

1 THE ANGUILLA HOUSE OF ASSEMBLY

2 TRANSCRIPT OF PROCEEDINGS OF
3 THE EIGHTEENTH MEETING OF THE FIRST SESSION
4 OF THE ELEVENTH ANGUILLA HOUSE OF ASSEMBLY
5 HELD ON TUESDAY 22ND MARCH 2016 AT 10:05 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 Valley North, Mr. Evans M. Rogers

13 Hon Member for Road South, Mr. Curtis Richardson

14 Hon Member for Road North, Mrs. Evalie Bradley

15 Hon Member for West End, Mr. Cardigan Connor

16 Hon Member for Island Harbour, Ms. Palmavon Webster

17 Hon Deputy Governor, Mr. Stanley Reid

18 Hon Attorney General, Mr. Rupert Jones

19 Hon First Nominated Member, Mr. Terry Harrigan

20 Hon Second Nominated Member, Mr. Paul Harrigan

21 In attendance

22 Clerk to the House of Assembly, Mr. Lenox Proctor

23 Court Reporters: Miss Carla S. Ritchie and

Miss Heather R. Rodney

24 Sergeant at Arms, Mr. Carl Ruan

25 Chaplain, Pastor Lucien MacDonna

Absent

Hon Member for Sandy Hill, Mrs. Cora Richardson-Hodge

Court Reporting Unit
Government of Anguilla
The Valley, Anguilla
BWI

DONE BY: CARLA S. RITCHIE, CERTIFIED COURT REPORTER
HEATHER R. RODNEY, CERTIFIED COURT REPORTER

	INDEX	Page No.
1		
2	Announcements: The Eastern Caribbean	5
3	Asset Management Corporation (Amendment)	
4	Bill, 2016 - First Reading; and the Legal	
5	Professions Bill, 2016 - Second & Third	
6	Reading withdrawn from the Agenda by	
7	Member for Valley South	
8	Special prayer for the people in	7
9	Brussels, Belgium: By Pastor MacDonna	
10	Remarks on Public Accounts Committee Meeting	11
11	in the UK by Member for Island Harbour	
12	Papers: The Hon Attorney General laid on the	16
13	Table the Anguilla Financial Services	
14	Commission Annual Report, 2013	
15	<u>Question posed by Member for Island Harbour to</u>	<u>18</u>
16	<u>Member for Valley South</u>	
17	Response by Member for Valley South to question	19
18	posed by Member for Island Harbour	
19	Motion No. 456 for Customs Duty Exemption for	21
20	St. Gerard's Roman Catholic Church moved	
21	by the Member for Valley South	
22	Contribution to Motion No. 456 by:	
23	Member for Island Harbour	26
24	Response by Member for Valley South	27
25	Motion No. 456 - Approved	27
26	Motion No. 457 for Customs Duty Exemption	27
27	for Omololu School moved by the Member	
28	for Valley South	
29	Contributions to Motion No. 457 by:	
30	Member for Island Harbour	29
31	Member for Valley North	30
32	First Nominated Member	33
33	Member for Road North	34
34	Second Nominated Member	35
35	Member for West End	36

	Page No.
1	
2	Reply by Member for Valley South 38
3	Motion No. 457 - Approved 38
4	Other Business - Government Business:
5	Bank Resolution Obligations Bill, 2016 - 39
6	First Reading by Member for Valley South
7	Objections to the First Reading of the 39
8	Bill by Member for Island Harbour
9	Reply to objection by Member for Valley 50
10	South
11	Bank Resolution Obligations Bill, 2016 55
12	given its First Reading.
13	Electricity (Validation and Amendment) 55
14	Bill, 2016 - Second Reading by
15	Member for Valley South
16	Contributions to the Electricity
17	(Validation and Amendment) Bill, 2016 by:
18	Member for Island Harbour 63
19	Response by Member for Valley South 69
20	Electricity (Validation and Amendment) Bill, 71-74
21	2016 given its Second and Third Reading
22	Tax Information Exchange (International 74
23	Co-operation) Bill, 2016, Second Reading
24	by the Member for Valley South
25	Contributions to Tax Information Exchange
	(International Co-operation) Bill, 2016 by:
	Member for Island Harbour 85
	First Nominated Member 98
	Reply by Member for Valley South 101
	Tax Information Exchange (International 106-111
	Co-operation) Bill, 2016 given its second
	and third Reading

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 began at 10:05 a.m.)

THE CHAPLAIN: Reading from the book
of Habakkuk Chapter 2, verses 1. And it reads:

"I will stand upon my watch, and set me upon the tower, and will watch to see what he will say unto me, and what I shall answer when I am approved. And the Lord answered me, and said, write the vision, make it plain upon the tablets, that he may run who reads it. For the vision is for an appointed time, but at the end it shall speak, and not lie: though it tarry, wait for it; because it will surely come, it will not tarry. Behold, his soul which is lifted up is not upright in him: but the just shall live by his faith." This is the reading of the word.

When God gives a vision he makes provision for that vision. And while it takes time to be fulfilled, we must learn how to wait. And where there is no vision the people will perish.

As we sit today in this Honourable House we pray God's blessings. And father we thank you for this day you've given us that you've watched over us over the past weeks and months. And as this Government the people come to discuss the matters concerning this nation we ask you'll give them strength, wisdom and understanding. May they fortify the vision that you've placed in their hearts and may this

1 country, O God, be a country of peace and strength. May you
2 give covering and may you uplift this country in a great way.
3 May there be peace in this house; may there be unity and
4 strength among the people and among this Government. We pray
5 this in the name of Jesus Christ our Lord. Amen.

6 THE SPEAKER: Please be seated.

7 Good morning to everyone.

8 (All responded good morning.)

9 Thank you, Pastor MacDonna.

10 THE CLERK: Confirmation of
11 minutes: None. Oaths of Allegiance: None. Announcements by
12 the Direction of the Speaker.

13 THE SPEAKER: Yes. Thank you.

14 Firstly, I got a note that the -- (Microphone malfunction.)

15 Alright. Before we get into the business of the
16 day, I would like the -- the Chief Minister would like to make
17 a few adjustments to the business paper, you can do that now.

18 MEMBER FOR VALLEY SOUTH: Thank you,
19 Mr. Speaker.

20 THE SPEAKER: Your mike is on?

21 MEMBER FOR VALLEY SOUTH: Yes.

22 THE SPEAKER: Okay.

23 MEMBER FOR VALLEY SOUTH: There are a couple
24 amendments to the business paper. First of all, under other
25 business the Eastern Caribbean Asset Management Corporation

1 (Amendment) Bill, 2016, that will not go through its first
2 reading, we will withdraw that one for today; and the Legal
3 Professions Bill, with the permission of the Honourable
4 Attorney General, that is also withdrawn, for its second and
5 third reading.

6 THE ATTORNEY GENERAL: Well, it's adjourned.

7 MEMBER FOR VALLEY SOUTH: Adjourned. Adjourned.

8 Well, in every case I use the word withdrawn I mean adjourned.

9 THE SPEAKER: It's postponed for
10 another meeting.

11 MEMBER FOR VALLEY SOUTH: They're all postponed,
12 right. Yes. Thank you, Mr. Speaker.

13 THE SPEAKER: Okay. Thank you.

14 MEMBER FOR VALLEY SOUTH: Mr. Speaker, while I'm
15 on my feet, we may have left the house early today and may not
16 have heard of the tragedy in Brussels, Belgium with the death
17 of some 26 persons, it may have increased to 130 persons who
18 may have been injured as a result of what appears to be a
19 terrorist act, bombing, and I would like to ask the Chaplain
20 once more to do a short prayer for those persons who have lost
21 their lives as well as those who are left to mourn and express
22 my concern for these kind of events throughout the world that
23 are creating misery for families, innocent families, victims
24 and also the spread of terrorism as a means of putting forward
25 the views and opinions and beliefs of persons to the wider

1 international community. I think that we live in a modern
2 civilisation and we have other means of dealing with issues
3 rather than creating havoc on innocent persons. I think that
4 the Government, my colleagues in Government would like to
5 support me on this on this occasion. It's important that we
6 recognize that just as it happened in Belgium, and God forbid
7 that something like that should happen in our part of the
8 world.

9 So let us pray for those persons who have lost
10 their lives, those persons who were injured, the families who
11 are left to mourn as well as for those persons who would have
12 perpetrated these heinous acts. I ask God to come into their
13 lives and change their hearts so that we can continue to live
14 in peace in this world. Thank you, Mr. Speaker.

15 THE SPEAKER: Thank you. Okay.
16 We'll ask the Pastor to give a prayer and we'll have a moment
17 of silence first on behalf of all those that lost their lives
18 and then the Pastor can give a few words. A moment of silence
19 first.

20 (House observed a moment of silence.)

21 THE CHAPLAIN: God, you are sovereign
22 and there is none like you. We here in the nation of Anguilla
23 join in in prayer and support to all those families who've
24 lost loved ones throughout this tragic terrorism act within
25 Europe. We know there has been an unsettlement in this area

1 of the world for some time. We ask that you would extend your
2 mercy, extend your love and your comfort to all those who
3 mourn. In times like this we do not understand and the
4 questions are so many being asked why. As they began this
5 day, Lord, many have woken up to this terrible act but we know
6 that you sees and we know that you are the God who
7 understands. So this day we ask that your loving hand will be
8 extended even to those who are wounded and those that are yet
9 traumatised by this act, we pray that you will be with them
10 because you are the God who knows and sees and understands.
11 To you we look for mercy, to you we look for answers.

12 And now Lord, to the Government in Belgium, the
13 Government who are at this point seeking ways to find the
14 remaining persons who have plotted this event. We pray that
15 you will give them divine insight into these plots and Father
16 in so doing that they will find the remaining people who have
17 committed this crime. Give them insight and intelligence. We
18 pray, O God, that you will continue to band the rest of the
19 world, you will cover and that you will keep and God that your
20 mighty, holy spirit will come down upon us like a dove and you
21 will strengthen their resolve and not be fearful. For you say
22 they who know their God shall be strong and shall do exploits.
23 We pray for the peace of this nation, of this world from
24 Israel to Asia, from Asia to the Caribbean we pray for the
25 peace. We pray God that you will intervene. We ask that your

1 grace will continue to blanket this world and cause people to
2 come to a place to recognise that you are sovereign and that
3 you are the only God. We ask this today, bring peace to our
4 world, band the wounds of those that are hurting. Give
5 courage and comfort to those whom have lost many. We ask this
6 today in the name of the Father, the Son and Holy Spirit.
7 Amen.

8 MEMBER FOR VALLEY SOUTH: Thank you very much,
9 Mr. Speaker. And while the Chaplain was praying I recall that
10 just a month to today, on February 22nd, your brother and I
11 landed on that airport.

12 THE SPEAKER: Yes, I was about to
13 mention that also. Okay. Now the Leader of the Opposition.

14 MEMBER FOR ISLAND HARBOUR: Thank you very much,
15 Mr. Speaker. Mr. Speaker, I too want to extend my personal,
16 and also on behalf of the people of Anguilla, condolences to
17 all those who have, you know, suffered on account of this
18 heinous act in Brussels.

19 Mr. Speaker, it is -- And I want to thank the
20 Chaplain too for those prayers; very, very deep prayers. And
21 Mr. Speaker, falling on the heels when we're all striving for
22 peace. You know, the Honourable Chief Minister mentioned that
23 just on the 22nd of February he was there. If that act had
24 occurred, you know, maybe Anguilla would have been touched,
25 God forbid that. But he is here with us and we're grateful

1 for that. However, Mr. Speaker, it's one day for us, another
2 day. Just two days ago, two days ago we celebrated, well I
3 don't know that you could call that a celebration, but some of
4 us remembered through viewing the CBS archives of the Bay of
5 Piglets as that they call it, the advent of the British
6 paratroopers into Anguilla on the 19th of March in 1969, and
7 falling on the heels of that event we see Obama in Cuba right
8 now again striving for peace. And this is the first visit
9 after 88 years of a president to Cuba, the Caribbean, it's
10 right next to us. And I think, Mr. Speaker, we sometimes
11 forget our history. We sometimes overlook the significance of
12 these acts but it is true that we have to be ever more
13 vigilant about our borders; we have to be ever more vigilant
14 about, you know, how we are planning our role in relation to
15 the world. And so I'm extending my condolences. I'm doing it
16 on behalf of the people of Anguilla as well, but I'm also,
17 together with the people of Anguilla, celebrating our history
18 and the hope that we have that our country will lead a
19 Caribbean effort in demonstrating peace, safety and security
20 for our people and that our focus ever more will be an
21 internal focus recognizing the developments externally. Thank
22 you, Mr. Speaker.

23 THE SPEAKER: Thank you. And now
24 you may continue. You have some remarks to make, Public
25 Accounts Committee.

1 MEMBER FOR ISLAND HARBOUR: Thank you,
2 Mr. Speaker. Mr. Speaker, it seems so much has happened since
3 the 1st of February when the Public Accounts Committee
4 attended in the UK but this is our opportunity to provide an
5 update and I'm grateful for your indulgence in that regard.

6 Mr. Speaker, you'll recall that the seminar was
7 held from the 1st to the 5th in West Minster, London. And
8 that seminar sought to provide a comprehensive introduction to
9 the entire committee together with a member of the Youth
10 Parliament, Miss Mareja Smith, to the role and the function of
11 a Public Accounts Committee in, you know, in any democratic
12 country where the parliamentary model is that, you know, which
13 we inherited from the UK.

14 The delegation included, as I said, the Public
15 Accounts Committee, the entire group but also the Clerk of the
16 committee and Miss Smith. The committee was able to share
17 with and learn from various members and officers of the UK
18 Parliament. We also -- The Parliament, the Tynwald, as its
19 called, of the Isle of Man attended as well. The Commonwealth
20 Parliamentary Association UK branch, the World Parliamentary
21 Strengthening Programme, the UK Public Accounts Committee, the
22 Foreign and Commonwealth Office and others. It is -- We have
23 -- We owe tremendous debts of gratitude to all of these
24 agencies. We were able to not call on Anguillian tax payers
25 money to support this effort by -- to the extent that others

1 stepped up and we were able to access, you know, their
2 goodwill, so we're grateful for that.

3 A key part of the experience, Mr. Speaker, was
4 to be able to meet with the Chair and Members of the Public
5 Accounts Committee of the UK and to witness the proceedings of
6 two of its inquiries. And I want to especially extend thanks
7 as well to the Governor who facilitated that we would actually
8 have an opportunity to speak with witnesses and understand how
9 they presented, you know, in an informal way. This was very,
10 very helpful particularly to me, Mr. Speaker, to understand,
11 you know, how they prepare the evidence. Very, very
12 interesting. And I want to thank the Governor for that.

13 In its efforts to further establish the Public
14 Accounts Committee and to create an enabling environment
15 within which to operate in Anguilla, the committee will host,
16 Mr. Speaker, a followup workshop in Anguilla from the 4th of
17 April to the 6th of April. And the workshop is again a
18 collaborative effort between the Anguilla House of Assembly,
19 The Commonwealth Parliamentary Association, the UK Branch,
20 and the Governor's office will target a wider group of
21 stakeholders. The stakeholders will include Permanent
22 Secretaries, Department Heads within the public service,
23 Statutory Corporations and the general membership of the House
24 of Assembly and the media. I'm also hoping that even at this
25 late stage we will get other persons in civil society who are

1 interested in this area and who could lend to the continuity
2 of this initiative in Anguilla. And subsequent to the
3 seminar, Mr. Speaker, on the 15th of February we met with the
4 Chief Auditor of Anguilla. The entire committee met with the
5 Chief Auditor so that we could increase the members'
6 understanding of how the Chief Auditor functions and how the
7 office of the Chief Auditor can support the work of the
8 committee such as it does in the UK. And together -- And in
9 that meeting we were able to identify further areas for study
10 by the committee.

11 Mr. Speaker, the programme was an extensive
12 programme and, as I've indicated, we now have the workshop,
13 which our focus is on the workshop that is going to be held
14 here. And that workshop, Mr. Speaker, and I am taking it that
15 you're giving me leave to go on with announcements.

