



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**INDEX**

**Page No.**

Prayers	3
The Banking Bill, 2015 (Second Reading) Moved by Member for Valley South	4
Contributions to Banking Bill, 2015:	
Member for Island Harbour	32
Member for Road South	201
Second Nominated Member	210
Member for Valley North	215
Member for West End	228
Member for Road North	230
Response by Member for Valley South	234
Third reading of the Banking Bill, 2015	252

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 commenced at 10:00 a.m.)**

**THE CHAPLAIN:**

*"Let not your heart be troubled: ye believe in God, believe also in me." (St. John's gospel 14:1.) 1 Timothy 1: "But we know that the law is good, if a man use it lawfully. Knowing this, the law is not made for a righteous man, but for the lawless, disobedient, for the ungodly, for sinners, for unholy and profane, for murderers of fathers and murderers of mothers, for manslayers..."*

Let us pray.

Father we thank you for this golden opportunity you've given us today as we come to this Honourable House to do the people's business. May you bless this Government, may you bless this nation. Lord, the undertakings of today, may it be done in the fear of you and with the people in mind. We pray that you will continue to cause this nation to prosper and you will continue to cause this Government to be wise and intelligent in its undertaking. We ask your continual guidance upon their hands, upon the decisions that will be made here today. We thank you for your continual strength that you'll give to them. We ask these blessings today in the name of the Father, the Son and the Holy Spirit. Amen.

1 THE SPEAKER: Please be  
2 seated. Thank you, Pastor MacDonna.

3 THE CLERK: Confirmation of  
4 Minutes: None. Oaths of Allegiance: None.  
5 Announcements by the direction of the Speaker: None.  
6 Papers: None. Reports from committees: None.  
7 Petitions: None. Government notices: None.  
8 Unofficial notices: None. Questions: None. Motions:  
9 None. Other business - Government Business: Banking  
10 Bill 2015, second reading.

11 THE SPEAKER: Member for  
12 Valley South. Yes. Member for Valley South.

13 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I  
14 move that a Bill shortly entitled the Banking Act 2015  
15 be read a second time.

16 Mr. Speaker, we are here in this Honourable  
17 House today to do the first reading [sic] --

18 THE SPEAKER: Second reading.

19 MEMBER FOR VALLEY SOUTH: Second reading  
20 of the Banking Act. The second reading is an important  
21 aspect of the process because in addition to the public  
22 consultations which would have taken place, there is an  
23 opportunity once again, in parliament and with the  
24 benefit of the coverage by radio and television, to  
25 present to the people of Anguilla who would be affected

1 by any legislation in this Honourable House, the issues  
2 relating to the Bill and the reason why it is important  
3 that it be presented to this Honourable House today.

4 Mr. Speaker, for over two years and  
5 approximately four months we have been, approximately  
6 three months, I'm sorry, we have been in a situation of  
7 uncertainty and flux with the taking over of our two  
8 indigenous banks by a conservatorship managed by the  
9 Eastern Caribbean Central Bank. It is a conservatorship  
10 that could not have taken place were it not that the  
11 member for the Monetary Council who comes from Anguilla  
12 would have given that permission for the Eastern  
13 Caribbean Central Bank to take over the running of our  
14 banks and put them into conservatorship. And I am  
15 convinced that the member for the Monetary Council for  
16 Anguilla, at the time the Honourable Hubert Benjamin  
17 Hughes, would have been presented with compelling  
18 arguments why that should take place. I am convinced  
19 that the Honourable Hubert Benjamin Hughes would not  
20 have made that decision lightly. And he would have  
21 recognised when he made that decision, Mr. Speaker,  
22 that the people of Anguilla who are so much involved in  
23 the indigenous banks and have such an affinity for  
24 them, the people of Anguilla whose lives have been  
25 affected in positive ways as a result of those

1 indigenous banks would be very concerned to know that  
2 the Eastern Caribbean Central Bank found it necessary  
3 to put these banks under conservatorship. So he would  
4 also have been convinced, Mr. Speaker, based on the  
5 arguments that he was presented, that by putting these  
6 banks in conservatorship he would put them in a better  
7 position to carry on the functions that they have been  
8 carrying out for over, in some cases over 30 years.

9 Mr. Speaker, while in opposition the  
10 members of our party expressed concerns as well. And  
11 I'm sure that the members of Mr. Hughes' party would  
12 have had similar concerns. But as a leader, he took a  
13 decision on the basis of the facts presented to him.  
14 The executive of our party had a meeting to present the  
15 party position on this issue and the Leader of the  
16 Opposition, Parliamentary Opposition, Mr. Niel Rogers  
17 was instructed by the party to make a statement which  
18 reflected the sentiments of the party that it must have  
19 been for a very good reason that the Chief Minister  
20 would have taken this step and if that is the case,  
21 that we should give him support, with the understanding  
22 that a public announcement coming out of the Eastern  
23 Caribbean Central Bank and a meeting that he would have  
24 had with the Governor and staff of the Eastern  
25 Caribbean Central Bank as well, as I believe the Chief

1 Minister was present at the time, okay, would have been  
2 told that the objective of this exercise was to  
3 stabilise the banking sector. So here we are,  
4 Mr. Speaker, 27 months later. Over 27 months we have  
5 not arrived at a resolution. We were promised that on  
6 -- after 6 months the Central Bank would present a  
7 report as to the condition of the indigenous banks and  
8 advise whether or not they would return them to a state  
9 of normalcy or whether they would take further action  
10 to resolve the banking crisis. After 6 months they  
11 indicated that they needed more time. Another 6 months  
12 would have elapsed and again, Mr. Speaker, the Eastern  
13 Caribbean Central Bank was unable to make an adequate  
14 presentation that would indicate what was the future of  
15 the indigenous banks in Anguilla. The government of  
16 the day, I would imagine, would have been intimately  
17 involved in this conversation but on no occasion was  
18 information of any kind, of any consequence, of any  
19 substance presented to the people of Anguilla over that  
20 18 month period. But as we go back and look at the  
21 various correspondence back in place in coming to  
22 government, we recognised a number of things. One,  
23 that the government had asked the Foreign and  
24 Commonwealth Office to assist them with a forensic  
25 audit to determine what was the cause of the situation



1 in the indigenous banking sector. That is the only  
2 information that we would have received. And that  
3 request was a rather threatening request from the  
4 standpoint that persons were of the view that the  
5 situation in the banks was as a result of some  
6 malfeasance or some mismanagement, some corruption,  
7 some bad practices and a range of things on account of  
8 directors, management, staff and large shareholders of  
9 the bank. That was precisely what the forensic report,  
10 so called, was asked to do.

11 But in December 2014 the Foreign and  
12 Commonwealth Office, obviously on the urgings of the  
13 Government of Anguilla, commissioned the  
14 Pricewaterhouse and Coopers to do an analysis of the  
15 banking situation and make certain recommendations  
16 which involved certain options for resolution of the  
17 banking crisis. Those options and resolutions were in  
18 a document that we would have met coming into office on  
19 April 22nd that includes a number of things from  
20 bailout to bail in and three options in between. Those  
21 options had to do, on the one side, liquidation, which  
22 is bailout -- no, which is bail in where everybody gets  
23 in and tries to take care of the situation.  
24 Liquidation take care of the situation and people get a  
25 certain percentage on their deposits. That was the

1 extreme option. The other side was complete bailout by  
2 the Government of Anguilla. And the other side of that  
3 was bail in where depositors, shareholders, directors  
4 and all persons associated with the bank would put  
5 money into the bank to restore it to a level of  
6 stability. The option in between, the hybrid option,  
7 included part bail in or part bailout and an effort to  
8 regularise the situation in the banks by having a bank  
9 with the non-performing assets and a new bank with the  
10 good assets to provide services, banking services to  
11 the people of Anguilla and that this entity would be  
12 owned by the Government of Anguilla and some of the  
13 large shareholders would bail in to the extent that  
14 they would have their monies, some of their monies  
15 frozen in a special purpose vehicle and as an incentive  
16 for that receive certain shareholdings in the new bank  
17 and I think the estimate was up to 30 percent.

18           The Eastern Caribbean Central Bank had  
19 always maintained that for the survival of the Currency  
20 Union it was necessary that all depositors, that  
21 domestic depositors in the banks, customer deposits in  
22 the banks be guaranteed a hundred percent. That was a  
23 position that the Central Bank held because it believe  
24 that that was important for the survival of the banking  
25 sector in the Eastern Caribbean Currency Union under

1 prepare for discussion on some of these concerns as  
2 early as January next year. That is the process.

3 So Mr. Speaker, I don't want to go any  
4 further right now but to say that it's important that  
5 we pass this Bill in our House of Assembly today. It's  
6 important for us to resolve this banking crisis. That  
7 simple. It is that simple. Like I say, fixing this  
8 problem of the indigenous banking sector and the  
9 stability of Anguilla, the underlying economy, the  
10 underlying economy can really not be fixed unless we  
11 fix this Banking Bill; except we put this resolution in  
12 place. It gives us credibility as a jurisdiction to  
13 make this happen. Gives us that credibility. I have  
14 an opportunity to come back and respond to any issues  
15 that anybody else on the floor may raise so I'm going  
16 to take my seat now and ask somebody, whether on this  
17 side or that side, to second the motion and await the  
18 responses in this Honourable House. Thank you very  
19 much, Mr. Speaker.

20 THE SPEAKER: Thank you.

21 (Member for Island Harbour began to rise.)

22 THE SPEAKER: Do we have a  
23 seconder? You're getting up to second it?

24 MEMBER FOR ISLAND HARBOUR: Thank you. I  
25 was getting up to say to you, Mr. Speaker, that I had

1 colleagues that this Banking Act was, at the meeting of  
2 January 23rd, that this Banking Act should be presented  
3 to their members states, its member state Anguilla by  
4 the 24th of February, 2015 and passed in their  
5 parliaments by the 27th of March, 2015. Those were the  
6 instructions from the Monetary Council; which means  
7 this and other legislation. It means that that was the  
8 agreement among the members of the Monetary Council,  
9 the decision that they made based on the satisfaction  
10 that they would have received from their colleagues and  
11 from the legal departments that this is ready to go.

12 Right now this Banking Act is passed in six  
13 of the territories; the independent territories. The  
14 last one who passed it I understand was  
15 St. Kitts/Nevis; the one before that was Antigua and  
16 Barbuda. Antigua and Barbuda passed their Act and they  
17 also in passing the Act made certain amendments, not  
18 made certain amendments, made a list of concerns that  
19 they had; a list of concerns that they had. We also in  
20 this process put together a list of concerns which we  
21 forwarded to the ECCB when we went there on Tuesday for  
22 their review and I asked the Monetary Council, the  
23 Eastern Caribbean Central Bank, they are my  
24 administrative arm, to inform the various members of  
25 the Monetary Council to have their legal departments

1                   So the drafting process begins by the  
2 Monetary Council instructing the Central Bank through  
3 its legal department to begin drafting an Act for  
4 whatever purposes we believe is necessary. The  
5 Monetary Council gives instructions to the drafting  
6 department, the legal department of the ECCB to contact  
7 the Attorney General's Chambers of all the members of  
8 the Monetary Council to come together in a workshop a  
9 number of -- at least two times a year but as often as  
10 necessary to make the necessary amendments and  
11 adjustments that can make the legislation that would  
12 have been passed in the several Houses of Assembly or  
13 parliaments, to make it fit for purpose. The Attorney  
14 General here has been in Anguilla for maybe a year.  
15 I'm sure that he's been to the Monetary Council, maybe  
16 not to be a -- on a number of times on a consultatory  
17 basis with legislation. He certainly would have been  
18 there two times with me at least. It is a consultative  
19 process.

20                   When we come to this house with a Banking  
21 Act, we have been instructed, excuse me, we have been  
22 instructed by the Monetary Council, as the Honourable  
23 Hubert Benjamin Hughes was instructed on February 24th,  
24 2015. He wasn't instructed, he was a part of the  
25 decision. He made the decision along with his

1 a uniform piece of legislation.

2 I have contacted the -- As the Chairman of  
3 the Monetary Council, I have the privilege to convene  
4 meetings of the Monetary Council, extraordinary  
5 meetings when I realise that there're issues that  
6 affect the Currency Union and affect Anguilla. That is  
7 the only privilege I have as the Chairman of the  
8 Monetary Council. Every other member of the Monetary  
9 Council have the same power/authority that I have. The  
10 Prime Minister of St. Vincent could bang he mouth all  
11 over the Caribbean, but he still don't have any more  
12 power than I have in the Monetary Council. We all have  
13 the same power. The Prime Minister of Montserrat --  
14 the Premiere of Montserrat, is the smallest territory  
15 in the Monetary Council but he has as much power as the  
16 Chairman of the Monetary Council. We're all in this  
17 together. We have decided as countries, back in 1983,  
18 that to regulate our financial services sector we have  
19 got to devolve some of our sovereignty to an agency to  
20 regulate our banks. We have decided in 1983. And by  
21 virtue of that we have agreed that there may come a  
22 time to effect that regulation, we will have to pass  
23 legislation in the Houses of Assembly and that  
24 legislation cannot be for one territory as opposed to  
25 another. It has to govern all of them.

1 their regulatory powers and that was in total  
2 opposition to the view held by the Foreign and  
3 Commonwealth Office that perhaps because of the cost of  
4 such an exercise and when we estimated the cost of such  
5 an exercise if, full protection of depositors to a  
6 hundred percent, if you were to foot a bond to cover  
7 that, will cost the Government of Anguilla somewhere in  
8 the region of 70 million dollars a year. Immediately  
9 my colleagues and I recognised that such a situation  
10 was not sustainable and not a viable option. There is  
11 no way that, based on the definition of full protection  
12 and the application of full protection, that the  
13 Government of Anguilla could afford such a weighty  
14 cost/burden on the Anguillian Government and people of  
15 Anguilla. So that was the parting point where we had  
16 to decide as a government whether we were going to  
17 secure the deposits of our customers a hundred percent  
18 or to come up with some innovation which would  
19 eventually or could eventually lead to that but didn't  
20 guarantee more than 70% of customers' deposits.  
21 Certainly, there were some customers under \$200,000.00;  
22 97% of the customers under \$200,000.00 would have a  
23 full guarantee of their deposits. But then there were  
24 a 3% of considerable depositors, including the Social  
25 Security Fund and other government deposits, ANGLEC and

1 a number of persons within the community who would be  
2 affected by this and we felt that that also had serious  
3 implications for the Government of Anguilla. So we've  
4 gone through an entire process coming to where we are  
5 now.

6 As late as July 24th of this year, we were  
7 still wrangling with the idea of what kind of  
8 resolution would be more suitable and affordable for  
9 Anguilla. And at that time I expressed, at my  
10 installation as the Chairman of the Monetary Council,  
11 that one size could not fit all and there are some  
12 serious concerns that we had as a jurisdiction where  
13 even though we wanted to abide by the principle, the  
14 policy of full protection for depositors in the event  
15 of a banking failure, that that resolution for us will  
16 represent more than a hundred and twenty percent of our  
17 GDP. And it was alright in the case of Antigua because  
18 in their situation a resolution requiring the  
19 Government of Anguilla -- of Antigua to provide a  
20 hundred percent security, full protection on the  
21 depositors was only about 8.4% of their GDP so it was a  
22 much larger issue for Anguilla.

23 So even though I heard letters being read  
24 about the resolution costing the Government of Anguilla  
25 70 million dollars, that is something that is six



1 months dated. Six months dated. We've come a long,  
2 long way since that. And during that period when we  
3 had those concerns we were working very closely with  
4 the Foreign and Commonwealth Office to achieve that  
5 objective and we had taken into account the fact that  
6 if we were to effect that resolution within the  
7 currency union we would not be able to do so because we  
8 would be running counter to the policy framework for  
9 resolutions which they had adopted on the Monetary  
10 Council.

11           So after July and going into August we were  
12 toying with the way forward. And because we were in a  
13 state of indecision about how we should proceed, it was  
14 always difficult to communicate to the wider community  
15 where we were going and the way forward. We worked  
16 over and over with various agencies, friendly agencies  
17 within the Eastern Caribbean Central Bank, our regional  
18 partners in the OECS, the CDB, the IMF, international  
19 partners in the IMF, the World Bank and a number of  
20 other persons, consultants who were taking part in that  
21 exercise. Ernst and Young on the Eastern Caribbean  
22 Central Bank side and Pricewaterhouse and Coopers who  
23 were engaged by the British Government to assist us.  
24 So there're a lot of people involved in trying to  
25 assist Anguilla in forging a way forward.

1           We have now come to a place where after six  
2 months we have before us an opportunity to have a  
3 resolution to the bank which protects customers'  
4 deposits up to \$4,000,000 which ensures that large  
5 depositors, the number or impact on large depositors  
6 are considerably reduced and they are put in a special  
7 purpose vehicle where their deposits are not frozen but  
8 guaranteed on the basis of a bond that will be put up  
9 to cover those deposits.

10           And with regards to Social Security fund,  
11 because it has a longer horizon for the patterns of  
12 expenditure, we are able to do a 25 year bond to back  
13 the Social Security fund. We also need capital to  
14 recapitalise the banks and we were successful in  
15 reaching to a place with the Caribbean Development Bank  
16 where with the support of the British Government, which  
17 we anticipate, we will be able to capitalise the banks  
18 and bring them back to a state of stability. All of  
19 this with at least one focus in mind and that is to  
20 secure customers' deposits a hundred percent. These  
21 are the people that make banks. Shareholders are  
22 important, of course, but in terms of the chain of  
23 consideration, for lack of a better word, they are much  
24 lower on the totem pole. Shareholders have invested in  
25 the banks and their investment in the bank probably

1 represents between 10 and 15 percent of the operations  
2 of the banks. The customers' deposits represent  
3 between 80 and 85 percent of the value of the bank.

4 To enable us to implement this resolution  
5 we need to put in place a regulatory framework backed  
6 by legislation to make that happen and that regulatory  
7 framework begins with a Banking Act which can allow  
8 that to happen. The Banking Bill that we are operating  
9 under now only guarantees up to \$300.00 of deposits,  
10 customers' deposits in the bank. Whether you put a  
11 million dollars, a billion dollars, a hundred and fifty  
12 dollars, it guarantees up to \$300.00. So that can tell  
13 you that that legislation is very archaic, very old,  
14 very outdated.

