and we can go ahead from there and we debate it and what amendments we decide on we decide and those that the majority doesn't decide on then we move on. So I don't feel that we need to wait for any second Motion to discuss the same thing that we are discussing now.

SENATOR V. WOODS: Madam President, I am rising again on a point of clarification now based on Senator Salazar's comments. Will there be a second Motion because Senator Salazar, duly appointed by the government, which holds the majority in this House, is stating he doesn't feel the need for such. So I want it clarified. It makes difference when you vary the order of the Motions, and Senators came prepared based on the two Motions they got to determine which Motion they will support and their arguments are based on that order and to then suddenly switch, as is allowed, but now we are getting mixed views here. So, as you are the President of the Senate, can you clearly state if, indeed, a question will now be put, if there needs to be a second Motion after the first has been debated and voted on, especially in the event, clearly with a government that has the majority is going to vote yes because that then. . .

SENATOR A. SALAZAR: This is out of order. I am only to be interrupted on a point of order. I don't know what order is being referred to, and I should cede to an interruption. The Standing Order says that if I am speaking then I must cede, but this doesn't refer to any Standing Order. If there is need for

clarification on that side, then, perhaps, it should be consulted with the Leader on that side. So, with all respect, it is my prerogative not to cede.

MADAM PRESIDENT: You may continue. Let me just say before you continue, Sir, that the second Motion is on the Order Paper. I cannot anticipate how the debate and the flow of conversation today will go, but it is on the Order Paper as we sit here and are debating. Senator Salazar, continue.

SENATOR A. SALAZAR: Thank you, Madam President. As I was saying, it is one report, and, therefore, we shouldn't think of it as distinct reports. It is separate parts of one report.

Thirdly, another issue is that when we look at the Standing Order speaking to the composition of the Select Committees, to me it is obvious that this Standing Order covers all the Committees or has generic terms for all the Committees because, when we look at Standing Order 65, it only speaks that we have four members in it. When you look at Standing Order 66, dealing with House Committees, it also gives the number of four members. But there is no description as to how that is going to be composed, and, therefore, in order to determine how to compose it, you must make reference to Standing Order 70. So, in my view, to say that Standing Order 70 does not relate to the rest of the Committees is, in my humble opinion, also not accurate.

MADAM PRESIDENT: Do you have a point of order?

SENATOR M. LIZARRAGA: Madam President, yes, I have a point of order. Under "Interruptions" Standing Order 35(a), it says, Madam President, that we can rise when a Senator is speaking, the Senator shall resume his seat and simply direct attention to the point he desires to bring notice and submit to the President or Chairman for a decision. That is what the good Senator Woods was trying to do, and it is very important because that dictated my presentation as well. I understood you to say that we will be having the ability to discuss the two Motions that you had just flopped, and I was very clear in my presentation to that.

MADAM PRESIDENT: What is your point of order, Sir?

SENATOR M. LIZARRAGA: My whole presentation is that we are seeking, Madam President, a decision from yourself as to whether we will debate both Motions.

MADAM PRESIDENT: It is on the order paper, Sir. Nobody has taken it off the order paper. It is on the order paper.

SENATOR A. SALAZAR: Madam President, this is not out of order. There is a Motion before the Senate. It is being debated. There is something else on the order paper that is going to arise later. What is out of order is that I keep being interrupted without reference to the proper procedures for interruptions.

MADAM PRESIDENT: You may proceed.

SENATOR A. SALAZAR: As I was saying, the Standing Orders 65 and 66, and if we examine them, all of them speak to the composition, the number of members. Therefore, reference must be made to Standing Order 70, which talks about how it must be composed, and, with your leave, Madam President, I will read that section, "Every Select Committee shall be so constituted as to ensure, so far as is possible, that the balance of parties in the Senate is reflected in the Committee." A Special Select Committee is a Select Committee. Any Select Committee is a Select Committee. Therefore, this section applies to all the other

Select Committees as it does to a Special Select Committee. So, as I said, in my humble view, to say that it does not apply to a Special Select Committee might be a bit misguided.

And now let us examine the composition that is being put forward in this Motion. With regard to what Standing Order 70 says, “Every Select Committee shall be so constituted as to ensure, so far as is possible, that the balance of parties in the Senate is reflected in the Committee.” How is the Senate composed? There are six Senators appointed by government. There are three Senators appointed by the Opposition, and there are three other Senators appointed separately, each is appointed separately. The term “social partners”, I don’t know where it came from, but there is no social partner Senator.

MADAM PRESIDENT: You may proceed.

SENATOR G. HULSE (Leader of Government Business and Minister of Home Affairs and Immigration): Mr. President, in accordance with Standing Order 10 (8), I move that the proceedings on the order paper may be entered upon and proceeded with at this day’s sitting at any hour though opposed.