16 MR. SPEAKER: Yes. Go right ahead.

17 MEMBER FOR ISLAND HARBOUR: Yes. Thank you so
18 much. The Public Accounts Committee, with the assistance of
19 the Commonwealth Parliamentary UK Branch and Her Majesty's
20 Governor's office in Anguilla will be hosting the workshop
21 from the 4th of April to the 6th of April. And the workshop,
22 Mr. Speaker, will seek to provide a comprehensive introduction
23 of the role and functions of the Public Accounts Committee to
24 stakeholders in Anguilla. And it is intended that it will
25 facilitate discussion, build relationships and understanding

1 between the public accounts and relevant partners such as the
2 audit office, accounting officers, Government departments, all
3 of them on their role and remit in relation to the Public
4 Accounts Committee.

5 And thirdly, Mr. Speaker, we hope to facilitate
6 discussion towards the creation of a framework for the
7 implementation of international good practice in parliamentary
8 oversight. You know, that particular objective is very dear
9 to me with my focus on governance and sustainability. And the
10 committee, we are in total agreement that this is the kind of
11 futuristic strategy that we want to implement. Each and every
12 cross party consensus is that this should be our focus. And
13 in the workshop, Mr. Speaker, as I've said before, our
14 stakeholders will include, I hope as well, the Honourable
15 Chief Minister but all members of the house, Permanent
16 Secretaries and I'm pinpointing the Honourable Chief Minister
17 because I know it's a very busy time but it's very important.
18 Members of the house, Permanent Secretaries, Department Heads,
19 Chairman of Statutory Boards, Chief Executives of Statutory
20 Boards, media and civil society. And Mr. Speaker, it's very,
21 very important that, I think this is an opportunity again
22 cross party, cross, you know, it's a non partisan initiative.
23 This is about Anguilla and this is about the rule of law and
24 this is about the supremacy of the constitution and this is
25 about how much we care. And all of those Department Heads and

1 all of those Permanent Secretaries and all of those accounting
2 officers and all of those leaders in the statutory
3 organisations, if every member of this house is not there,
4 these are the leaders of our country, it's going to signal
5 that it's of little regard. So I hope and pray that everybody
6 here outside of the committee and I know the committee is
7 already very much committed to this effort but that everybody.
8 Mr. Speaker, I know you're going to be there. You're always
9 there even in our formal meetings and I'm so grateful for
10 that. Thank you so much, Mr. Speaker, for the privilege of
11 announcing it.

12 THE SPEAKER: Yes. Thank you.

13 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, while
14 I'm on my feet and while you're indulging me, I wonder if I
15 could take this opportunity as the Elected Representative for
16 District 1, to just indicate to all our people listening here
17 and in St. Martin and St. Thomas and in New York and in
18 Washington and in California, wherever you are, I know you're
19 intending to come in for Festival Del Mar. And it is
20 occurring, it is, you know, there is already great energy in
21 the air on the beach in Island Harbour but elsewhere as well
22 throughout the district where we're preparing to demonstrate
23 the wonderful peace, tranquility, love, unity, all the things
24 the Chaplain mentioned, joy, all the wonderful fruits of the
25 spirit will be there in District 1, Festival Del Mar, over the

1 Easter weekend. And Mr. Speaker, I just want to encourage
2 everyone within the sound of my voice but particularly our
3 young entrepreneurs in District 1 who are putting, you know,
4 everything out to make sure that it, you know, it brings bread
5 to the table for a lot of us. Just know our thoughts are with
6 you wishing the best, we're wishing everyone a very safe time
7 and again it's a special time for us, Easter, that very
8 important meaning, you know, our faith, God first, rolling
9 out, you know, these very important attributes that
10 distinguish us and allow us to have a distinctive tourism
11 product. Thank you so much, Mr. Speaker. I encourage
12 everyone to be there this weekend God spare life. Thank you,
13 Mr. Speaker.

14 THE SPEAKER: Okay. Thank you very
15 much. I just want to mention that the Honourable Deputy
16 Governor will be in late today.

17 MEMBER FOR ISLAND HARBOUR: Who won't be in, sir?

18 THE SPEAKER: Beg pardon?

19 MEMBER FOR ISLAND HARBOUR: I'm sorry.

20 THE SPEAKER: The Honourable Deputy
21 Governor will be in late today.

22 MEMBER FOR ISLAND HARBOUR: Okay. Thank you.

23 THE CLERK: Papers: Anguilla
24 Financial Services Commission Annual Report, 2013.

25 THE ATTORNEY GENERAL: Mr. Speaker, with your

1 leave I beg leave to lay on the table the Anguilla Financial
2 Services Commission Annual Report of 2013.

3 THE SPEAKER: Your mike is on,
4 right?

5 THE ATTORNEY GENERAL: Yeah. Well I have
6 indeed pressed and I see the green light but I don't hear the
7 amplification, I have to say.

8 THE SPEAKER: We have serious
9 problems with the system and we're trying to get it resolved.
10 We have the technician going to deal with it and get it
11 resolved.

12 THE ATTORNEY GENERAL: I see movement before
13 my eyes. Shall we try again? Mr. Speaker, I think we have a
14 little bit more amplification.

15 THE SPEAKER: Better, yes.

16 THE ATTORNEY GENERAL: Very grateful.

17 Mr. Speaker, I beg your leave, the Honourable
18 House, to lay on the table the Anguilla Financial Services
19 Commission Annual Report of 2013.

20 THE SPEAKER: Alright. Thank you.

21 THE CLERK: Reports from
22 Committees: None. Petitions: None. Government Notices:
23 None. Unofficial Notices: None. Questions: The Honourable
24 Member from Island Harbour.

25 MEMBER FOR ISLAND HARBOUR: Thank you very much,

1 Mr. Speaker. Mr. Speaker, this green light is on, I imagine
2 that I'm being heard. I'm now being heard?

3 THE SPEAKER: Yes, you are being
4 heard.

5 MEMBER FOR ISLAND HARBOUR: Thank you,
6 Mr. Speaker. The following is a question to the Honourable
7 Member for Valley South, the Chief Minister:

8 WHEREAS although the Honourable Chief Minister
9 has spoken in his press conferences and elsewhere of meetings
10 in Brussels and in London concerning the problems faced by the
11 Anguillian economy, both in terms of a resolution of the
12 banking crisis and from the standpoints of the Government's
13 budget proposals and the Government's Reform Programme, and of
14 decisions taken in Executive Council, it is not clear,
15 Mr. Speaker, that he or his Government have consulted with the
16 Anguillian people, nor is it clear from the Chief Minister's
17 pronouncements what decisions have been taken.

18 To ask the Honourable Chief Minister my
19 questions, Mr. Speaker:

20 (a) What revisions have the Government made to
21 their proposed resolution of the banking crisis to meet the
22 British Government's and my concern that the plan for
23 resolving the banking crisis should be affordable to the
24 Government of Anguilla and, by extension, the Anguilla people?

25 (b) In what ways have the Government met the

1 Governor's call for a medium term economic strategy and reform
2 programme that boosts the economy and improves the delivery of
3 public services?

4 (c) What will be the ongoing financial cost to
5 the Anguillian taxpayer of the revised proposals for
6 resolution of the banking crisis?

7 (d) What amendments have the Government made
8 to their budget proposals which the Honourable Chief Minister
9 anticipates will lead to an early assent to the revised
10 budget?

11 (e) What will be (i) the tax consequences, and
12 (ii) the consequences in terms of utility prices for
13 Anguillian taxpayers of the revised budget?

14 Thank you, Mr. Speaker.

15 THE SPEAKER: Yes. Thank you.

16 MEMBER FOR VALLEY SOUTH: Thank you,
17 Mr. Speaker. I will respond to the questions raised by the
18 Honourable Member for Island Harbour as they were presented.

19 The first question, Mr. Speaker: What revisions
20 have the Government made to their proposed resolution of the
21 banking crisis to meet the British Government's and my concern
22 that the plan for resolving the banking crisis should be
23 affordable to the Government of Anguilla and, by extension,
24 the Anguillian people?

25 Answer: The Government of Anguilla has not made

1 any revisions to their proposed resolution of the banking
2 crisis. The model has not changed. The Government's proposal
3 as adopted in November has always been the most affordable
4 option of all those advanced to protect customer deposits.

5 Question (b): In what ways have Government met
6 the Governor's call for a medium term economic strategy and
7 reform programme that boosts the economy and improves the
8 delivery of public services?

9 Answer: The Government of Anguilla presented
10 its medium term economic strategy and reform programme
11 document as requested by the FCO in January of 2016.

12 Question: What will be the ongoing financial
13 cost to Anguillian taxpayers of the revised proposals of the
14 banking crisis?

15 Answer: The financial cost of the banking
16 resolution has changed because as a result of the delay the
17 quality of assets in the banks has deteriorated. It means
18 therefore that the cost of the resolution has increased to
19 \$325 million from the \$302 million estimated in December 2015.
20 It is evident that the longer it takes to resolve the banking
21 crisis the more it will cost taxpayers.

22 And the other question: What amendments have
23 the Government made to their budget proposals which he
24 anticipates will lead to an early assent to the revised
25 budget?

1 Answer: The Government has not made any
2 amendments to the budget estimates that were presented in the
3 House of Assembly. As far as has been demonstrated, the late
4 assent of the budget has nothing to do with the details of the
5 budget passed in the House of Assembly in early December 2016
6 (sic). All the FCO continues to ask for is supporting
7 documentation and enabling legislation.

8 And the final question: What will be (i) the
9 tax consequences, and (ii) the consequences in terms of
10 utility prices for the Anguillian taxpayers of the revised
11 budget?

12 Answer: There is no revised budget.

13 Thank you very much, Mr. Speaker.

14 THE SPEAKER: Thank you.

15 THE CLERK: Motions: Motion 456.

16 MEMBER FOR VALLEY SOUTH: Thank you,
17 Mr. Speaker. Mr. Speaker, I beg leave of this Honourable
18 House to move the following motions: Motion 456 which is a
19 Customs Duty Exemption for the St. Gerard's Roman Catholic
20 Church; and Motion 457 which is a duty free concession for
21 social development purposes for the Omololu International
22 School. Mr. Speaker, I will present the preamble to that
23 motion, the resolution as made in the house for both those
24 motions at first and then I'll go on to explain the motions
25 individually.

1 Resolution made by the House of Assembly under
2 section 77(1) of the Customs Act, RSA were proposed and
3 seconded in the House of Assembly on the 22nd day of March,
4 2016.

5 BE IT RESOLVED that under the powers contained
6 in section 77(1) of the Customs Act, the House of Assembly
7 exempts from duty the goods imported into Anguilla specified
8 in the Schedule.

9 1. The following conditions apply in respect of
10 all goods exempted from duty by virtue of this Resolution.

11 (a) The goods shall not, within 5 years of
12 importation, be sold, exchanged, given away or applied to any
13 use other than the use specified in the Schedule.

14 (b) On the expiry of 6 months from the date of
15 importation and in each successive 6 month period within the 5
16 year period after the date of importation, the importer shall
17 certify to the Comptroller of Customs, in a form acceptable to
18 the Comptroller of Customs that he has complied with the
19 conditions set out in paragraph (a) above.

20 (c) Upon demand made by a customs officer, the
21 goods exempted from duty under the resolution shall be
22 produced or otherwise accounted for to the custom officer.

23 (d) In accordance with the Customs
24 Administrative Costs Recovery Act, c. 170, at the time of
25 import, the importer shall pay the customs administrative

1 charge at the rate specified in the Schedule.

2 2. In accordance with section 71 of the Customs
3 Act, c. 169, the following apply in the event that a condition
4 referred to in section 1 of this Resolution is contravened or
5 not complied with:

6 (a) If any of the goods exempted from duty under
7 this Resolution are sold, exchanged, given away or applied to
8 any use other than the use specified in the schedule within 5
9 years of the date of importation -

10 (i) the importer shall pay the duty on the
11 value of such goods at the rate of duty specified in the
12 Integrated Customs Tariff at the date of importation;

13 (ii) the importer and any person knowingly
14 concerned in such sale, exchange, gift or unsanctioned use is
15 guilty of an offence and may be arrested and is liable to a
16 fine of \$20,000 or three times the duty relieved, whichever is
17 the greater, or imprisonment for a term of 2 years or to both;
18 and

19 (iii) the goods in respect of which the
20 exemption was granted are liable to forfeiture.

21 (b) If the importer fails to certify that he has
22 not sold, exchanged, given away or applied the goods to any
23 use other than the use specified in the Schedule -

24 (i) the importer shall produce or account
25 for the goods exempted from duty under this Resolution to the

1 Comptroller of Customs;

2 (ii) any goods not produced or accounted for
3 will be deemed to have been sold, exchanged, given away or
4 applied to some use other than the use specified in the
5 Schedule and paragraph (a)(i) apply; and

6 (iii) if any goods not produced or accounted
7 for are subsequently found they are liable to forfeiture.

8 (c) If the importer fails to produce or account
9 for the goods exempted from duty under this Resolution upon
10 demand by a custom officer -

11 (i) the importer and any person knowingly
12 concerned in such failure are guilty of an offence and may be
13 arrested and are liable to a fine of \$20,000 or three times
14 the value of the goods, whichever is the greater, or to
15 imprisonment for a term of 2 years or both; and

16 (ii) any goods not produced or accounted for
17 are subsequently found they are liable to forfeiture.

18 (d) If the importer fails to pay the Customs
19 Administrative Charge at the rate specified in the Schedule,
20 at the expiry of 30 days from the date of delivery of a demand
21 for payment by the Comptroller of Customs, or such longer
22 period as may be designated by the Comptroller of Customs -

23 (i) the importer shall pay the duty on the
24 value of such goods at the rate of duty specified in the
25 Integrated Customs Tariff at the date of importation;

1 (ii) the importer and any person knowingly
2 concerned in such failure are guilty of an offence and may be
3 arrested and are liable to a fine of \$20,000 or three times
4 the value of the goods, whichever is the greater, or to
5 imprisonment for a term of 2 years or to both; and

6 (iii) the goods exempted from duty under
7 this Resolution are liable to forfeiture.

8 Mr. Speaker, the first application on this
9 motion is for St. Gerard's Roman Catholic Church. The purpose
10 is for church development. The period of importation:
11 ~~January 7th, 2016 to January 6th, 2017. The goods that are~~
12 being imported is a vehicle. The rate of customs
13 administrative surcharge is 5 percent of the value of the
14 goods in respect of which customs duties are exempted. The
15 duty loss as account of this is EC\$5,229.89 and it is for the
16 importation of a vehicle. It has been duly passed and
17 approved customs that the declarations are correct and
18 accurate and I believe it's in keeping with our practice in
19 this Honourable House of Assembly and for this Government and
20 past Governments to grant a concession for church development
21 which includes the provision of transportation for church
22 members from home to church and other activities as well as
23 the transportation of the pastor and his aides and associates
24 in connection with church development.

25 Mr. Speaker, I'm sure that members of this

1 Honourable House have absolutely no reason to object to this
2 application and I commend it to the house for their approval
3 and comments. Thank you very much, Mr. Speaker.

4 THE SPEAKER: Thank you. Do we have
5 a seconder on this?

6 MEMBER FOR ROAD SOUTH: I beg to second,
7 Mr. Speaker.

8 THE SPEAKER: Seconded by the Member
9 for Road South. I now invite debate on motion number 456.

10 (No response.)

11 ~~If there is no debate the mover may reply.~~

12 MEMBER FOR ISLAND HARBOUR: I just want to say,
13 Mr. Speaker, that equally church development --

14 (Microphone being moved to Member for Island
15 Harbour.)

16 Indeed. Mr. Speaker, I can't very well speak
17 without technology assisting me so thanks for sharing the mike
18 with me.

19 I Just wanted to add my voice to say that this
20 is an area that I have no difficulty with. I think church and
21 these kinds of developments are what's important to our
22 community and our people and certainly I commend it as well.
23 So there's no problem. Thank you.