15 And some of the issues that have arisen  
16 since that Banking Act was in place, the kind of  
17 pressures on the regulatory system to deal with  
18 terrorist financing, drug trafficking, proceeds of all  
19 kinds of crimes in terms of, for example, human  
20 trafficking, child trafficking, anti-money laundering,  
21 money laundering issues, commercial fraud and the list  
22 goes on, it is necessary for banks to have much more  
23 oversight in what customers are doing through the  
24 banking system. And it's the requirement for banks all  
25 over the world nowadays if they are going to be

1 recognised, that they should live up to certain  
2 standards of regulation. And as I've said over and  
3 over again, those standards of regulation are a part of  
4 a convention, international convention that set those  
5 standards and which governs our ability to do  
6 transactions across our national borders. In other  
7 words, if merchants want to buy goods from some other  
8 part of the world, wherever it is, China, Hong Kong,  
9 Japan, Australia, United States, Brazil, wherever, they  
10 must be able to transact that business through a bank  
11 that has credibility, integrity for its operations  
12 based on being recognised and accredited for having  
13 those standards of regulation which allows them to  
14 build relationships with other banks around -- across  
15 the international financial environment. So that is a  
16 critical factor. It is a critical factor not only for  
17 our indigenous banks but also for the international  
18 commercial banks that operate in our country as well  
19 because if they are operating out of a jurisdiction  
20 that is not properly regulated they will also have the  
21 same issues to deal with.

22                   The new Banking Act brings banking  
23 regulation in the Eastern Caribbean Currency Union into  
24 the 21st century. A lot of people in the community are  
25 probably not aware of what goes on in terms of ensuring

1 the integrity of the international financial system.  
2 The Financial Services Commission and the Eastern  
3 Caribbean Central Bank, our jurisdiction as a whole,  
4 have got to comply to [sic] certain regulatory  
5 standards and practices, best practices, which are  
6 tested on a regular basis by an organisation called the  
7 CFAT [sic], what's it? Caribbean Action Task Force and  
8 the International Action Task, whatever. It's an  
9 organisation that comes here and it looks in and  
10 examine the ways that we do business in Anguilla and  
11 gives us our rating. Gives us a rating. Not only the  
12 banks but all financial institutions or companies that  
13 deals with the management of financial services.  
14 Company managements have to go through this exercise,  
15 our local banks have to go through this exercise. They  
16 have got to put compliance officers in place in the  
17 banks who are trained to ensure that in the governance  
18 system, the banks apply certain best practices and  
19 standards of dealing with transactions and so on and so  
20 forth. And these compliance officers who are working  
21 for the bank, working for the bank, who are employed  
22 and hired by the manager, the directors and so forth of  
23 the bank have authority to report any officer including  
24 the manager and directors of the bank for any  
25 incursions that they suspect would have been

1 perpetrated by officers at all levels in the bank.  
2 Over the head of their manager, they have the right,  
3 their job, they have been sworn and their  
4 responsibility is on that level, and they commit an  
5 offence, they commit an offence if they don't do that.  
6 They commit an offence if they see something that they  
7 believe is going awry even if it involves the manager  
8 or assistant manager or loan officer of the bank, they  
9 have the right to report that to the regulatory  
10 authority. That is their job and they can't be fired  
11 for it, for doing their job. That is the serious  
12 nature of the regulatory framework in which we are  
13 operating today. It is not a frivolous exercise. I  
14 heard certain people coming to me and saying  
15 'Mr. Banks, you need to take back the banks from the  
16 ECCB and let us run them ourselves.' Take them back  
17 from the ECCB and run them yourselves? Who's going to  
18 run them? Do we have a regime in place equipped and  
19 qualified to regulate our banks? Banks are not rum  
20 shops. Banks are sophisticated institutions that have  
21 fiduciary responsibility to clients, customers; that  
22 have responsibility to ensure the integrity of the  
23 world financial system and they can be held accountable  
24 for things that happen within the banking sector that  
25 goes against the regulations that we have agreed to.

1 They're not fly by night operations. You don't jump up  
2 and take a bank out of the ECCB and run it yourself  
3 like we do [sic] before. Obviously we didn't do a good  
4 job on it before because here we are in this situation.  
5 Now it doesn't have to be all our fault but we are  
6 being asked to have certain standards and guidelines  
7 that removes too much discretion in the practices of  
8 lending, et cetera, from directors, managers, loan  
9 officers to take into account certain prudential  
10 standards and guidelines which assures that if  
11 something goes wrong, even though you may feel that  
12 something goes good, you need to go through these  
13 checks and guidelines. A sophisticated organisation.  
14 We may believe that it's annoying or irritating to have  
15 that kind of oversight but it is for the purpose of  
16 regulating the banking sector. And regulators have to  
17 be facilitated to do that.

18           The Banking Bill that is before us today  
19 did not come as a result of Dwight Venner sitting  
20 behind his desk and writing up a Bill. He probably  
21 don't know half of what is in this Act. It comes from  
22 experts in the International Monetary Fund who regulate  
23 the world financial system. They don't regulate the  
24 ECCB, they regulate the world financial system and they  
25 set standards across national sovereign lines. They

1 are the ones who say how the regulatory systems in  
2 Europe, United States or Brazil, South America, Africa  
3 should operate. They are the ones who set those  
4 standards. They're involved with agencies who work to  
5 set those standards. They are part of that process.  
6 They step in to resolve banking situations in any  
7 country that is a part of the organisation. These are  
8 people who have a lot of experience in putting together  
9 regulation.

10                   Now the unique circumstances of the  
11 Currency Union that we are a part of is the fact that  
12 it has eight different constitutions operating in it.  
13 In the United Kingdom we have the Bank of England which  
14 is the regulator; the Bank of England. So there are no  
15 issues of a constitutional nature where there is  
16 conflict between one constitution or another. But if  
17 we are going to have a regulator in the Currency Union  
18 to supervise banking activity and operations in the  
19 Currency Union, we have to have legislation which is  
20 adaptable enough to cover all aspects of regulation  
21 across all of these constitutions throughout the  
22 regulatory system. That is why you need something  
23 called uniform and harmonious legislation. What that  
24 requires, Mr. Speaker, is that the member states who  
25 have agreed to be regulated by the Central Bank, which



1 is the regulatory authority, must also agree at the  
2 same time to give up certain aspects of their  
3 sovereignty. And I like the statement that Don  
4 Mitchell made in his account that giving up that  
5 responsibility does not suggest that we have allowed  
6 our constitutions to be overrun or overtaken but the  
7 fact that we have given it up for the greater good  
8 implies that we are a sovereign state and have that  
9 power to either step back on certain aspects of our  
10 sovereignty or stand firm. We have that authority  
11 because we are a sovereign state. All of the  
12 independent territories in the region have decided that  
13 this aspect of our sovereignty, we are going to  
14 delegate or release for the greater good of the  
15 international financial system in our region. Because  
16 if we had a regulatory system in Antigua, in Grenada,  
17 in Dominica, in St. Kitts, in Montserrat and Anguilla,  
18 all separate regulatory systems, we could have chaos.  
19 We could have chaos because the level of regulation can  
20 be affected in the sense that we would not, might not  
21 have the capacity to do it effectively. But there is  
22 always a choice that we can make. But we have made a  
23 choice in the Currency Union that our regulator will be  
24 the Eastern Caribbean Central Bank. We have the  
25 opportunity, if we are not satisfied, within a year,

1 the agreement makes provision for that; within a year  
2 we can decide we're going to step out of the Currency  
3 Union and do our own thing. That is a provision that  
4 is available to you. But I think it would be  
5 foolhardy, to use the word from somebody who wrote a  
6 letter to the Clerk of the House of Assembly the other  
7 day, it would be foolhardy to, at this juncture when we  
8 are facing a banking crisis, when we're in a state of  
9 flux and uncertainty as far as the financial services  
10 sector is concerned, to begin thinking about putting a  
11 new regulatory framework in place. In fact, I believe  
12 that the world community will question what is  
13 happening in Anguilla if all of a sudden we have banks  
14 that fail and we pull out of under the regulator that  
15 has been regulating us for 30 odd years. There will be  
16 some concerns. And then the other question will be,  
17 who is your regulator? What experience do they have?  
18 You know? What are your -- What is the legislation  
19 that governs your regulation? Does it have the teeth?  
20 Does it have the ability to carry out its function?  
21 These are the things that we will have to face now.  
22 This is 27 months later. We have not made any progress  
23 towards that. And the Anguilla United Front Government  
24 of which I'm a part and the leader, have determined  
25 that we will fix it. We are determined that we will

1 fix it, not for ourselves, for Anguilla and for  
2 customers who have put their hard earned money into  
3 these institutions. That is who we are fixing it for.

4           It is a fair comment, it is a fair  
5 criticism that the consultative process has not been  
6 pervasive. It has not been pervasive. It has not  
7 reached everybody. It has not reached everybody. And  
8 because it has not reached everybody, and I know and  
9 you know that no consultative process reaches  
10 everybody. The amount of laws that passed through here  
11 in my 35 years as a legislator that haven't had two  
12 hours of consultation will fill this room. But this  
13 law is a very important law for the regulation of our  
14 banking sector and our financial system. It's an  
15 important law and so it deserves a certain level of  
16 consultation. But it is also a complicated document.  
17 It's a very complicated document. And there are  
18 assumptions in here that are not common place among the  
19 wider public and there're context for certain provision  
20 in here which are not known by the wider public and  
21 even by some of the experts involved in critiquing this  
22 document. And why it is dangerous is because there are  
23 a number of people who have an opportunity to view the  
24 document, who come from various persuasions, who have  
25 various interests and motives and are concerned about

1 various things and on the basis of advancing those  
2 concerns, try to galvanise a number of people around  
3 their issue by giving them certain information that  
4 would egg them on. I put that as diplomatic as I can  
5 put it.

6 MEMBER FOR ROAD SOUTH: Perfect.

7 MEMBER FOR VALLEY SOUTH: But I'm saying  
8 to you today, the people of Anguilla, that there is  
9 only one motive of this Government and that is to fix  
10 the banking sector because it is important for the  
11 stability of Anguilla, it is important to attract  
12 investment in Anguilla, local and foreign. It is  
13 important to put our country back on track. Remove the  
14 uncertainty that exist. There are people working in  
15 the bank today who are nervous not only because they  
16 feel they may lose their jobs, but some of them can't  
17 even take vacation. They're concerned about their  
18 pensions, they're concerned about their savings. They  
19 would have seen certain things that have gone on in the  
20 bank and they would have seen certain people out in the  
21 community who they are aware of certain aspects of them  
22 as customers and are amazed. Are amazed. Amazed. So  
23 we have got to juggle all these parts, put all these  
24 eggs in order and while we do that there are people out  
25 there trying to create an unstable situation within our

1 community. They don't care. They have no concern for  
2 the stability of the banking sector. They just want to  
3 create confusion. There is no other rationale for  
4 that. No other rationale. I'm a dictator. If I was a  
5 dictator I wouldn't need these guys, my colleagues to  
6 come in the house with me, I'll just pass the Bill  
7 myself. But I have got to deal with the Governor, the  
8 Attorney General, the Foreign and Commonwealth Office,  
9 my colleagues, the ECCB, the IMF, the World Bank, the  
10 Caribbean Development Bank, the Financial Services  
11 Sector, the banking community, the people of Anguilla,  
12 the FSC, a whole range of people, the Attorney  
13 General's Chambers, the Bar Association, the Financial  
14 Services Association, the Tourism Association, all  
15 these people in Anguilla I got to deal with. I got to  
16 come in the middle, stand in the gap and make sure that  
17 the rights of those people are protected. I can't  
18 afford chaos. We cannot achieve anything in the  
19 chaotic situation that exist in Anguilla today. We  
20 cannot afford it. We cannot afford it. And I want to  
21 say that any issue in this Banking Act is fixable. And  
22 any issue in this Banking Act, as far as I'm concerned,  
23 pales in comparison to the need to fix the banking  
24 sector and come up with a resolution that is viable and  
25 affordable for the people of Anguilla. Any issue in

1 that Banking Act, any issue, pales in comparison to  
2 getting this job done.

3 MEMBER FOR ROAD SOUTH: Amen.

4 MEMBER FOR VALLEY SOUTH: So that is why  
5 we are here in this Honourable House. And that is why  
6 I believe that the people of Anguilla are gradually  
7 getting the message, gradually getting the message.  
8 And I'm not -- I may be hard, harsh in the way I have  
9 spoken about some of the persons who are leading the  
10 opposition to this Bill because all of them are not  
11 alike. All of them are not alike. Some of them are  
12 just who they are and some of them have motives. There  
13 is at least one gentleman in Anguilla who I believe his  
14 only reason for survival is to attack me. He has no  
15 other reason for survival. If I were to die tomorrow,  
16 God forbid, he would have no reason for living;  
17 absolutely no reason for living. So if I were to say  
18 this Banking Bill is good, he will say it's bad; if I  
19 say it's bad, he will say it's good. And those are the  
20 people who have followers. Those are the leaders in  
21 this community today, Mr. Speaker. And they have  
22 people following behind them who're supposed to be  
23 intelligent. Following behind them. People who've  
24 gone to universities and understood the importance of  
25 dealing with issues through debate, through

1 parliamentary democracy, through the electoral process,  
2 allows the representation, the views of the people to  
3 be brought into this parliament for discourse by the  
4 selection of candidates who the people want to  
5 represent them. And when you elect somebody to  
6 represent you, you don't elect them to follow the  
7 crowd, you elect them to lead the crowd. To lead the  
8 crowd. And if you're following the crowd as a  
9 potential candidate in an election, if you're following  
10 the crowd rather than leading the crowd effectively, I  
11 got a problem with you. I got a problem with you.

12           We are here today, Mr. Speaker, to pass  
13 this Banking Act because we believe it's important.  
14 I'm not going to even go into the details of it. It's  
15 been read back and forth, over and under. I can go  
16 through every Bill, every principle, the supervisory  
17 powers, the responsibilities and functions, I can go  
18 through the prudential regulations and requirements, I  
19 can go through all the principles involved in this as  
20 set out by the Bâle Convention, the core principles  
21 that have been so clearly outlined by Justice Don  
22 Mitchell in his presentation in this Honourable House  
23 of Assembly -- in the various medium, I can do that.  
24 But at the end of the day we are here to make this  
25 first critical step in passing the Banking Act which is

1 consultation, around the boardroom rather than out in  
2 the public domain in protest. You need protest.  
3 Protests are a very important. It's a part of  
4 democracy. Some important part of democracy. But you  
5 would never see me walking behind somebody who has one  
6 objective in life, is to oppose one man. You would  
7 never see me doing that. You'd never see me doing  
8 that. I would first have to question, I would first  
9 have to question what is in the best interest of  
10 Anguilla. I would first have to question that.

11 We got to this Honourable House,  
12 Mr. Speaker, by going out to the people and  
13 campaigning. We promised them that we are a qualified  
14 team that is prepared and ready to lead and that it was  
15 "all about you". It remains "all about you". We are  
16 all about the people of Anguilla. I know the Leader of  
17 Opposition keeps saying that she is the voice of the  
18 people. I agree with her. But so are we. We are also  
19 the voice. Together we are the voice of the people  
20 because the people are not a homogeneous group, they  
21 have disparate views. So there are some, a group of  
22 the people that we speak for and there're a group of  
23 people that she speaks for. But at the end of the day,  
24 together we speak for all the people of Anguilla. And  
25 that's why we have parliamentary democracy. Because



1 an opportunity to speak prior to the next -- the second  
2 (inaudible) but I have no intention of seconding the  
3 Bill at this stage.

4 THE SPEAKER: Alright. Okay.  
5 Wait for it to be seconded then. Do we have a  
6 seconder?

7 MEMBER FOR VALLEY NORTH: Mr. Speaker, I  
8 beg to second this Bill.

9 THE SPEAKER: Thank you.  
10 Seconded by the Member for Valley North. I now invite  
11 debate on the merits and principles of this Bill.

12 Member for Island Harbour.

13 MEMBER FOR ISLAND HARBOUR: Thank you very  
14 much, Mr. Speaker. Before I start, Mr. Speaker, I want  
15 to say that I want to apologise for coming into the  
16 house, you know, once you had started. I was detained  
17 outside by security. And while I want to commend the  
18 police officer and the officers for assuring, you know,  
19 that we remain a peaceful nation, I wanted to make it  
20 clear that that was the reason I was not present.

21 THE SPEAKER: Okay. That's  
22 okay.

23 MEMBER FOR ISLAND HARBOUR: And thank you  
24 very much for that. Now Mr. Speaker, one of the great  
25 difficulties, if not the greatest difficulty we face in

1 uniting our people behind a solution to the banking  
2 crisis is the misconception encouraged by the  
3 Honourable Member for Valley South, Mr. Banks, that the  
4 passage of the draft Banking Act is the be all and end  
5 all of the problem. And while it has become clear to  
6 all of us, not through the good offices of the  
7 Honourable Chief Minister either, while it has become  
8 clear to us that the Banking Act, that if it's not  
9 passed in short order, and I've heard from banking  
10 institutions elsewhere that that means by December  
11 2015, the end of December 2015, more than a month away,  
12 that either the British will impose legislation to save  
13 Anguilla from becoming a jurisdiction where no banks,  
14 including First Caribbean and Scotia Bank can function  
15 or all our banks, including First Caribbean, will lose  
16 their, First Caribbean and Scotia, will lose their  
17 banking relations and Anguilla will be isolated from  
18 commerce with the outside world. December 2015. They  
19 are more likely, the British are more likely to impose  
20 their own solution before it does if we do not act  
21 ourselves. To the extent that that has been the  
22 innuendo put forward by the Honourable Chief Minister,  
23 I believe that that would be a good governance measure  
24 that would follow. So in my view we have the joys of  
25 passing the Banking Act without amendment, and the

1 Minister for -- the Member for Sandy Hill has explained  
2 in consultations publicly that, you know, it's not  
3 possible to amend the Act before in this house. That  
4 for that Act, for that form and the substance to be  
5 changed it has to be first agreed by the ECCB, the  
6 ECCU; the form of that. And ostensibly, that was the  
7 reason why I was invited to attend in St. Kitts so that  
8 the amendments proposed in the recent consultation  
9 process would be passed in my presence to the legal  
10 team. Ostensibly, that was why I was invited to  
11 St. Kitts on that visit.

12 Now the problem, Mr. Speaker, the problem  
13 that we are dealing with is that we have, and I will  
14 explain it in the way that I see it, that amendment is  
15 not possible at this stage or necessary at this stage  
16 or the choice of having a solution imposed on us by the  
17 British which is likely to be significantly  
18 objectionable for those who are opposing the Banking  
19 Act, more objectionable than passing the Act itself.