MADAM 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 A. SALAZAR: Madam President, as I was saying, there is no social partner Senator. They are Senators appointed in accordance with the provisions of the Constitution. There are three distinct Senators appointed in that fashion. Therefore, if we are relying on Standing Order 70, we are being true to Standing Order 70 by having two Members from government on the Select Committee because the composition is such. The Opposition has three Senators. They will have one member on the Committee. Government has two times more than they do, which is 6. Government will have two Members on the Committee. The social partners each, sorry, I am referring to them as social partner, but each Senator is going to represent the organizations that they represent, or the sector of society that they represent in this Honourable Chamber. And that is being true to the Standing Order. There is no conspiracy afoot, it is being true to this Standing Order. If you have six Senators, you appoint two Senators. If you have three Senators then you get one. There is no social partner, so to speak, so they don’t get one but rather one representative each. So, in my view, the Motion is for a Committee that is properly composed in accordance with what is in the law, what is in the Standing Orders. Thank you.

SENATOR E. SMITH: Thank you, Madam President. I note that, in the Motion presented by Senator Rocke, it says that the government acknowledges and heeds the call of citizenry including several of the social partners. Our call has been to ask for a Committee comprised of five Members. That was our last vote, and that vote remains. We believe that, if we have such a composition, it will reflect a fair representation of what our people are saying. With that said, Madam Chair, there is no way that myself representing this organization can support this Motion. Thank you.

SENATOR P. THOMPSON: Madam President, I rise to make my contribution regarding this Motion, and I ask your permission to refer to my notes. Madam President, just based on principle, there is no way that I can support this Motion in its current form. A few weeks ago, in this Chamber, my colleague, Senator Chebat, introduced a Motion to have a Senate inquiry. Pastor Rocke rose and spoke in support of the Motion, but when a division was requested he voted no to the Senate inquiry, making a change in his stance right in the middle of the hearings without even the benefit of knowing what the heck was being proposed as it relates to a bicameral inquiry. It appeared from then that the Honourable Senator had walked the floor, as they would say. He had gone from being a Senator representing the churches to one representing the government. Today, the Honourable Senator for the churches has confirmed our worst fears. He is now the Senator reintroducing a Motion for a Senate inquiry. There is no principle in this. This is wish-washy. We expected far more from the Honourable Senator. We would have expected that he would have heard the cries of the teachers and the wider public, and he would have heeded their cries. We have to ask, and we ask with the greatest respect. How do you justify making such a Motion? What is driving this Motion? Shouldn't it be that in a democracy we respect and carry out the wishes of the people? Shouldn't it be that what you or the government may want should be secondary to what the people have determined they want? It is good that we have access to the opinions of other leaders of churches in our country because, if our view of the churches of Belize were based on this Motion alone, I shuddered to think what would be the consequences.

Madam President, I have to stand in solidarity with the teachers. One of their demands from the government is to have the composition of the Senate Committee be as my colleague will propose in the second Motion. If the teachers can make the sacrifice of engaging in industrial action and if they can risk their pay and stand up for what is right, then I know we must do the same. I know we have to support them. I know they did not reach this position overnight. Pastor Rocke likes to talk about the greater good. What the teachers are doing is for the greater good. I am not sure what you call what the Honourable Senator is doing here today. (Applause) Madam President, there have been serious attempts to isolate and divide the Belize National Teachers Union (BNTU). Money has been spent on propaganda. Government Ministers have left their offices in Belmopan, and sycophants on social media have been wedging a campaign to solely and destroy the BNTU's credibility. The Prime Minister himself, rather than focusing on finding solutions to the many factors retarding the development of our country has been in overdrive, shuttling from meeting to meeting, cutting deals with social partners and stakeholders, all in an attempt to undermine the BNTU and all in a desperate attempt to hold on to power. As we saw from the last meeting of this Chamber, negotiations were happening at the same time we were meeting. So I would encourage the Leader of Government Business to keep his cell phone on so maybe he gets some instructions in the mean time and current time. This is just another sign of how this administration reacts to opposition. This is just another sign of what this administration is all about. It is all about power. It is about holding on to that power. But I say this, and I make this clear, when you slap down the teachers, you slap down the people. Madam President, it is not just teachers that are fed up of the corruption, deceit and incompetence. It is the people of this country who want to see a better Belize. So I have no other recourse but to have the teachers back.

Madam President, this Committee that is being proposed would be majority controlled by the government. For me, those hearings would be pure *poppy* show. The composition being proposed by the Honourable Senator is similar to the bicameral Committee that was proposed by the government and which was rejected by the unions, the business sector and the Opposition. The

only difference is that this is a Senate Committee and not a bicameral one. Government has not really compromised in any way. The king of the land will still control the Committee. Madam President, instead of prolonging this thing and turning this issue into a greater mess than it is already, it is wise for my colleagues on the other side to vote for the Motion that is going to be presented by colleague, Senator Courtenay. I cannot predict the future, for I am not a soothsayer, but in two weeks time we may very well have to come right back to these Chambers to agree on my colleague's proposal. This administration does not seem to want to make honourable choices. They have to be forced to make right decisions. People have to protest. This administration has to feel pressure. The people of this country are growing weary. Let us not come here a third time, my colleagues. Do the right thing. Thank you. (Applause)

SENATOR V. WOODS: Madam President, like my colleague, Senator Lizarraga, I came prepared with my notes, which I ask your permission to refer to from time to time, given the order that was presented to us. So forgive me if I may not be as clear as I intended to be in my preparation for this Senate.

