

1 THE ANGUILLA HOUSE OF ASSEMBLY

2 TRANSCRIPT OF PROCEEDINGS OF
3 THE TWENTIETH MEETING OF THE FIRST SESSION
4 OF THE ELEVENTH ANGUILLA HOUSE OF ASSEMBLY
5 HELD ON TUESDAY 12TH APRIL 2016 AT 10:04 A.M.
6 AT THE ATLIN NORALDO HARRIGAN, OBE, PARLIAMENTARY BUILDING,
7 THE VALLEY, ANGUILLA

8 Presiding

9 Hon Speaker of the House of Assembly, Mr. Leroy Rogers

10 Members Present in the Assembly

11 Hon Member for Valley South, Mr. Victor F. Banks
12 Hon Member for Sandy Hill, Mrs. Cora Richardson-Hodge
13 Hon Member for Road South, Mr. Curtis Richardson
14 Hon Member for West End, Mr. Cardigan Connor
15 Hon Member for Island Harbour, Ms. Palmavon Webster
16 Hon Deputy Governor, Mr. Stanley Reid
17 Hon Attorney General, Mr. Rupert Jones
18 Hon First Nominated Member, Mr. Terry Harrigan
19 Hon Second Nominated Member, Mr. Paul Harrigan

20 In attendance

21 Clerk to the House of Assembly, Mr. Lenox Proctor
22 Court Reporter, Miss Carla S. Ritchie
23 Sergeant at Arms, Mr. Carl Ruan
24 Chaplain, Pastor Lucien MacDonna

25 Absent

Hon Member for Valley North, Mr. Evans M. Rogers
Hon Member for Road North, Mrs. Evalie Bradley

Court Reporting Unit
Government of Anguilla
The Valley, Anguilla
BWI

DONE BY: CARLA S. RITCHIE, CERTIFIED COURT REPORTER

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1 Meanings of Symbols and Words used in Transcripts

2 Dashes

3
4 A series of two dashes (--) is used to show:

- 5 (1) Changes of thought: When the speaker has a
6 sudden change of thought leaving a sentence
7 unfinished to begin a new sentence or a phrase.
- 8 (2) Mid-word: When a speaker leaves a word unfinished
9 and starts another word.
- 10 (3) Interruption: When a speaker is interrupted by
11 another speaker. These dashes normally appear
12 at the end of the sentence. When the dashes
13 appear at the beginning of the sentence it means
14 that the speaker continued speaking even though
15 interrupted or resumed the sentence after the
16 interruption.

17 The word (indiscernible):

18 Used when a word or phrase is unintelligible and cannot
19 be transcribed due to interruption, simultaneous speech,
20 cough, voice lowered.

21 The word (inaudible):

22 Used when a speaker cannot be heard.

23 The word (phonetic):

24 When the correct spelling of a word or name cannot be
25 ascertained from available resource material the word is
typed as it sounds phonetically and the word phonetic
follows in brackets.

The word (sic):

Used when a speaker uses a term or word or figure/number
that is known to be incorrect.

P-R-O-C-E-E-D-I-N-G-S

(Meeting convened at 10:04 a.m.)

THE CHAPLAIN: Good morning to everyone. In Romans 8 and verse 25 says:

"But if we hope for that we do not see then we do wait patiently for it, for we know that all things work together for good to them who love God, to them who are called according to his promises."

We thank you O God for your love and your grace you have bestowed upon us. A new day have dawned. We thank you for your continual guidance and your wisdom. We pray that you will continue to grant this Government wisdom, understanding and strength. We pray God that in this house as we open that you will continue to cause each person to grow with the knowledge and the strength of your grace. May all things that are discussed in this house today be done according to your will. We ask your blessings upon this house, through Jesus Christ our Lord. Amen.

THE SPEAKER: Please be seated. Thank you, Pastor MacDonna. Good morning to everyone.

THE CLERK: Confirmation of Minutes: None. Oaths of Allegiance: None. Announcements by the Direction of the Speaker.

THE SPEAKER: The only thing, the Leader of the Opposition are you prepared to give an update on

1 the workshop we had last week?

2 MEMBER FOR ISLAND HARBOUR: Thank you,
3 Mr. Speaker. I, as Chair of the Public Accounts Committee,
4 I'm prepared to give a statement, yes. Thank you,
5 Mr. Speaker.

6 Mr. Speaker, I want to put on record the
7 committee's gratitude to the Commonwealth Parliamentary
8 Association UK for their continued support as we seek to make
9 operational the Anguilla Public Accounts Committee. Their
10 support in the planning and execution of this workshop was
11 critical to its success and I also want to use this
12 opportunity to thank the Governor's office and the Government
13 of Anguilla for their role in providing funding for the
14 workshop.

15 Mr. Speaker, you'll remember that the workshop
16 was designed to provide a comprehensive introduction of the
17 role and functions of the Public Accounts Committee to members
18 of the House of Assembly, to Permanent Secretaries, to
19 Department Heads, to members of Statutory Boards, to the Chief
20 Executives of Statutory Boards, civil society, the media, our
21 young persons, young people and all other relevant
22 stakeholders.

23 Another objective, Mr. Speaker, was to
24 facilitate discussion and to build relationships and
25 understanding between the Public Accounts Committee and

1 relevant partners such as the Audit office, Accounting
2 officers and Government departments on their role and remit in
3 relation to the Public Accounts Committee.

4 And a third objective was to facilitate
5 discussion to create a framework for the implementation of
6 international good practice in oversight of the executive
7 related to public accounts in the Anguilla context.

8 Mr. Speaker, and I know you were there and I
9 want to thank you for being there. The turnout was excellent
10 and far exceeded our expectations in all the stakeholder
11 groupings. This points to the desire of the public for
12 greater transparency and accountability in Government.

13 Some of the highlights were a mock committee
14 hearing which allowed stakeholders to witness how an actual
15 committee conducts its proceedings. Another highlight was the
16 quality of discussion among members of this house on the role
17 of the Public Accounts Committee. The session with the Chief
18 Auditor of Anguilla via video link was also a highlight. It
19 pointed to the kind of resources we have in technology and how
20 we could use this in the Public Accounts Committee's context
21 and generally. The committee's interaction was another
22 highlight, the committee's interaction with members of civil
23 society and the discussion led by the chair of the
24 Constitutional Reform Committee on proposals for the Public
25 Accounts Committee in the new constitution. You know, that is

1 just a tentative framework. We haven't had public
2 consultations on the Constitutional Committee Reform proposals
3 yet. The opportunity to network was another highlight and we
4 had the opportunity to share, not only with the UK Parliament,
5 but also with the Wales Assembly and the BVI Assembly.

6 Coming out of the workshop the committee would
7 like to reaffirm its commitment to all its stakeholders to:
8 (1) Not turn the work of the PAC into a political witch hunt.
9 We've seen that in the past. We are going to continue to
10 engage constructively with all our stakeholders and we're
11 going to continue to be informed by international good
12 practice. So moving forward, Mr. Speaker, the committee will
13 lay on the table its work plan 2016 during the regular May
14 meeting of this house. Thank you very much, Mr. Speaker.

15 THE SPEAKER: Thank you very much.

16 Let me thank the Clerk again for the work he did
17 in preparing for that conference. Thank you.

18 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, and I've
19 done it publicly so often and I know that the Clerk is one of,
20 you know, the Anguillians who like to work so hard behind the
21 scenes and not take credit for it but I too want to add my
22 congratulations and thanks to the Clerk and the staff, the
23 general staff. I think the visitors were so impressed at the
24 quality of the talent and the commitment that that office
25 demonstrated. And I want to thank you, Mr. Speaker, in that

1 regard as well. Thank you very much.

2 THE SPEAKER: Thank you.

3 THE CLERK: Papers: Anguilla Air
4 and Sea Ports Authority Business Plan and Estimates, 2016.

5 MEMBER FOR ROAD SOUTH: Mr. Speaker, in
6 accordance with section 13 of the Legislative Assembly
7 Procedure Rules 1976, the Financial Administration and Audit
8 Act RSC F27 and the Anguilla Air and Sea Ports Authority Act,
9 RSA A57, I beg leave to lay on the table of this Honourable
10 House the executive summary of the 2016 Anguilla Air and Sea
11 Ports business plan and the 2016 Estimates of Recurrent and
12 Capital Expenditure and the Estimates of Revenue and other
13 financing for the Anguilla Air and Sea Ports authority. Thank
14 you, Mr. Speaker.

15 THE SPEAKER: Thank you.

16 THE CLERK: Reports from
17 Committees: None. Petitions: None. Government Notices:
18 None. Unofficial Notices: None. Questions.

19 MEMBER FOR ISLAND HARBOUR: Thank you,
20 Mr. Speaker. I have -- The Honourable Member for Island
21 Harbour to ask the Honourable Member for Valley South, the
22 Chief Minister:

23 (1) Whether he or any member of his Government
24 involved in the process of resolving the banking crisis, has
25 or have had any conflict or conflicts of interest in

1 connection with the Government's decision to protect
2 depositors to the extent of US\$4 million and in connection
3 with the treatment of shareholder interests?

4 (2) And if he or any member of his Government
5 has or have had conflicts of interest, what is the nature and
6 extent of such conflicts, and did he or any other member of
7 his Government recuse themselves from the decision making
8 process on account of any such conflict?

9 Thank you, Mr. Speaker.

10 MEMBER FOR VALLEY SOUTH: Thank you,
11 Mr. Speaker. I will respond to the questions raised by the
12 Member for Island Harbour. First question:

13 *"(1) Whether he or any member of his Government*
14 *involved in the process of resolving the banking crisis, has*
15 *or have any conflict or conflicts of interest in connection*
16 *with the Government's decision to protect depositors to the*
17 *extent of US\$4 million and in connection with the treatment of*
18 *shareholder interests?"*

19 My answer, Mr. Speaker: It is obvious that the
20 Member for Island Harbour has a serious gap in her information
21 regarding the very basic principles of the ECCB policy on the
22 protection of customer's deposits in the resolution process.
23 This once again suggests that she may not have been paying
24 attention or that I may have wasted time meeting with her as
25 well as taking her to the ECCB meeting in St. Kitts.

1 Firstly, the idea of protecting customer's
2 deposits a hundred percent is not a decision of Government of
3 Anguilla, it is the policy of the Eastern Caribbean Currency
4 Union.

5 Secondly, customers are protected to the extent
6 of a hundred percent of their deposits, not just to US\$4
7 million.

8 Thirdly, the treatment of shareholder interest
9 is in keeping with the practice used in the resolution of all
10 insolvent financial institutions, namely, their equity stake
11 is only determined after the customer's interest have been
12 resolved.