20 Now the risk, Mr. Speaker, of Anguilla  
21 ceasing to have international banking relations is  
22 horrendous. I will be the first to agree that. And  
23 yes, as Don Mitchell has pointed out in the well  
24 reasoned paper the Honourable Member for Valley South  
25 referred to, it seems that this is the principal reason

1 for the haste with which the Banking Act is being put  
2 in place now. As distinguished Don Mitchell says, it  
3 is a pity, it is indeed a pity that nothing was done in  
4 the past two and a half years, and I would add during  
5 the last six months. Where I'm going with this,  
6 Mr. Speaker? And I go back to my visit to St. Kitts.  
7 I was asked to join the mission and you'll remember  
8 that, you know, I had said to the house that I believe  
9 very much in being reasonable, in being reasonable.  
10 This, I've always advocated for collaboration. I  
11 believe in being reasonable. And so I went. But  
12 Mr. Speaker, I want to tell you and I want to speak to  
13 the people through you, I was not provided with a list  
14 of the issues the Chief Minister just disclosed that  
15 he'd already prepared. And when he talks about the  
16 Honourable Ex Officio Member, the Attorney General  
17 being engaged in consultations, I have to worry even  
18 more that he is holding out to others that I was  
19 involved in a consultative process. It is a façade,  
20 Mr. Speaker. It is a front, Mr. Speaker. It is untrue  
21 and another lie. It is a downright lie. I was in fact  
22 --

23 THE SPEAKER: Who are you  
24 accusing of lying?

25 MEMBER FOR VALLEY SOUTH: Mr. Speaker, on

1 a point of order.

2 THE SPEAKER: You have to take  
3 that back, please.

4 MEMBER FOR VALLEY SOUTH: The Member for  
5 East End -- Island Harbour, again, is imputing corrupt  
6 practices to me.

7 THE SPEAKER: You're imputing  
8 improper motives and you have to take that back.

9 MEMBER FOR VALLEY SOUTH: Again. Thank  
10 you.

11 THE SPEAKER: You have to take  
12 that back. The rule say you cannot impute improper  
13 motives.

14 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, you  
15 can imagine how upsetting it is.

16 THE SPEAKER: Before you go  
17 ahead you have to take that back that you are accusing  
18 people of lying. You cannot impute improper motives so  
19 you have to take that back, please.

20 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I  
21 think it's very important. I said that if that is what  
22 the member intends to suggest to the people that I, by  
23 going with him to St. Kitts, was being included in a  
24 consultative process, that is not true. Those were my  
25 words, Mr. Speaker.

1                   THE SPEAKER:                   Yes, but you  
2 cannot be accusing anybody 'if this and if that is  
3 lie'.

4                   MEMBER FOR ISLAND HARBOUR: Mr. Speaker.

5                   THE SPEAKER:                   So I'll just  
6 ask you to take that back and then you can continue.

7                   MEMBER FOR ISLAND HARBOUR: You know,  
8 Mr. Speaker, I'm prepared. I certainly don't want to  
9 accuse the member. I'm not going to impute that  
10 objective to him. I want him though to ensure,  
11 Mr. Speaker, that when he refers to my being included  
12 in that mission he goes further and says to the  
13 people --

14                   THE SPEAKER:                   But I ask you  
15 to take back the sentence about lying.

16                   MEMBER FOR ISLAND HARBOUR: I'm taking it  
17 back.

18                   THE SPEAKER:                   You're taking  
19 it back?

20                   MEMBER FOR ISLAND HARBOUR: I'm taking it  
21 back, Mr. Speaker, but I'm saying that, you know, there  
22 is a reason at the last session, Mr. Speaker, I said  
23 you don't just tell, why in court it's important that  
24 the oath includes, you know, the whole truth. Because  
25 sometimes when you tell only a part of a truth that is

1 the equivalent and it's well recognised as an untruth.  
2 So that's why you tell the truth, the whole truth and  
3 nothing but the truth. And I again, like I did last  
4 time, I want to say, Mr. Speaker, I was grateful for  
5 being included. How I took it? I took it, as I said,  
6 ostensibly on the basis of sharing those amendments.  
7 But I took it exactly as, you know, the Prophet Isaiah.  
8 Come let us reason. I took it as not a first step in  
9 passing the Banking Bill and the resolution, but as a  
10 first step in doing what the people require in Anguilla  
11 to participate in the decision making process. So  
12 Mr. Speaker, I hope you understand, you know, the  
13 context in which I made that remark. May I go on?

14 THE SPEAKER: Just continue.  
15 You were asked; you said you pull it back so I accept  
16 that.

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

19 MEMBER FOR VALLEY SOUTH: Well  
20 Mr. Speaker, I accept her apology.

21 THE SPEAKER: Yes. You may  
22 continue.

23 MEMBER FOR ISLAND HARBOUR: Words. What's  
24 in a word, Mr. Speaker? I did not apologise, I  
25 clarified what -- I clarified.

1 THE SPEAKER: Well then if  
2 you did not apologise I'll ask you to apologise.

3 MEMBER FOR ISLAND HARBOUR: I clarified.

4 THE SPEAKER: I'll ask you to  
5 apologise now then, if you did not.

6 MEMBER FOR ISLAND HARBOUR: Yes.  
7 Mr. Speaker, let us move on.

8 THE SPEAKER: No, no, no, no.

9 MEMBER FOR ISLAND HARBOUR: Let us save the  
10 time of the people.

11 THE SPEAKER: I ask you to  
12 apologise, please, before you move on because you said  
13 you did not apologise.

14 MEMBER FOR ISLAND HARBOUR: He has already  
15 thanked me for an apology that was not made,  
16 Mr. Speaker.

17 THE SPEAKER: Yes, but you  
18 say you did not apologise so before you continue, I'll  
19 ask you to apologise.

20 MEMBER FOR ISLAND HARBOUR: Mr. Speaker.

21 THE SPEAKER: Simple. Just  
22 apologise for assuming that people are liars in here.

23 MEMBER FOR ISLAND HARBOUR: I want, I  
24 want -- Mr. Speaker, so we can move on with the  
25 business of the people --



1                   THE SPEAKER:                   No, no, there  
2 is only one way to move on.

3                   MEMBER FOR ISLAND HARBOUR: Alright.

4                   THE SPEAKER:                   You must give  
5 your apology.

6                   MEMBER FOR ISLAND HARBOUR: Mr. Speaker, if  
7 you want me to say to the Member for Valley South that  
8 I apologise, I am happy to move on with what the court  
9 -- what you are asking for me to do. I apologise to  
10 the Speaker -- I'm sorry, apologise, Mr. Speaker, to  
11 the Member for Valley South.

12                  THE SPEAKER:                   Okay. Thank  
13 you.

14                  MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I  
15 wanted to say that in relation to my visit to St. Kitts  
16 at the request or the invitation of the Member for  
17 Sandy Hill and the Chief Minister and an initiative  
18 that I want to recognise the Member for Road South for  
19 suggesting, for putting forward that I be included in  
20 that group. I want to recognise that. I took it that  
21 we were going to reason together, it was going to start  
22 over, that this Bill would be deferred to a time when  
23 our people could really participate in the process.

24                  You know, Mr. Speaker, just this morning,  
25 rushing to come to this house I picked up a young man,

1 young person just out of school, has had issues with  
2 substance abuse. You know, we talked about the Banking  
3 Bill and he said -- he asked me if it's true that  
4 that's going to allow him to borrow money if it passes.  
5 What a pertinent question. And I said to him it's  
6 different from the resolution of the issue. Once the  
7 issue is resolved, depending on how it's resolved, and  
8 I'm sure you will have an opportunity for input in that  
9 resolution process as you deserve and you're entitled  
10 to, perhaps you will have the opportunity for you to  
11 borrow some money to invest in your little project so  
12 that you can support your mother who is ill and the  
13 little child that you have whose mother is not working.  
14 A young child; young person. Mr. Speaker, that said  
15 young man said to me that it's important, he said it's  
16 important, perhaps, and he cares about the Chief  
17 Minister. He told me that. He's from District 1. He  
18 told me that he has always cared for the Honourable  
19 Chief Minister. He said, 'please, this morning,  
20 persist with getting the Honourable Chief Minister to  
21 see, to see that it is important, before he decides on  
22 a resolution, to go back to the people, to be with the  
23 people. Don't pass the Bill, because going --  
24 participating is about choice. And if he is  
25 effectively imposing the decision, his decision on the

1 people without an opportunity for participation, not  
2 respecting that this is going to impact their lives  
3 adversely, encourage him to come back to the people.'  
4 You know what the young man said, Mr. Speaker, he said,  
5 caring about the Honourable Chief Minister, he said,  
6 'you know, and I've been listening to him, Pam, but  
7 perhaps the Honourable Chief Minister lacks insight  
8 into how the people feel. Perhaps he lacks insight.'  
9 And you know what I said? Perhaps he lacks insight,  
10 Mr. Speaker, into his own behaviour because I know that  
11 the minister, I believe the minister means well. I  
12 believe that Sir Emile, many years ago, meant well for  
13 Anguilla when he agreed to take away the autonomy that  
14 we had then and which we no longer have in the  
15 Financial Services Industry. That's why we got aid  
16 that eventually led to a Financial Services Commission.  
17 All of that has led to that big area of business. Even  
18 this Government says the financial services industry  
19 international represents our best opportunity to  
20 diversify this economy. That is what this Government  
21 said. When Sir Emile made that, no Anguillian was  
22 able, even those in the financial services industry,  
23 had any input in relation to that, that decision and  
24 it's impacted us. Both administrations at various  
25 times always refer to the success of the British Virgin

1 Islands in this area. And you know what it was, Mr.  
2 Speaker, that stopped us prospering in that way, it was  
3 that single act, well intentioned, well intentioned, of  
4 agreeing behind the backs of well-thinking, smart  
5 Anguillians that we should give up that autonomy. And  
6 here we are today struggling. And what I say to this  
7 -- to our Member for Valley South, in my view, not  
8 understanding that in this day and age, representative  
9 democracy is old fashioned. It's paternalistic. The  
10 models, if he will listen and read about them, he will  
11 recognise that he's not just out of touch with his  
12 people, he is out of touch with how democracy moved on.  
13 And what is democracy? That consultative process has  
14 to be participatory. It's not enough that you go to  
15 the polls and that you get a mandate. It's not enough.  
16 And I agree with the Member for Valley South that there  
17 are many opportunistic groups out there who would love  
18 to see a shift in power. I know that that is a  
19 concern.

20 Mr. Speaker, the Banking Bill has not, the  
21 Honourable Member agreed it himself, he admitted it in  
22 his address to you, it's not sufficient. He's missed  
23 the point. It's not too late. I almost cried  
24 yesterday with relief when I heard that the Chief  
25 Minister had more time because he said, apparently, he

1 said it himself on the radio, he said that, you know,  
2 he was giving the Governor time to consider the --  
3 consider whether or not she was comfortable enough -- I  
4 don't want to misquote him. I'm going to try my best.

5 MEMBER FOR VALLEY SOUTH: Continue to do  
6 it. Continue to do it. It's okay.

7 MEMBER FOR ISLAND HARBOUR: Mr. Speaker,  
8 will you require the Honourable Member for Valley South  
9 who is being discourteous and shouting across?

10 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I  
11 apologise to the Member for Island Harbour for my  
12 incursion.

13 THE SPEAKER: Okay, good.

14 MEMBER FOR ISLAND HARBOUR: I apologise to  
15 you, Mr. Speaker. Mr. Speaker, the Governor, yes.

16 THE SPEAKER: That's it?

17 MEMBER FOR ISLAND HARBOUR: Yes. I don't  
18 want to misquote him but I will openly say that I'm  
19 repeating in my words what I understood. And What I  
20 understood, Mr. Speaker, is that the Honourable Member  
21 for Valley South is going to ramrod this Bill through  
22 the house today and tomorrow and Monday the other parts  
23 of it and that he is going to ramrod it through but  
24 then we are going to have a hiatus while the Governor  
25 and the British Government considers whether it's the

1 right thing by the Anguilla people and whether or not,  
2 you know, all the issues attending, you know, the  
3 passage of this Bill through our house.

4                   What I've been urging the Chief Minister to  
5 do and I'm going to urge him right now again,  
6 Mr. Speaker, give the Anguillians that opportunity.  
7 Share more information. Let's fill the gaps. We know  
8 that it's going to, as I said last time, it's  
9 inevitable that the Banking Bill will be passed but  
10 give Anguillians -- Yes, it's inevitable and I see the  
11 Member for Valley North, you know, shaking his head in  
12 a big way and I'm wondering if the Chief Minister is  
13 right when he said that he actually has a following and  
14 that it's a very intelligent following because he  
15 indicated that some persons have followings that, you  
16 know, he questions the intelligence of those  
17 followings. Because Mr. Speaker --

18                   THE SPEAKER:                                 Did he say  
19 that?

20                   MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I  
21 want to say this: While the Chief Minister, the Member  
22 for Valley South is right that we should make sure that  
23 when we pass a Bill that it's not, in the house, that  
24 it's not then refused consent because he's got to build  
25 consensus with the British Government and with the

1 Governor, the right thing, respecting our laws. I am  
2 also urging that he takes the opportunity, and I'm sure  
3 no Anguillian will object recognising now that we have  
4 until December 2015 to pass that Bill, to it being  
5 withdrawn. Section 64 allows us even at this stage to  
6 withdraw it. Mr. Speaker, I would ask that the Chief  
7 Minister considers deferring it until such time as the  
8 Anguillians can have, Anguillian people can have more  
9 opportunity to address its impact.

10           You know, Mr. Speaker, the Chief Minister  
11 spoke, you know, extensively that in terms of creating  
12 a solution for the banking crisis that, you know, he is  
13 intended, this is a first step in the resolution  
14 process and he is intended to go down that route and  
15 that he is going to fix it, to use his own words. And  
16 this time I'm not going to miss it because I just made  
17 the note. He's going to fix it for us, he's going to  
18 fix it for Anguillians, he's going to fix it. He and  
19 his colleagues will fix it. Again, that paternalistic  
20 attitude is really, really, outdated. In terms of  
21 creating a solution, it has to be done after  
22 consultation. And I can only hope that the British  
23 Government, where parliamentary democracy is well  
24 exercised as we've seen recently, will insist that we  
25 show very specific actions in terms of consultation

1 with the people in relation to the resolution. So if  
2 the Honourable Chief Minister is intending to ramrod  
3 through to a resolution, I can assure you that, you  
4 know, we're in for some really challenging times. And  
5 I want to encourage the Chief Minister during the next,  
6 he's shared a lot of information today, in fact, more  
7 of a briefing than I have appreciated at all in this  
8 house. And I think that if he provides, and I think he  
9 has a wonderful opportunity in the select committee of  
10 the house, the fact that we've got one, to literally  
11 address, you know, what his proposal is and what the  
12 opportunity is for the resolution. I think it can be  
13 very constructive. And I would urge him to do that.  
14 So while yes, I said earlier that I believe it's  
15 inevitable that the Banking Bill will be passed, and  
16 all my criticisms, all my opinions shared in this house  
17 can all go back to that one line that we need our  
18 people to participate. We are way past where we can be  
19 told this is good for you. We need -- And any  
20 responsible, effective leader in the world today will  
21 embrace his people. That is how we know it's a leader.  
22 Because they're able, not just carrying their  
23 following, there're a lot of leaders who do that; but  
24 embracing and uniting Anguillians across the great  
25 divide. That is leadership and that is effective



1 leadership. And I've said to the Chief Minister I'm  
2 prepared to work with him to do it. Don't worry that  
3 they think I'm a member of his -- of the AUF. I want  
4 to say I would never want to be a member of the AUF. I  
5 believe the AUF is anachronistic. I want Anguillians  
6 to be together. And you know what my thoughts are  
7 about political parties and how they divide. That's  
8 why right this minute we have a unique opportunity to  
9 make some real progress in Anguilla. But I'm not going  
10 to divert from that theme that we've got to consult and  
11 got to consult, you know, overwhelmingly so. Not just  
12 telling somebody what's in the Bill but talking.  
13 Telling the truth, the whole truth and nothing but the  
14 truth.

15                   And back to the resolution. Yes, the hope  
16 for rescue of Anguilla's banking institutions will not  
17 determine what happens to the two indigenous banks,  
18 their shareholders and their depositors. That is why  
19 the amendment of the Banking Act before it is passed is  
20 of so little, if any, importance.

21                   Rumours and theories abound. The  
22 Honourable Chief Minister spoke about what his motive  
23 is but rumours and theories abound. But none of them  
24 will be affected by the passing of the Banking Act  
25 unless it is not passed, in which case the British are

1 likely to impose their overall solution. But we've got  
2 time. We know we've got some time before that is  
3 likely to happen.

4 So quite separate and apart from the  
5 Banking Act, I believe the Chief Minister has his own  
6 agenda. He declared his motive but I believe he has  
7 his own agenda for the two banks.

8 THE SPEAKER: Are you  
9 imputing improper motives or it's a good motive?

10 MEMBER FOR ISLAND HARBOUR: Not  
11 necessarily.

12 THE SPEAKER: Okay.

13 MEMBER FOR ISLAND HARBOUR: Mr. Speaker.

14 THE SPEAKER: I'm just making  
15 sure.

16 MEMBER FOR ISLAND HARBOUR: We all have --

17 THE SPEAKER: You may  
18 continue.

19 MEMBER FOR ISLAND HARBOUR: You're just  
20 making sure, Mr. Speaker.

21 THE SPEAKER: Yes.

22 MEMBER FOR ISLAND HARBOUR: You're not  
23 trying to shut me up again unfairly?

24 THE SPEAKER: I'm not shutting  
25 you up but I will if you are imputing improper motives.

1                   MEMBER FOR ISLAND HARBOUR: Is that a  
2 threat, Mr. Speaker?

3                   THE SPEAKER:                   No, that's just  
4 a promise.

5                   MEMBER FOR ISLAND HARBOUR: Okay.

6                   THE SPEAKER:                   That's the  
7 rules. I'm just going by the rules.

8                   MEMBER FOR ISLAND HARBOUR: And  
9 Mr. Speaker, you know how I respect rules. I would try  
10 my absolute best --

11                  THE SPEAKER:                   Yes.

12                  MEMBER FOR ISLAND HARBOUR: -- to remain  
13 within the rules and I hope that, Mr. Speaker, that  
14 will be your principal motivation at all times as well.