Let me say outright that I cannot support this Motion on several grounds. I am disappointed, disillusioned by the church, that they would dare to put such a Motion on the table for discussion, for debate, if it is, indeed, that they were heeding the call of the citizenry. And I say this, with respect to the churches, because it is true that the churches are to bring people together. It is also true that the church is that institution that is to inspire hope, confidence in a citizenry and faith that the right thing will be done. It's certainly the view of many Belizeans that of all institutions it should be the church that would say no to conflict of interest, no to corruption, no to an impartial body, and that it would be the church and all churches that would be standing up, first and foremost, for Belize, following in the footsteps of the good Lord, but standing up for . . .

MADAM PRESIDENT: Yes, Senator Roche?

SENATOR REV. A. ROCKE: Madam President, I think that the debate here is the Motion. I sat here and listen to insults and accusations without the proper opportunity to hear what the issues are, except for my dear colleague, Senator Lizarraga, who really focused on the Motion. I would hope that my colleagues on the other side would focus on the Motion and not attack me. I am not here on my own. I represent the church, whether you like it or not, so, please.

MADAM PRESIDENT: Thank you very much. You may continue.

SENATOR V. WOODS: Madam President, thank you. We are very clear on your representation, Senator Roche, and I, like yourself, am entitled to put context before I get into the details as to the why, the pros and cons, of a Motion that you have so dared to table.

It is incumbent upon any responsible Senate of this country and every individual Senator to rise above the fray of the Lower House. I have been reminded many times for the few occasions that I have been here, privately and publicly, that this is truly the Upper Chamber. And, in so doing, I completely recognize that we do a disservice every time to the people of Belize when we vote solely in the interest of our particular organization or our party, especially on a day like today and one like August 31, where the matter put for discussion was a matter for country first.

A vote of conscience is required in determining a fair and impartial composition, and the composition proposed in this Motion is not impartial. What

would be the most fair and equal, if you will, construct for a Senate that is not elected, one that is appointed but that has five parties to its construct: Senators appointed by government, that is one party; Senators appointed by the Opposition, two; Senators appointed by the churches, three; Senators appointed by the business sector, four; and Senators appointed by the union, five. So if we are going to try and state that we are interested in using the Standing Order 70 to reflect balance of party, then the Motion that reflects a composition of five that has that equal distribution of those five does just that.

The other point is on a similar matter that Senator Lizarraga raised and that I concur with, and that is on the issue of Standing Order 69, where it refers to the Special Select Committee. It is my view that Standing Order 69 is so written because it is specific to the Special Select Committee and not to Select Committees which are listed in Standing Order 64. All those Sessional Committees are referred to as Select Committees. But when it comes to a Special Select Committee, Standing Order 69 makes it very clear that that is truly within the purview of that of the Senate to determine, and only when it is not laid out only then, for example, it states that the President then intervenes. So on that score I also cannot support the Motion.

But, when you go in more detail into the Motion presented by Senator Roche, it really is doing a disservice to the citizenry who has had a public outcry. Most notable of those is that by the teachers who are prepared to strike because of the fact that they demand a Senate inquiry with a composition of five. There is also, and I stand in solidarity with the teachers on that, there is also an outcry for the removal or recusal of the Minister of Immigration in the deliberations and in the proceedings. There is a reason for that. It is called conflict of interest. And when we are in our private sector mode, as the said Senator was, a composition of five suited him well and so did the Prime Minister of Government, so much so that in August of 2008, in the deliberations for the changes to the Constitution to enlarge the Senate and to embolden it so that it can conduct those inquiries, no less than the Prime Minister of this country said that it was a significant day in history. I believe the word used is a sea change because for the first time in the history of Belize the Senate would be independent. Included in those deliberations was the call for the thirteen Senator which the Prime Minister agreed too, further making it independent. And I raise this because it signifies that from then, what was then, the Opposition understood the need for true impartiality, for a balance of discussion in the Senate. So that no longer would government have the control despite the fact that it is not an elected Senate. Fast forward to 2016, and those in Opposition then, along with the Senator for business sector, who was not the Minister then, they all supported that call. It is ironic, some may say downright hypocritical, that when the shoe is on your foot now suddenly we are not interested in that extent of impartiality. That is a disservice to Belize.