13 And finally, to respond to what appears to be
14 the core purpose of her question. No member of the
15 Government, including myself, had reason to recuse themselves
16 given the fact that specific decisions on the technical
17 aspects of the resolution were made by experts from various
18 international and regional agencies. The task of these
19 experts was to ensure that a system was put in place that
20 protected all customer deposits 100 percent. The
21 determination as to the ceiling for protection in the various
22 entities in the resolution process is purely scientific and
23 designed to ensure that it is both equitable and affordable.
24 Simply put, it is based on a mathematical formulation without
25 reference to personalities or specific interests.

1 And question, the second question: *"If he or*
2 *any member of his Government has had any conflicts of*
3 *interest, what is the nature and extent of such conflicts, and*
4 *did he or any member of his Government recuse themselves from*
5 *the decision making process on account of such conflict?"*

6 The answer, Mr. Speaker: The last part of the
7 response to the previous question applies. For the reasons
8 stated therein no member of the Government, including myself,
9 had reason to recuse themselves. Thank you very much,
10 Mr. Speaker.

11 THE SPEAKER: Thank you. Thank you.

12 MEMBER FOR ISLAND HARBOUR: May it please you,
13 Mr. Speaker, I have a supplementary question just based on the
14 answer that the Honourable Chief Minister has provided in
15 relation to this question.

16 THE SPEAKER: Go ahead.

17 MEMBER FOR ISLAND HARBOUR: Thank you,
18 Mr. Speaker. The question that I have for the Chief Minister
19 has to do, he said that all depositors were protected 100
20 percent and this conflicts with what he's previously disclosed
21 in relation to the treatment of depositors in the offshore
22 banks. All that discussion around, you know, how depositors
23 -- It doesn't, it doesn't -- I wonder if he can answer
24 specifically the question what, how has he treated, what
25 protections have been afforded to the depositors in the

1 offshore banks?

2 THE SPEAKER: Was that included in
3 the first question, the offshore banks?

4 MEMBER FOR ISLAND HARBOUR: It's the banks. They
5 are the banks.

6 THE SPEAKER: But you were dealing
7 with the local banks, right. You need to specifically ask
8 about the offshore banks.

9 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, if you
10 read, if you take a literal, a literal interpretation and I'm
11 only asking you for a plain, simple, literal interpretation of
12 my question and it doesn't demarcate or delineate any bank,
13 it's the local banks. And previously, that discussion has
14 come up in this house with reference to the resolution of the
15 banking crisis and it is relevant. So Mr. Speaker, I don't
16 understand why, particularly because this matter has come on
17 with such late notice and I've just been handed the response,
18 how a matter that is so important in relation to this
19 resolution why that challenge should be raised with it. It's
20 a simple, literal interpretation. It's not delineated in any
21 way and I don't think it's fair, Mr. Speaker, for you to seek
22 to delineate it now.

23 THE SPEAKER: Are you talking about
24 the offshore branches of the local banks or offshore branches
25 in general?

1 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, it's
2 public record that both NBA and CCB had offshore subsidiaries.
3 It's on public record. It includes that, the resolution has
4 to address that.

5 THE SPEAKER: So that's the question
6 I was asking if you're dealing with the offshore branches for
7 the local banks?

8 MEMBER FOR ISLAND HARBOUR: Well it's one and the
9 same. It's what we've held out to the world.

10 THE SPEAKER: But you have other
11 offshore banks too.

12 MEMBER FOR VALLEY SOUTH: Mr. Speaker, can I
13 respond?

14 THE SPEAKER: Yes.

15 MEMBER FOR VALLEY SOUTH: Mr. Speaker, you're
16 quite right that the Member for Island Harbour was not
17 specific regarding the offshore banks. Mr. Speaker, the
18 Government of Anguilla and the Eastern Caribbean Central Bank
19 in their work on the resolution crisis would have included a
20 consideration of the offshore banks which are subsidiaries of
21 the parent company. The issues that the member raised has to
22 do with the customers deposits. And there is every intention,
23 Mr. Speaker, as I've pointed out earlier, to deal with the
24 domestic banks which is the responsibility of the Eastern
25 Caribbean Central Bank because they are regulated by them as

1 well as the offshore subsidiaries which are regulated by the
2 Financial Services Commission of which I am not a part but
3 it's a part of the whole Financial Services Sector in Anguilla
4 and must be given consideration.

5 The issue here as raised by the Member for
6 Island Harbour is whether or not the offshore banks'
7 subsidiaries will be treated in the same way. They will be
8 treated in the same way, Mr. Speaker, once it's determined,
9 because there is a question of whether the offshore
10 subsidiaries are single deposits or depositors comprising all
11 the customers who have deposited in the offshore subsidiary
12 because the funds in the offshore subsidiaries would have been
13 graduated up to the parent bank, lodged with the parent bank
14 and the question is whether or not they are separate deposits
15 because as single deposits the offshore, the customers in
16 offshore banks do not have accounts in the parent banks. So
17 as a consequence, that is an issue that is being discussed and
18 when that is resolved, Mr. Speaker, the Government of
19 Anguilla, the Eastern Caribbean Central Bank will include that
20 also in their resolution process. And that is as much as I
21 can say. That discussion has to take place between the
22 offshore subsidiaries and the parent bank, the ECCB. The ECCB
23 and the Financial Services Commission are having some
24 discussions about that. That is as far as I can say on that,
25 Mr. Speaker. Thank you very much.

1 THE SPEAKER: Thank you.

2 MEMBER FOR ISLAND HARBOUR: Another supplemental
3 question, Mr. Speaker.

4 THE SPEAKER: You can just give one
5 supplementary.

6 MEMBER FOR ISLAND HARBOUR: I'm sorry?

7 THE SPEAKER: You can just give one
8 supplementary. That's a supplementary to a supplementary?

9 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I've
10 asked you to --

11 THE SPEAKER: It's a simple
12 question. Is that a supplementary to the supplementary?

13 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, with all
14 due respect, I've got Erskine May here, the authority.

15 THE SPEAKER: I asked a question.

16 MEMBER FOR ISLAND HARBOUR: And there is no limit
17 --

18 THE SPEAKER: I asked a question.
19 Is that a supplementary to the supplementary or a
20 supplementary to the original question?

21 MEMBER FOR ISLAND HARBOUR: No. It's
22 supplemental to the answers given in relation to the conflicts
23 of interest relating to the members which arose out of the
24 preliminary question. There were two parts to the question
25 that I asked.

1 THE SPEAKER: Yes.

2 MEMBER FOR ISLAND HARBOUR: And one part has not
3 been answered.

4 It doesn't surprise me, Mr. Speaker, that the
5 answer the Chief Minister, the Honourable Chief Minister gave
6 is not a full answer. What the people want to know,
7 Mr. Speaker, and it is your job to assure fairness. What the
8 people want to know out of --

9 THE SPEAKER: Listen, listen.
10 Listen, are you saying I'm not fair? I'm just asking a
11 question so I can be satisfied.

12 MEMBER FOR ISLAND HARBOUR: Okay, Mr. Speaker.

13 THE SPEAKER: So don't say I'm not
14 -- I didn't tell you you can't ask the question.

15 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, you
16 always hear me in this chambers say that I presume good
17 intention. I absolutely always presume good intention but
18 what I am asking is this: The question I want to know, if he
19 said that because -- The Honourable Chief Minister said, if I
20 understood him correctly, that the reason that there wasn't a
21 conflict of interest or conflicts of interest in relation to
22 any of the members was because the model that was put forward
23 by the ECCB and advisers of a hundred percent protection did
24 not allow, did not require them to excuse themselves on
25 another basis.

1 Now, Mr. Speaker, I want to ask the Honourable
2 Chief Minister as a supplemental to that aspect of my
3 question. I want to ask him: Did you or any other member of
4 your Government, irrespective of the advice of those entities
5 you named, did you or any of your members consider and discuss
6 the conflicts of interest that might have derived from
7 familial relationships, from the fact that some of your
8 members or at least one of your members had functioned as a
9 director of one of those entities of the banks, all of these
10 which, on the face of it, would require that those members of
11 your Government recuse themselves? Did you consider that at
12 all? Did the Honourable Chief Minister consider that and
13 those matters prior to determining, deciding on the resolution
14 model that they had received advice to implement?

15 Thank you, Mr. Speaker.

16 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I should
17 almost ask the Honourable Member for Island Harbour the
18 question whether she will want to recuse herself from this
19 meeting here this morning. Because certainly if she
20 stretches it to the level that she's stretching it, it would
21 mean that she may have a conflict of interest as well.
22 Because she's a company formation agent that has accounts in
23 trust companies in the offshore subsidiaries. The question
24 that she asked and the specific question which I responded to
25 was, and I repeat: *"Whether he or any member of his*

1 Government involved in the process of resolving the banking
2 crisis has or have any conflict of interest in connection with
3 the Government's decision to protect depositors to the extent
4 of \$4 million?" And first of all, Mr. Speaker, that premise
5 is wrong. Depositors are protected a hundred percent. And in
6 connection with the treatment of shareholders' interest, the
7 treatment of shareholders' interest, Mr. Speaker, we all are
8 shareholders here. I'm not a shareholder in National Bank but
9 I'm certainly a shareholder -- was a shareholder in CCB. The
10 treatment of shareholders has been dealt with in the manner it
11 is dealt with in all situations where a bank becomes
12 insolvent. The first thing you deal with is ensure that the
13 customers' interest are protected and after that you make a
14 determination of the equity stake of the shareholders
15 involved. So there is no need for any member of the
16 Government to recuse themselves. They are simply responding,
17 we are simply responding to a resolution that has been brought
18 into play based on the policy of the Eastern Caribbean
19 Currency Union that for banks that are insolvent that the
20 Governments of the region should ensure that customers'
21 deposits are guaranteed a hundred percent. There has been
22 some back and forth on this issue with the Foreign and
23 Commonwealth Office because there was a determination that
24 perhaps there should be a buy-in by certain stakeholders in
25 the bank, or that perhaps shareholders or customers should

1 take a cut on their deposits. Those considerations were not a
2 part of the issue because as members of the Eastern Caribbean
3 Central Bank and the Eastern Caribbean Currency Union, we
4 would have gone along with the policy. The determination of
5 the specifics of the resolution, Mr. Speaker, when it comes
6 down to dollars and cents had to do with the mathematical
7 formulation without reference to any customers account, any
8 personalities. The issue was not an investigation of the
9 banks, the directors, the management, the staff. The issue
10 was the resolution of the banking crisis to create stability
11 in the banking sector. The Government of Anguilla and its
12 ministers did not necessarily have any determining
13 purpose/function in that exercise, Mr. Speaker. The first
14 thing that was determined by the Government of Anguilla was
15 whether or not the various resolutions that were brought
16 before it were affordable. And that is the only issue,
17 Mr. Speaker. There was no need, because that's a normal
18 function of members of Executive Council to look at the budget
19 and examine it and make a determination whether it's in their
20 estimation affordable or whether or not there is any need for
21 any additional revenue measures to meet the requirements and
22 the Government's obligations. That was it.