15                  THE SPEAKER:                   Yes, yes, yes.  
16 It will be.

17                  MEMBER FOR ISLAND HARBOUR: Yes. Thank  
18 you, Mr. Speaker. So I was saying that I believe that  
19 the Honourable Chief Minister has his own agenda for  
20 the two banks. And that those mistakenly objecting to  
21 the Banking Act on the false premise that it will  
22 determine the outcome of the two banks are fully  
23 justified in their concern that three things: The Chief  
24 Minister's agenda, the ECCB agenda, or the agenda that  
25 could be imposed by the British will be unfair to one

1 class of stakeholder. I've already told you what the  
2 stakes are for the Financial Services Industry,  
3 depending on this outcome, in varying degrees, of  
4 course. But all stakeholders, you know, are not going  
5 to be equal. They are totally justified --  
6 unjustified, in my view, in thinking that whether or  
7 not the Banking Act is amended or passed in its current  
8 form that it will make any difference to the outcome  
9 for the two banks.

10 Their concerns about the outcome are  
11 entirely justifiable but the form of the Banking Act is  
12 not a contributory factor. It is inconceivable, in my  
13 view, that either of the two banks, and this is the  
14 irony, it is inconceivable that either of the two banks  
15 will ever be regulated by the new Banking Act. Yes.  
16 It is never, if you think about it, never likely to  
17 affect NBA or CCB. That is the sad reality. That is  
18 the reality. But their concerns, Mr. Speaker, for the  
19 reasons I've already outlined are justified and  
20 especially justified for the fact that the Chief  
21 Minister is playing his cards so close to his chest  
22 that he will pass nothing to the -- one of the members  
23 of the select committee, the opposition, so close to  
24 his chest he has passed no relevant information to the  
25 Leader of the Opposition.



1 Mr. Speaker, that if the Chief Minister is justified in  
2 withholding information on the ground that to disclose  
3 it would result in even greater and avoidable  
4 difficulties, then at the very least he should share it  
5 and share all his thinking with the select committee of  
6 the whole house which was set up for that very purpose,  
7 if you'd remember, Mr. Speaker. But the Chief Minister  
8 is withholding the information. That is a fact. It's  
9 not a personal view. He has no concept, I believe,  
10 just like my young advocate said this morning, has no  
11 insight that omissions of information are no less  
12 dishonest than withholding the information.

13 THE SPEAKER: So are you  
14 saying he's dishonest?

15 MEMBER FOR ISLAND HARBOUR: No, I'm saying  
16 that he lacks insight into his own behaviour. I'm  
17 saying that is what it amounts to. And I could be  
18 wrong about him lacking insight into his own behaviour,  
19 Mr. Speaker. I hope I'm wrong because I still hope  
20 that at the conclusion of today's proceedings that he  
21 will withdraw it at least for a short while to allow  
22 the new information he shared through this house today  
23 to be filtered in an organised way so that people can  
24 really choose what they really want for Anguilla; the  
25 people. That's all I'm holding out. Thank you,

1 Mr. Speaker.

2                   Now I talked about it before that he  
3 included me on the meeting with the Central Bank on  
4 Tuesday and that he will no doubt, as I have been told  
5 by some of my supporters, that he will -- that he  
6 probably did that believing that he has allowed -- so  
7 that he can hold out that he has allowed me to be privy  
8 to his plans for the banks. And I'm not sufficiently  
9 seized of any information that would allow me to fully  
10 grasp and analyse that plan and I really want the  
11 people to know that. So Mr. Speaker, I am not a mind  
12 reader. And the Chief Minister has no more disclosed  
13 to me his plans for the two banks than he has disclosed  
14 those plans to the people or to the shareholders  
15 concerned. I want that to be fully understood.

16                   The Chief Minister must, and I repeat that  
17 he must and without any further prevarication or delay,  
18 convene the select committee. Mr. Speaker, he promised  
19 me in this very house on at least two occasions that we  
20 would meet promptly and soon. And the first ahm, you  
21 know, more recently, that we would meet yesterday and I  
22 looked forward to hearing from him but I know that a  
23 lot is going on, but I'm hoping that we will have set  
24 meetings through this house, you know, exact meetings  
25 between now and hopefully when he's withdrawn the Bill

1 so that we could look at the resolution issue and  
2 together ensure that the people have the information in  
3 the right order. And I see him shaking his head. I'm  
4 taking that, Mr. Speaker, to mean he is agreeing with  
5 me and I'm grateful.

6 So Mr. Speaker, I come back to the need to  
7 tell the select committee the truth, the whole truth  
8 and nothing but the truth. And by withholding any  
9 information from the select committee which can itself  
10 be the judge of what is in the best interest of  
11 Anguilla after consultation with the people, he is, he  
12 is -- I can understand why the people are saying he is  
13 abrocate -- he is a dictator, to use his words.  
14 Because withholding it amounts to the kind of  
15 dictatorial and unaccountable power that has been the  
16 undoing of so many corrupt regimes throughout the  
17 world. That has been out and we want everybody to know  
18 everything in this new order. So through your good  
19 offices, Mr. Speaker, I hope the Honourable Chief  
20 Minister will spare himself the pitfalls that such a  
21 misuse of power will expose him to because he knows as  
22 well as the people know that he is beset by  
23 irreconcilable conflicts of interest, including being  
24 at this time Chairman of the Monetary Council in  
25 relation to the choices that may be open to the



1 Anguilla people. I just need to put that on record.

2           So Mr. Speaker, I come back to my constant  
3 theme. The crisis besetting the two banks is a crisis  
4 that affects all Anguillians and all Anguillians are  
5 entitled to be consulted on that resolution thought,  
6 you know, the ideas. I know the Chief Minister is  
7 convincing. And you know, I'm not suggesting that the  
8 Chief Minister isn't capable. That has never been my  
9 idea. Not that he can't come up with something, but I  
10 believe we need all Anguillians to be engaged in that  
11 decision because like the decision that Sir Emile made  
12 for us, it closes off a lot of options for our  
13 children, for our children's children. And before too  
14 long, Mr. Speaker, if we are not careful, and we can't  
15 trust our leaders to see it all because they are so  
16 blinkered, a lot of our leaders, we have nothing. And  
17 we become powerless to affect and impact our own lives.

18           Mr. Speaker, what I am concerned about when  
19 I urge participation, I am concerned about the lives of  
20 our people. Are we thinking about them? The Chief  
21 Minister has gone on about the resolution construct,  
22 for lack of a better word, that he has in mind. And  
23 Mr. Speaker, I know that he believes that it's, you  
24 know, the right solution. But I have questions. I  
25 have been in the financial services industry all my

1 life. When I came out to practice, Mr. Speaker, there  
2 was no opportunity in Anguilla. I had to be creative.  
3 I had to figure out how I could live in a country with  
4 people I love who would never be in a position to pay  
5 for my services. But I wanted to stay here. And that  
6 is why I focused my tertiary education entirely on  
7 taxation and how to make Anguilla relevant and how to  
8 -- and international clientele that will pay me; and  
9 that worked, Mr. Speaker. And Mr. Speaker, many other  
10 young Anguillians are right this minute trying to  
11 figure out how they are going to be able to live and  
12 contribute. And I want to tell you that when I heard  
13 that some of the measures linked to affording to go  
14 forward might include, in fact will include on the  
15 Chief Minister's word, more taxation, I knew that  
16 almost more reprehensible than the idea that the  
17 British would be imposing a regime on us, you know,  
18 which is so distasteful a thought to all of us or that  
19 the ECCB, indeed, would be imposing their regime on us,  
20 again distasteful to us. Or that, you know, a set of  
21 people in Anguilla who themselves have been involved in  
22 where we are will now be in a position to carry on, you  
23 know, like nothing's changed, you know, these are all  
24 the worries that Anguillians tell me. But more than  
25 that even is the worry I have that the people, our

1 people will not be able to afford to send their  
2 children to school. We will never be, just like the  
3 ISL Levy has been taken away, we are never going to be  
4 afford -- to able to afford to educate our children  
5 properly to prepare them for the new world; we'll never  
6 be able to afford good services at the hospital; we'll  
7 never be able to afford excellent care. Trust me, the  
8 hospital and the teachers work so hard. Some of them  
9 using their own resources just to go forward. And the  
10 idea that we are going to be taxed to support an idea  
11 that the Chief Minister has, without being included in  
12 that decision, that is the scariest thing confronting  
13 Anguillians.

14 I want to use this opportunity, because I  
15 know that the Chief Minister -- I believe that the  
16 Chief Minister may have lacked insight or might have  
17 been so out of touch with what the Anguillians on the  
18 ground are saying, that he has not fully engaged. That  
19 it's that deep worry about their lives that's driving  
20 them to query the position on the Banking Bill to  
21 really, really understand it.

22 All the challenges that I have seen,  
23 including the suggested amendments to the Bill, to the  
24 Banking Bill they're really grounded in worries about,  
25 you know, allowing our autonomy to be transferred to

1 agencies outside of Anguilla. And I'm not suggesting  
2 that that might not be the, you know, that that, you  
3 know, one, it's right or not, I think the people need  
4 to decide that because freedom, Mr. Speaker, is about  
5 choice. You can't make an informed choice if you don't  
6 have information. So you might have an instinctive  
7 choice. And I could understand why people would just  
8 get up and want to run down to, you know, somebody to  
9 share their worry, hoping that there's going to be some  
10 solution. But I think that an effective, forward  
11 thinking leader, loving his people, caring about their  
12 lives, caring about how their children will succeed,  
13 caring to put school feeding programmes in place,  
14 caring to make the hospital state of the art, before he  
15 will take decisions that will, will irreconcilably  
16 deliver those things to the people, they cannot deliver  
17 it, I think he needs to consult with them. And I think  
18 that the best indication that he is willing to consult  
19 would be to extend, without harm, because the Governor,  
20 based on what he said on the radio to the press  
21 conference, you know, she is not comfortable with the  
22 decision and he is prepared to give her time. I would  
23 ask him to align, you know, developments in that arena  
24 with what, you know, providing, you know, really  
25 detailed, you know, all the truth, the whole truth,

1 nothing but the truth, giving all the information to  
2 the people through the select committee so that we can  
3 meet that great responsibility we have to the people of  
4 Anguilla.

5                   Mr. Speaker, I'm going to -- So section,  
6 our rules, the Legislative Assembly Rules, Procedure  
7 Rules, gives us time, gives us, under Section 64 it can  
8 be withdrawn now or alternatively, and I know that, you  
9 know, maybe the Chief Minister, I want to give him  
10 options just like I would want him to give options to  
11 the Anguilla people, because I understand, based on my  
12 preface in talking about the Bill, that you understand,  
13 I understand that we don't want to find ourselves, you  
14 know, taken over. For sure we don't want that. Not  
15 that the British would let us but I like it also that  
16 we should be deciding for ourselves. But let the  
17 people decide. Give them the best case, give them all  
18 the facts, give the evidential information that if we  
19 don't pass the Bill today, put it on the table now,  
20 that the British are going to come and take us over.  
21 But if we have to December 2015, let us methodically,  
22 through the select committee, arrange for everybody to  
23 get engaged and have, because, you know, Mr. Chief  
24 Minister -- Mr. Speaker, I want the Chief Minister to  
25 understand something: I thought about it long and hard

1 at the table just a minute ago when I came in. Because  
2 we need to demonstrate that this, to our people, that  
3 this resolution construct, again to use my word, that  
4 we need to demonstrate not only that it is a solution,  
5 we need to demonstrate that it's a proper solution and  
6 not a stop gap. Can you imagine we incur the cost,  
7 incredible cost and it's only a stop gap? Our leaders  
8 have to think. This is not in the days of, you know,  
9 the Father of the Nation having, you know, great  
10 strategic thinking demonstrated at various points all  
11 the time and sharing with the people. These are not  
12 the days when in 1967 you had, you know, you had the  
13 best example of participatory Government. Because you  
14 know what used to happen in the park in those days  
15 after the revolution? I know the Chief Minister wasn't  
16 here. I know that. Yeah. I'm a child of the  
17 revolution. I was very small but I was there. I can  
18 remember. Let me tell you what he used to do: Back of  
19 a pickup, all of them, you know, what do you think?  
20 These are my thoughts. Some on this side, some on that  
21 side. What do you think? What do you think? And that  
22 is, you know, as -- I'm not suggesting that, you know,  
23 we do this now. But in terms of the right thing by the  
24 people, engaging the decision making and influencing  
25 the decision, that is the best example of how it can

1 work where you have everybody going behind you. Then  
2 we won't have any challenges. Everybody will be with,  
3 you know, with the Honourable Chief Minister on his  
4 decision. Effective, unifying leadership delivers that  
5 all the people are together. So not a stopgap. And  
6 for this decision, and the Honourable Chief Minister  
7 might not be thinking into the future because he might  
8 make the decision. But for -- Oh, I thought he was  
9 objecting. But for him to make the decision -- He can  
10 make a decision which is -- and he doesn't do it  
11 bringing the people with him. But when he comes to  
12 implement the decision, my goodness, unless he unifies  
13 beforehand, look at what a breakdown in public  
14 confidence delivers. We can't risk that in Anguilla,  
15 because then we'll be risking more than we risked in  
16 the past. We'll be risking that the tourism industry  
17 and the heart of it, we're not going anywhere. And we  
18 have instances, Mr. Speaker, in our current horizon,  
19 not just 1967 but right now; the CLICO fiasco, the  
20 Allen Stanford fiasco which impacted the ECCB and where  
21 they are facing claims, billion dollar claims, billion  
22 dollar claims from citizens of countries, various; some  
23 of those same six countries that have already signed on  
24 to the Banking Bill, where the bank is charged and  
25 Governments are charged with collusion and bad things.

1 We don't want that to happen to us. We can avoid it.  
2 And I'm not asking for a lot of time. We have that  
3 December 2015, that date, let us, Mr. Speaker, before  
4 going to select committee to go through this, you know,  
5 process of whether there's is going to be, there's no  
6 amendment, but let us go instead, let us be innovative,  
7 Mr. Speaker. Let us send it, if the Chief Minister is  
8 not prepared to withdraw it, let us send it to the  
9 select committee. Let us really look at what is needed  
10 and let us come back and report to the people, taking  
11 advantage of that window that the Chief Minister has  
12 already promised the Governor. Now that would be  
13 innovative and it would be doing the right thing, and I  
14 believe, Mr. Speaker, it would also be bringing the  
15 people of Anguilla with us so that we would be well  
16 positioned to implement the decision in a seamless way.  
17 That is what I'm advocating. That is what  
18 collaboration looks like by the way, Mr. Speaker. I  
19 know you've been there for a long time but that's what  
20 collaboration looks like. I am suggesting solutions  
21 that the people through me have asked, you know, to be  
22 laid out here, Mr. Speaker.

23 So Mr. Speaker, I was giving you the  
24 examples, recent examples; CLICO, the Allen Stanford  
25 thing as well, the big, big, big, big, big issues. But



1 at no point in time was there a collapse in their  
2 financial systems you know, Mr. Speaker, even though  
3 you had, not like in little Anguilla, two hundred  
4 million EC dat, dat, dat, dat. You know, this is  
5 major. So decisive leadership, Mr. Speaker, is  
6 required on this and not just technical competence.  
7 Decisive leadership is determined by our bringing our  
8 people together. And if persons, Anguillians do not  
9 believe in the credibility of leadership, and we've  
10 seen evidence of, you know, a breakdown in public  
11 confidence, I believe full disclosure can remedy that.  
12 And I believe that through the offices of the select  
13 committee we can sensitise the population, having  
14 confidence that, you know, that, you know, this is  
15 beyond parties, that it's really, you know, the whole  
16 of Anguilla.

17 THE SPEAKER: One question,  
18 one question: How much longer will you be? The reason  
19 why I ask --

20 MEMBER FOR ISLAND HARBOUR: How long are you  
21 prepared for me to go on, Mr. Speaker?

22 THE SPEAKER: No, no, no, I  
23 can't control that, but.

24 MEMBER FOR ISLAND HARBOUR: You can control  
25 that, Mr. Speaker.

1 THE SPEAKER: No. No time  
2 limits but ahm --

3 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, if  
4 you --

5 THE SPEAKER: Let me --

6 MEMBER FOR ISLAND HARBOUR: Sorry. Excuse  
7 me.

8 THE SPEAKER: Let me finish,  
9 please.

10 MEMBER FOR ISLAND HARBOUR: Yes, yes.

11 THE SPEAKER: I have an  
12 agreement with the CAT Reporters we'll break after two  
13 minutes [sic] for them to get a break. So it's about  
14 two hours now so we'll have to break for her to get a  
15 break but if you will soon finish, I'll let you finish.

16 MEMBER FOR ISLAND HARBOUR: No, I intend to  
17 take, if the good offices of the Speaker, as long as  
18 possible because, Mr. Speaker, there's so much to say.  
19 There's so much to share.

20 THE SPEAKER: So you will not  
21 finish right now then?

22 MEMBER FOR ISLAND HARBOUR: No, I don't  
23 expect I will finish immediately, no.

24 THE SPEAKER: Okay, okay. So  
25 we'll have a break now. Two hours now and there was an

1 agreement that we'll break after two hours for about a  
2 10 or 15 minutes so they can rest their fingers.

3 MEMBER FOR ISLAND HARBOUR: Yes. Half an  
4 hour, Mr. Speaker, is what we do in the courts most of  
5 the time --

6 THE SPEAKER: Half an hour?

7 MEMBER FOR ISLAND HARBOUR: -- because it's  
8 really hard work. And I'm so happy to see the Court  
9 Reporter. And I want to commend and thank the offices  
10 of the house for providing those services too.

11 THE SPEAKER: Yes. So we'll  
12 break for about a 15 minutes. Okay?

13 MEMBER FOR ISLAND HARBOUR: Thank you.

14 THE SPEAKER: House in recess  
15 for 15 minutes.

16 **(House rise at 11:55 a.m.)**

17 **(House resumed at 12:15 p.m.)**

18 THE SPEAKER: Order. This  
19 house will now resume its sitting. And Member for  
20 Island Harbour, you have the floor, you may continue.