I also do not support the Motion because, when all these things are stated in the report by the government's own Auditor General regarding the fraudulent activities, they neglect willful or otherwise a lack of compliance with the Ministry of Immigration's own policies and procedures in the issuance of visas, passports, and nationality certificates. If the rule means that this Senate cannot be moved to ensure that there is not only a Senate inquiry, and we are very grateful that it has come around to that position, perhaps due to the very call by the citizenry that Senator Roche's Motion refers to. But that such an investigation is carried out by a body that is impartial and that its terms of reference is such that it allows for a proper investigation, not one that can facilitate further covering up of what was already exposed in the reports, and that is the issue I have with referring to Standing Order 72.

The Motion that I had come prepared to debate was one that was very specific and thorough in ensuring that there are no limitations on who would be called, be it a sitting Minister of Immigration or a former Minister of Immigration, be it a sitting CEO of Immigration or a former CEO, but not just the Ministry of Immigration because, if all of us have read the Auditor General's report, the report speaks to the Ministry of Foreign Affairs and several other Ministries and Ministers who have been named. So another disservice would be dealt to the public. History will either record that we, as Senators, individually took a stance and insisted that a Committee of five is the most impartial configuration to conduct this inquiry under the Senate or history will condemn us for allowing, yet again, for the government to have its way and not heed the call of the unions, the business sector, and so many other Belizeans, including members of the churches, to stop influencing this Upper Chamber, so that the nakedness and extent of the corruption can be properly exposed and duly addressed thereafter.

It is quite ironic, Madam President, and I am sincerely disappointed that now the government takes issue with the composition, given the history that gave rise to this government for three consecutive terms, given the history that the Leader of Government Business has had in championing the cause and the call of so many Belizeans back in 2004/2005. The irony goes even deeper because, in fact, the Opposition back then, who is now the government, wanted the Senate inquiry back then to be so much more impartial that it actually preferred an independent inquiry, to the extent that it did not even participate in the inquiry that had five Senators, the same construct of what is being proposed by Senator Courtenay, the Committee of five. The ranked hypocrisy that is being unveiled now cannot be a matter to just dispense with away so easily. Having come to three terms on the back of Belizeans and on the back of unions and to now say to all of us, the impartiality back then is not so important now because the issues being exposed just happened to be under your government.

Madam President, I support the first Motion that was to be tabled, and I simply cannot support this Motion tabled by Senator Rocke. It is a disservice to this Chamber. It is a disservice to the people of Belize. It does not heed the call of the people of Belize. It is outright hypocritical, and I will not be a part of it. Thank you. (Applause)

SENATOR E. COURTENAY: Thank you very much, Madam President. I want to, first of all, associate myself with the contributions to the debate made by my colleagues on this side of the aisle, and I therefore do not have to repeat the justifications that they have advanced for not supporting the Motion presented by Senator Rocke.

Before turning to the specifics of the Motion there are some curious things about this Motion which the people of Belize should know because, when you see something that pretends to be a Motion from the church and when you read it looks like something else, we have an obligation to point it out. This Motion has a recital, "AND WHEREAS, the Government," sorry, the church, no, not the church, "AND WHEREAS, the Government acknowledges, and heeds the call of the citizenry." Is Senator Rocke speaking on behalf of the Government? "AND WHEREAS, the Government acknowledges, and heeds the call of the citizenry including several of the Social Partners represented in the Senate through the Belize Chamber Commerce and Industry (BCCI)," well, the Senator for the Belize Chamber of Commerce and Industry was here and he disassociated himself with this Motion, "the Belize Business Bureau (BBB) and the National Trade Union Congress of Belize (NTUCB)," the Senator is here and she disassociated herself, did not support this Motion "in recognition that the findings of this

Special Report are a matter of public importance and that, in the interest of insuring good governance and compliance with organizational best practice and statutory requirements, it is desirable that the Senate exercises its powers and functions under the Constitution of Belize to conduct an inquiry into and investigate the findings of the Report.” This, Madam President, would have made sense if it said, “AND WHEREAS, the church acknowledges”.

It goes further, not in what it says but what it does not say. I read over and over to see where this Motion talks about the church. Nowhere in this Motion does it say that the church believes that something should be done. (Applause) Nowhere in this Motion does it say that the church has consulted with all the church leaders and therefore it brings a Motion. Nowhere in this Motion does it say that the church associates and aligns itself with the Senator from the business community or the Senator from the labour movement. What we have, Madam President, is a Motion by the government masquerading as a Motion from the church. (Applause) And we did our consultations, and we spoke to church leaders, and church leaders have told us that the document that we showed them and said, “Is this your Motion?” They said, “This is different from what we discussed.”