24 THE SPEAKER: Thank you. If there
25 is no other input the mover may reply.

1 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I commend
2 the spirit of this Honourable House in ensuring that the work
3 of church development in this country is maintained and
4 supported. And I must say that we are blessed to live in a
5 country where we can practice our religion freely, all
6 denominations involved in this. Thank you, Mr. Speaker.

7 THE SPEAKER: Thank you. Okay. The
8 question then is that motion number 456 be approved as
9 circulated. Those in favour?

10 (Members of Government said "aye".)

11 Those against?

12 (No response.)

13 The ayes have it. Motion number 456 is now a
14 resolution of this house and we'll move on to motion number
15 457.

16 MEMBER FOR VALLEY SOUTH: Thank you,
17 Mr. Speaker. The next motion, Mr. Speaker, number 457 is for
18 Omololu International School. The purpose is social
19 development, of course that's social and educational
20 development. The date of importation is February 17th, 2016
21 to February 16th, 2017. The list of exemptions are attached.
22 The rate of customs admin surcharge associated with the goods
23 is 5 percent. The total duty loss on this occasion is
24 \$35,352.62. The value of the importation, Mr. Speaker, is
25 also reflected here.

1 Mr. Speaker, another aspect of this application
2 is the fact that the goods imported and paid for under this
3 application were funded, financed by the Windsong Foundation.
4 The Windsong Foundation is a foundation which has provided
5 support for a number of private and public schools on
6 Anguilla. Its benefactor is a gentleman who lived here in
7 Anguilla some years ago, was involved in the development of
8 Anguilla Rums, Pirate Rums, those organisations as well as a
9 number of other products throughout the world and when he
10 passed on he left in his Will a very sizable sum of money to
11 ~~finance education of people in the Caribbean. So the support~~
12 for various schools on Anguilla and in the Caribbean,
13 St. Martin is one of them, is supported by this Windsong
14 Foundation. You will see the addition to the Anguilla -- the
15 Valley Primary School, that was funded by them as well, as
16 well as some other initiatives where they provided equipment
17 to other schools as well. And it's ongoing. They are now
18 looking at a number of other schools on the island, I'm not
19 going to mention their names at this point but sufficient to
20 say that this is as a result of a gentleman living and
21 dwelling among us in Anguilla and doing a business and as a
22 consequence had a very keen interest in the growth and
23 development of children in Anguilla. And we thank him for it
24 and celebrate his memory, and on this occasion I will ask
25 members to give this importation their full support. Thank

1 you very much, Mr. Speaker.

2 THE SPEAKER: Thank you. Do we have
3 a seconder?

4 MEMBER FOR VALLEY NORTH: I beg to second that,
5 Mr. Speaker.

6 THE SPEAKER: Seconded by the Member
7 for Valley North. I now invite debate on this motion, motion
8 number 457. Member for Island Harbour.

9 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, this
10 feels a little bit like musical chairs. You don't know if you
11 could actually have a place to sit in a minute.

12 Mr. Speaker, I'm standing really again, this is
13 the kind of initiative, anything that is going to further
14 support good quality education in Anguilla is, you know,
15 whether it's in private schools, public schools, wherever in
16 Anguilla I want to see it extended before too long to remedial
17 learning. That is what we need, you know, some investment in,
18 continued learning. That is how we're going to sustain
19 ourselves going forward. So I hope before too long we will be
20 able to focus the interest of Windsong in that. And I just
21 wanted to put a name to that great gentleman who loved
22 Anguilla so much. In fact, it's only recently that I've been
23 made aware that the Trust is intended to extend, you know,
24 beyond Anguilla because Anguilla was certainly his priority.
25 I know that from personal knowledge. And yes, Mr. Speaker,

1 the millions that, you know, that was Mr. Crowley's intention.
2 He was passionate about Anguilla, passionate about its
3 development and of blessed memory now but I know that he was a
4 friend of all Anguilla children and in that regard I want to
5 thank the Estate. I want to support this Bill and I want to,
6 through this medium, ensure that education is not just limited
7 to, that it's not viewed as just limited to the revampment of
8 schools, although that is absolutely essential and we need
9 that, and not limited to any particular area. I hope that,
10 you know, throughout Anguilla will be able to benefit from
11 that endowment particularly in District 1 where our school,
12 you know, is really deserving of a lot of attention and help
13 so, you know, we'll be coming with that request. But just to
14 make sure in the discussion that remedial learning, we need
15 our young men and women who are not equipped to move forward
16 in their lives, without an opportunity to be educated that
17 they're viewed as top of the line for support as well. And I
18 just wanted to use this forum to make sure that's appreciated
19 by the Government. Thank you, Mr. Speaker.

20 THE SPEAKER: Thank you.

21 Member for Valley North.

22 MEMBER FOR VALLEY NORTH: Mr. Speaker, I too
23 would like to take this opportunity, with your leave, to
24 support both motions, the one for the Roman Catholic Church
25 and this motion for the Omololu School.

1 Mr. Speaker, I would also like to thank the
2 Estate for the Windsong Foundation for the work that they
3 continue to do and the contribution and support for education
4 in Anguilla and also to agree with the Member for Island
5 Harbour in terms of remedial learning and to address the
6 challenges that we will have and the differences in our
7 students going forward. It all forms part and parcel of
8 educational development and the development of the society in
9 general. And to say that, you know, we are hoping that a
10 number of other estates and private individuals would step
11 forward in assisting the Government and people of Anguilla and
12 the children of Anguilla and really and truly improving the
13 physical structures that we have here in which our students go
14 for their learning.

15 Mr. Speaker, what is dear to all of us here in
16 Anguilla in terms of secondary education is the Albena
17 Lake-Hodge Comprehensive School. And while I agree with the
18 Member for Island Harbour in terms of the Island Harbour
19 Primary School and --

20 MEMBER FOR ISLAND HARBOUR: East End School.

21 MEMBER FOR VALLEY NORTH: -- schools, the East
22 End School, schools in general, Mr. Speaker, we also have to
23 look at that. Tomorrow is the sports day for the various
24 primary schools and of course we will be having our friendly
25 competition at the James Ronald Webster park. So the schools

1 are different, seven of the primary schools, but at the end of
2 the day I term the Albena Lake-Hodge Comprehensive School, the
3 Valley Secondary School as it was previously, as sacred
4 grounds. Sacred grounds, Mr. Speaker, for the majority or all
5 of us who are here who have been educated, had a secondary
6 education in Anguilla. And as a Government we are looking
7 really and truly to upgrade that facility. There's a lot of
8 discussions taking place in the ministry and I know the
9 Permanent Secretary is working very hard. She's working with
10 the Windsong Foundation; she's looking at, you know, a
11 ~~complete master plan. There're a number of issues that will~~
12 be taken into consideration in terms of whether there should
13 be two schools, whether it should be a STEM, science, maths,
14 technology education, engineering and so on. So there's a lot
15 of discussion taking place at the moment but it is something,
16 Mr. Speaker, that as a Government we deemed it urgent because
17 some of those buildings there are way older than I am and a
18 number of individuals in here, and I'm sure that you,
19 Mr. Speaker, as well as the Chief Minister and all of us in
20 here could associate ourselves --

21 MEMBER FOR VALLEY SOUTH: Not the AG.

22 MEMBER FOR VALLEY NORTH: Well apart from the
23 AG, could associate ourselves with that particular grounds.
24 So I'm pleading to, not only the Windsong Foundation but to
25 all the other foundations and to private sector as well

1 because Government, as a Government we will do our part and
2 the general public, Mr. Speaker, is asked to support this
3 initiative going forward. It's going to take, of course, a
4 little time and money but we are committed that it is
5 absolutely essential to be able to upgrade the facilities
6 there. We're having technical difficulties in this House of
7 Assembly this morning and Mr. Speaker they have technical
8 difficulties across over there all the time, even with the new
9 computers that have been donated; the electrical system has
10 been archaic and rundown and everything else. So we're
11 definitely looking out for assistance from the Windsong
12 Foundation and all the other foundations. And every single
13 member who've been educated in this island, secondary
14 education in this island has a stake in this, past, present
15 and future generations whereby I'm sure that if we all
16 contribute in whatever way we can that we will be able to
17 upgrade the facilities at that particular grounds that is so
18 dear to our hearts. Thank you, Mr. Speaker.

19 THE SPEAKER: Thank you.

20 FIRST NOMINATED MEMBER: Mr. Speaker.

21 THE SPEAKER: Yes. First Nominated
22 Member.

23 FIRST NOMINATED MEMBER: I rise in support of
24 these two motions. One deals with an aspect of religious
25 liberty and freedom and it allows for further movement in that

1 area. But so much more to understand that education is so
2 important because through our educational process we give our
3 children and in fact our people an opportunity for prosperity.
4 It is only through education, whether it is intellectual,
5 academic or vocational, that indeed we are able to be
6 competitive in the world. We can move out of Anguilla and
7 know that we are competitive when we are educated. There is
8 no better playing field. So I stand here in total support of
9 this motion hoping that our children can realise their dreams
10 for prosperity and individual development and make a major
11 contribution to our society. Thank you, Mr. Speaker.

12 THE SPEAKER: Okay. Thank you.

13 Member for Road North.

14 MEMBER FOR ROAD NORTH: Mr. Speaker, in
15 principle I have absolutely no objections to the presentation
16 of these two motions here in this Honourable House this
17 morning. Yes, Mr. Speaker, as I've said I have absolutely no
18 objections to the presentation of these two motions in this
19 Honourable House this morning particularly as they are for
20 social causes. But what, however, concerns me, Mr. Speaker,
21 is and I've always wondered about that in this Honourable
22 House, is the compliance as it relates to the first condition
23 of these motions generally, and wondered, often wondered what
24 kind of machinery or followup is in place to ensure that this
25 particular condition of these motions are complied with, and

1 that is that "the goods shall not within 5 years of the date
2 of importation be sold, exchanged, given away or applied to
3 any use other than the use specified in the scheduled." And I
4 always wondered, Mr. Speaker, what really is in place to
5 ensure that that particular condition of the motions, as they
6 are presented in the house, are complied with so that we can
7 ensure, you know, that we are indeed getting value for money.
8 And I'm sure that as the Public Accounts Committee, you know,
9 be an active one, all these are issues which the Public
10 Accounts Committee I believe will be obligated to look into.
11 So, you know, that is one of the concerns that I really have,
12 Mr. Speaker. Thank you very much.

13 THE SPEAKER: Thank you.

14 Second Nominated Member.

15 SECOND NOMINATED MEMBER: Good morning,
16 Mr. Speaker. Good morning to everyone in the house. I thank
17 the Lord to be here with you guys today.

18 Mr. Speaker, I stand here in support of these
19 two motions. There's nothing more rewarding than the positive
20 impact that these two Bills -- motions would have on the
21 social aspect of our society. However, I want to bring
22 something to our attention. And in passing these motions
23 which give duty exemptions to individuals or entities there's
24 something we need to consider and that is getting something
25 for something. In reference to that we give duty concessions

1 to entities and individuals, however, another nation or
2 another country outside of Anguilla makes the money when it
3 comes to the transaction. For example, in St. Thomas when a
4 company falls under the EDC benefits and they're getting tax
5 exemptions, they are not able to purchase the goods other than
6 from local vendors. So I hope that some day we can implement
7 certain legislations that would actually enforce or encourage
8 commerce in Anguilla because, as you know, we have St. Martin
9 to our south that a lot of monies leave Anguilla and go over
10 and we need to become cognizant and conscious of the bleeding
11 that Anguilla is going through right now. There is things
12 (sic) that have been said about the Jewish, the Arab, the
13 Chinese communities which the dollar circulates at least six
14 to seven times before it leaves their communities and it's
15 said that in the black communities the dollar only circulates
16 once. And this is a prime example of what's going on in
17 Anguilla right now. We need to try to keep the money in
18 Anguilla as long as possible so it can circulate so that we
19 can build our economy.

20 But I stand here in support of these two motions
21 because of the benefits to the children and benefits to the
22 social aspects of our country. Thank you.

23 THE SPEAKER: Thank you. Yes.
24 Member for West End.

25 MEMBER FOR WEST END: Thank you,

1 Mr. Speaker. I too stand in support both for the church,
2 especially in times when we are hurting like this morning even
3 though what happened in Brussels might be thousands of miles
4 away we've asked the Pastor to say a word of prayer. And
5 quite often when we need help the church is where we go. When
6 we look to the future, we look to the schools for education to
7 give our youth the best possible chance or start in life
8 through education. We look at what the Government is giving
9 up. In fact, not giving up, I will say contributing
10 EC\$35,000. When we look to see what someone is giving to us
11 ~~may say to us someone who came to Anguilla and quite often,~~
12 Mr. Speaker, we often hear that the pride of Anguilla or the
13 special quality of Anguilla is the people. It's about the
14 people. And it is true because if this gentleman who I didn't
15 know was left with a negative impression of Anguilla's people
16 he probably would have taken this elsewhere. So we've all got
17 a role to play and we talk about tourism is key and it's our
18 main industry but it is about the impression that we leave on
19 others. We're not sure what that impression will bring us
20 later in life. It may not be direct but indirectly others
21 would benefit from it. So I want to thank this gentleman
22 whoever, I think he's passed. I want to thank him for leaving
23 us in his heart that today a school, one school, I'm sure in
24 the future others would benefit from this but mainly though,
25 Mr. Speaker, it is a message to our people that leave positive

1 impressions because you'll gain the rewards later in life.

2 Thank you, Mr. Speaker.

3 THE SPEAKER: Thank you. Any other
4 contributions? If not, the mover may reply.

5 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I thank
6 members for their support on this motion and I take into
7 account especially the comments made by the Member for West
8 End that were it not for the impression that the people of
9 Anguilla would have made on Mr. Martin Crowley during his
10 sojourn in Anguilla this may not have been possible. So I
11 ~~really want to say to the Anguillian community that be very~~
12 careful about how the way we interact with persons who are
13 guest, who are investors, who are developers in our midst. It
14 is very often because of their experience they can do a lot to
15 contribute to our social development. Thank you very much,
16 Mr. Speaker.

17 THE SPEAKER: Thank you. The
18 question now is that motion number 457 be approved as
19 circulated. Those in favour?

20 (Members of Government said "aye.")

21 Those against?

22 (No response.)

23 The ayes have it. Motion number 457 is now a
24 resolution of this house.

25 THE CLERK: Other business -

1 Government business: Bank Resolution Obligations Bill, 2016,
2 first reading.

3 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I beg
4 your leave to ask the Clerk to read the Bank Resolution
5 Obligations Bill, 2016, for the first time.

6 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, before
7 you do that, in line with the -- Thank you very much,
8 Mr. Speaker. Before you do that I want to make an objection
9 in limine because, Mr. Speaker, it is troubling to me that a
10 Bill that has been in the works for so long was not circulated
11 to members, Mr. Speaker, before today. Literally, Mr.

12 Speaker, I received, thanks to the Clerk, a few minutes before
13 I walked into this chamber I received a copy of that Bill.
14 And Mr. Speaker, in line with good authority, I do not
15 believe that it is appropriate even to put it for the first
16 reading.