21 MEMBER FOR ISLAND HARBOUR: Thank you so  
22 much, Mr. Speaker, I appreciate that. And Mr. Speaker,  
23 I just want to say, you know, before I go on to the  
24 substance of what I'm, you know, continue with what I  
25 was saying, I just want to say how lovely it is to be

1 part of this assembly where we have, you know, where  
2 we're embracing the expertise of our reporters and  
3 where we have new leadership at every level in the  
4 assembly. We have new leadership with the Clerk of the  
5 House and now having been to the UK where I have been  
6 able to observe first hand how select committees  
7 operate but also how the Clerk of the Assembly and the  
8 support staff work so hard and make a difference. I'm  
9 really appreciative of the commitment of the staff and  
10 I just wanted to say, while this is an opportunity to  
11 point it out, how grateful I am for all the services  
12 that they provide for me as a member and for all the  
13 members. And, you know, they're all really making a  
14 difference, I believe, in the improvement. And of  
15 course without your strategic leadership, Mr. Speaker,  
16 I know that that, you know, would be so much more  
17 difficult for them to achieve. So I want to recognise  
18 that this is happening. And the people don't often  
19 have an opportunity. In fact, I didn't know myself,  
20 even though I was a candidate, you know, in the 2010  
21 elections as well, I had no idea of the incredible work  
22 that is done by the staff of the house. And I was a  
23 little intolerant of the fact that we didn't have  
24 minutes and I couldn't understand because, you know, I  
25 had seen this expertise in the courts, you know, our

1 Court Reporter so long ago, before, you know, when we  
2 -- after the change of the rules in 2000. So to see  
3 that it's now happening and under your leadership, I  
4 just wanted the people to know that we have really  
5 committed people working to ensure not just that we  
6 have information through the Gazettes but really making  
7 sure that, you know, the statue of the House really  
8 improves. And as you know, I'm committed to that, Mr.  
9 Speaker.

10 THE SPEAKER: Thank you, and  
11 on behalf of them, thank you very much.

12 MEMBER FOR ISLAND HARBOUR: So continuing,  
13 Mr. Speaker, we talked -- I was saying that, when we  
14 adjourned, that in describing the CLICO matter and the  
15 Allen Stanford matter that at no time, Anguilla is not  
16 like that; at least not that I know of. If the  
17 Honourable Chief Minister has information that we are  
18 worst than those cases then we really know the people  
19 need to know right away. But even in those very, very  
20 extreme cases that we've experienced in the region we  
21 didn't see the financial system collapse. And so I'm  
22 saying, Mr. Speaker, that decisive leadership is  
23 required not just based on technical competence. And  
24 many people have asked me what happened in St. Kitts  
25 and because the Chief Minister has already shared with

1 the press that in fact there were meetings with the IMF  
2 and Sir Dwight and others, I can say that. So there's  
3 no confidential information that I have in relation to  
4 St. Kitts that I cannot share, I believe. And, but  
5 decisive leadership is required not on technical  
6 competence only but on bringing the people with us.  
7 And because sadly, Mr. Speaker, if our people do not  
8 believe in the credibility of our Chief Minister and  
9 they ask for full disclosure to sensitise the  
10 population and they don't get it, that's going to lead  
11 to exactly the chaos that would eventually result in  
12 the collapse of the financial system. So we really  
13 need the information so that we can move forward.

14 Mr. Speaker, as I said, many of our people  
15 have questioned why, why I would agree to go to  
16 St. Kitts on that mission. Many have questions why I  
17 would go and, you know, possibly incur additional cost  
18 for Government and when I, you know, when I'm not a  
19 part of an AUF administration. And I've laboured at  
20 great length and I'm doing now to assure the people  
21 that that was not an AUF. In fact, it included the Ex  
22 Officio member, Rupert Jones, although that's often  
23 missed in detailing who went to the session, and it  
24 also included the Member for Sandy Hill as I've said  
25 before.

1                   THE SPEAKER:                   Yes. Just one  
2 minute. I just want to remind you when you're  
3 referring to members, don't refer to them by name, but  
4 by their official designation or in the case of Ex  
5 Officio Members.

6                   MEMBER FOR ISLAND HARBOUR: Thank you very  
7 much. Yes, yes. Thank you very much. And in the case  
8 of the Ex Officio Member, the Honourable --

9                   THE SPEAKER:                   Attorney  
10 General.

11                   MEMBER FOR ISLAND HARBOUR: Yes, the  
12 Honourable Attorney General. Thank you very much.  
13 Mr. Speaker, I'm often looking at the titles on the --  
14 right in front of us and I think Ex Officio  
15 Member/Attorney General should maybe be included. I  
16 think that would be a good way to prompt my memory  
17 sometimes.

18                   THE SPEAKER:                   Okay. Okay.

19                   MEMBER FOR ISLAND HARBOUR: Thank you very  
20 much.

21                   THE SPEAKER:                   I'll take that.

22                   MEMBER FOR ISLAND HARBOUR: And so I  
23 apologise --

24                   THE SPEAKER:                   Yes.

25                   MEMBER FOR ISLAND HARBOUR: -- for calling

1 the Honourable Attorney General by name. I'm sorry  
2 about that. Thank you, Mr. Speaker.

3           What I was saying is that in relation to  
4 the trip to St. Kitts, there was that query about, you  
5 know, did it add cost? But I was assured by the  
6 Honourable Chief Minister that he intended -- that it  
7 was a charter so I wouldn't be adding to the burden.  
8 And I believe that it was invaluable. Why I believe it  
9 was invaluable? As I said before, I thought that it  
10 was important to demonstrate to the Honourable Chief  
11 Minister and his colleagues that I was willing to be a  
12 part of a solution for Anguilla not on my own behalf  
13 but in relation to the people who are so anxious to  
14 know more. And while the Chief Minister or no other  
15 member of the delegation in fact provided me with any  
16 information, it was clear, as the Chief Minister has  
17 said, the Honourable Chief Minister has said on the  
18 radio that there was the opportunity to discuss the  
19 strategy for the resolution of the bank and at least  
20 what his thoughts are about it and, you know, there was  
21 an opportunity to look at the timetable for passing the  
22 legislation. That is where I realised that in fact  
23 perhaps we had more time and, you know, various other  
24 details of the proposed resolution. Of course I  
25 couldn't other than, you know, observing and listening,



1 I couldn't -- I wasn't privy to any real details of a  
2 resolution plan. That was not available at that  
3 meeting to me so I just want the people listening to  
4 know that. And I know that the, you know, the major  
5 concern, as the Chief Minister has himself shared as  
6 well is about the sustainability of, you know, whatever  
7 solutions are being considered; you know, what the cost  
8 would be, what the fiscal picture looks like. These  
9 are all things that are normal and natural in this kind  
10 of discussion and this is what was happening. So I  
11 came away even more committed to the idea that there's  
12 nothing happening that we cannot share with our people.  
13 We need our people because we often underestimate the  
14 smarts of our people. We don't have, you know, just  
15 super intelligent people and, you know, intelligent  
16 people and less intelligent people. We have a people  
17 that's talented and gifted in so many ways. Like for  
18 instance, the young man I told you about this morning.  
19 I was thinking to myself, my goodness, here is a young  
20 man talking about insight into behaviour. That's kind  
21 of the terminology you expect, you know, from a very  
22 experienced health professional, you know, when they're  
23 talking about psychology. It's not that you expect  
24 young person to use these terms but there is so much  
25 understanding and so much talent. And needless to say,

1 you know, what's top of our minds right now it's what  
2 is the Government doing to create jobs. That is what's  
3 top of mind [sic]. And so far we haven't been able to  
4 make a link between the resolution of the banking  
5 crisis and the passage of the Banking Bill. We haven't  
6 been able to link that with any hard evidence that  
7 would suggest that it's actually going to lead to the  
8 lives of our people improving. So when I say,  
9 Mr. Speaker, that there is an opportunity here for the  
10 Honourable Chief Minister again collaborating, this is  
11 not directing, this is not saying you've got to do it  
12 this way, this is not fighting. This is just like that  
13 trip to St. Kitts, collaborating to make sure that  
14 differences of opinions are engaged, are accounted for,  
15 are included. This is an opportunity. And if we have  
16 enough time between this point and the assent of the  
17 Governor, and clearly that is not forthcoming this  
18 afternoon or even in the next short term because there  
19 are substantial things that need to be done in the mean  
20 while, what's wrong with giving our people the  
21 opportunity? I commit. I am quite happy if I were  
22 made chair or, you know, just a hardworking member of  
23 that committee to pull the different aspects together  
24 and share and work collaboratively to, you know, to  
25 pull in the opinions of our people. I think we could

1 do that.

2 I know the Chief Minister is very busy. I  
3 mean, he laid out for you in his presentation this  
4 morning that he has to meet with the IMF, the World  
5 Bank, CDB, the association. I'm a member of the  
6 Financial Services Association. I'm looking forward to  
7 a meeting as well with him on that. Members of the  
8 tourism board, members of the -- I hope that he's going  
9 to also include consultation with the Lit Fest  
10 committee because it's so important that initiatives  
11 that have been successful in the short term and that  
12 are really at the point where they will yield good  
13 opportunity are not, like former administrations, just  
14 pushed aside and new initiatives put in and we lose the  
15 investment in those things, especially now when things  
16 are so hard, we need, you know, consultation. So I  
17 know the Chief Minister is very, very busy,  
18 Mr. Speaker, I know that it's very difficult, and  
19 that's why with such a large team I think that we could  
20 make great progress in a responsible way rolling out,  
21 you know, this, you know, the strategy for the  
22 resolution, what he thinks and hearing of the options  
23 of others. I know that one of the residents in the  
24 district of Sandy Hill has published, I've had the  
25 pleasure of going through it, a very extensive

1 alternative plan for the resolution. Now I don't know,  
2 you know, to what extent that person might know what  
3 the resolution plan that the Chief Minister is  
4 considering, but there's an alternative plan, you know,  
5 way forward being shared out there. So there are a lot  
6 of people, talented people, experienced people in our  
7 community, if given the opportunity to participate in  
8 the process, I think can contribute a lot. So I'm  
9 urging, Mr. Speaker, through you that, you know, that  
10 our Government embraces everyone and moves forward with  
11 that approach. To the extent that we need that  
12 consultation now at this stage before the Governor  
13 assents is desirable, I will say this: We need the  
14 assent of the Governor. Obviously, we don't want our  
15 sovereignty to be hijacked at any point. Not that I'm  
16 suggesting that that would be the case. I don't  
17 believe that because, you know, Mr. Speaker, I've  
18 previously shared that in October when I went to the UK  
19 on -- to, you know, to do that training in 'The  
20 Parliamentary System' that I had to fund myself by the  
21 way. I want the people to know that I'm not out there,  
22 you know, spending Government's money on matters like  
23 that where it's not, you know, it's for my personal  
24 benefit. I actually thought that I would do a better  
25 job in this house if I had the opportunity to do that.

1 And that's why I have been such an advocate for the  
2 select committee and why I still believe that that is  
3 the avenue that would allow the Honourable Chief  
4 Minister, if it's convened and if it's, you know, all  
5 the information is shared that would allow our people  
6 to ahm, you know, participate in the decision. I think  
7 the that Honourable Chief Minister, if he is concerned,  
8 really concerned, you know, to assure that this is  
9 going to, this decision is going to work well for  
10 Anguilla, that we could use that small window of time  
11 to put forward, you know, to get the select committee  
12 really working and doing the job of communicating with  
13 the people and communicating with our, you know, all  
14 Anguillians; all the special groups, all Anguillians.  
15 And also to pull in the expertise of others, because  
16 one of the things I saw in the UK was that under the  
17 select committee structure, and our rules provide for  
18 that, Mr. Speaker. I know that you know that that our  
19 rules also provide for you really effect of select  
20 committees. And the general law also supports that.  
21 So I think that through that committee we would be able  
22 to look at all the evidence. Many, many of the  
23 shareholders have been coming forward with requests  
24 that, you know, that very pertinent information is  
25 shared with them. None of that information has been

1     forthcoming. It may be possible that those financials  
2     could be made available through the select committee to  
3     representative groups if we can agree how that  
4     information is going to be progressed.

5                     What would be sad, Mr. Speaker, is if  
6     shareholders are debarred from achieving -- from seeing  
7     that information and truly understanding what's going  
8     on and they go to court and just like what's happening  
9     in the Stanford matter, the Government ends up, ahm,  
10    you know, ends up paying a huge amount of money as part  
11    of, you know, part of their actions. Those are really  
12    challenging eventualities that we have to address if  
13    we're being responsible. If we did it in a methodical  
14    way now we may be more responsible and might, even if  
15    challenged at a later point, held not to be responsible  
16    because we did the right thing. I think the select  
17    committee structure allows for that opportunity.

18                    I've had the benefit of going through the  
19    letter -- I'm sorry, the article that the learned  
20    retired Appellate Justice Don Mitchell wrote where, and  
21    talking about, you know, some of the things that we  
22    have to consider in any resolution plan. You know, are  
23    there going to be -- Is there going to be a merger?  
24    Are there going to be different banks? Is there going  
25    to be a new bank? Is there, you know, all these are

1 different options but all of them are exposed to really  
2 litigious claims. Do we really want to go there  
3 without making sure that we're covering every single  
4 step to assure that the people don't end up with a  
5 great bill and that they cannot pay, leading to more  
6 taxation? I know, and the Chief Minister has shared  
7 that in his consideration of the measures, the fiscal  
8 measures that will need to be made, that we're again  
9 thinking about the VAT.

10 VAT, now called GST is one and the same  
11 animal in taxation. We already know from the  
12 experiences of Barbados and Bahamas and the region that  
13 where those options have been looked at and pursued,  
14 that it is the most horrible development in relation to  
15 crime. These are very serious things. Yet to fund any  
16 resolution strategy, these are things that we've got to  
17 look at. How you're going to make the money? Where is  
18 it going to? How is it going to be applied? Where is  
19 it going to go? Are we in fact setting up our young  
20 people to engage in crime and are we appreciating the  
21 link between property crime and the destruction of a  
22 tourism product? Are we really doing that when we  
23 think about, you know, pushing through in this order a  
24 Banking Bill which has in its wake another asset  
25 management structure. All of these things that has to

1 be funded by people and who -- when there are no  
2 economic opportunities. Crime, we have seen crime  
3 escalate in Anguilla without a VAT. Just imagine a VAT  
4 scenario linked to the increase in crime. That is  
5 absolutely untenable. And these are the matters that  
6 our people need to sit down and talk about before we  
7 decide the way to go.

8 Mr. Speaker, we have already, in the  
9 financial services, in tourism, all those associations,  
10 consulted on a value added tax. As I said, GST it's  
11 the one and the same animal. We consulted on that  
12 hours and hours and hours of productive time of  
13 professionals and Anguillian shopkeepers and people  
14 impact, who would be impacted and involved in that.  
15 We've recognised the need for really, you know,  
16 developed competences that we don't have available in  
17 Anguilla at the moment, just like the Honourable Chief  
18 Minister said. He said that in relation to, you know,  
19 the operation of the Asset Management Company, if I  
20 haven't misunderstood him, that, you know, there are  
21 competences that we will have to bring, you know, bring  
22 in from external agencies and persons. That was my  
23 understanding. I hope I have not misunderstood him.  
24 But the reality is it's the same thing for VAT. Are we  
25 going to -- How are we going to deal with Customs?



1 How are we going to implement the reforms that are  
2 absolutely necessary if we're going to move to a  
3 different kind of regime right now when our people are  
4 just struggling to put food on the table? These are  
5 the things that follow from the resolution plan that,  
6 you know, the Honourable Chief Minister seems to be  
7 minded to work with. The people need to know and to  
8 consider. And all that investment in productive time  
9 needs to -- led to the conclusion that that was not a  
10 suitable development in our community.

11 The Chief Minister, the Honourable Chief  
12 Minister has had to go back on his promise that ISL was  
13 going to be, you know, going to lapse and come to its  
14 end. He was going to remove it. It was one of, I  
15 think, based on what the young people told me that that  
16 was the reason that they supported the AUF. That was  
17 the most immediate thing on the horizon, that the levy  
18 was going to be removed. And they relied heavily on  
19 what the Honourable Chief Minister and his party  
20 members said when they, on every platform, said it was  
21 an unfair tax. We've heard that since. Yet, it's not  
22 going to be removed. That's what we're told now. How  
23 sad is that? No wonder the young person said that our  
24 Honourable Chief Minister is lacking insight into the  
25 behaviours because that is the sort of thing you cannot

1 go back on. It would have been an empty promise in the  
2 sense in the beginning. Are they empty promises now,  
3 Mr. Speaker? Are they empty promises now? The people  
4 need to know and they need to have a say.

5 I want to say as well, as far as the  
6 Financial Services Association is concerned, if we go  
7 and implement a strategy in Anguilla, talk about them  
8 as stakeholders, if we go and implement a strategy that  
9 signals to the world that depositors aren't protected,  
10 I know, again, the Chief Minister said his idea is that  
11 we're not going to have -- you know, we're going to  
12 protect depositors a hundred percent. And I value  
13 that. And I'm not even going to consider in an  
14 alternative plan anything else. But just say that  
15 after deliberating with the people that the costs are  
16 just not affordable of doing that, how can we make the  
17 right decisions that satisfy depositors while at the  
18 same time making sure that the international financial  
19 services industry remains an option for the people?  
20 The people need to be included. Every Financial  
21 Services Association member. In fact, anybody in  
22 practice in the Financial Services industry, including  
23 those overseas agents that live abroad, they have a  
24 say. They will need to be told how it's going to  
25 impact them. And I am urging the Honourable Chief

1 Minister to recognise that it's possible, it's highly  
2 possible to bring everybody on board where the decision  
3 fits everyone; fits everyone in terms of agreeing on  
4 what's in Anguilla's best interest. We might have  
5 decision -- We might have a group that will say well I  
6 don't, you know, I don't think that's fair, like for  
7 instance, you know, even within the subgroups. But  
8 ultimately, if everybody is engaged and participate in  
9 the decision, it will be acceptable to all. Because  
10 then if the Honourable Chief Minister and his  
11 administration does it properly, people will understand  
12 the thinking behind it. And that is how we get to  
13 consensus. That is how we build consensus as leaders.  
14 So yes, public confidence, Mr. Speaker, is necessary to  
15 accept. It's absolutely necessary if we're going to  
16 move forward in an informed way.

17 Mr. Speaker, I am quite aware that the  
18 rules, our rules are, and even in this house, you know,  
19 rules that require more attention and work if we are  
20 going to take advantage of really being productive and  
21 having a productive system. But even standing here on  
22 my feet and availing of those rules, just think how  
23 more productive we could be if the Honourable Chief  
24 Minister saw it fit to withdraw this just for a week  
25 just so that the people could do. What a release of

1     incredible time where we could achieve so much. We're  
2     working within the rules but not perhaps recognising  
3     how much more productive as a society we could be if  
4     that simple action was taken. A rightful action. In  
5     other societies where the rules are more modern, that  
6     would be a required outcome. That, that would be a  
7     required outcome. But we work within the rules we  
8     have.

9                     And the Honourable Chief Minister, I should  
10    wait for him to come back to make the next point, but  
11    one of the reasons that he gave is that in the, you  
12    know, sharing a little bit about the strategy today,  
13    the resolution strategy, was that in the old regime,  
14    our old regime -- He's back. I can work on that point  
15    with him. But Honourable Chief Minister, Mr. Speaker,  
16    the Honourable Chief Minister shared that depositors  
17    were only protected in Anguilla to the extent of  
18    \$300.00.