23 Mr. Speaker, as it relates to the offshore
24 subsidiaries, I repeat, the offshore subsidiaries at this
25 point, the regulator of the offshore subsidiaries, as the

1 Member for Island Harbour well knows because she's intimately
2 involved, the regulator for offshore subsidiaries is the
3 Anguilla Financial Services Commission, and they are taking
4 action appropriate with that responsibility to ensure that the
5 customers of the offshore subsidiaries who they are there to
6 protect are dealt with in the resolution process. Thank you
7 very much, Mr. Speaker.

8 THE SPEAKER: Thank you.

9 THE CLERK: Motions. Other
10 business, Government business: The Eastern Caribbean Asset
11 Management Corporation (Amendment) Bill, 2016, second reading.

12 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I move
13 that a Bill shortly entitled the Eastern Caribbean Asset
14 Management Corporation (Amendment) Act, 2016, be read a second
15 time.

16 MEMBER FOR SANDY HILL: I second the motion,
17 Mr. Speaker.

18 MEMBER FOR VALLEY SOUTH: Mr. Speaker, this is a
19 very short Bill. It is exactly seven pages long including the
20 objects and reasons. It has eight clauses, eight sections and
21 it relates to the substantive Bill, the Eastern Caribbean
22 Asset Management Corporation Bill, Mr. Speaker.

23 Mr. Speaker, that Bill enables the member states
24 of the Eastern Caribbean Central Bank to form an agreement for
25 the Eastern Caribbean Asset Management Corporation facility

1 which is used to ensure that non-performing loans and other
2 measures that -- issues that arise in the indigenous banking
3 sector in particular, can be dealt with outside of the normal
4 banking operations, to the benefit of the overall financial
5 system, the overall banking system. Mr. Speaker, the
6 agreement to this Bill, which is the schedule referred to as
7 Schedule 1, was established, signed on the 24th day of
8 February, 2015, and the text is set out as a part of the
9 schedule to the Bill. For those who may not have been paying
10 attention, the Eastern Caribbean Asset Management Corporation
11 Agreement would have been signed by the then Chief Minister,
12 Minister of Finance and Member of the Monetary Council,
13 Mr. Hubert Hughes, on the 24th day of February 2015. Before
14 my time, Mr. Speaker.

15 During the presentation of this Bill in the
16 House of Assembly, Mr. Speaker, and in the various
17 consultations and comments and discussions that would have
18 taken place both in house, that means in the Executive Council
19 and the Ministry of Finance as well as in the wider community,
20 Mr. Speaker, in programmes, on radio and so on and so forth, a
21 number of concerns would have been raised about the
22 implementation of this Bill and to ensure that the Bill was in
23 keeping with the laws of Anguilla as well as the Anguilla
24 constitution. So in response to those issues raised, a number
25 of amendments have been suggested, approved in Executive

1 Council to amend the substantive Act that would have been
2 passed in the House of Assembly earlier this year or last
3 year. Last year, November last year.

4 First of all, Mr. Speaker, we have come to the
5 point where we cannot sign up to the agreement so we must
6 accede to the agreement because other member states have
7 already signed up so the Bill has now become law in the
8 Eastern Caribbean Currency Union, the Eastern Caribbean
9 Central Bank and members who would not have signed up in that
10 grouping which would have the effect of making it law in the
11 region but it's five members, five of the eight members were
12 required for that purpose. The other members coming on stream
13 would now have to accede to the Act, to the agreement, to the
14 Bill.

15 So section 1 indicates that the "principal Act",
16 and I refer to it as the "substantive Act", means the Eastern
17 Caribbean Asset Management Corporation Act which was passed in
18 2015. So the first section of this Bill defines, interprets
19 the "principal Act" to mean the Eastern Caribbean Asset
20 Management Corporation Act.

21 Second section amends Section 1 of the principal
22 Act by deleting the definition of "Agreement" and substituting
23 it with the following. The definition of Agreement in the
24 principal Act reads as follows:

25 "Agreement" means the agreement establishing the

1 Eastern Caribbean Asset Management Corporation, signed on the
2 24th day of February 2016, the text of which is set out in the
3 schedule to the Act.

4 The amended section reads as followed:

5 "Agreement" means the agreement establishing the
6 Eastern Caribbean Asset Management Corporation signed on the
7 24th day of February 2015, the text of which is set out in
8 schedule 1.

9 Third section: Repeal and substitution of
10 section 4 of the principal Act. Section 4 of the principal
11 Act is repealed and substituted as follows. Section 4 of the
12 principal Act reads as follows:

13 *"Exemption: The following Acts does not apply*
14 *to the Corporation, the Banking Act, 2015; the Stamp Duty Act;*
15 *and (2) The enforcement of any security including a charge or*
16 *mortgage (whether legal or equitable) acquired by the*
17 *Corporation is not subject to the Registered Land Act, or any*
18 *other Act, law or enactment in Anguilla."*

19 Mr. Speaker, I can recall during the
20 consultations there was a lot of concerns about this statement
21 in the Act because it is felt it is too wide and the amendment
22 now restricts the reference to any other Act made and passed
23 by the Legislature of Anguilla. Obviously, Mr. Speaker,
24 as the original section read, it would also include orders in
25 council, I imagine, and any other laws or enactments made in

1 Anguilla -- made to the umm, passed by the legislature of
2 Anguilla -- in Anguilla, sorry. They are restricting it now
3 to "any other Act made and passed by the Legislature of
4 Anguilla," rather than law or enactment in Anguilla. So it
5 removes the wide usage of the term: "Any law or enactment in
6 Anguilla" and replacing it by "Any other Act made and passed
7 by the Legislature of Anguilla." So that deals with the issue
8 or the concern that perhaps orders in council which are
9 allowable under the constitution will not be impacted by this.

10 The other part repealed is the part which deals
11 with the inconsistency with other legislation. And that is
12 under section 5 of the principal Act. Section 5 of the
13 principal Act as it now stands reads as follows:

14 *"In the event of any inconsistency between the*
15 *provisions of this Act and the operation of any other law the*
16 *provisions of this Act shall prevail to the extent of the*
17 *inconsistency."*

18 That, Mr. Speaker, and the reference to any, and
19 the reference to any other law is now restricted by replacing
20 that section with: *"In the event of any inconsistency between*
21 *the provisions of this Act and the operation of any other Act*
22 *made and passed by the Legislature of Anguilla, the provisions*
23 *of this Act shall prevail to the extent of the inconsistency."*

24 So again, it narrows the reference to and
25 restricts the reference to other Act made and passed in

1 Anguilla, any other law in Anguilla.

2 The other amendment, Mr. Speaker, has to do with
3 section 13 of the principal Act. And section 13 of the
4 principal Act deals with the commencement of the Act. It's
5 repealed and substituted with the following words:

6 *"This Act shall come into force on the date
7 which the Governor may by Notice published in the Gazette
8 appoint."*

9 In other words, Mr. Speaker, the original Act
10 came into force on the day it was passed in the House of
11 Assembly and signed off by the Speaker and of course at the
12 end of the day assented by the Secretary of State. In this
13 case it does not have to come into effect when it was passed
14 in the house it now comes into effect when the Governor makes
15 the notice and publish it in the gazette because now we are
16 acceding to the Act rather than the Act being passed in the
17 House of Assembly by the Government of Anguilla.

18 The second part of the umm -- the sixth section
19 of the amendment, Mr. Speaker: *"The principal Act is amended
20 by replacing the signature page that follows Article 107 of
21 the schedule."* The schedule of the Act is this large part
22 which deals with the agreement. And under section 107,
23 section 107 which deals with the issue of reservations, we
24 will now put in place the signature page which includes all
25 the Governments, the participating Governments up to the

1 agreement, which includes the Government of Antigua and
2 Barbuda, the Government of Dominica, the Government of
3 Grenada, Montserrat, St. Christopher/Nevis, St. Lucia and
4 St. Vincent. And on this occasion, once it's acceded to by
5 Anguilla we will now be also be appearing on that page.
6 Signed by the Government of Anguilla.

7 That is the amendment in section 6 of the Act
8 and we're now inserting a new section immediately after
9 section 11. And section 11 of the principal Act deals with
10 Sunset and Savings, the termination clause under the Act. And
11 this section deals with accession. 11(a) is the new section
12 being inserted. The agreement was acceded to by Victor F.
13 Banks for and on behalf of the Government and people of
14 Anguilla on the date, the day in question. Mr. Speaker, that
15 is the other amendment to the Act and it's the insertion of a
16 new section under 11(a) which deals with the issue of
17 accession because we're now acceding to the Act. And the
18 citation is now cited as: *The "Eastern Caribbean Asset*
19 *Management Corporation Act -- (Amendment) Act 2016."* Leroy C.
20 Rogers, Speaker, and passed by the House of Assembly this day,
21 which would be today. That changes the section under citation
22 which just said: *"This Act may be cited as the Eastern*
23 *Caribbean Management Corporation Act, 2016."*

24 Mr. Speaker, all of this is the final leg in
25 putting in place the various enabling pieces of legislation to

1 effect the banking resolution. This is the last piece of
2 legislation which has to do with the Eastern Caribbean Asset
3 Management Corporation which is a critical part of the
4 resolution process because we would be dealing with the non
5 performing loans which will be then managed, giving
6 customers/borrowers another opportunity to dispose of their
7 obligations while either by reformulating their loans or
8 getting the opportunity to probably dispose of some of their
9 assets, bring in new partners if it's a business loan, an
10 investor, and finally put themselves in a position to either
11 be compliant again or to have met their commitments.

12 So Mr. Speaker, I urge members of this
13 Honourable House to give this their full support. I want to
14 make note and repeat the fact that the schedule to the Act,
15 the schedule to the principal Act has to do with the agreement
16 which was already signed on the 24th of February 2015 by the
17 past, the former Chief Minister of Anguilla and Minister of
18 Finance, the Honourable Hubert Benjamin Hughes. Thank you
19 very much, Mr. Speaker.

20 THE SPEAKER: Thank you. I now
21 invite debate on the merits and principles of this Bill.

22 Member for Road South.

23 MEMBER FOR ROAD SOUTH: Thank you,
24 Mr. Speaker. Mr. Speaker, I rise to give my support for this
25 Bill, for the amendments. It is a good thing to note that we

1 are moving steadily forward. This is just another step
2 towards bringing the fulfillment of a resolution to the
3 banking crisis in Anguilla. I have gone down on record to
4 commend the Honourable Member for Valley South, the Chief
5 Minister, the leader of Government business for his diligence
6 in not allowing himself to become paralyzed, but from the
7 moment he took up the challenge and the charge given to him by
8 the people and by our organization to lead this Government he
9 has stepped forward and have done a credible job in moving
10 this resolution forward. I think that all the people of
11 Anguilla are delighted to know that a new thing is happening
12 in Anguilla. And Mr. Speaker, this is what we intend to do in
13 this five year term that we have in office. I, as the
14 Minister for Infrastructure, I'm working diligently with my
15 team. We're looking forward to the day when we will have a
16 new ferry terminal in Blowing Point, the new fire hall, the
17 new tower, a new road to Sandy Ground and we are working out
18 on the airport presently. New things are happening, Mr.
19 Speaker, here in Anguilla and this Eastern Caribbean Asset
20 Management Corporation Bill is just another opportunity for
21 the Anguillians to see that it is indicative of the fact that
22 we are intending to do new things.