17 Section 18, Mr. Speaker, of the Legislative
18 Assembly Procedure Rules 1976 provides, Mr. Speaker, and I
19 quote: *"A printed copy of every Bill shall, insofar as*
20 *possible, be sent to each member two clear days at least,*
21 *before it is proposed to be read a first time."*

22 Her Excellency the Governor in response to a
23 question I raised with her has informed me, and again I quote
24 precisely from her letter, that: *"A special Executive Council*
25 *took place yesterday afternoon at which Ministers approved" --*

1 I'm sorry, sic. "Yesterday", I put in, I added. I'll go back
2 to quoting her. It was received yesterday. "A special
3 *Executive Council took place this afternoon, (yesterday) at*
4 *which ministers approved the Bank Resolution Obligations Bill,*
5 *2016, for a first reading in the House of Assembly tomorrow."*
6 It is notable, Mr. Speaker, that although the Governor
7 provided me with this information in response to a request
8 that I made for confirmation that any Bill for increasing
9 taxation carries the recommendation of the Governor in line
10 with the Constitution to enable members to determine whether
11 ~~it is constitutionally permissible for such Bills to be~~
12 proceeded with within the meaning of section 55(2) of the
13 Constitution. The Governor conspicuously did not provide me
14 with that confirmation and I therefore object to the first
15 reading of a Bill as to proceed would be a breach of the
16 Constitution. That is my humble submission. And Mr. Speaker,
17 if you want me to remind you of the exact words of section
18 55(2) I can do that. Section 55(2), Mr. Speaker: "*Except on*
19 *the recommendation of the Governor, the Assembly shall not (a)*
20 *proceed upon any Bill (including any amendment to a Bill)*
21 *which in the opinion of the person presiding in the Assembly,*
22 *(your good self, Mr. Speaker) makes provision for imposing or*
23 *increasing any tax, for imposing or increasing any charge on*
24 *the revenues or other funds of Anguilla or for altering any*
25 *such charge otherwise than by reducing it or for compounding*

1 or remitting any debt due to Anguilla; or (b) proceed upon any
2 motion (including any amendment to a motion) the effect of
3 which, in the opinion of the person presiding, (you again,
4 Mr. Speaker) is that provision would be made for any of the
5 purposes aforesaid."

6 I have to say, Mr. Speaker, with the greatest
7 regret that bringing this Bill to the house without due notice
8 and with no indication whatsoever that it has the
9 recommendation of the Governor, appears to me to be yet
10 another example of the Government appearing to be out of its
11 depth and unable entirely to meet the demands on it. This
12 appears to me, Mr. Speaker, and I don't want to remind you of
13 what's happened in the Honourable House in the past several
14 months but this appears to me to be Government by ambush
15 rather than orderly Government. And I strongly oppose the
16 first reading of the Bill on three grounds:

17 1. Firstly, that it would be a breach of the
18 Constitution to do so. First ground.

19 2. Secondly, because it is an attempt by the
20 Government to use its overwhelming majority in this house to
21 foist legislation on the people of Anguilla without proper
22 consultation; and

23 3. Thirdly, because proper notice of the Bill
24 has not even been provided to members, including myself, two
25 days in advance in accordance with the procedure rules. I

1 object to the reading of the Bill.

2 And Mr. Speaker, you know, when I was reviewing,
3 you know, what my thoughts -- It's really sad because this
4 Bill, and I looked at it very, very quickly. 8:29 it came to
5 my email box this morning; 8:29 when I was on my way from
6 Island Harbour to try to get to the assembly on time. And
7 that is no criticism of the Clerk of the Assembly by the way.
8 I want to recognize this opportunity, Mr. Speaker, as an aside
9 that we have, you know, an amazing Clerk of Assembly. The
10 work that he has done to help the committee impact in the
11 ~~Public Accounts Committee is amazing. I see what he's doing~~
12 and I want to really recognize that, you know, Mr. Speaker,
13 you and the staff of the house, you know, you're doing a
14 marvellous job to show that we're really getting positive
15 change in Anguilla. But I want to say that it reached me,
16 that Bill, at 8:29 this morning, my email box. And if
17 ministers saw fit to approve the Bill only in the late hours
18 of yesterday, the day before they sought to present it for
19 first reading, the very least they could have done would have
20 been to make arrangements to circulate it to me last night, if
21 necessary through their own personal efforts because that's
22 what the Clerk of Assembly did this morning, in time for all
23 members of the assembly, not just their own supporters, to
24 give it at least some consideration before being called on to
25 deal with this reading. And we can't minimise a first

1 reading, Mr. Speaker. We can't minimise it. We have
2 to follow the law because that's all we've got if we're going
3 to move forward in Anguilla. We need the law. And you will
4 see in other cases I have seen this Government work to try to
5 do the right thing. And I won't oppose them that even though
6 they've gone retrospectively against the law to validate
7 actions they've taken in other instances. But the rule of
8 law, the Constitution, it must be complied with and I'm not
9 going to stand back and allow it to be breached.

10 So all I can say, Mr. Speaker, is that the
11 ~~Government's conduct of this matter stinks. That's what we~~
12 would say in Island Harbour, that it stinks. And they seek to
13 stifle opposition, I'm convinced, by providing minimal
14 information to the people and to provide the minimal
15 information late, that minimal information. I can't imagine
16 that the questions that we ask, such questions that perplex
17 Anguillians, we hear these vacuous press conferences, all
18 these answers, nothing. The fact that there's no change.
19 What can we expect? What can the people do? And, you know,
20 this nominal response to it, that is not leadership.
21 Leadership is about pushing for clarity. It shouldn't come
22 just from this side of the assembly, Mr. Speaker, it needs to
23 come from our leaders -- leader. The Chief Minister need to
24 give us more information, not less information. And I'm not
25 going to stand there. This Banking Obligation Bill, the

1 Government they are seeking in breach of the Constitution to
2 introduce legislation that will have the effect of increasing
3 taxation without the recommendation of the Governor.

4 THE SPEAKER: Okay. I have to point
5 out to you I have in my hand a copy of extract of the minutes
6 of Special Meeting of the Executive Council. And it says here
7 that the Banking Resolution Obligation Act, 2016, has been
8 approved by Executive Council. And that's been recommended by
9 the Governor.

10 MEMBER FOR ISLAND HARBOUR: You know,
11 ~~Mr. Speaker, you mean it's going to take Anguillian tax payers~~
12 going to court to get an order at great cost to our people to
13 get compliance with the letter of the law even? You know --

14 THE SPEAKER: You're not hearing
15 what I said just now.

16 MEMBER FOR ISLAND HARBOUR: I heard you,
17 Mr. Speaker.

18 THE SPEAKER: This is from the
19 Governor's office.

20 MEMBER FOR ISLAND HARBOUR: Mr. Speaker --

21 THE SPEAKER: Following discussion
22 in Executive Council --

23 MEMBER FOR ISLAND HARBOUR: -- does that note say
24 it's the recommendation of the Governor?

25 THE SPEAKER: That's what it is.

1 MEMBER FOR ISLAND HARBOUR: Read it for me
2 please, Mr. Speaker. I've not seen it. I've not had the
3 privilege of seeing it.

4 THE SPEAKER: I'll give you a copy
5 of it. Take that to her.

6 MEMBER FOR ISLAND HARBOUR: Mr. Speaker it's not
7 just for me it's for the people of Anguilla. Perhaps we could
8 read it aloud.

9 THE SPEAKER: This said it's
10 confidential but I'll give you a copy of it. You can give her
11 a copy.

12 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, don't
13 give me what's confidential and in breach of etiquette.

14 THE SPEAKING: As a Member of the
15 House you can get a copy of it.

16 MEMBER FOR ISLAND HARBOUR: Thank you,
17 Mr. Speaker.

18 THE SPEAKER: It's not for the
19 public, it's for the -- You're getting a copy of it.

20 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I just
21 want to go on because I don't know what the letter says and I
22 want to say that not wasting the people's time is that the
23 capital --

24 THE SPEAKER: Don't continue on the
25 same comment on the same point that you're making.

1 MEMBER FOR ISLAND HARBOUR: Okay.

2 THE SPEAKER: You can continue on
3 something else.

4 MEMBER FOR ISLAND HARBOUR: No problem,
5 Mr. Speaker. I understand that and I will -- you will recall
6 that it's at least on three grounds. Yes.

7 So the capital cost to Government under the Bill
8 as far as I can gather with such short notice totals EC\$266
9 million, roughly equivalent to very nearly US\$100 million. A
10 big number, Mr. Speaker. But the payment of EC\$214 million to
11 ~~the Social Security Board is deferred for a 5-year grace~~
12 period until 30th June 2021. I am sure it is no coincidence,
13 Mr. Speaker, that that date falls after the next election in
14 Anguilla.

15 THE SPEAKER: Okay, listen. We're
16 not going to debate the Bill at this stage. This is not the
17 debate. You're just objecting to it but we're not going into
18 the details of the Bill right now.

19 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, this is
20 the only opportunity the people of Anguilla will have right
21 this minute to deal with it. After a first reading? It
22 should not be moved for the first reading.

23 THE SPEAKER: Well, but don't go
24 into the debate of the Bill right now. Give me reasons why
25 you want it not read. You're not going into the debate of it

1 so discontinue the debate of the Bill right now.

2 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I see
3 the copy of the letter that's been produced to me. I see it's
4 copied to the Honourable Attorney General and to the Clerk of
5 the House of Assembly.

6 MEMBER FOR VALLEY SOUTH: Mr. Speaker, on a
7 point of order. I think the Honourable Member for Island
8 Harbour have made her case. She also made the statements that
9 she thinks are important to indicate that she is representing
10 the interest of the people of Anguilla. Hopefully that she's
11 doing, that she's doing that --

12 THE SPEAKER: Up on a point of
13 order?

14 MEMBER FOR VALLEY SOUTH: -- doing that
15 effectively. Yeah. Eh?

16 THE SPEAKER: You're up on a point
17 of order?

18 MEMBER FOR VALLEY SOUTH: The point of order I'm
19 --

20 THE SPEAKER: I don't think she's
21 finished as yet.

22 MEMBER FOR VALLEY SOUTH: I was just rising
23 because she's going into the details of the Bill. The Bill is
24 not going to be discussed today. It's not going to come to
25 the house for the second and third reading for another week.

1 It is in keeping with the urgency of moving forward on the
2 banking resolution. It is enabling legislation which already
3 puts into effect the provisions of the resolution which we
4 have discussed over and over in this house and this matter is
5 important that we move forward as expeditiously as possible.
6 Thank you, Mr. Speaker.

7 THE SPEAKER: Yes. I have one other
8 point I want to make first. I too also have concerns when
9 anything come to the house less than the time that is
10 recommended by the Constitution. I have issues with that.
11 ~~But sometimes there're emergencies and there're provisions for~~
12 emergencies in the Constitution. And I read notice of Bills
13 here. *"A printed copy of every Bill shall be as far as*
14 *possible ..."* it says *"as far as possible"* because sometimes
15 there're emergencies and this is one of those cases. It say
16 *"as far as possible"* shall be sent to each member two clear
17 days. And because of the emergency of this one it's not --
18 was not possible. So that's the emergency situation. You
19 understand what I'm saying? It says *"as far as possible"*, two
20 clear days.

21 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I have
22 had, by virtue of legal training, an opportunity to
23 distinguish and to really understand the difference between
24 what are in an emergent situation and other situations.

25 As long ago, Mr. Speaker, as the 1st of June on

1 Anguilla day on the park, we were talking about the resolution
2 and what would be needed to do it. I directed -- I told the
3 Chief Minister then what I thought needed to happen. I
4 outlined it. I tried on other occasions to get him to
5 recognize what steps needed to be taken, simple steps:
6 Convening a committee; going to the people. And how can we
7 say after dithering around, as some people would say, for so
8 many months over the issue you can claim that this is an
9 emergent situation? Mr. Speaker, I beg to differ and I say
10 that the inescapable conclusion, absent a rational and honest
11 ~~explanation from the Government is that the, not just this~~
12 practice of coming here but what that law embodies stinks.
13 And I think for all the reasons I have given you and probably
14 many more will become closer on real, substantive examination
15 because I had to do it while I'm here. This Bill should not
16 have its first reading on you. And I call on you,
17 Mr. Speaker, to make an honest assessment as to whether such
18 reading would breach section 55 of the Constitution and the
19 rule. And Mr. Speaker, again I'm grateful for the
20 confidential notice you provided but on my reading I can't see
21 anywhere where this confirms that it is on the recommendation
22 of the Governor. In fact, she says: "*Following discussion in*
23 *Executive Council, and as advised by counsel in terms set out*
24 *above, Her Excellency The Governor directs that the necessary*
25 *action be taken.*" I don't think any lay lawyer would confuse

1 that to the kind of recommendation that is really required to
2 be produced to you in exercise of your authority. I'm going
3 to rest my case. I'm going to rest my case but I want the
4 record to reflect the several grounds and I want the Anguilla
5 people, our people to know that this objection was a
6 comprehensive objection and that it's based and grounded in
7 our Constitution. Thank you, Mr. Speaker.

8 THE SPEAKER: Yes. Thank you. And
9 I consider it to be a recommendation from the Governor. Okay.
10 Your opposition has been registered and do we have a seconder
11 on that opposition?

12 SECOND NOMINATED MEMBER: Mr. Speaker, I stand
13 to second it.

14 THE SPEAKER: Okay. It's moved and
15 seconded. Any other comments on it before we put it to a
16 vote? I can just put it to a vote now. The recommendation by
17 the Leader of the Opposition is that we do not have the first
18 reading today. Those in favour? Oh, you want to say
19 something?

20 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I think
21 that I should not allow the matter to go out as expressed by
22 the Member for Island Harbour and the Leader of the
23 Opposition. And I welcome her opposition and her views that
24 procedures need to be followed and I concur and support them.
25 However, Mr. Speaker, on this particular occasion the matter

1 before the house is a matter of urgency. But we have taken
2 this opportunity, knowing that there's no discussion in the
3 first reading, to make sure that it was brought to the house
4 to the attention of Members of this Honourable House. It is
5 also posted on the website. It also will be gazetted so that
6 members in the community can reflect on it. The reason why
7 it's here today is because one of the requirements, one of the
8 things that I have maintained that we should not have first,
9 second and third reading on any one day. And to put it off
10 any further, Mr. Speaker, in connection with the timing of the
11 ~~resolution, ensuring that the resolution goes in place in a~~
12 proper time frame, we decided that the best thing to do would
13 be to bring it for its first reading, give persons an
14 opportunity to make their presentation, to consult, to read
15 about it. It's something that has been going on for a long,
16 long time. But the details of the Bill could not be drafted
17 until we got to a point where we knew exactly where we are in
18 terms of the negotiations with Social Security and in terms of
19 the discussions with the banking advisers from the IMF, the
20 World Bank, Caribbean Development Bank, Eastern Caribbean
21 Central Bank, our legal team working with it to make it
22 happen.

23 Mr. Speaker, it is not anything new. The worse
24 thing that has happened in the interim is that because we have
25 delayed so long on the implementation of the resolution, the

1 same resolution that we had since December 2015, because we
2 have waited so long trying to get it right and it's important
3 to get things right, but we also have to remember that the
4 longer we take to get a situation right may end up in the
5 situation being worsened and that is the situation that we
6 face today. It is not considerably worsened, Mr. Speaker,
7 that it will cost the people of Anguilla anything more but it
8 has worsened to the extent that the numbers that were
9 calculated in 2015 December are not the same numbers that
10 we're working with today and that is because we have not been
11 able to put the urgency and the support of the resolution in
12 place. People wanted to see documentation, people wanted to
13 make sure that enabling legislation was right. We're living
14 in a period in our development, in our banking development
15 where we don't have all the necessary provisions in place
16 within the Acts, where we're looking at revising Banking Acts
17 to bring us into the 21st century and a lot of things will
18 happen and have to happen quickly to ensure that our main
19 objective, which is the protection of customers' deposits, is
20 enabled. And that is what we're doing here today. We are
21 doing no violence to any contributions that the Leader of the
22 Opposition wants to make to this presentation. She has
23 another week. The Bill is about two and a half -- I mean six
24 pages long of which basically the schedule is the most
25 important aspect. And it outlines the issues that we are

1 trying to deal with. The payment terms for the Social
2 Security Fund and the payment terms for the Depositors
3 Protection Trust; two important aspects of the resolution
4 which would ensure that the objective of protecting customers
5 deposits is in place.

6 Mr. Speaker, I don't stand here on ceremony.
7 I'm standing here to get things done. And if it's required
8 that we do things in an urgent manner for the greater good,
9 I'm going to do it. And the Leader of the Opposition has a
10 right to object whenever she wants to object but at the end of
11 day I believe that what we're doing is in the interest of
12 expediting a very critical aspect of the enabling legislation
13 to ensure that the banking resolution is in place. Thank you
14 very much, Mr. Speaker.