Madam President, I give that context merely to say the following, when we speak about an independent and impartial inquiry, when we speak about conflicts of interest, we say it because we on this side believe that good governance, transparency and accountability must be practiced and not spoken about only by those on the other side when it is convenient. I say emphatically and without any equivocation, this is not the Motion from the church. We do not support the Motion, Madam President. But it is clear, numbers being what they are, that the Motion will pass. I will therefore, referring and relying on Standing Order 32, wish to propose some amendments to Senators Rocke’s Motion. The first amendment that I wish to propose is, under the terms of reference, where it says, “B. To examine pertinent documentation;” and, Madam President, the words that I will propose I have already provided to the Clerk of the National Assembly. Where it says, “B. To examine pertinent documentation;” we would propose to amend that provision to say, “To require the production of such papers and records as the Committee shall deem relevant to the inquiry, including but not limited to all relevant papers and records of the Ministry of Immigration and the Ministry of Foreign Affairs,” and then to continue, “to examine pertinent documentation.” This can be found at the letter (E) in my amendment that I had sent to the Clerk. So that is the first amendment that I propose.

The second amendment is at D. where it says, “To require the attendance before the Committee of the Chief Executive Officer of the Ministry responsible for Immigration and Nationality, pursuant to section 61A(2)(g) of the Constitution of Belize.” I propose that that be amended to add, “and any other Chief Executive Officer who is named by the Auditor General in her Special Audit of the Immigration and Nationality Department on Nationality, Visas and Passports for the Period 2011-2013 (“the Special Audit Report”) and/or who may have information, by virtue of his office, which may be relevant to the inquiry,” and then it continues, “pursuant to section 61A(2)(g) of the Constitution of Belize.”

Thirdly, Madam President, the letter “E. “To require the attendance before the Committee of those Ministers named by the Auditor General in the Special Report;” I propose that at the end of that, it would continue, “and/or any other Minister of Government who may have information which may be relevant to the inquiry, pursuant to section 61A(2)(h) of the Constitution of Belize.”

When we come to (F), which Senator Lizarraga has spoken on extensively as well as Senators on this side, we say, “To require the attendance before the

Committee, of any person named in the Special Audit Report, and/or who may have information relevant to the inquiry, including but not limited to the Director of Immigration and Nationality,” and continue. Madam President, when one looks at the letter (F) which I just referred to and the letter (G), specifically (G), “To examine all such persons required to attend before the Committee as witnesses, pursuant to Standing Order No.72 of the Senate Standing Orders;” there is a difficulty there in that the Committee witnesses who are to be summoned are really at the control of the President of the Senate. I appreciate it there may be some difficulty in what I am proposing, but I propose it nonetheless because it is the spirit in which this should be done that every Member of the Committee shall have the right to request that particular witnesses be called. That is found in Standing Order 72, but it is for the President to determine, and we hope that the President will show full latitude and allow Senators to call witnesses that they propose.

And then, Madam President, we come to the question of the composition of the Committee, and, once again, I do not have to repeat the arguments that have been eloquently deployed with respect to the composition and why this composition is not in keeping with the amendment to the Constitution. Madam President, I will be brief because I want to add one additional point on the composition question. We have to recognize that the Standing Orders are of some vintage and antiquity. I believe they were passed in 1967. It is not until the 21st Century that section 61 of the Constitution was amended that provided for investigatory Committees of the Senate, and therefore the Standing Orders do not contemplate as Committee like that now provided under section 61 of the Constitution. In fact, if you look at the Committees, they all inquire into legislation and policy issues and so on but not investigatory Committees, and therefore they reflected the balance of the political parties in the Senate. They also predated the amendment to the Constitution to provide for Civil Society to be represented. The short point, Madam President, that we say is this. Where the Senate is appointing a Committee that has investigatory powers, it is our view, and we say so very firmly, that impartiality and independence of that Committee should be paramount and it should be above any political provisions in the Standing Orders. And so we propose that Senator Roche’s paragraph (A), under Composition of Special Select Committee, be amended to say, “One from those appointed on the advice of the Prime Minister”, and then the rest can remain the same. To delete the number “two” from those appointed on the advice of the Prime Minister and to substitute the word “one”.

Very quickly, Madam President, I propose the following additions to the terms of reference. It is our proposal that the Committee shall have a budget which is sufficient to last for the full hearing into the inquiry into the Special Audit Report. Further, “that the Committee shall be permitted to hire attorneys, accountants and such other experts as may be required by the Committee.” The point is very simple, Madam President. If we seriously want to investigate what has happened, the Committee must be resourced, and, if it requires expertise, it should have the power to do so. And so we are urging that these powers be specifically conferred on the Committee.

Madam President, it is my hope and expectation that Senators on the other side will remember the words of Senator Hulse when the amendment to the Constitution was debated providing for an expanded Senate. Senator Hulse, in supporting the amendments or most of the amendments in the way they were, called upon Senators to be true to their oath, called upon Senators to serve the country first, called upon Senators not, in his words, to allow any dictatorial leader to ram down something down their throat. And so I am asking that the amendments that we have put forward be considered in good faith and that we are

able to appoint a Committee that has the requisite power, resources, and expertise to investigate the matters that are reported on by the Auditor General in her reports, and I would ask that someone second the amendments that I have put forward, Madam President. Thank you.