19                    Now, Mr. Speaker, our Honourable Chief  
20    Minister, he said it in here, he's been a member of  
21    this legislature for a long time. I can't remember  
22    exactly the years because whenever he says the actual  
23    number of years, I block that out; I don't know why.  
24    Because I think, you know, I feel strongly that we  
25    should only have two terms. I feel strongly that our

1 new constitutional regime should only allow us two  
2 terms in office. So when the Honourable Chief Minister  
3 calls out the years, and they are upwards of quarter of  
4 a century, I have a block. So Mr. Speaker, I just want  
5 to say what I remember though, often is that he says  
6 he's been 16 years plus, Minister of Finance. And can  
7 you imagine during the consultation about this Banking  
8 Bill, one of the persons said to the Honourable Chief  
9 Minister, Mr. Speaker, but how could that be that we're  
10 so progressive as a society, you've been there sixteen  
11 and a half years, how is it that we still have that  
12 archaic law? And we have to reflect on that,  
13 Mr. Speaker, when the people consider whether we're  
14 really crafting a way forward that is sustainable and  
15 affordable. That is what we have to think about. We  
16 in the private sector, we always look at performance in  
17 that way. You look at ways to improve. And granted  
18 I'm having to offer suggestions for improvement, but  
19 I'm offering them in good faith. I'm offering them in  
20 good faith. I'm offering them recognising that all of  
21 us, even me, Mr. Speaker, you know, the novice I am in  
22 the House of Assembly and the rookie, as I'm told I'm  
23 one of the rookies, but. Yeah, one of the rookies.  
24 And I see the Member for Valley North really shaking  
25 his head. Yeah, because that is where the term for us

1 came from. He said he was not a rookie but some  
2 several of us are rookies. So, Mr. Speaker, always in  
3 the private sector we look at, you know, the experience  
4 of someone in terms of judging, you know, what  
5 strategies or tactics we need to work with them on to  
6 get improvement and to get better productivity.

7           And so the Honourable Chief Minister, I'm  
8 sorry to say, if I were having to consider that I  
9 could, I would have to look in terms of evaluating what  
10 he proposes now, I will have to look at the fact that  
11 over the sixteen and a half years that he has been the  
12 Minister of Finance and functioned in that position, he  
13 didn't plan for a worst case scenario of the financial  
14 system collapsing. There isn't that.

15           Clearly the ECCB as well weren't set up, I  
16 mean, that was on the ECCB's own admission, to deal,  
17 you know, as rapidly as needed to be, as they needed to  
18 deal with, you know, the collapse of, you know, the  
19 ECCB, you know, the financial systems in our region.  
20 That is a reality. But leadership. So we all have to,  
21 you have to consider that that's why the people may not  
22 be comfortable with the Chief Minister just telling  
23 them what it is, because he, our Chief Minister would  
24 have, he created the regulatory framework that has  
25 failed us. He will be responsible for that by omission

1 or commission. He was the Minister of Finance for  
2 sixteen something years. Is there any doubt that we  
3 are concerned that the people need to be included in  
4 the decision making? We have to understand that.  
5 People think that. It's not, it's -- and it's not  
6 unkind because people improve and we need to make  
7 provision for people to improve but this has happened.  
8 It's a fact. It has happened. So we -- the public  
9 confidence, if for instance the minister had put  
10 together prior to 2000 or 2007 when there was a  
11 collapse, a very forward-thinking structure that would  
12 allow our regulations to be up to date, we wouldn't be  
13 here right now in this challenge. For two reasons:  
14 Our system would be recognised by the Bâle Convention  
15 and the international laws that have now made it  
16 critical that we pass a Bill. That wouldn't be the  
17 case. We would have all that energy revving up our  
18 financial services industry. Instead of being here  
19 unproductive, we would be somewhere bringing business  
20 in, creating jobs for our people. That's why we need  
21 to make the right decision. And we cannot make the  
22 right decision except by reference to -- by including  
23 everyone. We cannot make the right decision except by  
24 including everyone.

25 Now, Mr. Speaker, I know that we have

1 given, I know, as I've said in my address earlier, that  
2 we're not going to have, you know, a select committee  
3 going through that Bill and making amendments even  
4 though our archaic rules envisage that because we don't  
5 have the opportunity to amend this particular Bill as  
6 we've heard. We've heard from the Honourable Chief  
7 Minister how that Bill is amended. But Mr. Speaker,  
8 look at the amendments I have in my hand. And I was  
9 there when the Member for Sandy Hill spoke to these.  
10 And I want to commend her for keeping her word. Not  
11 just making an empty promise but keeping her word. And  
12 I was there as a witness, yes. And I might not have  
13 been in there unless the Member for Road South hadn't  
14 suggested that I should attend as well. But I was  
15 there when she kept her word. But these are the many,  
16 and I want to go through them one by one, Mr. Speaker,  
17 because we know that our process is not going to yield  
18 any amendment.

19                   But before you consider what we should do  
20 today, Mr. Speaker, I want you to listen and hear for  
21 yourselves and I want the people of Anguilla to hear  
22 what those amendments are that have been proposed;  
23 major amendments which we are going to be powerless to  
24 make today or any other day in the next several months  
25 before we put a resolution strategy into effect because



1 we are, yes, as the Chief Minister said, we're giving,  
2 you know, we are yielding part of our sovereignty to  
3 that Eastern Caribbean agency. So let me read the  
4 commentary, some of the commentary that we shared with  
5 the legal experts at that ECCB when I was present. And  
6 there're many definitions. There're many, many,  
7 sections of the Bill. And these challenges, before  
8 they were -- before the Anguilla public became  
9 involved, these were in circulation but because Antigua  
10 made them before, but we included them, I understand,  
11 in our submissions to the legal team at the ECCB. And  
12 the sections: There's in the interpretation section,  
13 the *"definition of officer"*. And there was a concern  
14 that this is too broad.

15 In Part II(3)(3) there's an observation:  
16 *"It seems that the ECCB is the only party*  
17 *to determine whether a license be issued. The Minister*  
18 *for Finance is totally removed from the process except*  
19 *for being informed that a license is being granted.*  
20 *This provision sets up the ECCB as the beginning and*  
21 *ending (the alpha/omega) [sic] of the entire process."*  
22 So the question was, raised in our consultations as  
23 well, *"How would the Minister, and by extension, the*  
24 *Government progress its financial policies when the*  
25 *entire banking process is outside of his/its scope?"*

1 Important question. Important concerns.

2           And Section 7: *"While this provision notes*  
3 *potential reasons for denying a [sic] license, it does*  
4 *not impose a duty on the ECCB to communicate specific*  
5 *reasons for denial of [sic] the applicant."* Not that  
6 I'm saying it would happen. But in this case the  
7 example that was given was the Antiguan example.  
8 Because you're Antiguan you are not going to get a  
9 banking licence? The ECCB, under Section 9(1), enjoy  
10 the benefits of the annual licence. Under the current  
11 regime we know that our -- it goes to the consolidated  
12 fund. The local governments enjoy this revenue. Why  
13 would our Minister of Finance want to give up that  
14 revenue? Why would our government want to give up that  
15 revenue when we have so much costs to deliver essential  
16 social services that we're not providing?

17           *"Given the fickle nature of public*  
18 *information..."* Section 14 was a concern. *"...it's*  
19 *correlation to potential runs on the [sic] banks, which*  
20 *would be exacerbated by the interconnectedness of the*  
21 *banks, it may be fitting to have an intervening period*  
22 *where the ECCB and the bank will try to fix a license*  
23 *matter. At the end of this period, the ECCB may have*  
24 *the power to follow through on the revocation. And*  
25 *while Section 14(2) addresses aspects of this matter,*

1    the ECCB can unilaterally follow through on a  
2    revocation." So not a lot of discretion or not a lot  
3    of purpose, you know, to representation in that  
4    context. Again, this process as outlined in the Act,  
5    Mr. Speaker, has removed the Minister from the process,  
6    and this may have implications on national fiscal  
7    policies.

8                   Under Section 15 of the Act: "As the  
9    person responsible for financial matters of a country,  
10   he/she should be involved in the licensing [sic]  
11   decision making process and not just being informed of  
12   license decisions taken by the ECCB." That was a  
13   suggestion for improvement of the model. It would lead  
14   to social justice they thought. "The Act purports to  
15   use the High Court as a mediator for matters but the  
16   judicial process is so protracted and time is of utmost  
17   importance in these matters where [sic] the ECCB has  
18   power to exact full control in the intervening period  
19   as the licensee awaits a time for hearing at the  
20   Court." That is of concern. "There should be some  
21   level of consultation on the variation." Part III  
22   provides for that, Section 33.

23                   And Part IV, Section 35: "This part has no  
24   regard to the fact that a bank is a business aimed at  
25   returning value to shareholders." Even if it's a

1 government owned bank by the way. "If a bank is not  
2 [sic] held by a holding company, in most cases, the  
3 holding company may not be involved in significant  
4 economic activity. And the \$20M start-up capital is  
5 exorbitant and arbitrary and does not seem to be based  
6 on any scientific or international accord. To be  
7 asking the holding company to provide 3 times this  
8 amount is preposterous." That seems a fair comment.  
9 That is a concern raised because to be asking the  
10 holding company to provide three times, "intuitively,  
11 the holding company should at least match the bank's  
12 capital so as to buttress the bank when capital is  
13 impaired. What is the economic benefit of allocating 3  
14 times this amount? Further," the people asked, "are we  
15 asking independent shareholders to be putting up  
16 capital since they have an interest in the bank?  
17 That's going to impact the options that we have. "If  
18 not, the Act in itself is creating an unlevelled  
19 playing field. What would hold if a holding com...  
20 What would happen [sic] if a holding company holds more  
21 than a bank in the group and the other entities require  
22 capital?" Relevant to our circumstances here as well.  
23 "Would the capital be treated with", you know, as "on a  
24 consolidated basis? Or the banking capital takes  
25 precedence over any other capital requirement?" These

1 are really complex provisions. Serious.

2 But, and in the Anguilla case, even though  
3 we can't require the amendments through what would  
4 normally be the next process in this house because you  
5 can't amend that Bill, how are we going to address  
6 these? We can only address them by applying those  
7 concerns to the facts of, you know, to the different  
8 options of a resolution strategy; a resolution plan.  
9 You can't just think about it like that. And you can't  
10 do it after the fact, because, as I said, my  
11 presentation this morning, NBA and CCB, are they going  
12 to be regulated by this? That's a big question. Can  
13 they be regulated by this? That's a really big  
14 question; by the Banking Bill, Mr. Speaker.

15 *"How can the ECCB restrict business of a*  
16 *holding company and require a high capital position?*  
17 *Retained earnings which would make up part of the [sic]*  
18 *capital had to be earned somewhere...with the Act*  
19 *placing such tight restrictions on the payment of*  
20 *dividends from the bank, where and how will the holding*  
21 *company earn returns?"*

22 Part 5 of the Banking Bill, clause 1; 44,  
23 subclause 1: What basis was used to determine that the  
24 capital would be \$20M? What if shareholders -- What  
25 about the shareholders wishing to have a boutique niche

1 bank? We hear the shareholders of CCB talking all the  
2 time. Why isn't the capital stratified for the class  
3 of bank, the kind of license? Twenty million dollars  
4 in Anguilla? That's onerous. *"One must remember that*  
5 *indigenous banks that require capital compete in an*  
6 *unfair space with foreign banks that are not required*  
7 *to hold capital."* Can you imagine? *"As such there are*  
8 *no limitations on how lending and other activities*  
9 *where limits of exposure of capital serve as caveats."*

10           Section 45: *"Why should 20 percent of*  
11 *retained earnings be put up in reserves? Initial*  
12 *capital is already high and arbitrary. The Act does*  
13 *not specify"* in Section 48 *"what the statutory*  
14 *liquidity parameters are."* It's unclear. *"Why would*  
15 *liquidity be as important to a holding company as it is*  
16 *to the bank? It is intuitive that some level of*  
17 *liquidity be present at the holding company for quick*  
18 *transfer if there is a capital infringement in the bank*  
19 *but it certainly does not need to be as liquid as the*  
20 *bank."* That is what the shareholders say. That's what  
21 they're saying in Anguilla.

22           MEMBER FOR VALLEY SOUTH:     Excuse me,  
23 Mr. Speaker, just on a point of clarification from --  
24 I'm not sure what Mrs -- the Member for Island Harbour  
25 is reading from. Are these comments from Anguilla that

1 you are reading, Member, or they're comments from some  
2 other territory? Because I don't recall. The  
3 objections that came from Anguilla, I don't see those  
4 that you're referring to in your presentation. I just  
5 want to be clear. So if you can tell the Honourable  
6 House where those objections came from. Thank you.  
7 Just for transparency. Thank you.

8 MEMBER FOR ISLAND HARBOUR: Thank you very  
9 much. Mr. Speaker, just for transparency, and I know  
10 the Honourable Chief Minister was absent at some point.  
11 I just want to recite. I'm sure that the Honourable  
12 Member for Sandy Hill, these comments previously put  
13 forward by Antigua were included and in, consumed in  
14 our representations to the ECCB's legal team, was it  
15 yesterday or the day before? Yes. And formed part of  
16 our representations and areas for suggested amendment.  
17 So you see, Mr. Speaker, it's a good thing I went to  
18 St. Kitts. They might have been left out by mistake.

19 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I  
20 just wanted to establish that because in looking around  
21 my papers and I notice that you were quoting a document  
22 and this document actually is, has been included in our  
23 contributions from Anguilla by agreement because these  
24 were the contributions made by Antigua; they are their  
25 commentary on the proposed Banking Act. And I just

1 want to, in the interest of transparency, also point  
2 out that Antigua and Barbuda passed the Act. Thank  
3 you.

4 MEMBER FOR ISLAND HARBOUR: Sorry, sorry.  
5 Mr. Speaker, I did not understand what the Chief  
6 Minister recently said. I'm sorry, I didn't hear it.

7 MEMBER FOR VALLEY SOUTH: I'm sorry.

8 MEMBER FOR ISLAND HARBOUR: Yeah.

9 MEMBER FOR VALLEY SOUTH: I was just  
10 pointing out, I saw you reading this presentation that  
11 was taken to the Central Bank, which we agreed that it  
12 should be taken.

13 MEMBER FOR ISLAND HARBOUR: Thank you so  
14 much.

15 MEMBER FOR VALLEY SOUTH: They are the  
16 commentary on the proposed Banking Act and these  
17 commentaries come from Antigua. And just in the  
18 interest of transparency, I was pointing out that  
19 despite the fact that these commentaries came from  
20 Antigua, that Antigua passed the Banking Act. That's  
21 all I'm saying. Thank you.

22 MEMBER FOR ISLAND HARBOUR: And that is  
23 true. And that is true, Mr. Speaker, but in Anguilla  
24 we haven't passed the Banking Bill yet and that is why  
25 we are considering it. And these are concerns that we



1 included.

2 THE SPEAKER: For clarity,  
3 can you just say, when you're introducing some of those  
4 comments, whether they're from Anguilla or Antigua?

5 MEMBER FOR ISLAND HARBOUR: Mr. Speaker --

6 THE SPEAKER: Is that  
7 possible?

8 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, we  
9 have lifted these comments. They are no longer  
10 Antigua's comments, they are comments that Antigua  
11 previously submitted but that are relevant and have  
12 been included by the persons in the consultative  
13 process here. And I can confirm that this has been  
14 passed because I was present in St. Kitts with the  
15 Member for Sandy Hill when these were included,  
16 reference to these were included as coming from  
17 Anguilla. I am --

18 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I  
19 I was just -- I am not trying to confuse the Member for  
20 Island Harbour. I was just simply pointing out that  
21 these contributions were submitted by Antigua and we  
22 brought them along and adopted them as part of our  
23 presentation to the Central Bank because we would have  
24 facilitated Antigua in the process of bringing their  
25 comments to the Central Bank Legal Department. So I

1 was just making that distinction and also pointing out  
2 that despite these comments, Antigua thought it  
3 necessary, in the interest of implementing these  
4 proposals, to pass the Banking Act. That's all I'm  
5 trying to say. Thank you very much.

6 THE SPEAKER: You may  
7 continue.

8 MEMBER FOR ISLAND HARBOUR: And what the  
9 Chief Minister may not know is that many of the  
10 jurisdictions passed the legislation without giving  
11 full consideration to the issues attending. And even  
12 in Anguilla we know, based on representatives in the  
13 Dominica Parliament sharing their experience that in  
14 fact the concerns continue after the passing of the  
15 Bill, and that concerns, if had been previously  
16 addressed, would have impacted them in how they  
17 approach the legislation coming into effect. I believe  
18 that is it. So I don't want the Honourable Chief  
19 Minister to suggest, and quite frankly I expect that in  
20 the Anguilla situation, particularly during the period  
21 when we are waiting for the assent of the Governor and  
22 the support of the British Government in relation to,  
23 you know, whatever banking regime we're going to end up  
24 with, I expect that these matters will be raised and  
25 they will continue to be those discussions in Anguilla.

1 So it's very pertinent, Mr. Speaker, having shared  
2 these during the consultation pro -- in fact, having  
3 received these by virtue of the consultation process  
4 that, you know, it is considered at this stage when we  
5 are considering how we're progressing with the Bill.  
6 But also considered now because the Chief Minister, and  
7 I think that, as I said, decisive leadership is  
8 unifying. Good leadership is unifying. And if we --  
9 And addressing these aspects now, recognising that  
10 there won't be amendment, but recognising, that  
11 promotes transparency. That promotes consensus  
12 building, but only to the extent that it's able to be  
13 considered in line with the resolution strategy.

14 Now one of the things that we know for sure  
15 is that the resolution isn't going to operate in a  
16 vacuum. And whatever the plan is, and I know the Chief  
17 Minister spoke at length on a radio programme about it,  
18 I think that that information now, put in the context  
19 of the Bill, will allow for great discussion.  
20 Possibly, I would hope, you know, that unifying energy  
21 propelling us forward rather than, I mean, we don't  
22 want to go, nobody in Anguilla wants, we know we've got  
23 to pass the Bill by December 2015. We also know to  
24 come in line with international standards. We also  
25 know that Anguilla, we are very faith focused culture.