15 THE SPEAKER: Thank you. Okay. Do
16 we have any other contributions? If not I'll just put the
17 vote. The question then is that the Banking Resolution
18 Obligation Bill, 2016, be not read a first time today. Those
19 in favour?

20 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, that way
21 that you structure these is yes. I am asking that it's not
22 read today. That is the motion, that it's not read today.

23 THE SPEAKER: Those in favour of it
24 being read today a first time?

25 (Members of Government said "aye".)

1 THE SPEAKER: Okay. Alright. It's
2 clear that a majority says that it should be read a first time
3 today.

4 MEMBER FOR ISLAND HARBOUR: Thank you,
5 Mr. Speaker.

6 THE SPEAKER: And I just want to
7 make one point. You wrote to the Governor before questioning
8 about whether some Bills was recommended by her to come to the
9 house. And in connection with that there was correspondence
10 between you and the Governor and the Clerk and the Governor,
11 and it was said by the Governor that this Ex Co minute equates
12 to her recommendation.

13 MEMBER FOR ISLAND HARBOUR: I want to tell you,
14 Mr. Speaker, I want to say it again. I believe that the
15 Governor as well and the advice that she is receiving in
16 relation to the recommendation, what constitutes a
17 recommendation, I think law develops and practice develops and
18 I'm hoping that we will get to a good place soon. But that is
19 not, in my view, the equivalent of a recommendation. I don't
20 want to have to go to a High Court to challenge it. I hope
21 that, you know, people working together in a positive way will
22 be able to follow the law so that's why you see me writing.
23 I'm trying to use every possible way of avoiding the good
24 people of Anguilla having to spend money just to see that
25 their Constitution is being followed. Thank you.

1 THE SPEAKER: Okay. As Speaker I
2 consider it to be a recommendation. We may continue.

3 THE CLERK: Bank Resolution
4 Obligations Bill, 2016, first reading. A Bill to make
5 provision for the Government of Anguilla to make payments to
6 the Social Security Board and Depositor Protection Trust in
7 support of the resolution of the National Bank of Anguilla
8 Limited and the Caribbean Commercial Bank Anguilla Limited.
9 Electricity (Validation and Amendment) Bill,
10 2016, second reading.

11 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I move
12 that a Bill shortly entitled the Electricity (Validation and
13 Amendment) Act, 2016, be read a second time.

14 Mr. Speaker, several years ago, in 1991, the
15 Government of Anguilla fed and nurtured the development of the
16 ANGLEC utility. Twenty five years later, Mr. Speaker, that
17 ANGLEC utility has come of age. In 1991, the Government of
18 Anguilla of the day determined that it was time to corporatise
19 the ANGLEC utility to ensure that it operated in a more
20 efficient and business level, and that is, its control, its
21 immediate cost for the provision of electricity services to
22 the customers and people of Anguilla and that it was able to
23 operate in a manner which enable it to respond quickly to
24 requirements to provide that service and also able to make
25 management decisions which would make for the development of

1 an entity capable of providing those services to the people of
2 Anguilla.

3 Mr. Speaker, it started off with the Government
4 of Anguilla having to provide support to the ANGLEC utility.
5 That support was first and foremost in the form of handing
6 over the infrastructure of the then electricity department of
7 the Government of Anguilla to the ANGLEC utility. It also
8 required, Mr. Speaker, that the Government of Anguilla granted
9 a monopoly to the ANGLEC utility for the provision of
10 electricity services to the people of Anguilla. To do that,
11 ~~Mr. Speaker, legislation was put in place to protect the~~
12 utility and its monopoly by ensuring that nobody else had the
13 right to provide electricity services as a first source to any
14 customers, any persons operating in Anguilla. You could have
15 a back up source but not as a primary source of electricity.
16 That was to protect the development of the ANGLEC utility into
17 a robust company.

18 It also, Mr. Speaker, granted ANGLEC the kind of
19 concessions that would obtain to a normal Government
20 department, like duty free concessions on the importation of
21 all kinds of products including consumer products for the
22 maintenance of the building, for the maintenance of the
23 generators and so on and so forth. It also ensured that the
24 licensing arrangements for ANGLEC, even though they were
25 enshrined in law, were not excessive so as to give the ANGLEC

1 utility the opportunity to grow into a robust company. I
2 think it was around 2003 to 2004, the ANGLEC utility at that
3 time was owned completely by the Government of Anguilla 100
4 percent. And the Government of the day, in furthering its
5 developmental programme, thought that the time had come to
6 dispose of its holdings in ANGLEC and therefore a share issue
7 was done which resulted in 60 percent of the shares in ANGLEC
8 being owned by a number of agencies, private individuals,
9 companies and institutions, institutions which will include
10 Social Security, the banks, private companies on Anguilla and
11 so on and so forth. So now in terms of its development, the
12 ANGLEC utility would have moved to another stage.

13 In the initial stages, any borrowing for
14 expansion in the ANGLEC utility, Mr. Speaker, would have been
15 done on the basis of Government guaranteeing the loans. So if
16 they wanted to purchase a generator before they go to the
17 Caribbean Development Bank, a Commercial Bank or the European
18 Investment Bank or any lending institution at that order, it
19 required the sign off of the Government of Anguilla because
20 ultimately the Government of Anguilla is responsible, would be
21 responsible if ANGLEC cannot repay.

22 Where ANGLEC is today, Mr. Speaker, that is a
23 fully fledged entity that has moved from under the nurturing
24 wings of the Government of Anguilla and is now a private
25 company even though the Government of Anguilla own shares, a

1 public entity, operating on its own, able to meet its own
2 requirements, pay its own staff, make its own investment
3 decisions and can go to the Caribbean Development Bank and
4 make a loan without the Government of Anguilla having to sign
5 off on it. Why? Because it is now a profitable operation.
6 In other words, Mr. Speaker, if you use an analogy of a child
7 living in a house with its parents, when it first steps out
8 into the world of work they may stay at their parent's home
9 and pay a small subsistence. But the point will come, the
10 time will come when it's even more viable that the child is
11 ~~even more financially capable and viable than its parent and~~
12 it is time for them to move out and when they move out it may
13 even be required that they give some support to their parent
14 because the parent at that time may have been retired, may be
15 going through some difficulties and therefore may require
16 their support.

17 ANGLEC, Mr. Speaker, is a child of the
18 Government of Anguilla that has developed and has become a
19 robust entity that is making a profit, that is meeting its own
20 requirements for business development, getting its own loans,
21 operating in a separate entity, still protected by the
22 relationship with the parent company which gave it the
23 opportunity to provide, be a primary source provider for the
24 people of Anguilla and customers of Anguilla for electricity
25 but operating successfully. Its parent, the Government of

1 Anguilla, who have supported it for these years now require
2 that it pays a bit more to ensure that that parent can also
3 now go on and help maybe the grandchildren or some other
4 entity that needs the care of the Government of Anguilla.

5 The rates at ANGLEC, Mr. Speaker, are still
6 regulated by the regulator which is, in this case, the
7 Ministry of Utilities to a certain extent, but of course we
8 have a Public Utilities Commission as well. And I'm not
9 certain yet whether that relationship has been consummated but
10 the fact is it is now regulated and it was being regulated by
11 ~~the Government of Anguilla. So its rates cannot be arbitrary.~~

12 Whatever it charges to the customers of Anguilla have got to
13 be approved by the Ministry of Works or by the Public
14 Utilities Commission for certain aspects of its regulation and
15 that agreement has got to be in keeping with certain strict
16 guidelines. If there is an increase in fuel, then the utility
17 is allowed to pay more money, charge its customers more by
18 what we call a fuel surcharge which has been determined
19 several years ago by the regulator.

20 Today, Mr. Speaker, ANGLEC has come of age. And
21 if the parent continues to nurture ANGLEC it will obviously be
22 spoiling the child. That relationship of dependancy must
23 cease and it must operate like every other utility in
24 Anguilla: Cable and Wireless, Digicel or any other utility
25 that provides for the services of the people of Anguilla.

1 Government now must charge the ANGLEC utility rates that
2 reflect the benefits and the privileges that it has received
3 from the Government of Anguilla. They have the right to
4 provide electricity throughout this island as a primary source
5 of electricity for every citizen, every company, legal entity
6 that operates within this country. And even in the case where
7 persons want to move into alternate energy to improve their
8 cost of electricity services, even though it's encouraged and
9 even though it is transformational we will be transformational
10 going forward because we want to decrease our dependency on
11 fossil fuels. ANGLEC itself is embarking on alternative
12 sources of energy. And the Government of Anguilla, way back
13 in 2007 when we established the Alternate Energy Committee, we
14 were anticipating that the time will come when people of
15 Anguilla will be looking to alternate sources of energy and
16 we'll be looking to reduce our dependency on fossil fuels and
17 become more energy independent.

18 Mr. Speaker, the licence fee to have all those
19 privileges, the privilege to determine who comes on the grid
20 who goes off the grid, what you charge people to be on the
21 grid or off the grid, all those privileges that the ANGLEC
22 utility have as a robust company are privileges that carry a
23 cost. And as ANGLEC has become of age, it is necessary for
24 the Government of Anguilla to impose costs on the utility for
25 that privilege. These costs cannot be passed on in terms of

1 the rates. The fees for the cost of electricity cannot
2 reflect any increases in fees that the Government of Anguilla
3 impose that are reasonable for the privileges that ANGLEC has,
4 so this does not reflect, this piece of legislation does not
5 reflect that. What this piece of legislation does is to amend
6 the legislation on the licensing of ANGLEC on 28th of March
7 1991 to enable the Government of Anguilla to do what it is
8 appropriate for a company that's operating as a utility within
9 our midst with certain privileges, a monopoly, to pay an
10 appropriate licence fee for the privileges and the services
11 that they have. It is for the grant of a public supplier's
12 licence which must be paid to Inland Revenue by the company so
13 that it can legally carry out its responsibilities to provide
14 for the services, provide electricity services to our people.

15 Mr. Speaker, this is what this is all about. It
16 was necessary to pass this Bill in the House of Assembly. It
17 may have taken a little time to get that done. It was here on
18 the books a long time ago but we gave an opportunity for some
19 consultation. It's a document of two pages really, when you
20 deal with -- when you look at its contents, basically two
21 pages, but it enables the Government of Anguilla to do what I
22 believe is right and appropriate and I commend this to this
23 Honourable House, Mr. Speaker. Thank you very much.

24 THE SPEAKER: Thank you. Do you
25 have a seconder?

1 MEMBER FOR VALLEY NORTH: Mr. Speaker, I
2 beg to second.

3 THE SPEAKER: Seconded by the
4 Member for Valley North.

5 Okay. We'll take a 10 minute break and
6 then we'll come back into the debate session. Okay. So
7 we'll have a 10 minute break.

8 **(Break at 11.58 a.m.)**

9 **(Resume at 12:15 p.m.)**

10 THE SPEAKER: Order. This
11 ~~house will now resume its sitting and we'll continue~~
12 with the debate on the Electricity (Validation and
13 Amendment) Bill, 2016.

14 Member for Island Harbour.

15 MEMBER FOR ISLAND HARBOUR: Thank you very
16 much. Thank you very much, Mr. Speaker. Are you
17 hearing me?

18 THE SPEAKER: Yes, I -- Well
19 I'm not sure. Let --

20 MEMBER FOR ISLAND HARBOUR: I'm just
21 wondering whether the technology is really working.

22 THE SPEAKER: Okay, go ahead.

23 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I
24 can't help but make --

25 (Technical difficulties.)

1 THE SPEAKER: Carry that mike
2 down there. Not that one, that one. Yes.

3 MEMBER FOR ISLAND HARBOUR: Thank you very
4 much, Mr. Speaker. Mr. Speaker, it's very -- Couple of
5 points I want to make and it's especially pertinent,
6 coming out of the debate we had just now in relation to
7 the first reading of the Bank Obligations Bill.

8 Mr. Speaker, the law, the rule of law is,
9 you know, key to --

10 THE SPEAKER: We're already
11 ~~beyond that for now so you're not going to be dealing~~
12 with the banking -- with the first reading of the ahm,
13 banking resolution.

14 MEMBER FOR ISLAND HARBOUR: For purposes
15 of, for purposes of being clear, I think -- the point
16 that I'm making is I'm not -- no longer dwelling on
17 that point.

18 THE SPEAKER: Okay. Alright.
19 Alright.

20 MEMBER FOR ISLAND HARBOUR: I think what is
21 important, Mr. Speaker, is that we value, we really
22 value, we start valuing, you know, what our law
23 provides; we start valuing the responsibilities we
24 have; the obligations we have to our people; we start
25 valuing the kind of political system we've inherited

1 and how it works; we start valuing, you know, what we
2 -- the kind of legal system we have so that we can
3 really build on it. And you may say but what has that
4 to do with the law that is in front of us? It
5 certainly has a lot to do with what we've just been
6 discussing. And Mr. Speaker, if we are not, as members
7 of this Honourable House, as representatives of the
8 people, if we're going to be very flippant with the
9 law, then, you know, how can we look to our young
10 people; look to our children, how can we look to them
11 ~~and say that you're not doing the right thing? We have~~
12 to -- You have to comply with the law first to have an
13 orderly society. How can you say you're not exposing
14 all, you know, we're following one standard and
15 requiring another standard of them? So I think,
16 Mr. Speaker, we have to go further to make sure that we
17 comply with the law and to model the kind of
18 seriousness, the kind of maturity that our people
19 deserve and certainly the future deserves. And I want
20 to say, to start off with, that many people would say,
21 including lawyers, well it's only an opinion whether a
22 proceeding by Executive Council can be distinguished
23 from a recommendation of the Governor, which is a
24 requirement of the constitution as a whole. You may
25 say, oh my goodness, that is, you know, it's a matter

1 MEMBER FOR ISLAND HARBOUR: I know you will
2 bear with me, Mr. Speaker. I really don't want to --
3 Yes. But I want to make a point. You see, I said when
4 I got in as Leader of the Opposition I wasn't going to
5 oppose for opposing sake and I hope that both this
6 government and the people of Anguilla can value, based
7 on what has happened, that I don't oppose for opposing
8 sake. And I want to go further.

9 In this Act, this present Act, the Chief
10 Minister, went, the Honourable Chief Minister went at
11 ~~length to talk about the history of the Act. He wasn't~~
12 stopped, Mr. Speaker, because I'm sure, as relevant as
13 it is, we give our Chief Minister some extra space.
14 The Leader of the Opposition don't get the same leeway.
15 I understand. But Mr. Speaker, in 1991, what this Act
16 purports to do is something again, depending on how you
17 look at it, that it's wrong. It seeks retrospectively
18 from 1991, it seeks retrospectively to validate actions
19 that in the opinion of many lawyers would make this an
20 invalid law. We would pass it, it would go through, it
21 will be tested in a court. And the government -- This
22 is what happens. And what's more, and I'm not being
23 the alarmist I'm often suggested by the Chief Minister
24 that I'm being, I really want, I care, along with him,
25 to make sure that every dollar that Anguillians have to

1 pull out of the ground to work so hard to get, that
2 it's spent prudently. So I don't want -- I don't take
3 any joy in government having to pay out \$250,000.00 we
4 don't have to a law firm for having to work hard, but
5 to protect the people. I don't take any joy in it. It
6 would be much easier for us to collaborate and to work
7 together to make sure that that never happens. And
8 that's really what my focus is, Mr. Speaker. You might
9 believe otherwise. And we have had, I think we've had
10 the most challenging time with the serious laws, the
11 ~~serious actions that this government's been trying to~~
12 take or taken. But equally, and the Honourable Chief
13 Minister has spoken about it, it is very important for,
14 in this house he's spoken about the need to be vigilant
15 in relation to what our constitution provides, the
16 different roles of the British Government, et cetera.
17 These are things we have to be careful about and
18 circumspect about because the ramifications are
19 serious. And I want to say, Mr. Speaker, this law,
20 this law, Mr. Chaplain reminded me this morning, "*where*
21 *there is no vision the people perish*". 1991, we're
22 here, in this we're seeking to validate licence fees
23 going back that period, but in 19 -- between then and
24 now. It's okay. It's okay. I think the government is
25 seeking to do the right thing right now because that

1 should have happened up front, not on the back leg. Do
2 you see what I'm saying, Mr. Speaker? This kind of law
3 should have been passed to validate the fees that
4 they've had before. It's seeking to do that. That is
5 the opinion that I share. However, government's trying
6 to do the right thing now. That was something that
7 required to do so I'm not going to go out and make a
8 big deal and oppose it. Understand that, Mr. Speaker?
9 Because they're seeking to do the right thing. That is
10 not to say a shareholder dissatisfied with the
11 performance of ANGLEC won't pursue an action in the
12 courts. But these are the issues, Mr. Speaker. And
13 sometimes you may think it's frivolous but it's never
14 frivolous when I bring it forward, Mr. Speaker. Too
15 much is at stake. We lose a lot of time; we lose the
16 ability to move in a nimble way, which is the way that
17 Anguillians know where we've succeeded in the past but
18 that requires, and not waiting 25 years either. We're
19 going to miss it.