MADAM PRESIDENT: Do you second the amendments?

SENATOR V. WOODS: Yes, Madam President, I stand to second the amendments.

MADAM PRESIDENT: Thank you very much.

SENATOR V. RETREAGE (Attorney General and Minister of Natural Resources): Madam President, just a few notes. In consideration of what my colleague on the other side has said, I believe that it would be proper for us to suspend the sitting of the Senate for us to consider these amendments being proposed if there is to be a good faith, consideration of all these amendments.

But, prior to making a decision in relation to such suspension, I would wish to touch briefly on only two matters raised. There have been submissions made to this Senate by almost all Senators, except government Senators, in relation to the present composition of the Senate Select Committee being proposed. And I have heard reasons ranging from, it's not what the Prime Minister did in 2004. And I say that or I raise this issue because not a single person has indicated how it is that having two Senators appointed by the government will not produce a fair and impartial investigation. That has not been said at all, and I suspect it has not been said because there is no real reason for making that objection. In totality, looking at the composition of the Senate Select Committee, there are six Senators who the church is proposing, three from the social partners, one from the Opposition, two from the government. The government does not form a majority within that Select Committee.

I am not clear, and I will try to recall specifically the amendment suggested, but I wish only to refer briefly, and we can discuss, if Madam President so decides to suspend, on the suspension, in relation to the proposal for any person named in the audit report to be called. The Constitution sets out clearly the persons who the Senate Select Committee can require to attend, and it doesn't have an omnibus provisions such as "any person." It is limited to any CEO and any Minister of Government. And this may, as I have indicated before, be something that we may discuss on the suspension of the Senate, if Madam President so decides. Those are my comments.

MADAM PRESIDENT: Thank you very much. I believe all Senators who wanted to speak have spoken. We have a proposal before us to amend the Motion that has been presented. I believe that we are prepared to have a full and clear discussion of those amendments, but I would propose that we suspend the sitting of the Senate so that we may, can I say, less formally have conversations about how we proceed to craft the Motion that is eventually going to be put to vote. The sitting is hereby suspended, and we will ask the members of the gallery to leave while we continue with our discussion. We ask all members of the galleries to leave so that we can have our conversations in private, please. The media has to turn off everything. This is a private session of the Members of the Senate. So thank you very much, and, as soon as we are completed and ready to reconvene as the Senate, we will put the word out and you will be able to return. Thank you very much, Members, we are suspended.

The meeting was suspended at 12:30 P.M

The meeting was resumed at 2:23 P.M

MR. PRESIDENT in the Chair.

MR. PRESIDENT: Honourable Members, on the suspension of the Senate, there was a debate on the amendments to the Motion. That debate now resumes.

SENATOR M. LIZARRAGA: Thank you, Mr. President, for giving us this opportunity to look at the proposed amendments made by her majesty's Opposition. We have some comments. Mr. President, the new amendments will read: "1. D. Terms of Reference: To require the attendance before the Committee of the Chief Executive Officers of the Ministry of Immigration and Nationality and the Ministry of Foreign Affairs, and any other Chief Executive Officer who is named by the Auditor General in her Special Audit of the Immigration and Nationality Department on Nationality, Visas and Passports for the Period of 2011-2013 ("the Special Audit Report") and/or who may have information, by virtue of his office, which may be relevant to the inquiry, pursuant to section 61A(2)(g) of the Constitution of Belize." Well, it would have been nice for us, Mr. President, to have seen that amendment say, "any person named in the Special Audit Report or any person who may have had or may have information relevant to the inquiry but not limited to the Directors or only the CEOs and the Ministers," and it would have been nice if we could have agreed to include all such public officers in the Ministry or any other relevant Ministry. This section, as I read it, seeks to limit those persons that we can call.

Also missing from these amendments, Mr. President, is the fact that no Senator may serve as a Member of the Committee if the Auditor General has made any allegation or an allegation of misconduct, impropriety, or wrongdoing against him or her in the Special Audit Report.

I note as well, Mr. President, that it limits questions or persons being called as witnesses to those persons or to the process under 72(12), where we would have like to see that "Every member of the Committee shall have a right to request that particular witnesses be called." It seems that we will now be limited to those with the greatest of respect, Mr. President, to those persons be called subject to the directions of yourself.

MR. PRESIDENT: Well, once it is in the Standing Orders, then you can call them.

SENATOR M. LIZARRAGA: Thank you, Mr. President. I hope, Mr. President, again, like I said that when this hearing is being had that we can, in fact, call all persons mentioned in the report and all persons that may have information relevant to the hearings of the day. Unfortunately, as well, the amendments did not include that the Committee should have a first call on the budget allocation and sufficient monies that would last us for the full hearing of the inquiry and the report. That also was important because, as we move into these struggling economic times, we want to make sure that the Committee is well funded and that the Committee as well has the budget allocation so that it can hire the attorneys and accountants and other experts that we may need to call for these hearings.