1 That's why we had that service last night; that prayer  
2 service, because, you know, we are faith focused. And  
3 no time, and I know that our Honourable Chief Minister  
4 is faith focused because he often says it. And nothing  
5 is culturally so noticeable in Anguilla that at the  
6 beginning of the year people are planning; they're  
7 going to church focused on, you know, wishing the best  
8 for the good season, you know, working together, paying  
9 a lot of attention to the tourist, you know, really  
10 being engaged. And we don't want any despair being  
11 pounced on the people during that time. And we may be  
12 able to achieve that by just a small delay just so that  
13 we could share with the people what it is so that, you  
14 know, the Honourable Chief Minister and the people can  
15 celebrate the success of a unifying influence. And Mr.  
16 Speaker, you've heard me over and over again say that,  
17 you know, I am committed to working with the Chief  
18 Minister to build unity across the length and breadth  
19 of Anguilla. That's what I'm doing. And that's why  
20 I'm proposing that this debate continues.

21 Mister -- So just to be clear to the  
22 persons who follow what happens in the House of  
23 Assembly because they, it's the only way they know what  
24 is happening in their country, I want to say to those  
25 persons that yes, we have lifted those concerns but you

1 have made these concerns previously shared by Antigua  
2 your own concerns, but you've further indicated, the  
3 people have further indicated, Mr. Speaker, that they  
4 only can value these concerns and totally see whether  
5 they're relevant to them if the resolution strategy is  
6 also made available to them rather than, you know, a  
7 blurring. Keeping the two things together instead of  
8 seeing the Banking Bill as a regulation, a regulatory  
9 piece of legislation allowing for harmonisation with  
10 international standards even at the same time as  
11 regional standards and the challenges of, you know,  
12 assuring that our financial system is resilient and,  
13 you know, the right kind of system that will allow us  
14 to conduct business with ease internationally.

15 Mr. Speaker, the other sections of the  
16 Bill. Mr. Speaker --

17 THE SPEAKER: Before you  
18 continue, please, there's a suggestion that we break  
19 for lunch from 1:30 to 2:15, a short break so we have  
20 15 minutes and we'll break for lunch.

21 MEMBER FOR ISLAND HARBOUR: Thank you,  
22 Mr. Speaker. Thank you, Mr. Speaker. And sections --  
23 And I was at the section where again we come back to  
24 disclosure. Section 49 says that, "*There should be a*  
25 *high level of disclosure where credit facilities are*

1 offered to staff" or related parties. However, why,  
2 why put an impediment to a bank offering preferential  
3 rates to staff? "Given that they are staff, a board  
4 should be able to implement a policy to subtract the  
5 administrative cost from the products offered to  
6 staff." These are the concerns that even PwC, I  
7 understand, although I've still not had the benefit of  
8 seeing that report. I've requested it and I hope that  
9 through the select committee it will be forthcoming.  
10 And I'm going to repeat, Mr. Speaker, through you, my  
11 request to the Honourable Chief Minister to allow a  
12 sight of that report. And I commit as well to be  
13 responsible, as a member of the select committee, in  
14 relation to that report, to seeing that. But I haven't  
15 seen it. And clearly, but the excerpts that were  
16 shared, you know, publicly by the Honourable Chief  
17 Minister in his addresses, of course, I'm aware of, you  
18 know, those excerpts, but I would like to see that  
19 report. In fact, I stay up most nights wondering  
20 what's in it and I would love to see it, Mr. Chief  
21 Minister, so that I could provide comfort to the people  
22 that we're going past that environment in a positive  
23 way to another future. That's how I would use it,  
24 wouldn't use it in any irresponsible way.

25 MEMBER FOR VALLEY SOUTH: I trust you so

1 much.

2 MEMBER FOR ISLAND HARBOUR: Oh, absolutely.  
3 I know you're very ambivalent, Mr. Chief Minister, but  
4 I assure you, that the --

5 THE SPEAKER: Order, please.  
6 Let's not talk across the floor.

7 MEMBER FOR ISLAND HARBOUR: Thank you.

8 THE SPEAKER: Come through  
9 the Speaker.

10 MEMBER FOR ISLAND HARBOUR: You see what  
11 bad practice is --

12 MEMBER FOR VALLEY SOUTH: I apologise,  
13 Mr. Speaker, for that interruption.

14 THE SPEAKER: Okay.

15 MEMBER FOR ISLAND HARBOUR: You see,  
16 Mr. Speaker, the bad practices that are attending? I'm  
17 sorry about that, Mr. Speaker. But, so Mr. Speaker, I  
18 said, yes, the PwC report will be very helpful. And as  
19 a member of the committee, if the Honourable Chief  
20 Minister and his colleagues, all of them, the Member  
21 for Valley North, the Member for Sandy Hill, the Member  
22 for Road South, the Member for West End, Member for  
23 Road North, and even those nominated members who might  
24 have sight of it, I would really feel that we would be  
25 doing the people of Anguilla a good service if we had

1 sight of it but also could responsibly focus on the  
2 strategy having, you know, more knowledge of things  
3 that occurred. But really the focus should be positive  
4 and not -- I know that the Honourable Chief Minister  
5 has voiced that, you know, it's confidential  
6 information. As a lawyer by profession, Mr. Speaker, I  
7 understand that confidentiality is often the most  
8 positive way of dealing with things, but not when you  
9 keep it for yourself. So not close to yourself. Share  
10 it, but responsibly.

11 Mr. Speaker, Section 49 of the Banking  
12 Bill, dealing with the assets, it was identified that a  
13 policy to subtract the administrative costs from the  
14 products offered to staff would be desirable. And  
15 these provisions by Section 49 infringe on the latitude  
16 that a board could enjoy in managing the affairs of the  
17 company because a bank is a business as we appreciate  
18 its commercial objectives. And these provisions allow  
19 the ECCB to micromanage the banks. That is a big  
20 concern in Anguilla. That is expressed, you know, the  
21 length and breadth of Anguilla.

22 Fifty two -- Section 53(2) is a very  
23 dangerous provision, they say, because this provision  
24 states that a bank cannot be a part of a diversified  
25 group. And *"the protection of the bank can be achieved*



1 *if capital is segregated and assigned at the group*  
2 *level."* So solutions are being offered as well. It's  
3 not just a criticism. There are absolute solutions  
4 being offered.

5                   Section 53(7): *"This is too broad",* our  
6 people think. Because if a bank wants to outsource its  
7 statement functions or even its night safe functions,  
8 it has to get approval from the ECCB. Can you imagine?

9                   Section 66, Mr. Speaker: *"External*  
10 *auditors are not creatures of the Banking Act."* And  
11 where does the ECCB, you might ask, get the power to  
12 demand reporting from the auditors who were engaged by  
13 the bank? *"There must be some other legal mechanisms*  
14 *other than the banking act to require direct reporting*  
15 *to the ECCB."* So pointing to deficiencies in the  
16 legislation to achieve international standards.

17                   Section 69(2): *"What is the point of*  
18 *furnishing the Minister with financial statements when*  
19 *the Act removes them as partners in regulation from the*  
20 *Act? Why can't they not get the information when it is*  
21 *furnished to the public as required by the Act?"* So  
22 the governance system being challenged, you know. And  
23 does that at the same time expose a weakness,  
24 Mr. Speaker? Because, you know, one of the concerns is  
25 that with international agencies and international

1 banking agencies, there is always the worry on the part  
2 of the regulated that, you know, the regulator can be  
3 arbitrary. But also not just that, but the regulators  
4 also, you know, especially in this new -- in this  
5 environment where international regulators are  
6 themselves forming part of clubs and bodies, for lack  
7 of a better word, we have to be really, really careful  
8 that there is, you know, full protection always  
9 available. We want our governance systems to actually  
10 deliver on their objectives. So we don't want our  
11 minister and our regulator passing information across  
12 each other, you know, because it's comfortable and  
13 convenient and a close friendly relationship. We need  
14 to know, just like the separation of powers doctrine,  
15 Mr. Speaker, which gives you so much power in this  
16 house, so much power that a court, part of the  
17 judiciary arm of Government can't interfere with your  
18 proceedings. And that gives you so much power. We  
19 want to see similar systems operating in relation to  
20 banking, you know, the commercial aspects and the  
21 political aspects because that is, in other countries,  
22 I'm not suggesting it's happening in Anguilla, but we  
23 know full well in other countries. We know right now  
24 what PAC is investigating in Bahamas; regulators and  
25 friendly governments, you know. We have to be careful.

1 We need good governance systems. I think the British  
2 Government is concerned to make sure that we have good  
3 governance. So they say, Mr. Speaker. I'm sure that's  
4 the case. So we need it reflected in the banking  
5 regulation as well.

6 Sex 66: *"External auditors are not*  
7 *creatures of the Banking Act."* So --

8 MEMBER FOR VALLEY SOUTH: You read that  
9 already. I think you are on 69.

10 MEMBER FOR ISLAND HARBOUR: I want to repeat  
11 Section 66 now I've made the point about governance.

12 THE SPEAKER: But you know  
13 the rules say you shouldn't be too repetitious.

14 MEMBER FOR ISLAND HARBOUR: I'm sorry,  
15 Mr. Speaker?

16 MEMBER FOR VALLEY SOUTH: Neither should  
17 she be reading her presentation in that way.

18 MEMBER FOR ISLAND HARBOUR: No, no. This is  
19 not -- I'm not -- I'm referring --

20 THE SPEAKER: You can read  
21 from a document like that.

22 MEMBER FOR VALLEY SOUTH: Of course, she  
23 can.

24 THE SPEAKER: Yes.

25 MEMBER FOR ISLAND HARBOUR: Mr. Speaker,

1 I'm so grateful because as brilliant as I am,  
2 Mr. Speaker, I --

3 MEMBER FOR VALLEY SOUTH: I just want the  
4 member to know that I was paying attention. Because  
5 she read 66 and she's come back and repeating herself  
6 and reading it again. So I just wanted to point that  
7 out.

8 THE SPEAKER: Yes. Okay.

9 MEMBER FOR ISLAND HARBOUR: Thanks. Thanks,  
10 Mr. Speaker. I know that the Honourable Chief Minister  
11 is anxious that I get to the end. I appreciate that,  
12 but I've got a long, long way to go, Mr. Speaker. And  
13 I know that you wanted to break for lunch but at least  
14 I will try to cover a --

15 THE SPEAKER: Yes, we have 5  
16 minutes for lunch.

17 MEMBER FOR ISLAND HARBOUR: Okay. Thank you  
18 so much, Mr. Speaker. So I was just referring back to  
19 Section 66 because external auditors, they're really  
20 important. And we heard about what the Chief Minister  
21 said when the Monetary Council met in Anguilla when he  
22 was installed as Chairman. And I know he said that,  
23 then that no, you know, that no solution fits everybody  
24 so I know that's on record. But in that session as  
25 well, the outgoing Chairman spoke about friendly

1 auditors, suggesting that there is a possibility of a  
2 breakdown in our governance processes as well. So we  
3 need to make sure that our Act, the Bill addresses that  
4 possibility as well. Of course, you know, the new laws  
5 regarding related parties and all of that  
6 international, the international guidelines will be  
7 helpful there.

8           Section 69(2): What is the point, our  
9 people asked, of furnishing the Minister with financial  
10 statements when the party removes them (and I had also  
11 repeated that) as partners in regulation from the Act?  
12 *"Why can they not get the information when it is*  
13 *furnished to the public as required by the Act?"* And  
14 we appreciate the difficulties there.

15           *"Part VII(70): This provision is so*  
16 *arbitrary that it allows the ECCB to go on witch hunts*  
17 *and without the tempering of questions. This provision*  
18 *should be executed on a risk basis and examinations*  
19 *executed based on risks."* So you see, alternatives are  
20 being put forward.

21           Section 70(3): *"This is too open. What is*  
22 *reasonable? Cost may depend on asset base or some*  
23 *other determining factor."*

24           Section 71: *"While consolidated*  
25 *supervision is important to reveal systemic risks..."*

1 And I believe this is one of the inquiries that are,  
2 you know, relevant in our context even more so than in  
3 others because it's relevant in the context of --

4 THE SPEAKER: Okay. Can you  
5 stay a bit closer to your mike? Because you are --

6 MEMBER FOR ISLAND HARBOUR: Oh, I'm sorry,  
7 Mr. Speaker. Thank you very much for reminding me of  
8 that. I said that Section 71 that, *"While consolidated*  
9 *supervision is important to reveal systemic risks, the*  
10 *ECCB remit should solely be on the banking sector*  
11 *especially since the ECCB is not a super regulator for*  
12 *all financial sectors."* And that's particularly  
13 relevant in Anguilla's case where we share the  
14 regulation of the financial services industry with the  
15 Financial Services Commission and the British  
16 authority.

17 In relation to 76, *"Some of the provisions*  
18 *are tantamount",* they think, *"to overall takeover of*  
19 *the bank, which is a company held by private*  
20 *shareholders."* This is exactly the section which is  
21 being challenged in the courts. And *"the regulator*  
22 *should not have the right to micro-manage as it*  
23 *diminishes its authority to independently supervise the*  
24 *entity."* Especially when they're fighting legal  
25 actions, you know, quite a lot of the time.

1                   Now Section 78(2). I don't know,  
2 Mr. Speaker, if you would prefer me to hold and we have  
3 lunch and continue after.

4                   THE SPEAKER:                   How long will  
5 it take you to finish that?

6                   MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I  
7 haven't been timing myself but I'm quite convinced it  
8 will take a long time as I still have --

9                   THE SPEAKER:                   Alright. We  
10 will break now then. So we'll break for lunch and  
11 return at 2:15. Forty five minutes break.

12                   MEMBER FOR ISLAND HARBOUR: Thank you very  
13 much, Mr. Speaker.

14                   THE SPEAKER:                   House in  
15 recess.

16                   **(Luncheon adjournment at 1:30 p.m.)**

17                   **(Sitting resumed at 2:20 p.m.)**

18                   THE SPEAKER:                   Order. This  
19 House will now resume its sitting. Member for Island  
20 Harbour will continue. I don't know whether she will  
21 continue, she will wrap up or not.

22                   MEMBER FOR ISLAND HARBOUR: Mr. Speaker,  
23 thank you for releasing us for lunch because I hope you  
24 had a (inaudible). Sorry, Mr. Speaker, I hope you had  
25 a very nice lunch break as well.

1 THE SPEAKER: Yes, I did.

2 MEMBER FOR ISLAND HARBOUR: Because I think  
3 we're going to go on for a long time, Mr. Speaker.

4 THE SPEAKER: Continue.

5 MEMBER FOR ISLAND HARBOUR: And I want to  
6 make sure that we're all --

7 THE SPEAKER: Just continue.

8 MEMBER FOR ISLAND HARBOUR: Thank you.  
9 Thank you very much, Mr. Speaker. To resume where we  
10 left off, and we'd left off at Section 76 where some of  
11 the provisions, you'll remember, were alleged to be  
12 tantamount to a total takeover of the bank and which is  
13 a company held by private shareholders. And *"the*  
14 *regulator should not have the right to micro-manage as*  
15 *it diminishes its authority to independently supervise*  
16 *the entity."*

17 You will remember, Mr. Speaker, that, you  
18 know, we've heard on the radio, everywhere the concern  
19 that in fact the regulator we're dealing with that  
20 there may not in fact be public confidence in this  
21 particular regulator because it has been demonstrated  
22 that, you know, the financial management of the  
23 regulator itself has been under scrutiny of the  
24 regulator itself. I mean, I know that in Anguilla  
25 we're always scrutinising how the Financial Services



1 Commission spends its money. But in the case of the  
2 regional regulator, you know, there have been huge  
3 losses. That concerns the regulated, especially when  
4 what they see from that kind of information is that the  
5 regulator doesn't necessarily apply, you know, the  
6 normal commercial considerations to its own dealings.  
7 So they're afraid that its not going to be, that their  
8 approach isn't going to be reflective of an entity  
9 that's in touch with, you know, what the people are  
10 going through. That is one of the concerns by Section  
11 76 that's been, you know, challenged all the time. And  
12 there is, there is, you know, that worry because the  
13 regulated also say well, why don't we look at how the  
14 regulator we're selecting has performed over the last  
15 25 years?

16                   And while we talked about -- made a  
17 criticism of the, you know, our former Minister of  
18 Finance who'd been there for many, many years but  
19 hadn't attended to putting in place a regulatory  
20 framework that would support the stability of the  
21 banking system, similarly, you know, all eyes are  
22 focused through the Banking Bill on, you know, the  
23 prospective regulator and how they've conducted their  
24 business over, you know, the last many years.

25                   Section 78, subclause 2; subsection 2:

1     *"The ECCB should not have the powers to dismiss an*  
2     *employee of a bank."* That has been a big issue and it  
3     has already cost a lot of money in our jurisdiction  
4     where, and that is of prime concern to the Anguillian  
5     public where we have the case where it has been  
6     determined that, you know, an employment contract, you  
7     know, subject to the rule of law, subject to unique  
8     national regulation and legislation, the regional ECCB  
9     wouldn't have the knowledge and wouldn't necessarily  
10    secure the advice in a cost-effective way so that poses  
11    a problem. Regarding the powers to dismiss an employee  
12    of the bank, they did not hire then and were not in the  
13    business decision to hire the person yet the ECCB  
14    granted leave to issue a directive to the bank to  
15    remove the employee, costing money ultimately finding  
16    its cost on, you know, the tax payer and the people of  
17    the jurisdiction, in this case Anguilla.

18                     *"Further, Section 9 of the Constitution..."*  
19    And our -- While Section 9 of the Constitution of  
20    Antigua was the subject, our -- We have similar  
21    provision. And this Act gives the ECCB, our  
22    constitution recognises our right to own property. And  
23    *"this act"*, this Bill, *"gives the ECCB the right to*  
24    *deny citizens the constitutional right to own and*  
25    *maintain ownership of property without a fair and*

1    *transparent process.*" That has been, you know, a  
2    concern not just in Antigua but in Anguilla as well  
3    where our rights are protected in similar ways.

4                   Now the ECCB, under Section 83, is not a  
5    court much less a court of final decisions. And  
6    Mr. Speaker, I've already, in terms of describing the  
7    governance challenges, made reference to what happens  
8    in our system where there's a separation of powers  
9    doctrine that governs how the House of Assembly  
10   interfaces with, you know, the legislative arm. It  
11   should be separate and apart, and independent and fair.  
12   And similarly, the judiciary, they're not at liberty to  
13   direct, Mr. Speaker, how you run your House of Assembly  
14   as Speaker, how you manage that. That age old doctrine  
15   helps us to keep in perspective what is right. What  
16   the allegation here is that *"the ECCB is not a court*  
17   *much less a court of final decision."* So *"as such if*  
18   *an employee or officer is exonerated from a criminal*  
19   *matter, how can the Act allow the ECCB to make*  
20   *decisions contrary to the findings of the court?"* That  
21   power is there. *"This provision allows the ECCB to be*  
22   *the judge, jury"* and some say *"the executioner."* That  
23   is not a good thing, taking account our rule of law and  
24   the way that our governance systems are intended to  
25   operate.