20 We talk about renewable energy. The Chief
21 minister went on about it. If we don't put in place
22 the structures and the forward planning that's going to
23 allow us to deliver on those objectives, it's not going
24 to happen. It's not going to happen. We really need
25 vision now. So we don't need just to be looking back

1 to correct what we did wrong. We need to be really
2 putting in place right now what we need to race forward
3 into the future. So I'm not going to go on, Mr.
4 Speaker. I want to just make that point that this is
5 one of the matters I'm going to rely on when I say that
6 I see the intention of government is to get it right by
7 putting law in place to correct what has been, what
8 should have been done before and we're going to move
9 forward, but we need to move really forward and so I'm
10 looking forward to legislation that's going to come in
11 ~~the short term that's going to really be transformative~~
12 rather than always seeking to catch up and to put in
13 place what is, you know, long overdue. Thank you,
14 Mr. Speaker.

15 THE SPEAKER: Thank you. Any
16 other contributions? If there are none, the mover may
17 reply.

18 MEMBER FOR VALLEY SOUTH: Thank you,
19 Mr. Speaker. I thank the Honourable Member for Island
20 Harbour, the Leader of the Opposition for pointing out
21 the fact that this government has taken the initiative
22 to validate the licence fee payments that have been
23 made by ANGLEC, small as they were, since 1991.
24 Obviously, it was not the fault of this government that
25 that was not so. It would obviously be the fault of

1 lawyers for ANGLEC and probably very perspicacious
2 lawyers of the Anguilla Bar Association for not
3 pointing it out that this licence fee payment was not
4 legal. And it goes on, Mr. Speaker. I don't know what
5 the Leader of the Opposition. I thank her for the fact
6 that because as far as I'm concerned, she gave us
7 compliment because we have, before going forward and
8 just imposing the licence fee, increasing the licence
9 fee we went and made sure that there was an amendment
10 validating it and validating all the previous actions
11 we've taken. It does no violence, Mr. Speaker, to the
12 situation but what it does point out, Mr. Speaker, that
13 back in 1991 when we were putting these things together
14 there was a lack of experience of how this should be
15 done, that the whole transition process would have
16 omitted, including this amendment, but at the end of
17 the day, what's done is done and we are here to make it
18 right.

19 Thank you very much, Member for Island
20 Harbour, for your presentation and I think that you
21 would have point out something that was obvious when we
22 made this thing pass. Thank you.

23 Thank you, Mr. Speaker. I commend this
24 Bill to the house.

25 THE SPEAKER: Thank you. It

1 has been moved and seconded that a Bill shortly
2 entitled the Electricity (Validation and Amendment)
3 Bill, 2016 be now read a second time. Those in favour?

4 (Government members said "aye".)

5 THE SPEAKER: Those against?

6 (No response.)

7 THE SPEAKER: The ayes have
8 it. I call upon the clerk to read the Bill a second
9 time.

10 THE CLERK: Electricity
11 ~~(Validation and Amendment) Bill, 2016, second reading.~~

12 A Bill to provide for the validation of the payment of
13 licence fees paid for the issuance of the Public
14 Suppliers Licence to the Anguilla Electricity Company
15 and to regularise the legal framework for the payment
16 of such fees and to provide for other related matters.

17 THE SPEAKER: Thank you.

18 Under rule 54 of the House of Assembly Procedures, this
19 Bill now stands referred to a committee of the whole
20 assembly to consider it clause by clause. Assembly in
21 committee.

22 THE CLERK: Clauses 1 to 8.

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

1 (Government members said "aye".)

2 THE SPEAKER: Those against?

3 (No response.)

4 THE SPEAKER: The ayes have

5 it.

6 THE CLERK: The preamble.

7 THE SPEAKER: The question is

8 that the preamble be approved as circulated. Those in

9 favour?

10 (Government members said "aye".)

11 THE SPEAKER: Those against?

12 (No response.)

13 THE SPEAKER: The ayes have

14 it.

15 THE CLERK: The enacting

16 clause.

17 THE SPEAKER: The question is

18 that the enacting clause be approved as circulated.

19 Those in favour?

20 (Government members said "aye".)

21 THE SPEAKER: Those against?

22 (No response.)

23 THE SPEAKER: The ayes have

24 it. The house will now resume its sitting and the

25 mover may report.

1 THE SPEAKER: Those against?

2 (No response.)

3 THE SPEAKER: The ayes have
4 it. I call upon the clerk to read the Bill a third
5 time.

6 THE CLERK: The Electricity
7 (Validation and Amendment) Bill, 2016, third reading.
8 A Bill to provide for the validation of the payment of
9 licence fees paid for the issuance of the Public
10 Suppliers Licence to the Anguilla Electricity Company
11 ~~and to regularise the legal framework for the payment~~
12 of such fees and to provide for other related matters.

13 THE SPEAKER: Thank you. Bill
14 read a third time and passed.

15 THE CLERK: Tax Information
16 (International Co-operation) Bill, 2016, second
17 reading.

18 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I
19 move that a Bill shortly entitled Tax Information
20 Exchange (International Co-operation) Act, 2016, be
21 read a second time.

22 Mr. Speaker, this Bill has been in and out
23 of the House of Assembly for many, many years in some
24 form or the other. In its present form, I think it
25 would have been brought to this Honourable House some

1 time last year. And I notice some staff from the
2 Attorney General's Chambers who would have been working
3 on it sitting in the gallery, very much anticipating
4 its passing in this House of Assembly today. And the
5 reason for that, Mr. Speaker, is because in terms of
6 the new international environment in which we live a
7 number of things have changed. There're a number of
8 measures that have been put in place to ensure the
9 integrity of the world financial system, the global
10 financial system and all of these actions have been
11 taken especially by developed countries because they
12 have, to my mind and to their minds I guess, the most
13 to lose, they have determined that a number of their
14 problems have been caused by the fact that their
15 taxable resources are escaping to other parts of the
16 world; financial centres and other parts of the world.
17 They are also concerned about issues like terrorist
18 financing and money laundering, crimes against persons
19 and a whole range of things which form that basket of
20 concerns which impact on the international financial
21 system. And on the basis of that, Mr. Speaker, there
22 have been a number of pieces of legislation that we
23 have been asked as developing countries, a number of
24 requirements we have been asked to meet which have been
25 considered by those developed countries, for the most

1 part, essential for creating a safe, secure and a
2 financial, international, global financial system that
3 is very efficient and that is void of corruption and
4 mismanagement and terrorist financing; a whole range of
5 things.

6 Mr. Speaker, this Tax Information Exchange
7 Bill is something that has been around for a long time
8 and we have been trying, because of the requirements of
9 certain agencies like the OECD and other international
10 agencies including the United States, European Union to
11 ~~put in place measures that put us in good light with~~
12 some of these countries. The Tax Information Exchange
13 Act agreements were started way back in the early part
14 of the 21st century, 2000, beginning with the harmful
15 tax initiative back in 1997 that morphed into other
16 things like tax information exchange agreements,
17 treaties, double taxation treaties and harmful tax
18 arrangements that they would have hoped, that they
19 would hope would ensure that the integrity of the
20 financial system is maintained. So we've had treaties
21 and agreements with various countries of the world to
22 say that or prove that we were trying to be compliant,
23 that we are trying to contribute towards that integrity
24 of the international financial system and we have sent
25 our people to various meetings and conferences to make

1 sure that we were able to meet those requirements. A
2 special department, I recall that the now Inland
3 Revenue Comptroller was one of the persons who went to
4 all parts of the world to secure, and before him a
5 former Permanent Secretary, Finance, to ensure that we
6 signed agreements with these various countries. All of
7 this, Mr. Speaker, to ensure that we were not
8 blacklisted, white listed or whatever, that we were in
9 the good books of some of these countries with which we
10 do business and who have an inordinate amount of
11 ~~influence in determining whether we qualify or whether~~
12 we are compliant. It has come down to a matter of law
13 nowadays. They have been able to come up with Bills,
14 Acts which enshrine some of those agreements and one of
15 those Bills before us now is the Tax Information
16 Exchange (International Co-operation) Act. And we've
17 gone back and forth with various consultations with the
18 private sector and the stakeholders and company
19 management and trust, captive insurance and all the
20 providers of financial services in Anguilla to
21 understand what this is all about. FATCA is another
22 measure which is also incorporated/enabled through this
23 Act. And it has come as a matter of course that we
24 have very little choice, Mr. Speaker, but to be
25 compliant. So that is why we are here today to finally

1 pass this Act which we had agreed to pass, I believe,
2 in the first -- in the month of January, 2016. So
3 we're two months, almost three months waiting to pass
4 this Bill. I don't believe that anybody can claim that
5 there was not sufficient consultation. But while I'm
6 on this I think it's important to explain one of the
7 reasons why we need to pay attention to these issues.

8 There're a lot of things that we need to
9 achieve in our banking sector which facilitates trade,
10 facilitates business, facilitates our opportunity to
11 ~~support our children overseas in schools, support our~~
12 loved ones who have to travel abroad for one reason or
13 another; for tertiary, medical care or whatever the
14 reasons that they're overseas and we are here and we
15 need to support them. I'm referring to what people
16 keep talking about as corresponding banking
17 relationships. And I think in talking about the Tax
18 Information Exchange Act today, one of the fallouts for
19 the way we are regarded as a region comes from the fact
20 that the cost of compliance, the requirements for
21 compliance and the risks that have been sometimes very
22 unfairly associated with our region and our financial
23 institutions are of such a nature that companies,
24 banks, financial institutions with whom we have been
25 doing business have decided that it is probably too

1 dangerous, too risky to do business with us.

2 A lot of people talk about correspondent
3 bank, oh the bank of America is pulling out its
4 correspondent banking relationships with these
5 institutions in the region or the Royal Bank of
6 Scotland is pulling out of this bank because of one
7 reason or the other. And it will affect trade, it will
8 affect our ability to support our businesses and to do
9 business overseas, order the nice suits that the Leader
10 of the Opposition wears from time to time via the mail
11 order system because of the lack of those correspondent
12 banking relationships and so forth. *"But broadly
13 speaking, correspondent banking which can be broadly
14 defined as the provision of banking services by one
15 bank to another, that is the correspondent bank to the
16 respondent bank, is essential for customer payments,
17 especially across borders and for the access of banks
18 themselves to foreign financial systems."* Now I'm
19 reading from a statement delivered by the
20 representative from Jamaica, the Minister of Trade or
21 the Minister of Finance from Jamaica, I'm not sure
22 which one, of the Caribbean Community, to the World
23 Trade Organisation Committee on Trade in Financial
24 Services on March 18, 2016. And I'm quoting this
25 document because in a lot of ways it explains the

1 impacts/the effects of us not paying attention to
2 ensuring that our house is in order as far as
3 compliance is concerned. Because there're a number of
4 people in Anguilla when they hear about correspondent
5 banking relationships, that such bank is pulling out of
6 Anguilla from providing correspondent banking services
7 believe that it's because of the Minister of Finance or
8 the fact that the Anguilla United Front is in office
9 and that it's only happening in Anguilla. It is
10 happening in the region because certain agencies,
11 ~~certain financial institutions have determined that~~
12 it's too risky to do business in our region or that it
13 cost too much to meet the international requirements
14 that are put in place.

15 This practice of ending banking
16 relationships with clients or closing accounts deemed
17 to be of high risk is referred to as derisking. And
18 according to a statement issued by the Financial Action
19 Task Force in October, 2014, derisking refers to the
20 phenomenon of financial institutions terminating or
21 restricting business relationships with clients or
22 categories of clients to avoid rather than manage risk
23 in line with the Financial Action Task Force. Risks
24 are base approach. Derisking can be the result of
25 various drivers such as concerns about profitability,

1 prudential requirements, anxiety after the global
2 financial crisis and reputational risks.

3 A lot of these concerns that correspondent
4 banks have with our region has a lot to do with a
5 number of these drivers which refer to the
6 profitability, the fact that it probably cost too much
7 to put in place what is required to be compliant in
8 dealing with us, the feeling that the global financial
9 crisis has affect the Caribbean. I mean, people don't
10 seem to express much concern about what started the
11 ~~global financial crisis, something that started in~~
12 those developed countries themselves but rather have
13 impacted us, but in some way we always end up getting
14 the blame for the situation that we're in, right, and
15 the reputational risks associated with doing business
16 with a country which may be blacklisted for no apparent
17 reason but based on some rules that have been
18 established somewhere. But the Caribbean region has
19 been affected more so than many, many of the other
20 regions. And sometimes we ask the question why,
21 because based on the presentation made by the minister
22 from Jamaica, he said that the Caribbean was identified
23 as the most adversely affected region despite there
24 being no evidence of lax anti money laundering systems
25 in counter terrorism financing measures in the

1 Caribbean. So it really may not have anything to do
2 with the fact that we are not meeting those
3 requirements, but I think it's important if we want to
4 avoid that label going forward that as a region, not
5 only Anguilla. Anguilla can't do it alone because when
6 they pull out they pull out more so out of the region,
7 meaning in this case perhaps the Eastern Caribbean
8 Central Currency Union or the OECS or CARICOM. So
9 Ministers of Finance from the ECCB and other banking
10 institutions throughout the Caribbean have determined
11 ~~that we have to handle this on a regional basis and~~
12 hence this kind of presentation by the Minister of
13 Finance of Jamaica, perhaps in his role as the chairman
14 at the time or as the person chairing this issue to the
15 World Trade Organisation Committee on Trade and
16 Financial Services. So I've said all this to say this:
17 As concerned as we are about giving up some aspects of
18 our sovereignty to complying with some of these
19 regulations and agreements or sometimes the unbalanced
20 nature of these arrangements where we end up acting as
21 the police for the IRS and other revenue agencies
22 throughout the world, the fact remains that we have got
23 to try our best to get the best legislation in place
24 that may lend itself to giving us a fair chance to be
25 able to meet our requirements for trade and the

1 facilitation of business and the servicing of our
2 social needs in our countries and that corresponding
3 banking relationships can continue to flourish to
4 enable that to take place. But it's a regional matter.
5 It has to be handled regionally and so we must give our
6 input into such discussions and debates as well.

7 I have not attended any of those meetings
8 in CARICOM or the OECS, I've not attended the Heads of
9 Government meeting since I got into office because I
10 spend too much time dealing with a number of critical
11 ~~issues here in Anguilla and very often trying to engage~~
12 persons who don't support some of the issues I'm
13 presenting, trying to convince them or convince the
14 people of Anguilla that we are doing the right things.
15 But it's critical that we stay on message with the
16 importance of compliance until we can, as a region,
17 exert more influence in the rules, the rule making for
18 these kinds of compliance requirements and tax
19 information exchange agreements and correspondent
20 banking relationships and the ill effects of derisking
21 and the way we are impacted going forward. It is
22 important that we stay engaged, that we are cognizant
23 of these things and put it in it's correct perspective.
24 It does not have a lot to do with the insolvent banking
25 situation in Anguilla. It does not have anything much

1 to do with the Ministry of Finance, the Government of
2 Anguilla, it has a lot to do with our situation as a
3 part of the world financial system and our ability and
4 willingness to be compliant in some of these areas or
5 at least put ourselves in a position to be a part of
6 the discussions that set the rules of the game for
7 enabling the integrity of the world financial system to
8 be maintained. So Mr. Speaker, I thank you for this
9 opportunity to introduce this Tax Exchange Information
10 Bill to this House of Assembly. It provides for a
11 number of things.