23 Shortly, the people of Anguilla will realise
24 that there's going to be a new wharf at Sandy Ground, a new
25 bypass on the Jeremiah Highway, a new constitution, a new

1 labour code and they also will come to realise when all is
2 said and done by the leading of the Honourable Chief Minister
3 that we will have a new bank. I look forward to the day when
4 we can put our country in a position where we can say to
5 ourselves one to another that we are moving on from strength
6 to strength. I give this my full support and I want the
7 people of Anguilla to know that it has not been an easy road
8 to travel but we have kept our commitment to making sure that
9 we move this country upwards, onwards and forward.

10 In everything, Mr. Speaker, you will always have
11 the Sanballats and the Tobiahs. In every nation they will
12 always find people whose job it is to criticise. We do not
13 have the luxury of being numbered among the critics because we
14 were elected on April the 23rd 2015, and when the votes were
15 coming in at that moment I had the good sense, Mr. Speaker, to
16 note that I was not elected to become a critic, I was elected
17 with a serious responsibility and charged with high
18 performance. And Mr. Speaker, high performance is a must for
19 me, high performance is a must for this Government and this
20 Bill here this morning that we are passing is just indicative
21 of the fact that this is a high performance Government. We
22 are moving on in Anguilla and I think all the people of
23 Anguilla have come to recognize, amidst all of the chatter,
24 that a new thing is being done in Anguilla and Anguilla is
25 moving on from strength to strength. I thank you very much

1 for listening.

2 THE SPEAKER: Thank you. Any other
3 contri -- First Nominated Member.

4 FIRST NOMINATED MEMBER: Mr. Speaker, my
5 response may be a little skewed but it does deal with the
6 Eastern Caribbean Asset Management Corporation (Amendment)
7 Bill.

8 Mr. Speaker, this Bill ensures that the holders
9 of bad loans have the opportunity for fair treatment; and what
10 I mean is a chance to revisit and restructure their loans.
11 This, to me, is the key issue and not as some say on the radio
12 station, to purchase the real estate of people. Mr. Speaker,
13 in every country there's a place where you can go and find out
14 what real estate is up for sale. This should not alarm
15 anyone. That is what entrepreneurs do on a daily basis
16 throughout the world. It is not reflective of any
17 Government's desire or decision to sell one's property as you
18 hear on the radio.

19 Mr. Speaker, the alarmist and ludicrous comments
20 by a disgruntled few because of the shift of authority in
21 Government make for a sad tale in this country of ours. What
22 this Government is doing is to ensure that we have greater
23 options to obtain our properties if we have delinquent loans.
24 Certainly, those clamoring with loud voices on the radio and
25 in the streets understand that failure to meet one's

1 obligations can have negative consequences. This is the harsh
2 reality when entering such agreements. Nobody wants this to
3 occur. Over the past few months amid callous claims,
4 insignificant pockets of protest and political meandering, the
5 leadership of this Government has remained strong.

6 Mr. Speaker, at times the road may seem difficult but it is
7 the obligation of this Government and any Government never to
8 make it easy to cross -- always to make it easy to cross.

9 While the work of all the ministers and others has been
10 arduous, our country should be proud of the leadership of the
11 Honourable Victor Franklin Banks. The Minister from South
12 Valley is not about accolades and I may venture to say, my
13 admiration for his work is not an exaggeration. In the face
14 of knowing the budget was about to be signed, the Chief
15 Minister followed his scheduled programme to do the people's
16 business. I just thought it very important to mention that.

17 Mr. Speaker, our desire to serve our country
18 well should guarantee the best solutions for our people. The
19 Eastern Caribbean Asset Management Corporation (Amendment)
20 Bill will provide such a guarantee. Mr. Speaker, the Bill is
21 vitally important because it gives those with loans, which in
22 so many cases were impacted by the global recession, another
23 chance. We can embrace the assumption by some with huge
24 outstanding loans that a failed CCB or NBA would guarantee an
25 escape from their financial responsibilities. Indeed, that

1 would not happen. The argument that an office would be setup
2 somewhere in St. Kitts and a whole bunch of people would
3 suddenly purchase the lands in Anguilla has also grown to
4 silence. This silence has occurred because this is not true.
5 The truth is that this is an opportunity to retain what you
6 have. However, an equally important truth is that you cannot
7 eat your cake and have it too.

8 Mr. Speaker, these amendments are important to
9 the banking resolution. The argument that this Government
10 should let the banking situation unfold on its own is a
11 useless one. That is precisely what the previous Government
12 did after inviting ECCB into Anguilla. We can come to the
13 accurate conclusion that during a period of 20 months they
14 presented no virtual solution to the banking crisis.
15 Likewise, there has been no timely, viable alternative
16 presented by anyone within the public. Mr. Speaker, the idea
17 that two or three investors could buy out the bad loans would
18 give absolute control to these investors. Perhaps
19 Anguillians, perhaps, would never be guaranteed an opportunity
20 to retain control of their banks. One may consider who is the
21 best to create a resolution to this problem; is it the
22 Government or somebody somewhere in Timbuktu working along
23 with the same people that caused the financial distress? I
24 believe the former Chief Minister, the Honourable Hubert
25 Hughes, had no help in this area from other members of his

1 Government. I sincerely empathise with him. I believe his
2 team to be incapable of a well thought out solution. I
3 believe they created a chorus of opposition and a struggle
4 against those in position to help. Certainly, there was
5 always a disregard for mutual respect and diplomacy when
6 engaging other Government agencies, Mr. Speaker. We can fast
7 forward to this Government and recognise a resilient approach
8 by all involved and a determination to get things right. It
9 is this Government's ability to work with its counterparts,
10 Mr. Speaker, that will move Anguilla forward. Mr. Speaker,
11 those who suggest that we should never intervene and allow
12 those who cause the problem to create the solution are really
13 suggesting that this Government should ignore depositors hard
14 earned life savings as well as social security deposits and
15 investments. Mr. Speaker, this would amount to civil unrest
16 in our country. We cannot allow a few people, angered by
17 their political loss, to set the Government's agenda, to set
18 the people's agenda. Similarly, we cannot be deterred in our
19 efforts to deliver the best goods and services for our
20 country. No Government can afford to give in to less than a
21 hand full of egocentric people. We have come far,
22 Mr. Speaker, and while others have engaged in breaking down
23 doors to create discontent, this Government has been building
24 relationships to enhance opportunity for all Anguilla. We
25 have been methodically removing barriers and paving the way

1 for economic development. The resolution to the banking
2 crisis is the first step in that direction. Mr. Speaker,
3 there are tremendous possibilities as we begin to restructure
4 our banks and to move Anguilla from economic disaster to
5 economic prosperity. Mr. Speaker, I was happy when the
6 Honourable Member from Island Harbour in her radio interview
7 on Klass FM last week responded well to the following question
8 concerning taxes in Anguilla. It was put to her that Nevis
9 and St. Kitts were reducing property taxes while Anguilla's
10 property taxes had risen. The member responded honestly, that
11 our situations were quite different. And Mr. Speaker, indeed
12 they are quite different.

13 Mr. Speaker, all of us would prefer to have a
14 greater economic development and more job creation rather than
15 to rely primarily on taxes or on taxing our people in order to
16 carry out the services. I'm sure with a hard working
17 Government such as this, a vibrant economy and everyone on
18 board we can reach to that place. Mr. Speaker, the key to
19 that venture is the undeniable fact that our bank must be
20 strong in order for investors to have greater confidence; our
21 people must be responsible in setting the tone and being
22 truthful about progress in our country. The media has a major
23 responsibility to be fair, honest and accurate in their
24 responses and address to our people. Mr. Speaker, meanwhile
25 our Government will continue to demonstrate that sense of

1 commitment, responsibility and accountability to all
2 stakeholders. I support the passage of the Eastern Caribbean
3 Asset Management Corporation (Amendment) Bill as a movement in
4 the right direction. Mr. Speaker, I encourage everyone to get
5 on board as well, unite our country, support the approach and
6 solutions formulated by the Government and move Anguilla
7 forward. Thank you, Mr. Speaker.

8 THE SPEAKER: Thank you. Any other
9 contributions? If there are no other contributions the mover
10 may reply.

11 MEMBER FOR ISLAND HARBOUR: I wish to give --

12 THE SPEAKER: Member for Island
13 Harbour. Yes.

14 MEMBER FOR ISLAND HARBOUR: Thank you,
15 Mr. Speaker.

16 Mr. Speaker, Suzy Kassem is an American writer,
17 she's a poet, a philosopher and she is a multifaceted artist
18 of Egyptian origin. She is the granddaughter of a well known
19 sage in 19th century Cairo. Mysticism and wisdom run through
20 her blood just as the water of the Nile flows through her
21 veins. She was born in November -- I'm sorry, in December
22 1975, so she is about 40 years old and she lives in Toledo,
23 Ohio and her public works (sic) well recognised
24 internationally include "*Rise Up and Salute the Sun*". She's a
25 modern thinker in a modern world and her wisdom cannot

1 therefore be brushed aside as out of date.

2 Mr. Speaker, a short extract from that book is
3 worth pondering as we near the end of our weary, frustrating
4 and blinkered journey towards our Government's so called, and
5 I quote "resolution" of the banking crisis, with, very sadly,
6 even less hope today that the Government would hear the cries
7 of the people of Anguilla as we had at the beginning of this
8 process.

9 Suzy Kassem, and I quote "*Rise Up and Salute the*
10 *Sun*". I quote, Mr. Speaker:

11 *"A great leader must serve the best interests of*
12 *the people first. Human life should never be sacrificed for*
13 *monetary profit. There are no exceptions. In addition, a*
14 *leader should always be open to criticism, not silencing*
15 *dissent. And any leader who does not tolerate criticism from*
16 *the public is afraid of their dirty hands being revealed under*
17 *heavy light. And such a leader is dangerous, because they*
18 *only feel secure in the darkness. Only a leader who is free*
19 *from corruption welcomes scrutiny; for scrutiny allows a good*
20 *leader to be an even greater leader."*

21 Mr. Speaker, I think that you would agree that,
22 if I have accomplished anything, during this so-called
23 "banking resolution" process, I have made the case for
24 transparency and consultation on the part of the Government,
25 an advocacy that has, to a shocking and unforgivable extent,

1 fallen on deaf ears.