And then I note that the Committee will not have a full time Secretariat,

but, in fact, we're going to be pressing on the resources of the office of the Senate, and we may be straining those resources. I don't know if the Clerk has in his budget monies for hearings, but, again, it would have been nice if we would not have strained the resources of the Office of the Clerk or the National Assembly.

Mr. President, I think that what needs to be said is that the public and the business community especially will expect nothing less than a balance and unbiased public hearing, and that any semblance of imbalance from any of the parties in the Special Select Committee of the Senate will be looked at unfavorably, and more than likely, it will result in increased national non-productivity, costly, social and unnecessary political strife, at a time when our country should be focused on increasing productivity. We should be focused on ending waste. We should be seriously focused on nation building and not nation dividing.

So, Mr. President, as I said before, we would have expected those amendments to have included those items that we mentioned. Thank you for this opportunity for revisiting this amendment.

SENATOR E. COURTENAY: Mr. President, there being no further debate, I ask that the question be put.

MR. PRESIDENT: Honourable Senators, the question is that the amendments to the Motion be agreed as follows:

- B. To require the production of such papers and records as the Committee shall deem relevant to the enquiry and to . . .

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

- D. . . .and any other Chief Executive Officer who is named by the Auditor General in her Special Audit of the Immigration and Nationality Department on Nationality, Visas and Passports for the Period of 2011-2013 ("the Special Audit Report") and/or who may have information, by virtue of his office, which may be relevant to the inquiry, . . .

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

- E. . . .and/or any other Minister of Government who may have information which may be relevant to the inquiry, pursuant to section 61A(2)(h) of the Constitution of Belize;

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

- H. . . .and broadcast live. . .

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

I. . . .in accordance with Standing Order 75. . .

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

K. All Committee members shall be allowed sufficient time and equal opportunity to question witnesses, and shall be permitted to question each witness who attends a sitting;

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

L. Each witness shall be afforded the opportunity, pursuant to Standing Order 72(13) of the Senate Standing Orders, to review his/her evidence, and shall have liberty to suggest corrections due to inaccurate reporting, within 14 days of the date from which the evidence was sent to the witness by the Clerk;

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

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

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

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

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

Honourable Senators, the question is also put for the following amendments to the Motion:

...any person's name in the Special Audit Report and/or who may have information relevant to the inquiry including but not limited to. . .

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

- I. ...present... the report of the Committee, including any minority report, which reports may include recommendations to improve the processes and procedures related to the issuance of nationality certificated, visas and passports.

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

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

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

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

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

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

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

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

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

SENATOR REV. A. ROCKE: Mr. President, I rise again for the second time of the day to present the Motion with its inclusions, but, if you'd allow me to preface the Motion, I want to say that when I came here this morning that was the thing I had in heart, that there would have been a very collaborative effort in putting together what we believe would be a substantive Motion that would serve the interest of all of us, including the Opposition, the government and the social partners. And I want to mention a special gratitude for the assistance of the Senator of the Opposition, Senator Eamon Courtenay, for the inclusions in the Motion to make it a more substantive Motion. And so I want to take this time, if you would allow me, to use my notes, Mr. President.

MR. PRESIDENT: Please, continue.

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

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

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

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

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

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

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

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

1. TERMS OF REFERENCE:
 - A. To conduct an independent and impartial investigation and inquiry into all policies, processes and procedures in the grant of nationality, and the issuance of visas and passports in the Ministry responsible for Immigration and Nationality that pertain to the findings of the abovementioned Special Report of the Auditor General for the period 2011 - 2013;
 - B. To require the production of such papers and records as the Committee shall deem relevant to the enquiry and to examine pertinent documentation;
 - C. To determine whether, consequent on the investigation and inquiry, statutory and other procedures were complied with;
 - D. To require the attendance before the Committee of the Chief Executive Officers of the Ministry of Immigration and Nationality and the Ministry of Foreign Affairs, and any other Chief Executive Officer who is named by the Auditor General in her Special Audit of the Immigration and Nationality Department on Nationality, Visas and Passports for the Period of 2011-2013 (“the Special Audit Report”) and/or who may have information, by virtue of his office, which may be relevant to the inquiry, pursuant to section 61A(2)(g) of the Constitution of Belize;
 - E. To require the attendance before the Committee of those Ministers named by the Auditor General in the Special Report and/or any other Minister of Government who may have information which may be relevant to the inquiry, pursuant to section 61A(2)(h) of the Constitution of Belize;
 - F. To require the attendance before the Committee of the Director of Immigration and Nationality and all such current and former public officers in the Ministry responsible for Immigration and Nationality, pursuant to Standing Order No. 72 of the Senate Standing Orders, as well as for the production of all relevant papers and records of the Ministry, as may be necessary to conduct its enquiry and investigation;
 - G. To examine all such persons required to attend before the Committee as witnesses, pursuant to Standing Order No.72 of the Senate Standing Orders;
 - H. To hold and conduct its sittings and meetings in public and broadcast live except for sittings which are held only for the purpose of deliberation of the matters which are the subject of the Committee, which sittings shall be held in private;