12 It provides for the notification of an
13 application to the judge for a production order that
14 must be given to persons whom the production order is
15 sought or in connection with the need to give evidence
16 or the fact that somebody is not compliant, to ensure
17 the transmission of evidence from the competent
18 authorities in our region -- in Anguilla to the
19 competent authority, make sure we're dealing with the
20 right people, our right to refuse to produce
21 information which will be supported in law, restricts
22 the application to the Confidential Relationships Act
23 and a number of other important aspects of that
24 relationship that has got to be secured, provided for
25 in law.

1 It's legal document and I'm sure that the
2 Leader of the Opposition who is a lawyer would have the
3 opportunity to expand a bit more on this than I can.
4 Of course, the Attorney General is here and I fear that
5 the Minister of Home Affairs who is also my Legal
6 Affairs Minister is not here to have her comments on it
7 but she has given it her blessing before bringing it to
8 this Honourable House so I now commend it to this
9 Honourable House for comments and discussion. Thank
10 you very much.

11 THE SPEAKER: Thank you. Do
12 we have a seconder?

13 MEMBER FOR VALLEY NORTH: Mr. Speaker, I
14 beg to second this Bill.

15 THE SPEAKER: Seconded by the
16 Member for Valley North. I now invite debate on the
17 merits and principles of this Bill. If no one wishes
18 to comment -- Member for Island Harbour.

19 MEMBER FOR ISLAND HARBOUR: Mr. Speaker,
20 yes. I was waiting. I was hoping that this is such a
21 significant Bill and with the --

22 THE SPEAKER: Then there's no
23 need to wait, you get up.

24 MEMBER FOR ISLAND HARBOUR: Well there is a
25 need to wait. I believe I'm the sole opposition

1 elected member and it's really important that, you
2 know, that everybody is given an opportunity to speak
3 because I can hardly believe that, you know, others in
4 the AUF don't have thoughts, separate thoughts or
5 different thoughts in relation to this kind of
6 legislation so I was waiting because that, I think our
7 people would like to hear all the voices, Mr. Speaker.

8 FIRST NOMINATED MEMBER: Mr. Speaker,
9 point of order.

10 THE SPEAKER: Yes.

11 ~~FIRST NOMINATED MEMBER: I think, I~~

12 believe it could be true that most of us are waiting
13 because I do have comments to make.

14 THE SPEAKER: Okay. Continue.

15 MEMBER FOR ISLAND HARBOUR: Okay, so that's
16 what I was saying, Mr. Speaker, that, you know, on the
17 basis that I don't always have to be the first. I'm
18 happy that others want to speak and I'm quite happy to
19 sit down and let others speak because I have thoughts
20 too but what I was intending to do is encourage others
21 to speak out as well because it's important that
22 there're many voices in these matters. So Mr. Speaker,
23 do you want me to defer my opportunity for the other
24 person to go ahead?

25 THE SPEAKER: The floor is

1 yours.

2 MEMBER FOR ISLAND HARBOUR: Very well.
3 Thank you. Thank you. Mr. Speaker, I said that it's
4 incred --

5 THE SPEAKER: You know you can
6 only speak once so if you sit down now your time is
7 gone so you continue.

8 MEMBER FOR ISLAND HARBOUR: You know,
9 Mr. Speaker, you're very kind and I know your residue
10 of fairness and transparency and openness and I know
11 ~~that if I sat down just to wait to give the other~~
12 person the opportunity to speak because they needed to
13 speak that you would indulge me and let me speak again
14 because that would be the right thing to do,
15 Mr. Speaker, and I know you will always do the right
16 thing.

17 Now Mr. Speaker, this Bill, as the
18 Honourable Chief Minister said, has been before the
19 house and most recently in late November but was
20 withdrawn. And I was expecting the minister to explain
21 what changes have been made to it since the previous
22 version tabled on the 29th of December. That's what I
23 was expecting. And, you know, sadly that has not been
24 forthcoming.

25 Now, I cannot agree more with the

1 Honourable Chief Minister that it is important for us
2 in every regard to secure our position as a well
3 regulated jurisdiction because otherwise we will not,
4 as he pointed out, be able to secure, you know, even
5 basic, basic transactions, basic opportunities like
6 paying a medical bill or sending our children to school
7 or whatever. These are the kinds of risks. However,
8 Mr. Speaker, what I would have expected to hear from
9 the Honourable Chief Minister, I would have expected
10 him to outline what are the advantages and drawbacks as
11 regards the people of Anguilla. We talked about --
12 That's what I expected from him. And I want to say for
13 myself that I recognise that in principle it is an
14 inevitable consequence of worldwide developments in the
15 field of tax transparency but this latest version of
16 the legislation has not been, I believe, circulated to
17 service providers in the financial services industry
18 and no time has been given for comments, this latest
19 version. That is what I believe. I stand to be
20 corrected of course if that is the case. But further,
21 and even more importantly, it is not clear what changes
22 have been made to the draft legislation being put
23 forward now to this Honourable House and I would expect
24 that the Honourable Minister will explain these changes
25 before we move to the third reading. I think the

1 committee stage, if it yielded that kind of value,
2 would be worthwhile.

3 Now Mr. Speaker, it is clear to me anyway,
4 based on what the Chief Minister has said, that in
5 terms of the overall impact on the government's
6 management of the economy, the application of this Bill
7 when enacted will be fundamentally affected by the
8 status of corresponding banking. It will be affected.
9 Believe it or not. That is the reality. And
10 absolutely, there's a regional context to it and I
11 ~~agree with that but absolutely in Anguilla. And I've~~
12 only got to look towards the Governor's report which
13 was tabled here this morning, the annual report 2013
14 which just came to -- which was just put forward, and
15 in that report the Governor says, "*The UK government*
16 *remains committed to working with the ECCB and the*
17 *Government of Anguilla to bring about a resolution that*
18 *is fair for all the people of Anguilla and consistent*
19 *with the long term sustainable development of the*
20 *island.*" So absolutely, these initiatives are
21 critical. I could go through the whole report. I
22 think it would be --

23 MEMBER FOR VALLEY SOUTH: Yes, do that.

24 MEMBER FOR ISLAND HARBOUR: Yes, do it. I
25 think it would be helpful to everybody.

1 THE SPEAKER: Anything that's
2 presented here today can be debated at another meeting
3 so don't go over the whole thing, just pinpoint certain
4 things you want to talk about. When a report is
5 submitted you don't debate it or discuss it on that
6 day. You have enough time to go through it. On
7 another day you can discuss it.

8 MEMBER FOR ISLAND HARBOUR: Please,
9 Mr. Speaker. This is an initiative that's coming from
10 the financial services industry and this initiative,
11 ~~the Governor's report is relevant to it because it~~
12 talks about the environment in 2013 and we're in 2016.
13 But in fact, the point that the Honourable Chief
14 Minister made that it's nothing to do with the banking,
15 the local banking situation, I think that is, and I
16 don't want to misquote him, but absolutely, that is a
17 factor and it is important and I can see why
18 Anguillians and our people are saying, including people
19 in the diaspora concerned about correspondent banking
20 relations are saying that it's all linked with the bank
21 because there is a very realistic link with what is
22 happening in our banking sector. And the whole purport
23 of what we are doing has to do with the integrity of
24 our banking system, it has to do with corruption, it
25 has to do with terrorist financing yes, but it also has

1 to do with the correspondent's evaluation of what risk
2 each entity presents to them and the cost of it. And
3 we, it's incumbent on us to absolutely be, you know,
4 vigilant in that regard to every possible extent. And
5 I hope the Honourable Minister of Finance will update
6 this house on the issue before we are called upon to
7 vote on the third reading, as I said.

8 And Mr. Speaker, the Bill, as the
9 Honourable Chief Minister set out, also impacts the
10 application of the United States Foreign Account Tax
11 ~~Compliance Act (FATCA). And so will, Mr. Speaker, will~~
12 the minister, the Honourable Minister explain why the
13 Anguilla Government has not progressed its negotiations
14 with the United States IRS to agree the terms of the
15 proposed FATCA agreement with the US?

16 Now, on the first of February --

17 THE SPEAKER: Quiet, please.

18 MEMBER FOR ISLAND HARBOUR: I think the
19 Chief Minister is indicating, speaking across the table
20 to me, that there have been challenges getting the Act
21 passed. Now on the 1st of February, just a month ago,
22 well not just a month ago, in February the Comptroller
23 of Inland Revenue wrote to the industry representatives
24 as follows, and I quote: "*There are a number of issues*
25 *that we need to address with regard to FATCA OECD*

1 common reporting standards automatic exchange of
2 information, et cetera. So I've put together a small
3 in house committee to progress these matters in the
4 absence of a full time compliance manager. The
5 immediate issue is the recent Tax Information Exchange
6 Bill which has had its first reading." Clearly it's
7 out of date. "I'd like to hit reset on that matter as
8 far as the consultation goes. We received comments
9 from STEP and I will issue a formal response to those
10 comments in the coming days." I haven't seen any.

11 ~~"Given that the Bill has not been passed into law, we~~
12 ~~welcome further comments."~~ That's why I was enquiring,
13 Mr. Speaker, whether the changes were shared.

14 "On FATCA", continuing the Comptroller of
15 Inland Revenue's letter, "On FATCA, the ball is in our
16 court at the moment. After submitting our draft in
17 December of 2014, we received a response from the US
18 Government after 10 months and we've not replied given
19 the focus on the banks and the budget." So the
20 Honourable Chief Minister is probably right when he
21 says that, you know, he hasn't really engaged in, you
22 know, these matters because his head has been down
23 focused on our own banking crisis. In light of those
24 remarks though, Mr. Speaker, it is evident to me at
25 least that in bringing this revised Tax Information

1 these laws would be subject to reporting requirements
2 of that legislation. I also would like to hear from
3 the minister, the Honourable Chief Minister, I'd like
4 an estimate of how much tax and penalties are
5 anticipated to be paid by those persons and businesses
6 in each of the next 10 years, such payment being funds
7 which would leave the Anguilla economy because those
8 persons would be liable to pay taxes and penalties
9 which they have not so far paid. See why we need to
10 know what changes have been addressed?

11 ~~And finally, in the context of this reading~~
12 now, we also need to hear from the Minister of Finance
13 what is the current status of the common reporting
14 standards formally referred to as the standard for
15 automatic exchange of financial account information,
16 which is an information standard for the automatic
17 exchange of information. And that has been developed
18 in the context of the Organisation for Economic
19 Cooperation and Development (OECD) which he spoke of
20 earlier, as it applies to Anguilla and the extent of
21 any discussion that the Government of Anguilla has had
22 with service providers in the financial services
23 industry in Anguilla on that legislation and reporting
24 requirements and approximately how many Anguillians,
25 non-Anguillian residents, businesses of Anguilla would

1 Exchange Bill forward, the government is doing so again
2 in what I describe as in panic mode. Otherwise, the
3 orderly consultation process indicated by the Inland
4 Revenue person would surely be -- would have been
5 followed and we would have been made aware of the
6 issues under discussion. I ask our Chief Minister to
7 come clean of the, you know, about the negotiations and
8 which do not seem to be really properly managed at all.
9 Has the government frustrated those negotiations on the
10 advice of its civil servants? Do we have to look to
11 the Governor's report for information on that? If not,
12 why is it that the legislation is being brought forward
13 without that consultation process being respected?

14 Now Mr. Speaker, we also need to know what
15 the current state of the Foreign Account (Tax
16 Compliance) Act, what the current situation is and the
17 extent, we need to know, the people need to know the
18 extent of any discussion that the Government of
19 Anguilla has had with service providers in the
20 financial services industry on that legislation.
21 Whether responses were received from them and whether
22 those responses have resulted in any changes to the
23 legislation or reporting requirement and approximately
24 how many Anguillians, non-Anguillian residents of
25 Anguilla and businesses in Anguilla, all affected by

1 be subject to reporting requirements of that
2 legislation. And we need as well -- You see,
3 Mr. Speaker, as the house will recognise, these matters
4 have potentially very serious consequences for our
5 people, for the sustainability of Anguilla far beyond
6 the financial services industry and particularly
7 bearing or taking account of the fact that a lot of our
8 people are having to go abroad at this time and to
9 remain abroad and loved ones remain here. We need
10 remittances. How else we're going to support
11 ourselves? In fact, that's what the Minister of
12 Finance has shared, the Minister of Finance of Jamaica
13 recently shared with me when I called Andrew Holness to
14 congratulate him but to tell him that we are very
15 anxious to work together to make sure that Anguilla's
16 financial services industry has an opportunity. Just
17 recently in this past month that is what I did, the
18 last two weeks. So I think what I would say to the
19 Honourable Chief Minister, it's, the need for regional
20 cooperation is there but we've got to really understand
21 what is at stake.

22 I look at the report from the Governor and,
23 in terms of the financial services industry, and I look
24 at the questions that I flagged in this presentation to
25 the Honourable Chief Minister and I'm really saddened

1 because for the last -- the longest while in the
2 financial services industry we have been looking for
3 that visionary leadership in government that will allow
4 us to respond, not just to respond but really to set
5 the agenda that we need to take leadership in this
6 region. They're looking for it and they're open to it.
7 We can do it. We have the relationship with the
8 British. We are the ones already being recognised as
9 having a well regulated, a fairly well regulated
10 environment. We can take leadership of this, but it
11 ~~requires, and not only that, the sad thing is that the~~
12 financial services industry such as it is, if it had
13 the requisite attention from our Chief Minister and his
14 cabinet, if it had that kind of attention we wouldn't
15 have the struggle that we have for money. So it's
16 getting our priorities in order, as the people in
17 Anguilla, in Island Harbour often say. It's a question
18 of lining up the ducks. It's about getting out of the
19 hole that we're in but it takes vision. And as
20 Mr. Chaplain said, without vision our people will
21 perish. So this is another step, as far as I'm
22 concerned, this law, and we're putting it in place. We
23 need it in place but what is critical, Mr. Speaker, is
24 that we're not always on the back foot dancing to the
25 tune that others put there. We are smart. Anguillians

1 are talented and smart people. We are being looked to
2 by other regional leaders. They contact us. They are
3 looking to us with knowledge of this industry to move
4 forward with them. Their cooperation is a given. Why
5 are we stuck in this way? We need visionary
6 leadership, we need effective management, we need to be
7 ahead again creating and innovating. And I hope this
8 will be the last time that we come here to dance to
9 somebody else's tune. We need to take responsibility
10 for where we're going forward. And you know, and the
11 ~~Honourable Chief Minister, this isn't the first time.~~
12 And not because I'm in government. I have, and the
13 Honourable Chief Minister will tell you, I have,
14 because he is -- I think he will do the right thing. I
15 have often, as in the industry, offered my help,
16 offered my support, offered everything in relation to
17 government to do to make that. Where do we go? We
18 stick our head in, we have the problems and we don't
19 collaborate. But if you look at every single
20 technology company that's transforming the world in
21 front of us, we talk about ANGLEC and renewable energy
22 but look at the transformation agents that are
23 occurring, and they're all promoting collaboration. I
24 think it's high time that the Honourable Chief Minister
25 recognise that our people require each and every one to

1 be included in the decision making and use their
2 strengths and resources to put Anguilla on the map and
3 get us out of the rut we're in. And the old way of
4 dividing and conquering is no longer relevant, no
5 longer effective for any purpose. And this Act, as I
6 said before, I hope it's going to be the very last time
7 that we come dancing to somebody else's music, or in
8 the Chief Minister's own words, being second class
9 citizens or second in our own country. We have got to
10 take that agenda forward and I am prepared to work with
11 ~~him to do it. I know how to do it and I can help him.~~

12 And I want to help him. The people of Anguilla need us
13 to move forward in a deliberate, forceful way, you
14 know, not necessarily fighting down anybody, you know,
15 Mr. Speaker, but embracing; embracing different
16 strengths, different talents because I believe that if
17 you let the other persons shine their light, you shine
18 yours, let the other person, you know, suddenly
19 Anguilla looks, you know, well lit up, maybe sufficient
20 to fuel some good ANGLEC profits as well for others.
21 So thank you very much, Mr. Speaker.