2 Mr. Speaker, that advocacy started on the 1st of
3 June when the Anguilla Day celebrations, almost a year ago
4 now, that's when my advocacy started. As long ago,
5 Mr. Speaker, as 17th November, 2015, nearly five months ago
6 now, Don Mitchell wrote a paper entitled, his paper is
7 entitled, the article was entitled, and I quote: "*Anguilla's*
8 *Banking Crisis 2013-2015 and the new ECCB Banking Bill 2015.*"
9 And in it, Mr. Speaker, he speculated, but as one would expect
10 much of his speculation was, we call it on the Mayor Show,
11 "bang on". Spot on, you may call it "spot on". He was spot
12 on as to the potential consequences of the Government's
13 intended resolution of the banking crisis. Hindsight 2020.
14 And he said then, Mr. Speaker, and I quote: "*The Chief*
15 *Minister of Anguilla has, in repeated broadcasts on radio over*
16 *the past two weeks, explained that he has decided on the*
17 *resolution of the banking crisis. He is going to transfer all*
18 *the bad loans (allegedly some 50 percent in both banks) to a*
19 *new regional corporation to be established by Act of*
20 *Parliament in each of the States and Territories giving effect*
21 *to a regional Treaty. This regional company"* -- And I'm
22 continuing to quote from the article, Mr. Speaker. "*This*
23 *regional company will be known as the Asset Management*
24 *Company.*" He called it AMC. "*This company will renegotiate*
25 *with defaulting borrowers and, as a last recourse, sell their*

1 securities locally, regionally and internationally, with the
2 Alien Landholding Registration Act amended or repealed. The
3 participating Governments will share in the profits of the
4 Asset Management Corporation pro rata. We in Anguilla" --
5 This is the Honourable retired Justice of Appeal, Don
6 Mitchell. "We in Anguilla have no further interest in the bad
7 loans sold, transferred or given (it is not clear which) to
8 the Asset Management Corporation."

9 Mr. Speaker, is this the concern that the
10 British Government has been concerned about? Is this
11 something the Honourable Chief Minister has omitted to confirm
12 for us or to tell us? Because later in that paper,
13 Mr. Mitchell went on to say, and I quote again:

14 "As I have written elsewhere, it is unfortunate
15 that no sufficient effort was put into rescuing the two banks.
16 An insertion of new capital, and the dilution of the existing
17 shareholders' equity, as was done in the USA and in the UK,
18 would have been eminently (sic) fairer." I might add,
19 Mr. Speaker, that it would also have been in Anguilla's best
20 interest, in our people's best interest if that option had
21 been taken.

22 Mr. Speaker, in that earlier paper, in an
23 earlier paper, 9th November 2015, Mr. Mitchell made the
24 following point, and again I quote:

25 "On 22nd September 2015, the House of Assembly

1 passed a resolution that "the Honourable Minister of Finance
2 appoint a committee of the whole House to deal with the issues
3 which affect the indigenous banking sector and ensure that all
4 relevant information including proposals for the resolution of
5 the issue be made available to the committee." Yet, the
6 government has now attempted to introduce a new Banking Act in
7 the House of Assembly without..." (and this is the pertinent
8 part) "...without even a hint of an attempt at carrying the
9 people with them. This may well be seen as an example of
10 arrogant paternalism, and a failure to build trust and
11 community of purpose, the very essence..." Mr. Speaker,
12 "...of which is missing in Anguilla, and why so much is going
13 wrong." Why there is, as the First Nominated just said (sic),
14 a chorus of opposition. "Hopefully..." and I continue with
15 Mr. Mitchell's point. "Hopefully, the Chief Minister's
16 withdrawal of the first reading..." (and he was talking about
17 the Banking Bill) "...of the Bill in the face of public
18 hostility from the gallery of the House is the start of a real
19 discussion on the future of banking and the banking system of
20 Anguilla. Whatever he does, it is essential that he honour
21 the resolution of the House as well."

22 Mr. Speaker, I repeat Mr. Mitchell's forlorn
23 hope. And I quote again: "Hopefully, the Chief Minister's
24 withdrawal of the First Reading of the Bill..." (He was
25 referring to Bill, the Banking Bill as I said, but the same

1 comment, in my humble view, applies to all the rest of the
2 banking resolution legislation.) *"...in the face of public*
3 *hostility from the gallery of the House is the start of a real*
4 *discussion on the future of the banking system in Anguilla.*
5 *Whatever he does, it is essential that he honour the*
6 *resolution of the House as well."*

7 We heard a lot in this past week about
8 parliamentary supremacy and what it means and what it
9 represents in terms of the model that we follow in Anguilla.

10 So Mr. Speaker, does this Government in general
11 and the Honourable Chief Minister in particular, and I quote
12 again, *"only feel secure in the darkness?"* It appears so to
13 me because Mr. Mitchell's hope has remained spectacularly and
14 tragically, I would add, unfulfilled. And I quote again:
15 *"The Chief Minister's withdrawal of the First Reading of the*
16 *Bill in the face of public hostility from the gallery of the*
17 *House would be the start of a real discussion on the future of*
18 *the banking system of Anguilla. Whatever he does, it is*
19 *essential that he honour the resolution of the House."* And
20 Mr. Speaker, I don't have to remind you that he was referring
21 to an appointment of the committee of the whole house to deal
22 with the issues which affect the indigenous banking sector. I
23 believe he was referring to ensure that -- to that scenario to
24 *"ensure that all relevant information including proposals for*
25 *the resolution of the issue be made available to the*

1 *committee.*" That was the resolution, Mr. Speaker, of this
2 Honourable House.

3 You see, Mr. Speaker, the Chief Minister makes
4 selective promises, seductive promises even, but when they
5 relate to consulting with the Anguillian people or even with a
6 committee of the whole house, he does not deliver. Has the
7 Chief Minister engage with a committee of the whole house on
8 the banking issue and ensure that all relevant information
9 including proposals for the resolution of the issue be made
10 available to the committee? He refers to this trip to
11 St. Kitts; a facade. So the answer is a resounding no. He
12 has not made anything available to the committee or to the
13 people. Again I say no, he hasn't. We have no idea,
14 Mr. Speaker, why deposits with the banks ought to be protected
15 at the expense of the Anguilla people up to an astronomical
16 sum. We don't even know what that is now since he've answered
17 in his dodgy way, I would add, the questions put forward this
18 morning in his customary dodgy way instead of what
19 international practice considers that \$200,000 would be a fair
20 amount. And we have no idea, Mr. Speaker, why the
21 shareholders in the banks were not given the opportunity to
22 attempt to refinance the banks by supporting the very
23 institutions in which they'd invested. We saw that it's
24 happened in the UK, it's happened in the US; why not here?
25 The Honourable Chief Minister's dodgy responses to my

1 questions make it blindingly obvious, I believe, that he does
2 not want the Anguillian people to know what his agenda is for
3 the future.

4 Mr. Speaker, Anguillian land is our heritage.
5 The Bill now before this Honourable House provides for an
6 institution which, in my view, will not be accountable to the
7 people of Anguilla and which will provide untold opportunities
8 for corrupt practices and manipulation. We've seen what
9 happened in Turks and Caicos. We've learned from that
10 experience. One only has to reflect on the disgraceful
11 example of the exploitation by the NBA in the case of Cinnamon
12 Reef where the rightful owners were deprived of value to the
13 tune of some \$5 million through dishonest manipulation. There
14 will be more scope and more than ample scope even for the same
15 sort of shenanigans with the lands subject to non performing
16 loans under this so-called banking resolution.

17 Mr. Speaker, Anguillians, the people are asking,
18 is this the land bank that the Honourable Chief Minister has
19 been calling for for a (sic) long ago as 1995 or thereabout?
20 That is what the people are asking. Mr. Speaker, is this the
21 worry that the British Government has? We don't know. We
22 don't know. You know, Mr. Speaker, someone said to me after
23 hearing the questions that I raised earlier, they said
24 whatever is the CM, Chief Minister's answer, this is what they
25 told me: "I'm glad that you've asked the questions for I

1 believe it is divine intervention at this time." The news
2 about the Hound of Hounslow, the release of the Panama papers
3 and Anguilla's name coming up in the House of Commons, this
4 week, even though I don't have all the facts, Mr. Speaker, it
5 is very worrying that some officials in Britain they are
6 calling for direct rule of the overseas territories deem to be
7 tax havens. Put on Sky news, put on reading the BBC, wherever
8 you go that's the big thing. That's the light that has been
9 thrust by virtue of the Panama papers. Big discussion to get
10 Cameron to resign.

11 MEMBER FOR VALLEY SOUTH: O Lord.

12 MEMBER FOR ISLAND HARBOUR: Indeed. Indeed, we
13 have to call to the Lord for help. Indeed. So before the
14 Government forces this legislation through, I believe that the
15 last piece in the so-called banking resolution the people of
16 Anguilla should be told a few things: What local knowledge
17 will the management of the Asset Management -- will the
18 management of the Asset Management Corporation have of
19 Anguilla's land heritage, of our critical connection with our
20 land? Who on behalf of the people will be monitoring the
21 company's activities? What will the Government be hoping to
22 achieve in the first three years? What are the Government's
23 aspirations for the situation after it pulls out at the end of
24 three years, will the ECCB assume full control at that time?
25 What redress will the owners of land have if it is sold at a

1 gross undervalue? Why does the legislation deprive
2 Anguillians of the right to go to court if aggrieved? What
3 rights will the owners of land subject to non-performing loans
4 have to redeem their property? What guarantee is there that
5 monies realised from non-performing loans will not be diverted
6 to purposes that better suit the Government of the day and
7 what does the Chief Minister mean when he says that it will be
8 used for Government purposes? Is that what the British has
9 been concerned about? Yes, the budget has been assented to;
10 in one day after how many months? I believe the Minister for
11 Road South is happy to say by virtue of his efforts. But
12 Mr. Speaker, in -- when we heard that press release from the
13 acting Chief Minister, the Honourable Curtis Richardson, he
14 thanked Mr. James Duddridge for his role in scrutinising and
15 asking hard questions and assenting to the budget and that
16 Mr. Banks toiled for months and wrote several letters to
17 accomplish. But have we seen the correspondence between the
18 minister? Have the people had the benefit of knowing what
19 those hard questions are? Is there a duty? Why is this in
20 the dark? You know, Mr. Speaker, in his address in connection
21 with the banking crisis again during Social Security week in
22 the autumn of 2015, the Director of Social Security said that
23 reserves exceed \$310 million. Why is the Government now
24 saying that Social Security reserves are only about \$214
25 million? What's happened to the monies? What is going on?