- I. That the Committee shall hold its hearings with due urgency and expedition, in accordance with Standing Order 75 of the Senate Standing Orders, make a report to this Honourable Senate as soon as may be practicable of the result of its inquiries, with all such comments and recommendations as the Committee may deem fit, furnishing this Honourable Senate with a full statement of its proceedings and of the reasons leading to its conclusions and recommendations;
- J. That the report shall be tabled in this Honourable Senate and become a public document;
- K. All Committee members shall be allowed sufficient time and equal opportunity to question witnesses, and shall be permitted to question each witness who attends a sitting;
- L. Each witness shall be afforded the opportunity, pursuant to Standing Order 72(13) of the Senate Standing Orders, to review his/her evidence, and shall have liberty to suggest corrections due to inaccurate reporting, within 14 days of the date from which the evidence was sent to the witness by the Clerk;
- M. The Committee shall be permitted to hire attorneys, accountants and such other experts as required by the Committee;
- N. The office of the Senate shall be the office of the Secretariat of the Committee;

2. COMPOSITION OF SPECIAL SELECT COMMITTEE:

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

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

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

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

C. The Quorum of the Committee shall be three.

I therefore move that the question be put.

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

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

- E. To require the attendance before the Committee of those Ministers named by the Auditor General in the Special Report and/or any other Minister of Government who may have information which may be relevant to the inquiry, pursuant to section 61A(2)(h) of the Constitution of Belize;
- F. To require the attendance before the Committee of the Director of Immigration and Nationality and all such current and former public officers in the Ministry responsible for Immigration and Nationality, pursuant to Standing Order No. 72 of the Senate Standing Orders, as well as for the production of all relevant papers and records of the Ministry, as may be necessary to conduct its enquiry and investigation;
- G. To examine all such persons required to attend before the Committee as witnesses, pursuant to Standing Order No.72 of the Senate Standing Orders;
- H. To hold and conduct its sittings and meetings in public and broadcast live except for sittings which are held only for the purpose of deliberation of the matters which are the subject of the Committee, which sittings shall be held in private;
- I. That the Committee shall hold its hearings with due urgency and expedition, in accordance with Standing Order 75 of the Senate Standing Orders, make a report to this Honourable Senate as soon as may be practicable of the result of its inquiries, with all such comments and recommendations as the Committee may deem fit, furnishing this Honourable Senate with a full statement of its proceedings and of the reasons leading to its conclusions and recommendations;
- J. That the report shall be tabled in this Honourable Senate and become a public document;
- K. All Committee members shall be allowed sufficient time and equal opportunity to question witnesses, and shall be permitted to question each witness who attends a sitting;
- L. Each witness shall be afforded the opportunity, pursuant to Standing Order 72(13) of the Senate Standing Orders, to review his/her evidence, and shall have liberty to suggest corrections due to inaccurate reporting, within 14 days of the date from which the evidence was sent to the witness by the Clerk;

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

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

4. COMPOSITION OF SPECIAL SELECT COMMITTEE:

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

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

(2) one from those appointed on the advice of the Leader of the Opposition;

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

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

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

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

C. The Quorum of the Committee shall be three.

All those in favor kindly say aye; those against kindly say no.

SENATOR E. COURTENAY: Pursuant to Standing Order 47, I call for a division.

MR. PRESIDENT: Clerk, can we please do the division.

CLERK: The Honourable Senator Courtenay has called for a division.

The Senators voted as follows:

Senator Godwin Hulse - Yes

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

MR. PRESIDENT: The results are as follows: Seven (7) Senators voted “yes” and five (5) Senators voted “no”. I think the yes have it.

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

MR. PRESIDENT: Senator Courtenay, please go ahead.

SENATOR V. RETREAGE (Attorney General and Minister of Natural Resources): Mr. President, on a point of order, I refer to Standing Order 30(1), Motions not Moved or Seconded, “If a Senator other than a Minister does not, when called, move a motion or amendment which stand is his name such motion or amendment shall be removed from the Order Paper unless deferred by leave of the Senate or moved by another Senator duly authorised by that Senator; but Government Business may be moved by any Minister.” Pursuant to this Standing Order, Mr. President, I ask that the Motion presented on the Order Paper by Senator Eamon Courtenay stand removed, having been called upon to present that Motion and not presenting that Motion.

MR. PRESIDENT: The Motion is removed.

ADJOURNMENT

SENATOR G. HULSE (Leader of Government Business and Minister

of Home Affairs and Immigration): Mr. President, I move that the Senate do now adjourn.

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

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

The Senate now stands adjourned.

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

PRESIDENT