22 THE SPEAKER: Thank you.

23 First Nominated Member.

24 FIRST NOMINATED MEMBER: Mr. Speaker, I
25 was very much impressed by the first -- the Honourable

1 Member from District 1, her concern as to the impact
2 that such a Bill can have on Anguillians living abroad,
3 Anguillians who possess perhaps dual citizenship but
4 they live abroad and they also live in Anguilla or have
5 businesses in Anguilla. I was very impressed. And
6 then I was also impressed by the fact that the
7 Honourable Member indicated that it is better late than
8 never and that we should not be playing catch up. But
9 these Anguilla citizens who live abroad and spend most
10 of their time in Anguilla, to some of the pundits on
11 ~~radio, they are described in a derogatory way as "voter~~
12 ~~tourism"~~. And these very same people have forgotten
13 that there's also something called occupational
14 tourism. But I move on to this: If we follow the
15 advice of a few persons in our country, just a few, we
16 would do away with every policy this government has put
17 in place, we would reverse the progressive paths that
18 this government has embarked upon, especially in
19 resolving the banking crisis. We would fail this
20 country if we chart this course based upon flimsy ideas
21 and the few critics that we have, we would faint, fail
22 this country. Even the least objective mind among us
23 in a fair and balanced way could select important
24 issues that are in these policies, even the least
25 objective because these Bills and especially this Bill

1 has an overwhelming positive attribute. Those with the
2 least plausible reasons define these Bills as dangerous
3 only because they are playing politics.

4 This Bill is part of a regional and global
5 process. We cannot call for our government to be
6 transparent while our people remain non-transparent.
7 We cannot do that. The same principle that we must
8 hold our government to must trickle down to every
9 citizen. These politics that we play can undermine the
10 progress of our country but the policies that we use
11 ~~are the gateway to transparency. Embracing truth may~~
12 be a difficult thing for many of us to do but we face
13 an important task that also affects us as a government.
14 If the members within this government face criticism
15 every day are charged with inaccuracies and frivolous
16 conversations and accusations never proved for decades
17 and they're unafraid to enact these policies, then
18 where is the beef?

19 I'm particularly pleased that this
20 government has embraced this level of international
21 transparency. The world today has become a dangerous
22 place both in terms of terrorism, in terms of banking
23 fraud and other issues. Anguilla must play a dynamic
24 role in the process of restoring good policies that
25 would direct us forth. It is important for us to share

1 information in order to facilitate investigation in
2 certain criminal activities and behaviours. We can
3 only do this if we pass certain laws that will allow us
4 to do that. We cannot operate in isolation. No place
5 can operate in isolation or do business internationally
6 while refusing to be a part of a legitimate and
7 important process. I'm thankful that such a Bill would
8 come before the house and I'm in full support of it.
9 Thank you, Mr. Speaker.

10 THE SPEAKER: Thank you. Any
11 ~~other contributions? If there are none, I'll ask the~~
12 mover to replay.

13 MEMBER FOR VALLEY SOUTH: Thank you,
14 Mr. Speaker. I'm really amused by this whole exercise.
15 I thank the member for, First Nominated Member for his
16 comments, I also thank the Leader of the Opposition for
17 her comments. I'm amused by the fact that she said
18 we're in a panic mode. If we're in a panic mode on
19 this Bill, that's why we're before this house today,
20 we've been in a panic mode for the last 10 months to
21 two years. This is something that we have been working
22 on and we've been trying to engage stakeholders;
23 stakeholders. I'm amused that the Leader of the
24 Opposition is asking me what's in the Bill. I'm
25 amused. The Bill is before her, she's had it, she

1 could look at it, she could see what has changed in the
2 Bill. This is a technical document. I'm not blessed
3 with looking at the legal aspects to the detail that
4 she has but we've invited stakeholders from the private
5 sector, we have used those skilled persons within our
6 cabinet as well as the Attorney General's Chambers and
7 the lawyers that are there, the Director of Inland
8 Revenue, the Comptroller of Inland Revenue who was at
9 one time the Compliance Officer, we're now putting in
10 place another Compliance Officer and lots of things
11 that we've been trying to do in this area. It's an
12 area which, because of the importance of our image, our
13 reputation, we are sometimes forced to accede to some
14 of these Acts, and the Leader of the Opposition is
15 right, sometimes not what we want. Sometimes we have
16 to spend our own money that we could use for other
17 things to be compliant because at the end of the day we
18 can be blackmailed into being compliant at the expense
19 of our citizens and the survival of our people. The
20 member of the -- the Leader of the Opposition knows
21 this. This is why I'm surprised. Why she is pointing
22 at me? She should also point at herself and her
23 colleagues in the legal profession who are company
24 managers, who have been asked to make comments to this.
25 STEP has done it. I'm sure that all these things have

1 been incorporated in the Act. But whatever it is, it
2 may not be a perfect document but we have an
3 opportunity going forward to make adjustments to make
4 it work. We can negotiate. We can negotiate better as
5 a region. And that is why the ECCB has worked with the
6 OECS to try to have a regional response to FATCA and
7 those other issues. Government of Anguilla in the
8 early stages have benefited from the work that was done
9 by the British Virgin Islands in negotiating the Tax
10 Information Exchange Agreements but we have also had
11 ~~our own support as well internally and with the support~~
12 of the British Government. This is a work in progress
13 and a lot of the things that we're doing here is just a
14 small end of the wedge. We're going to be asked to do
15 a lot, lot, more because of our dependency. Because
16 sometimes there are agreements to which we have to
17 accede because of our relationship with the
18 administering power, the UK. We're being asked to do
19 certain things, and the registrar, what's it called
20 again, the Commercial Registry.

21 MEMBER FOR ISLAND HARBOUR: Registrar of
22 Commercial Activities.

23 MEMBER FOR VALLEY SOUTH: Oh, Registry of
24 Beneficial Ownership Act; things that can in some way
25 impact us, but yet we're being advised by a person of

1 the private sector from time to time that we have got
2 to make some adjustments. Even the leading territories
3 in financial services, British Virgin Islands, Cayman
4 Islands, Bermuda, lot of them gone out in front of this
5 process, a lot of them have championed their resistance
6 to a lot of these things. So it's not Anguilla alone.
7 It's not Anguilla alone. We're a small player in
8 financial services but we have the ambition and the
9 aspiration to do a lot more and find our niche in this
10 market and that is what we should be working together
11 to do, Member for Island Harbour. We worked together
12 in the past in the private sector when we were putting
13 in place the modern legislation for financial services
14 back in 1994 when you were a mere baby.

15 MEMBER FOR ISLAND HARBOUR: Well I drafted
16 the legislation.

17 MEMBER FOR VALLEY SOUTH: Exactly.

18 MEMBER FOR ISLAND HARBOUR: And got it
19 done.

20 MEMBER FOR VALLEY SOUTH: Exactly. I
21 don't know if you've gotten tired but --

22 THE SPEAKER: Address the
23 Chair, please.

24 MEMBER FOR VALLEY SOUTH: I don't believe
25 you've gotten tired but there's a lot of things that we

1 need to respond to.

2 MEMBER FOR ISLAND HARBOUR: Thank you,
3 Mr. Speaker.

4 MEMBER FOR VALLEY SOUTH: A lot of
5 support that we need to have. Let's not -- Stop being
6 a echo chamber in here and really get down to the
7 facts, the issues. You know I can't do it alone. You
8 know I need my technical staff. I'm not a lawyer, I
9 got here in a beauty contest.

10 THE SPEAKER: Please address
11 the Chair.

12 MEMBER FOR VALLEY SOUTH: I got here in a
13 beauty contest, Mr. Speaker. The Leader of the
14 Opposition got here because she's a good lawyer so I
15 think those skills should be used to further -- There
16 is where the leadership should come from on this issue
17 and it has in the past so it should continue into the
18 future.

19 Mr. Speaker, I don't want to make a big
20 alarm about this. I think whatever happens, whatever
21 we say here today it's gonna pass because it has been
22 agreed in Executive Council and the members of the
23 government are in support of it. I don't need all of
24 them to speak. We speak with one voice on these issues
25 so I don't need to call on my other members to speak.

1 You represent Anguilla and we represent Anguilla. So
2 Mr. Speaker, thank you for your patience and tolerance
3 with the way we have digressed, but at the end of the
4 day we are at the mercy of the various agencies
5 throughout the world who are tasked with the
6 responsibility of ensuring the integrity of the world
7 global financial system because as much as we say it
8 isn't, it is important. We believe that sometimes we
9 are going a step too far, but at the end of the day we
10 need to be a part of the negotiating process and we
11 need persons who are skilled in combining and
12 defending our interests in that regard. Thank you very
13 much, Mr. Speaker.

14 THE SPEAKER: Thank you.
15 It has been moved and seconded that the bill shortly
16 entitled the Tax Information Exchange (International
17 Co-operation) Bill, 2016, be now read a second time.
18 Those in favour?

19 (Government members said "aye".)

20 THE SPEAKER: Those against?
21 (No response.)

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

25 THE CLERK: Tax Information

1 Exchange (International Co-operation) Bill, 2016,
2 second reading. A Bill to give effect to agreements
3 entered into by the Government of Anguilla for the
4 exchange of information for tax purposes.

5 THE SPEAKER: Thank you.

6 Under rule 54 of the House of Assembly Procedures, this
7 Bill now stands referred to a committee of the whole
8 assembly to consider it clause by clause. Assembly in
9 committee.

10 THE CLERK: Clauses 1 to 27.

11 THE SPEAKER: The question is
12 that clauses 1 to 27 be approved as circulated. Those
13 in favour?

14 (Government members said "aye".)

15 THE SPEAKER: Those against?

16 (No response.)

17 THE SPEAKER: The ayes have
18 it.

19 THE CLERK: Clause 28.

20 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I
21 beg to move an amendment that the Tax Information
22 Exchange (International Co-operation) Bill, 2016, be
23 amended by deleting clause 28(2)(a) and substituting
24 the following: "*(a) making regulations prescribing*
25 *offences and penalties not exceeding \$10,000 in respect*

1 *of breach of the regulations;"*

2 I have circulated a copy of that amendment,
3 Mr. Speaker, so in the event that it's not clearly, I
4 did not present it clearly, what is, has been
5 represented on the document I have circulated is what
6 is intended. So I would ask members to support that
7 amendment.

8 THE SPEAKER: The question is
9 that -- Do you have a seconder on that?

10 MEMBER FOR VALLEY NORTH: I beg to second
11 that, Mr. Speaker.

12 THE SPEAKER: Yes, the
13 question is that clause 28 be amended. And you have
14 the amendment in front of you. Those in favour?

15 (Government members said "aye".)

16 THE SPEAKER: Those against?

17 (No response.)

18 THE SPEAKER: The ayes have
19 it.

20 THE CLERK: Clauses 29 to
21 31.

22 THE SPEAKER: The question is
23 that clauses 29 to 31 be approved as circulated. Those
24 in favour?

25 (Government members said "aye".)

1 THE SPEAKER: Those against?
2 (No response.)
3 THE SPEAKER: The ayes have
4 it.
5 THE CLERK: Schedule 1. Oh,
6 sorry, schedule annex 1.
7 THE SPEAKER: The question is
8 that schedule annex 1 be approved as circulated. Those
9 in favour?
10 (Government members said "aye".)
11 THE SPEAKER: Those against?
12 (No response.)
13 THE SPEAKER: The ayes have
14 it.
15 THE CLERK: Schedule annex
16 2.
17 THE SPEAKER: The question is
18 that schedule annex 2 be approved as circulated. Those
19 in favour?
20 (Government members said "aye".)
21 THE SPEAKER: Those against?
22 (No response.)
23 THE SPEAKER: The ayes have
24 it.
25 THE CLERK: The preamble.

1 THE SPEAKER: The question is
2 that the preamble be approved as circulated. Those in
3 favour?

4 (Government members said "aye".)

5 THE SPEAKER: Those against?
6 (No response.)

7 THE SPEAKER: The ayes have
8 it.

9 THE CLERK: The enacting
10 clause.

11 THE SPEAKER: The question is
12 that the enacting clause be approved as circulated.
13 Those in favour?

14 (Government members said "aye".)

15 THE SPEAKER: Those against?
16 (No response.)

17 THE SPEAKER: The ayes have
18 it. The house will now resume its sitting.

19 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I
20 beg to report that the Bill entitled an Act to give
21 effect to agreements entered into by the Government of
22 Anguilla for the exchange of information tax purposes
23 has passed through committee with amendments and is
24 ready for its third reading.

25 THE SPEAKER: Thank you.

1 THE CLERK: Tax Information
2 Exchange (International Co-operation) Bill, 2016, third
3 reading.

4 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I
5 move that a Bill entitled an ordinance to give effect
6 to agreements entered into by the Government of
7 Anguilla for the exchange of tax information -- of the
8 information for tax purposes be now read a third time
9 and passed.

10 THE SPEAKER: You have a
11 seconder?

12 MEMBER FOR VALLEY NORTH: Mr. Speaker, I
13 second that.

14 THE SPEAKER: Yes, seconded by
15 the Member for Valley North. It has been moved and
16 seconded that a Bill shortly entitled the Tax
17 Information Exchange (International Co-operation) Bill,
18 2016, be now read a third time and passed. Those in
19 favour?

20 (Government members said "aye".)

21 THE SPEAKER: Those against?

22 (No response.)

23 THE SPEAKER: The ayes have
24 it. I call upon the clerk to read the Bill a third
25 time.

1 THE CLERK: Tax Information
2 Exchange (International Co-operation) Bill, 2016, third
3 reading. A Bill to give effect to agreements entered
4 into by the Government of Anguilla for the exchange of
5 information for tax purposes.

6 THE SPEAKER: Bill read a
7 third time and passed.

8 THE CLERK: Adjournment.

9 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I
10 beg to move that this house now stands adjourned until
11 ~~March, Wednesday March 30th at 2:00 p.m. in the~~
12 ~~afternoon; 2:00 p.m. in the afternoon.~~ And I've
13 conferred with the Leader of the Opposition and she has
14 agreed.

15 THE SPEAKER: Okay. Do we
16 have a seconder?

17 MEMBER FOR VALLEY NORTH: Mr. Speaker, I
18 second that.

19 THE SPEAKER: Seconded by the
20 Member for Valley North. It has been moved and
21 seconded that this house be adjourned until the 30th of
22 March. That's next week Wednesday, is it? Yes. Those
23 in favour?

24 (Government members said "aye".)

25 THE SPEAKER: Those against?

1 (No response.)

2 THE SPEAKER: And that's at
3 2:00 p.m. next week Wednesday. The ayes have it. This
4 house now stands adjourned.

5 (House adjourned at 1:41 p.m.)

6 ***

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

REPORTER'S CERTIFICATE

We, **CARLA S. RITCHIE** and **HEATHER R. RODNEY**,
Certified Court Reporters, do hereby certify:

That on the 22nd day of March, 2016, the foregoing proceedings were
taken down by us in machine shorthand consisting of 110 pages herein;

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

That we are not attorneys, relatives, or employees of any party hereto,
or otherwise interested in the events of this cause;

IN WITNESS WHEREOF, we have hereunto affixed our signatures at
The Valley, Anguilla, British West Indies, this 9th day of May, 2016.


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


.....
HEATHER R. RODNEY
Certified Court Reporter