1 We need to know. The people are asking that we are told what
2 that is about.

3 Mr. Speaker, our Government does not need to
4 behave as if it was in charge of a Banana Republic. It has
5 better skills than that. I look across, we have better skills
6 than that. But that is what it looks like. From the outside,
7 from the other side, from the people's side, that is what this
8 looks like. It reminds me, Mr. Speaker, because you know I'm
9 a student of literature, you remember that; it's my passion.
10 It reminds me of George Orwell's Animal Farm. I have that in
11 common with the Chief Minister, we both like reading. It
12 reminds me of George Orwell's Animal Farm where the pigs,
13 after a successful revolution against their human masters
14 became the supervisors of the farm. Napoleon, however, proves
15 to be power hungry, a power hungry leader who steal the cow's
16 milk and a number of apples to feed himself and the other
17 pigs. He also enlist the services of Squealer, a pig with the
18 ability to persuade the other animals that the pigs are always
19 moral and correct in their decisions. Napoleon's lust for
20 power increases to the point where he becomes a totalitarian
21 dictator. He and the pigs move into the house previously
22 occupied by the human farmer and began sleeping in beds (which
23 Squealer excuses with his brand of twisted logic). The other
24 animals receive less and less food while the pigs grow fatter
25 and eventually the pigs began walking on their hind legs and

1 take on many other qualities of their former human oppressors.
2 The seven commandments are reduced to a single law; and I
3 quote Animal farm, amazing classic: "*All animals are equal*
4 *but some are more equal than others.*"

5 Mr. Speaker, I could go on and on and on. I can
6 go on and on and on. But just to pull up on that point that I
7 made earlier about where we are in the world and why are we
8 featured when the light has been thrown upon the Panama
9 papers. The focus has been on Anguilla and Cameron in the UK.
10 And Cameron's actions are being scrutinised by the British
11 people in the House of Parliament, Parliament being supreme.
12 And his actions, Mr. Speaker, however legitimate at the time,
13 has given the Labour Government another opportunity, yet
14 another opportunity to advocate for an end to tax competition.
15 And we're always in our small jurisdictions, you know, subject
16 to their challenges, you know, however bullying in relation to
17 offshore, the offshore industry. However, Mr. Speaker, the
18 real worry that the people of Anguilla have is not just that
19 we're going to be left with any opportunity to diversify the
20 economy. They're really worried that this call for direct
21 rule is really worrying. In other words, Mr. Speaker, however
22 farfetched it may appear today in this room, in this chamber,
23 this honourable chamber, they are calling for the
24 recolonisation of Anguilla. Nearly 50 years after the 1967
25 Revolution that our people, Mr. Speaker, fought so hard for,

1 were in jail for in St. Kitts for months, months and months
2 and months. Good people from District 1 throughout Anguilla,
3 great people made such significant sacrifices and
4 contributions and we are risking direct rule. And, you know,
5 Mr. Speaker, this could give rise to a lot of questions but I
6 don't want the focus right now to shift from this land bank,
7 but direct rule from the UK. We only have to look to what
8 happened in TCI to know that it's connected with our lands.

9 So what was the revolution about, what was our
10 1967 Revolution about? Was it to allow a privileged few to
11 rule us without consulting us and in many cases to benefit
12 dishonestly from its privileges? No. We mustn't confuse the
13 fact that our goats are given challenges to an animal nuisance
14 laws right now. We mustn't confuse that with the fact that
15 Animal Farm is just a story, just a book, even though there
16 are lots of lessons to be learned. Anguillians, Mr. Speaker,
17 and I listen to them everyday, sometimes all day, way into the
18 night. And it is true, Mr. Speaker, doesn't matter how I'm
19 ridiculed or jeered or laughed with -- laughed about by the
20 Honourable Chief Minister, I am the voice of the people; the
21 people say that.

22 So Anguillians, Mr. Speaker, will not for long
23 put up with the contemptuous way in which our Government is
24 disregarding the interest and aspirations of our people.
25 Mr. Speaker, I'm just one and I can't brag about the six or

1 the non plural vote. But what I can tell you, Mr. Speaker, is
2 that I can refer to that article that Tyrone Hodge wrote in
3 the -- son of Walter Hodge, one of the real stalwarts of the
4 Constitution wrote in Caribbean News Now, and I want to tell
5 you that the response regionally to that kind of concern has
6 resonated across the region. And his article is "*The*
7 *Government...*", I want to quote it correctly, "*...selling off*
8 *our lands. What is this about?*" I urge everybody listening
9 to look at that article. Google Caribbean News Now, Tyrone
10 Hodge, and you will see the concerns the people have flagged
11 and continue to flag.

12 So Mr. Speaker, I just want to say that our
13 people fought hard, fought long and we're still to realise the
14 benefits of that 1967 Resolution. As I've said before, many
15 of our people are concerned that the last vestiges of the
16 Father of the Nation's legacy, Social Security, is also being
17 compromised. This law is a worry for the people. And mark my
18 words, Mr. Speaker, this style of Government, it started, it
19 will self destruct and hindsight will be 2020 when you read
20 these various articles and see the predictions. Thank you
21 very much, Mr. Speaker.

22 THE SPEAKER: Thank you.

23 Member for East End.

24 MEMBER FOR SANDY HILL: Thank you,

25 Mr. Speaker.

1 Mr. Speaker, I rise just to say a few words in
2 support of this Eastern Caribbean Asset Management Corporation
3 (Amendment) Act. Since February of 2015, Mr. Speaker, this
4 issue in terms of the banking resolution has been put before
5 this existing Government to deal with. It doesn't mean that
6 it started then, it started a number of years before but we
7 inherited it on the 22nd of April 2015. And we are now in
8 April of 2016, one year later, Mr. Speaker, and we are nearing
9 the end of a long and arduous task of trying to find a way to
10 deal with the banking situation here in Anguilla. As we all
11 know, we have two banks that are under the conservatorship of
12 the ECCB since August of 2013. And since that time, the IMF,
13 the ECCB, the World Bank, the Anguilla Government and the FCO
14 have all been involved in trying to find ways for us to
15 resolve this situation. We are now at the stage where we are
16 coming to the end of the various issues that need to be
17 cleaned up before we can take the banks forward. We have
18 identified that there is a way for us to be able to save the
19 deposits that are held in the bank by the people of Anguilla.
20 The average man and woman on the street that may be the
21 majority that are silent, but those are the ones that have
22 their monies in our banks. Those are the ones that are
23 looking at this Government, this administration and expecting
24 that their deposits would be secured. And it's not for just
25 those persons that have monies in the bank, Mr. Speaker, this

1 banking resolution impacts Anguilla as a whole. It prevents
2 Anguilla from going into a situation where you have two of our
3 indigenous banks failing and becoming a serious issue for us
4 and our economy and from becoming a serious issue for our
5 financial sector. And so, Mr. Speaker, I think standing here
6 today, although you may hear some of the loud ones that are
7 speaking about -- against the banking resolution, at the end
8 of the day, the majority of the people of Anguilla, when I
9 hear them speak, understand or are in support of saving our
10 indigenous banks. Indigenous banks that actually have helped
11 or contributed to 75 percent of economic activity in Anguilla.
12 And so I don't think that the average man and woman could deny
13 the importance and they cannot also deny the difficulties that
14 this Government has had to face in coming to a final
15 resolution. This Eastern Caribbean Asset Management
16 Corporation (Amendment) Act allows for the final touches for
17 the banking resolution to be put in place so that we could
18 effectively move forward.

19 In my district, Mr. Speaker, I have roads that
20 need to be paved. I have things that need to be done. In
21 fact, there is serious work in the seven villages, the seven
22 districts across Anguilla where work needs to be done where it
23 requires an influx of funds from the Government of Anguilla to
24 be able to maintain our country. We have work to do in this
25 country, Mr. Speaker. We need to get our economy going. We

1 need to strengthen our banking sector. We need to create
2 economic opportunities and get our people back to full
3 employment. We need to educate our people, especially our
4 young people. Mr. Speaker, I cannot tell you the amount of
5 young people that I know that would like to go off to school
6 but they do not have the funds. Their families don't have
7 access to those funds and so their only option would be if the
8 Government of Anguilla has the opportunity or the ability to
9 be able to help them to achieve this success. But in order to
10 do so we have to move forward from this stalemate. We have to
11 be able to move forward from where we are today. And there is
12 no doubt that where we are today is that we need to see an
13 increase in economic activity. There is no doubt that we need
14 to resolve our banking situation because it impacts the
15 society as a whole on different levels. And there is no
16 doubt, Mr. Speaker, that coming out of this situation,
17 Anguilla has had and will continue to go through growing
18 pains, but it makes for a stronger economy, it makes for us as
19 a stronger people and it will allow us to be able to move
20 forward, Mr. Speaker, and to achieve our dreams. But it
21 begins with a first step. And that step, Mr. Speaker, is to
22 do what this Government has ardently been doing since
23 elections, since the day we were elected, and that is to
24 resolve the banking situation, to create economic activity, to
25 provide employment for our people and to move Anguilla

1 forward.

2 And so, Mr. Speaker, I have no hesitancy in
3 supporting this Act, Mr. Speaker, and on that basis I do not
4 believe that when you hear the people of Anguilla speaking,
5 that those people that are the loud mouths, that are the ones
6 that are making the most noise (and they may have their own
7 interests) those do not represent the majority of the people
8 in Anguilla, Mr. Speaker. Thank you.

9 THE SPEAKER: Thank you.

10 Member for West End.

11 MEMBER FOR WEST END: Thank you,

12 Mr. Speaker. Mr. Speaker, I too stand in support of the
13 Eastern Caribbean Asset Management Corporation Bill, the
14 Amendment, Mr. Speaker.

15 THE SPEAKER: Amendment Bill, yes.

16 MEMBER FOR WEST END: Mr. Speaker, as a
17 people we've had obvious challenges for quite some time now
18 but it is always a test of one's character as to how you
19 perform when the odds are against you, you think the weight of
20 the world is on your shoulders. And as a people we have been
21 there before and we succeeded and now these are times too, Mr.
22 Speaker, where challenges are great for our people but if we
23 work together as a people, Mr. Speaker, I am absolutely sure
24 we will get through this.

25 I must say many thanks to all those who invested

1 or deposited at National Bank of Anguilla and the CCB. The
2 ones who decided that despite the challenges and the
3 fearmongering out there that they kept their funds in those
4 two banks and they believe, Mr. Speaker, that as a Government
5 that they voted for, six of out seven, they believe in us,
6 Mr. Speaker. And by leaving the money, their funds in the
7 banks suggested they have confidence and faith in us, not just
8 the Chief Minister, but as a team, a team of six.

9 Mr. Speaker, this Government is not prepared to stick its head
10 in the sand and pretend that when it pull its head out the
11 issues will be all gone. We are prepared to deal with the
12 opposition. Opposition is not all bad, Mr. Speaker. The
13 trouble is they generally don't give you suggestions of how to
14 fix it, but as a Government we thank them. We thank the
15 naysayers because at times the resistance actually gives you
16 greater strength and I believe that, Mr. Speaker.

17 Our people in Anguilla, our Anguillians wherever
18 you are, you should have no fear. We have the right to chart
19 our own destiny. So despite what people might say we can make
20 the choice ourselves.

21 Mr. Speaker, again, I too want to stand in
22 support of the Honourable Minister, our Chief Minister and
23 Minister for Valley South as we move forward to fixing this
24 problem that we've had for quite some time and I thank the
25 people of Anguilla who have been patient. Of course, there'll

1 be those who by nature will oppose, but that's really a matter
2 of history, Mr. Speaker. As we move forward, again I thank
3 the people for showing faith and confidence in this
4 Government. Thank you, Mr. Speaker.

5 THE SPEAKER: Thank you. Any other
6 contributions? If there are no other the mover may respond.

7 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I thank
8 members very much for their support.

9 Mr. Speaker, the Member for the Opposition went
10 through a whole range of statements and comments in connection
11 with this Amendment Act. The Amendment Act, Mr. Speaker, is
12 simply to effect the implementation of the Eastern Caribbean
13 Asset Management Corporation in a manner that fits with the
14 laws of Anguilla and represents the concerns of the new
15 developments of its requiring that we access the Bill because
16 we are past that period when it is done by the House of
17 Assembly, and also to make sure that the references to any
18 other law is not so wide as to include issues relating to
19 constitution and in particular I will suspect orders in
20 council. It also, Mr. Speaker, seeks to ensure that the
21 Government of Anguilla can accede the Act by publication in
22 the Gazette by the Governor on the day in which she assents.

23 Mr. Speaker, the Member for Island Harbour also
24 spoke about a number of things having to do with the entire
25 banking resolution. And she spoke in particular about

1 comments made by Mr. Don Mitchell. And I want to refer her
2 because she seems to be quoting Mr. Mitchell conveniently,
3 rather than in terms of the substance that he has brought over
4 the period to the issue of the Banking Bill and its
5 implementation in this House of Assembly for ensuring the
6 furtherance of stability in the Eastern Caribbean Central
7 Union and the stability of the banking sector as a whole and
8 its integrity within the international financial system.

9 Mr. Mitchell wrote an article, Mr. Speaker, "*Why*
10 *does the Eastern Caribbean Currency Union Banking Act give our*
11 *Central Bank such apparently dictatorial powers?*" And the
12 resolution that we are presenting here, the Amendment Act that
13 we have presented here today to the Eastern Caribbean Asset
14 Management Corporation, that is a part of the Eastern
15 Caribbean Currency Union Banking Act amendments that have been
16 made to ensure that we are, as a region, in the 21st century
17 as far as banking is concerned. And the response to the
18 question that he mooted, Mr. Speaker, Mr. Mitchell makes the
19 following -- Justice Mitchell makes the following statement:

20 *"The Anguilla present Banking Act is a uniform*
21 *Act, almost identical to the other Banking Acts across the*
22 *Caribbean dollar region. Or, it used to be. All of the six*
23 *independent States have in recent months replaced the old Act*
24 *with the new Banking Act. Only Anguilla and Montserrat have*
25 *failed to enact it."* (This goes back to October 2015 last

1 year.) "The governments of these two islands face stiff
2 opposition from certain members of the public, based mainly on
3 what these objectors describe as the dictatorial powers
4 proposed to be given to the Central Bank. This opposition has
5 been holding up the passage of this essential piece of
6 legislation for six months.

7 The details of the so-called dictatorial powers,
8 and the various reasons given for objection, are not important
9 for this analysis. What is important is an understanding of
10 why any new Central Bank powers are being introduced. Why is
11 there any need for a new Banking Act? Is the Central Bank
12 power-hungry, and determined to get its way at the cost of our
13 banking system, as our opponents of the new Act allege? Or,
14 is the Central Bank merely complying with standards that are
15 required internationally? A little study and research reveals
16 the answer.

17 The new Banking Act is based on the Basel
18 Committee on Banking Supervision's - Core Principles for
19 Effective Banking Supervision, issued in September 2012.

20 The Core Principles are in fact the minimum
21 standards applied to judge how sound are the prudential
22 regulation and supervision of banks and banking systems in all
23 the regions of the world. They are the benchmark for testing
24 the quality of supervisory banking systems. The Core
25 Principles are used by the International Monetary Fund and the

1 *World Bank to assess the effectiveness of supervisory systems*
2 *and practices all around the world."* And he goes on to
3 outline the core principles. I'll take time to note that the
4 core, and repeat the statement: *"The Core Principles are used*
5 *by the International Monetary Fund and the World Bank to*
6 *assess the effectiveness of the supervisory systems and*
7 *practices all around the world."* These are the agencies,
8 Mr. Speaker, that in coming to office, my Government, our
9 Government, the Government of the people of Anguilla elected
10 by a majority of the people, with a majority of six in the
11 House of Assembly, decided that we should uphold and bring in
12 a resolution to the banking crisis that we met and the lack of
13 effort to resolve it for the past 20 months -- sorry, the past
14 18 months before we came to office.

15 Mr. Speaker, the -- Justice Mitchell goes
16 through the core principles of the international standards for
17 banking in the world community, and he concludes with this
18 statement:

19 *"Anyone who has ever done business in Anguilla*
20 *knows how lax our professional standards generally are. The*
21 *only professions and trades that are legally regulated are*
22 *food handlers, liquor licence retailers, land surveyors,*
23 *physicians, and lawyers. All others operate on a caveat*
24 *emptor basis. Anyone may call himself an architect, engineer,*
25 *land valuer, real estate agent, auctioneer, accountant, or*

1 banker. None of these is subject to any form of professional
2 licensing or regulation.

3 Since we in Anguilla do not seem capable of or
4 interested in correcting our professional and ethical
5 deficiencies, it is hardly surprising that external agencies
6 will force internationally recognised standards on us.

7 In any event, as we have seen above, so far as
8 banking is concerned, it is clear that the Governor of the
9 Central Bank is not unilaterally imposing anything on us. The
10 Governor of the Central Bank is merely demanding that Anguilla
11 live up to the standards the Monetary Council, or Board of
12 Directors, of the Central Bank, has mandated the Central Bank
13 to impose and enforce. Only Anguilla and Montserrat seem
14 intent on holding on to the old, inadequate, and no longer
15 acceptable banking sectors (sic).

16 Put another way, far from being arbitrary and
17 dictatorial in insisting on or passing the new Banking Act,
18 the Central Bank is trying to reassure the international
19 community that Anguilla complies with the minimum banking
20 standards expected of us. It is at the same time trying to
21 persuade the international community that it, as our Central
22 Bank, is meeting the high standards expected of a regional
23 banking supervisor. Our resistance to passing the Bill is
24 stymieing the Central Bank's efforts on both counts. The
25 question is, will we in Anguilla succeed in remaining a pariah

1 banking community, while at the same time making our Central
2 Bank appear to be an ineffective regional regulator? This is
3 a result that we should strive to avoid at all costs.

4 In conclusion, the new Banking Act is designed
5 by its drafters to make our central Bank and its member banks
6 compliant with international standards. There is no evidence
7 it is an irresponsible and unreasonable new law, drafted by
8 power-hungry lawyers and bankers in the Central Union (sic),
9 as being suggested by some of the objectors to it."

10 Mr. Speaker, as I said to the Member for Island
11 Harbour in response to the questions raised, the Government of
12 Anguilla is not involving itself in arbitrary decision making
13 as it comes to the resolution of the banking situation in
14 Anguilla. We are following the international standards. We
15 are respecting and observing the formulas, the models
16 suggested to us by experts from the International Monetary
17 Fund, the World Bank, the Caribbean Development Bank, the
18 Eastern Caribbean Central Bank, the Foreign and Commonwealth
19 Office, and all those agencies who have a role to play in
20 ensuring the integrity of the world financial system. And we
21 cannot afford, Mr. Speaker, in Anguilla, to sit around having
22 discussion about whether or not a particular agreement is put
23 in place that has as its core function to ensure that the non
24 performing loans that can no longer be a part of the banking
25 system unless they are auctioned off in some way, are now put

1 in an entity with strict rules and regulations that is not
2 owned by a private corporation, but owned by a corporation and
3 a group of member states of our region who have an equal share
4 in its ownership and are guided by rules and guidelines that
5 allows it to carry out its function in a professional,
6 equitable, fair and just way. Not by the whims and fancies of
7 a private corporation who comes in and just wants to buy up
8 the assets at basement prices, but an institution that is
9 founded and vested in the Caribbean, invested in the OECS,
10 invested in the Eastern Caribbean Central Bank and its member
11 states to deliver what is in the best interest of the people
12 of Anguilla.

13 Mr. Speaker, I find it disingenuous that the
14 Leader of the Opposition should come in this house, the Member
15 for Island Harbour should come in this house and try to
16 suggest that we are doing something which will have the effect
17 of causing persons to lose their land and their security
18 simply because, as she says, and she made this statement,
19 *"human life should not -- never be sacrificed for monetary*
20 *purposes."* I don't know the relevance of that statement in
21 her comments at all. I don't know where human life is coming
22 into this. I don't know where human life is being sacrificed
23 for monetary purposes.

24 I think the Leader of the Opposition has come to
25 the time when she wants to talk of so many things, so many

1 things and when you get down to the bottom of it, the question
2 is what is her position? She suggest that a dilution of
3 shareholders equity would have been eminently fair in the
4 resolution of the banks. And she has not asked herself the
5 question whether or not the shareholders had an opportunity to
6 resolve the banking situation. She did not ask herself what
7 was the magnitude of the challenge that the banks face, why
8 they were deemed insolvent. These are issues which are of no
9 concern to her. In my opinion, she's here simply to suggest
10 all kinds of things and even to go so far as to say that
11 direct rule is being called for in the House of Commons, as
12 if, Mr. Speaker, this is a gotcha based on the attempts by
13 this Government, the efforts by this Government to try to
14 bring a resolution to this banking crisis. She's talking
15 about Panama. For God's sake. The Member for Island Harbour
16 is a part of the Financial Services Sector. She has been the
17 President, Chairman, whatever on several occasions. Motion
18 for financial services, a whole range of things, and just for
19 political purpose appears as if she is gloating about what is
20 happening with the Panama situation. Beneficial ownership is
21 an issue that is now raised. She said Anguilla's name was
22 mentioned in the House of Commons.

23 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I do not
24 believe that that suggestion was at all there that I'm
25 supporting that and I, I, on a point of order that I'm

1 gloating on the fact that the Panama --

2 MEMBER FOR VALLEY SOUTH: Which suggestion?

3 MEMBER FOR ISLAND HARBOUR: So it's not
4 reasonable or fair.

5 THE SPEAKER: Okay.

6 MEMBER FOR VALLEY SOUTH: She made a statement,
7 oh, that Anguilla is being mentioned in the House of Commons.
8 She did not take the time to point out whether or not it was
9 mentioned in a good way or a bad way but she left it up to
10 speculation for people to believe that the fact that Anguilla
11 is being mentioned in the House of Commons by Mr. Cameron is a
12 bad thing, that he said something bad about Anguilla. As far
13 as I know, Anguilla is moving forward to try to do whatever is
14 necessary, within reason, of course, to be compliant with
15 whatever standards and regulations are being suggested
16 especially after consultation with our leaders in the overseas
17 territories, in the financial services sector: Bermuda,
18 Cayman Islands and BVI. We are usually followers to their
19 lead because we are only fledgling in this sector. But we've
20 got to consult and we've got to know what it is we are getting
21 ourselves involved in. I mean, I'm sure that none of us here
22 in this Honourable House would want to do anything that would
23 affect the future of our financial services sector. But very
24 often we get the feeling that in a lot of ways some of the
25 things that are being required for us will at the end of the

1 day destroy whatever financial services sector we have. And
2 the rules of the game are being set by persons who are not a
3 part of the game in this part of the world, who do not have
4 concern for the very fragile economies that depend on one or
5 two industries, service industry in the form of tourism and
6 financial services. This is what we depend on. And when
7 measures are taken that would have the effect of destroying
8 our competitiveness we must be concerned. We can't sit back
9 and allow it to go unchallenged. We have to express our
10 views. We have to be a part of the discussion, of the
11 dialogue.

12 So Mr. Speaker, I want to say to the Member for
13 Island Harbour that the time has come for us to forget the
14 ceremony and get back to the substance of our responsibilities
15 as leaders in this economy, in this country. And I support
16 her advocacy. I support her advocacy but advocacy does not
17 mean just getting up and opposing for opposing sake and saying
18 all sort of things where you don't know the facts. By her own
19 expression, she made the statement she doesn't know all the
20 facts but yet she is talking about Cameron and what he's
21 saying. Prime Minister Cameron, I'm sorry, and what he's
22 saying.

23 Mr. Speaker, it is critical for everything
24 that's going to happen in Anguilla going forward that we
25 resolve the banking situation. And all the advocacy that the

1 Member for Island Harbour has been embarking on must at some
2 point include some solutions that might replace some of the
3 criticism that she has lodged against the efforts that we are
4 making to resolve the banking crisis. Mr. Speaker, you would
5 note that we have stood our course. I mean, the Member for
6 Island Harbour pay so little attention to the facts and
7 research that she can get up in this Honourable House and say
8 that the Government of Anguilla mentioned that the Social
9 Security Fund is \$213 million and she -- it was published that
10 the Social Security Fund is \$310 million, and seems to imply
11 that the other hundred million dollars went somewhere.

12 MEMBER FOR ISLAND HARBOUR: Tell us.

13 MEMBER FOR VALLEY SOUTH: The other hundred
14 million went somewhere. Tell you? You should read up on
15 that. You shouldn't be asking me the answers to those
16 questions; you should be doing your research. I've brought
17 the Audited Financial Statements for 2010, I brought them to
18 this Honourable House of Assembly. Look at them. Ask a
19 question, not in this Honourable House. When you come to this
20 Honourable House you should know the answers to the question.
21 Mr. Speaker, I'm sorry. The Member for Island Harbour should
22 know the answers to the question. All the funds of Social
23 Security were not deposited in CDs in the indigenous banks.

24 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, are you
25 going to ask the Honourable Chief Minister, Member for Valley

1 South to apologise?

2 THE SPEAKER: Apologise for what?

3 MEMBER FOR ISLAND HARBOUR: Apologise for
4 speaking to me discourteously and directly.

5 THE SPEAKER: But you spoke to him
6 directly. You spoke directly also. He responded to you.

7 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I
8 apologise for speaking to her directly.

9 THE SPEAKER: You spoke to him
10 directly first.

11 MEMBER FOR ISLAND HARBOUR: Mr. Speaker.

12 THE SPEAKER: But you did it first
13 so I'll have to ask you to apologise also.

14 MEMBER FOR ISLAND HARBOUR: So you're asking both
15 of us to apologise then? Because I'm happy to apologise for
16 saying "tell us".

17 MEMBER FOR VALLEY SOUTH: I'm always happy to
18 apologise.

19 MEMBER FOR ISLAND HARBOUR: What do you think,
20 Mr. Speaker?

21 THE SPEAKER: Apologise if you want
22 to, but both of you did it so why are you getting up and
23 asking him to do it?

24 MEMBER FOR ISLAND HARBOUR: But will you assure,
25 Mr. Speaker, that we both apologise then or just me?

1 THE SPEAKER: Just sit and let's
2 continue. You're just wasting time.

3 MEMBER FOR ISLAND HARBOUR: Mr. Speaker.

4 MEMBER FOR VALLEY SOUTH: Mr. Speaker, in the
5 furtherance of this debate and not getting side track in some
6 puerile discussion about apologising, let me apologise for
7 whatever I might have said directly to the Member for Island
8 Harbour and point to the fact that I've not lost my trend of
9 thought that she would have made a -- the Member for Island
10 Harbour would have made a statement in this Honourable House
11 asking the question as if to suggest that something untoward
12 took place, that the Social Security fund is \$310 million and
13 the Member for Valley South is only speaking about \$213
14 million, so by implication where did the other hundred million
15 dollars go. Mr. Speaker, for the edification of persons who
16 are listening to this programme and not for the information of
17 the Member for Island Harbour who would not have done her
18 research, that \$213 million of the Social Security fund was
19 lodged in the indigenous banks. The other hundred million
20 would have been placed in other investment entities as well as
21 other banks and so on and so forth. So together they do come
22 up to the \$310 million that was spoken about. So there is no
23 hanky-panky or anything untoward taking place as is implied in
24 her statement but also which causes me to question whether or
25 not she really understands the issue that we are dealing with.

1 And that has been demonstrated on a number of occasions.

2 Mr. Speaker, I'm going to take my seat and I'll
3 like to thank the members on this side especially for their
4 support for this Bill; the Honourable First Nominated Member
5 who took the time to prepare his presentation and deal with
6 issues that are critical to supporting this Bill; the Members,
7 the Elected Members on this side of the house; my ministers
8 and Parliamentary Secretary for their support as usual and the
9 support of the Attorney General's Chambers and staff of
10 Executive Council for ensuring that the amendments that were
11 made which would have the effect of allowing the enactment of
12 the Eastern Caribbean Asset Management Corporation (Amendment)
13 Bill to be passed in this Honourable House today. Thank you
14 very much, Mr. Speaker.

15 THE SPEAKER: Thank you. It has
16 been moved and seconded that a Bill shortly entitled the
17 Eastern Caribbean Asset Management Corporation (Amendment)
18 Bill, 2016, be now read a second time. Those in favour?

19 (Members of Government said "aye.")

20 Those against?

21 MEMBER FOR ISLAND HARBOUR: I'm against it.

22 THE SPEAKER: The ayes have it. I
23 call upon the Clerk to read the Bill a second time.

24 THE CLERK: A Bill to amend the
25 Eastern Caribbean Asset Management Corporation Act, 2015.

1 THE SPEAKER: Under Rule 54 of the
2 House of Assembly Procedures, this Bill now stands referred to
3 a committee of the whole assembly to consider it clause by
4 clause. Assembly in committee.

5 THE CLERK: Clauses 1 to 8.

6 THE SPEAKER: The question is that
7 clauses 1 to 8 be approved as circulated. Those in favour?

8 (Members of Government said "aye.")

9 Those against?

10 MEMBER FOR ISLAND HARBOUR: Against it.

11 THE SPEAKER: The ayes have it.

12 THE CLERK: The preamble.

13 THE SPEAKER: The question is that
14 the preamble be approved as circulated. Those in favour?

15 (Members of Government said "aye.")

16 Those against?

17 MEMBER FOR ISLAND HARBOUR: Against it.

18 THE SPEAKER: The ayes have it.

19 THE CLERK: The enacting clause.

20 THE SPEAKER: The question is that
21 the enacting clause be approved as circulated. Those in
22 favour?

23 (Members of Government said "aye.")

24 MEMBER FOR ISLAND HARBOUR: Against it.

25 THE SPEAKER: The ayes have it. The

1 assembly will now resume its sitting.

2 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I beg to
3 report that the Bill entitled an Act to amend the Eastern
4 Caribbean Asset Management Corporation Act, 2015.

5 THE SPEAKER: 2016.

6 MEMBER FOR VALLEY SOUTH: 2015.

7 THE SPEAKER: This says 16, 2016.

8 Asset Management --

9 MEMBER FOR VALLEY SOUTH: Yes, but I'm looking
10 at the long title of the Bill.

11 THE SPEAKER: Well something is
12 inconsistent then if you have 2016.

13 MEMBER FOR VALLEY SOUTH: An Act to amend --

14 THE SPEAKER: Oh, to amend, to amend
15 that. Yes, yes. I got it.

16 MEMBER FOR VALLEY SOUTH: -- the Eastern
17 Caribbean Asset Management Corporation Act, 2015.

18 THE SPEAKER: Yes. That's right.

19 MEMBER FOR VALLEY SOUTH: Has passed through
20 committee without amendment and is ready for its third
21 reading.

22 THE CLERK: Eastern Caribbean
23 Asset Management Corporation Bill, 2016, third reading.

24 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I move
25 that a Bill entitled the Eastern Caribbean Asset Management

1 Corporation (Amendment) Act, 2016, be read a third time and
2 passed.

3 THE SPEAKER: And passed. Do you
4 have a seconder?

5 MEMBER FOR SANDY HILL: I second the motion,
6 Mr. Speaker.

7 THE SPEAKER: Thank you. It has
8 been moved and seconded that a Bill shortly entitled the
9 Eastern Caribbean Asset Management Corporation (Amendment)
10 Bill, 2016, be read a third time and passed. Those in favour?

11 (Members of Government said "aye.")

12 Those against?

13 MEMBER FOR ISLAND HARBOUR: I'm against it.

14 THE SPEAKER: The ayes have it. I
15 call upon the Clerk to read the Bill a third time.

16 THE CLERK: The Eastern Caribbean
17 Asset Management Corporation (Amendment) Bill, 2016, third
18 reading. A Bill to amend the Eastern Caribbean Asset
19 Management Corporation Act, 2015.

20 THE SPEAKER: Bill read a third time
21 and passed.

22 THE CLERK: Adjournment.

23 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I beg to
24 move that this house stands adjourned sine die.

25 THE SPEAKER: You have a seconder?

1 MEMBER FOR SANDY HILL: I second the motion,
2 Mr. Speaker.

3 THE SPEAKER: Yes. It's been moved
4 and seconded that this house be adjourned sine die. Those in
5 favour?

6 (Members of Government said "aye.")

7 Those against?

8 (No response.)

9 The ayes have it. This house now stands
10 adjourned.

11 **(Meeting adjourned at 12:20 p.m.)**

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REPORTER'S CERTIFICATE

I, **CARLA S. RITCHIE**, a Certified Court Reporter, do hereby certify:

That on the 12th day of April, 2016, the foregoing proceedings were taken down by me in machine shorthand consisting of 68 pages herein;

That the foregoing is a true and correct transcript of the proceedings had;

That I am not an attorney, relative, or employee of any party hereto, or otherwise interested in the events of this cause;

IN WITNESS WHEREOF, I have hereunto affixed my signature at The Valley, Anguilla, British West Indies, this 21st day of July, 2016.



.....
CARLA S. RITCHIE
Certified Court Reporter