1           Section 85: *"The observer is a creature of*  
2 *the ECCB and should be compensated by the ECCB."*

3           Section 86(2): If this provision is used,  
4 there is no need to add specifics in the other sections  
5 because this allows the ECCB to vicariously manage the  
6 banks. So again we are concerned about those  
7 relations; the interconnectedness of these entities.  
8 Is that going to yield proper regulation?

9           Part -- The next part - this part under  
10 Section 114(1)(a) to (i) [sic]: *"This provision gives*  
11 *the ECCB unfettered authority to move into a bank for*  
12 *even minor infractions based on the phrasing of this*  
13 *provision. There is no role for the Minister in the*  
14 *event of an intervention."* And while we may urge that  
15 that is a good thing, equally, there is no opportunity  
16 on the part of the citizens of a country to influence  
17 or have any say in what occurs.

18           *"The minimum standards for an official*  
19 *institution -- I'm sorry, for an official administrator*  
20 *should be clearly outlined in the Act. This would make*  
21 *the process transparent."* It's those gaps in  
22 transparency that really concern the people of  
23 Anguilla.

24           Now the operations of the institution,  
25 according to Section 122, the operations of the

1 institution should be clearly on the mandate of the  
2 administrator. If business decisions are made by the  
3 ECCB, it erodes their ability to impartial regulation,  
4 holding the bank in question to the same standard as  
5 any other licensed institution.

6 Section 124: This is the concern: that *"if*  
7 *the ECCB has to approve decisions of the bank in*  
8 *question"*, as we have already determined in 122 where  
9 we're questioning the mandate of the administrator,  
10 *"then it clashes with provisions of 124."* So even  
11 within the different sections there is a lot of  
12 confusion, Mr. Speaker. All of this, Mr. Speaker,  
13 leads to the conclusion that we need more effective  
14 consultation.

15 The bank is a legal entity, as we can see  
16 as set up under 127(2). *"And this provision cannot be*  
17 *allowed to gain precedence over prevailing business*  
18 *laws."* I've already um, you know, our system is the  
19 English legal system, in fact in Anguilla we receive  
20 English law. Not like a lot of the independent  
21 territories where continuing developing practice in the  
22 UK is of no relevance post the independence period. In  
23 our case we're still receiving law. We have to be  
24 extremely careful, you know, what we're doing so it  
25 doesn't conflict with the body of law we've inherited

1 and continue to live by.

2                   Now, *"a depositor must have the ability"*,  
3 we think, *"to sue any officer of the bank, even an*  
4 *appointed administrator."* This is the big, grave area.  
5 *"If not, the ECCB and the Administrator through the*  
6 *administration period may perform decisions contrary to*  
7 *the interest of creditors and depositors."* Would we  
8 want that to happen in Anguilla? Is this something  
9 that, in this resolution period, we are going to be  
10 comfortable with that lacuna in the law? How are we  
11 going to address that?

12                   Section 127(6), it's urged by everybody  
13 that it eliminates any rights of current shareholders  
14 and depending on the resolution strategy, that will  
15 come very much into focus. And you know what, if I  
16 could refer to the case and I might choose to read from  
17 it later because I believe the people would find it  
18 helpful, about the Stanford matter. Is that the kind  
19 of attention that we want focused on our jurisdiction?  
20 I don't believe so, Mr. Speaker.

21                   Section 130(11): *"Is..."* I'm sorry, 147.  
22 147(a). I'll go back to 136 in a minute because it's  
23 relevant. But 147(a) says, *"What is being referred to*  
24 *as "gratuitous transfers."* Gratuitous transfers? What  
25 does that bring to mind? In Anguilla it's a major

1 worry because *"If this is to regain funds taken under*  
2 *insider information, then it should be coined in this*  
3 *way and elucidated in the act."* But more than that,  
4 that is probably an area that's going to invite even  
5 more deep inquiry than the fact that we have friendly  
6 auditors or related parties transactions. It's very,  
7 very troublesome. And so say the people of Anguilla.

8                   *"How can the ECCB..."* Section 148. *"How*  
9 *can the ECCB dictate to a provider that they cannot*  
10 *disrupt services if owed?"* And here we're thinking  
11 about utilities, internet, et cetera.

12                   Section 151: *"There should be a*  
13 *transparent process to deal with claims. Unbridled*  
14 *authority to discriminate the fulfillment of claims*  
15 *should not rest solely in the hands of the receiver."*  
16 I would urge as well, and any resolution strategy. It  
17 shouldn't rest on the government of the day either. It  
18 should really be for the people to participate and  
19 decide together because that's the only way that it  
20 would be fair.

21                   Section 151: *"There should be a*  
22 *transparent..."* 153(b), sorry. *"This provision is*  
23 *contrary to established labour laws..."* Even under our  
24 Fair Labour Standards Act, you know, that brings that  
25 observation into focus. That the section needs to be

1 amended to exclude wages and salaries due to officers  
2 and it's not accounted for as a payable elsewhere in  
3 the Act. You know, if that were not to be included and  
4 there are actions that compromise, you know, persons  
5 who work and officers, that could lead to a lot of  
6 uncertainty as well. And *"additionally, it is noted*  
7 *that officers are to be paid after all depositors.*  
8 *What is the rationale for this sweeping change?"* So  
9 you come into the issues of how are people going to  
10 pay. And while we can rest on the longstanding well  
11 accepted precedents and practice in, you know, in this  
12 region, how is it now that sometimes your employees are  
13 not going to receive money, the officers are not going  
14 to receive money as a priority? You know, it's very,  
15 very sweeping change; very worrying and absolutely, I'm  
16 sure, will attract a claim. So introducing  
17 uncertainty.

18                   And 153(c): *"Since this is a revision to*  
19 *the Banking Act, it should be forward looking."* Not --  
20 As I spoke earlier, the current regulatory framework,  
21 don't care how we look at it, the Honourable Chief  
22 Minister having been the Minister of Finance for so  
23 many years in Anguilla, you know, must take some  
24 responsibility to making this a forward looking law.  
25 And under Section 51 -- I'm sorry, 153(c): *"The ECCB*



1    *should have a proposed Deposit Insurance legislation*  
2    *that would work in tandem with the revised Act so as to*  
3    *ensure maximum repayment of depositor funds."* But it's  
4    missing in that regard. Probably the most important  
5    bit that would concern the people of Anguilla. That is  
6    a very big gap. Really worrying. Is it going to be  
7    arbitrary? Is it going to be grounded in the law?  
8    Just think about what our offshore depositors would  
9    think if they recognise that they're only entitled to,  
10   you know, minimum protection or arbitrary protection.  
11   Really worrying. That would cut out our offshore  
12   industry, depending on what is determined.

13                   Our Government, with this law, we would  
14   have to really scrutinise the resolution strategy  
15   against this and possible courses of action to get the  
16   people to accept what is fair. Now I don't think  
17   that's so difficult. It just involves our Chief  
18   Minister, through the select committee, letting, you  
19   know, organising in an organised -- allowing in an  
20   organised way for the people to have their say. Just  
21   like we're dealing with these sections now, I believe  
22   that we could have that input in such an organised way  
23   on the resolution as well; on the resolution process.

24                   Now 153(e):   *"This provision is designed to*  
25   *discriminate depositors should they be shareholders."*

1     Wow!   *"These persons, natural or otherwise, based on*  
2     *their position would place their funds with the bank*  
3     *for liquidity. If this provision suffices, it serves*  
4     *as a disincentive", we think, "to invest and hold*  
5     *deposits in indigenous banks thus collapsing the*  
6     *indigenous banking sector."* That came from Antigua and  
7     it's ever more relevant in Anguilla's case and the  
8     resolution that the Banking Bill is a first step for,  
9     according to our Honourable Chief Minister, Minister of  
10    Finance and Member for Valley South.

11                   166: It is noted that this law takes  
12    precedence over every other Act, any other Act. This  
13    will have an impact on Antigua in this case, Anguilla  
14    in this case, which states that in our law, which  
15    recognises that *"In the event of bankruptcy, the amount*  
16    *owing to an employee as severance shall be paid in*  
17    *priority to other debts."*

18                   You know, the reason I say maybe it's going  
19    to make a difference in our law even though we don't  
20    have any severance arrangements yet, is because I'm  
21    relying on the Member for Sandy Hill who has been  
22    working diligently, according to the press, to make  
23    sure that our people are protected. And I expect that  
24    we are going to have severance legislation. So how is  
25    this Act? Is it forward enough thinking? Because in a

1 month or so, I hope that the minister is going to make  
2 sure, in consultation with the people, that our laws  
3 which protect our people, that they absolutely triumph  
4 over, you know, in this kind of context.

5           Section 172: *"Why are we including the*  
6 *Minister in the administration of abandoned property*  
7 *when he/she is not included in the regulatory process?"*

8 Is that because Crown lands? Because the Bona vacantia  
9 laws allow for Crown lands to go to, you know, to be  
10 dealt, to be addressed. There are certain laws that  
11 allow for lands and whatever to be abandoned. And our  
12 people may not know about this but guess what, do you  
13 know what got the TCI into trouble? Do you know what  
14 caused, you know, all the international, and  
15 particularly the British to take over TCI? There is a  
16 link to do with Crown lands and abandoned properties.  
17 Do we want to pay particular attention to this?  
18 Because our laws generally are rather archaic in  
19 addressing these kinds of -- providing these kinds of  
20 protections. These are the questions that our people  
21 need reassurance on and they are not prepared, I'm  
22 sorry to say, Mr. Speaker, not prepared to rely anymore  
23 on a promise that it's going to be fixed. It's a  
24 different age. True democracy allows for full  
25 participation of the people and the decision after full

1 and rational and responsive consultation. That is what  
2 we are advocating for here.

3 Section -- So generally you will see that  
4 even the section on secrecy clauses because they  
5 provide for secrecy, you know. We're trying in this  
6 regime to get rid of secrecy. We're trying to have,  
7 you know, an open and transparent situation. But here,  
8 secrecy clauses in the Banking Bill are not aligned,  
9 perhaps, with overarching with secrecy legislation in  
10 some of the countries. How is that being looked at?  
11 Especially in the context that our regulatory authority  
12 in the international financial services industry, you  
13 know, haven't been consulted with directly.  
14 Thankfully, we've received some feedback from the  
15 Chairman Helen Hatton but that was entirely by  
16 accident. And I know that Honourable Chief Minister  
17 has been, you know, has spoken, I say, you know, I'm  
18 disappointed in the way he's spoken about, you know,  
19 the Financial Services Commission because sadly, as a  
20 practitioner in the international financial services  
21 industry, I have slavishly to hold out to get business  
22 that our jurisdiction is well regulated. And if that  
23 is going to be a sound bite that's going to be picked  
24 up, I know we're going to have a hell of a time to get  
25 business. So you know, where is it all leading? Where

1 is it all leading? And is it open and transparent?

2 All our concerns.

3 Section 182, again (4), all -- I'm sorry,  
4 181(4): *"All penalties..."* Here this. *"...are paid*  
5 *to the ECCB and not the Government. What is the*  
6 *rationale for this?"* What is the rationale for this?  
7 *"Too much authority is given to the ECCB."* Our people  
8 complain. *"Why should the ECCB be responsible for*  
9 *dictating what days should be public holidays or not?"*  
10 So we're going to do away with the Father of the Nation  
11 holiday indirectly. It's going to be taken away again.  
12 And this time by, influenced by persons not from  
13 Anguilla perhaps. We have to be so careful,  
14 Mr. Speaker. Section 182(3).

15 185, Section 185: *"The Court has [sic]*  
16 *unfettered authority"* -- I'm sorry. *"The Court should*  
17 *have unfettered authority to administer compensation*  
18 *without limitation. If it is proved that the ECCB was*  
19 *guilty of unfair treatment, penalties should not be*  
20 *limited to damages or [sic] damage awards as this would*  
21 *not be the case if the roles were reversed."* Fairness  
22 again. Equity. But also corporate responsibility.  
23 How do we envisage that? Our leading agencies, what  
24 kind of behaviours should they be modelling to our  
25 children and to a regime where we advocate for greater

1 social justice all the time? These are the issues.

2 Section 188: *"What is the definition of*  
3 *"gross negligence" as it pertains to the official*  
4 *administrator or receiver? Why is this being inputted*  
5 *here?"*

6 So Mr. Speaker, we've lifted those. And  
7 you know, we've lifted those objections and we've  
8 shared them. But even coming closer home now, coming  
9 closer home, the consultation process has yielded so  
10 many other objections. Put in a different way yes, but  
11 so many other objections. There are objections that  
12 the Central Bank has already shown total disregard and  
13 disrespect to the people of Anguilla. We have one  
14 employment case where the ECCB simply maintained  
15 immunity and never answered the repeated questions of  
16 the Justices as to how the employee was going to obtain  
17 her rights. Right here in Anguilla under the current  
18 regime. Just imagine what will happen under the next,  
19 under this, the regime that this Banking Bill is going  
20 to put in? And then the ECCB then simply refused, in  
21 that case, to comply with the final Appeal's Court  
22 Order to pay the claim, leading to the closure of a  
23 bank, of an indigenous bank by the Court bailiff. *"It*  
24 *is our..."* The people, say that the bank would have  
25 remained closed with the ECCB refusing to comply with

1 the Court Order had it not been for the intervention  
2 of, you know, our Honourable Minister of Finance. I've  
3 heard him say that he did that. And that's a good  
4 thing, but. And that's a good thing that he did in  
5 this case. But do we want the next Minister of Finance  
6 to have to intervene? Do we want that? Do we know how  
7 he's going to make those decisions? How he's going to  
8 be able to influence? I would propose, I would suggest  
9 that's exactly why we need to look at that provision.  
10 We got a good result in this case but that is not what  
11 law is about. Law is about providing certainty. So  
12 while I too thank the present Chief Minister and  
13 Minister of Finance for getting a fair result, why are  
14 we going to expose more of our people to that same  
15 uncertainty? And don't talk, what was the big  
16 discussion? Was that in the Bank Shareholder court  
17 action the Central Bank lawyers were very scornful of  
18 the shareholders. That is what some of the  
19 shareholders reported in the case. Now, you know, you  
20 may say that's neither here nor there. But the truth  
21 is, we need to model the kind of professionalism always  
22 that is going to support our people advancing. That is  
23 what we have to look at and aspire to.

24 Other objections to the Act have to do with  
25 the fact that all authority will reside with the ECCB

1 and none whatever, except indirectly, with Anguilla's  
2 elected Government.

3           *"Section 9(2) - All licence fees will be*  
4 *paid to ECCB instead of the Government, and lost*  
5 *Government revenue will have now [sic] to be replaced*  
6 *by new taxes on Anguillians."* That is the worry. And  
7 it's a significant amount of money. You know,  
8 \$200,000.00 here and there or even a \$100,000.00 here  
9 and there, you might not think is a lot. But if we had  
10 \$500,000.00 or \$300,000.00 or \$200,000.00, that would  
11 make a big dent in the school feeding programme we need  
12 to implement. It would make a remarkable impact on the  
13 food on the table that's able to go out to our  
14 vulnerable in the society and so we need to look at it.  
15 Section 9(2) - All licence fees will be paid to the  
16 ECCB, and as I said, will ultimately be paid for by the  
17 tax payer.

18           *"Clause 8(4)(b) - the ECCB will be under no*  
19 *obligation to justify denial of a licence."* Now let me  
20 tell you, Mr. Speaker, what I believe is going to be  
21 confusing here. Some of these sections, even as we've  
22 put up in formatting, you know, we talk about shared  
23 knowledge, shared information resources. You know  
24 what, our sectioning, we say it's going to be  
25 uniformed, but it's not uniformed. We can't even



1 present it in a uniformed way to you. That is just an  
2 indication, because on the ECCB website it's one thing,  
3 in Antigua it's one thing, in Anguilla it's one thing.  
4 And you know, an impartial person looking out, I always  
5 try, I'm always hesitant to make reference to our  
6 weaknesses in terms of how we present ourselves  
7 internationally because I know international potential  
8 investors they are all listening. Like, for instance,  
9 in the correspondence that went out to the Minister of  
10 the Overseas Territories there, it's undated. It makes  
11 us look bad. It makes us look bad. And you know, it  
12 could happen in any, you know, and I'm not perfect and  
13 it could happen to anyone. But when it exposes us to  
14 rebuke for that, we have a lot to worry about. But it  
15 also leads to misunderstanding as well. And I'm just  
16 saying that there're discrepancies in every bit. None  
17 of them collate in terms of the numbers. So sometimes  
18 you will hear me repeating from the objections through  
19 the consultative process of the Anguillian's, different  
20 numbers because our version is different. I'm using  
21 the Banking Act that's provided by the clerk; the Bill  
22 for the court. I'm referring to the numbering in  
23 there. But I want you to know and to recognise that  
24 there are differences in the numbers. Doesn't suggest  
25 of great professionalism.

1                   Now I believe that when one of the, one of  
2 the persons who've been, one of the activists in this,  
3 you know, one of the persons very much against the  
4 Banking Bill, in the consultations where I've been  
5 present, you know, has indicated that some of the  
6 objections are relying on the Bill that the ECCB  
7 published where the sections are out. So I want us to  
8 note that. And I note that the Member for Sandy Hill  
9 is already aware of those formatting challenges and so,  
10 so I know that she appreciates, appreciates it. So all  
11 authority will reside with the ECCB and none with  
12 Anguilla's elected government. And we heard the  
13 Honourable Chief Minister earlier. He really wouldn't  
14 want to be the person, you know, he wouldn't want to  
15 licensing it. And but then he points to the fact that  
16 decisions are going to be taken. He talked about  
17 Mr. Hughes', you know, tenure as a member of the ECCU  
18 and, you know, his commitment to have passed the Bill  
19 as well. And certainly, versions that I've seen of the  
20 Banking Bill are exactly the same ones that were put  
21 there. So I think that it is fair to expect that that  
22 was the one that was going to be put forward. It's why  
23 I expect that the Honourable Chief Minister, with a  
24 little more effort, can bring in a lot of the persons  
25 who feel that they have no confidence in his leadership

1 but they have had confidence in Mr. Hughes' leadership.  
2 Because I believe if we could bridge that gap we would  
3 be unifying our people because and that's why I think a  
4 little bit of time would yield that. We said it today  
5 but people need, they won't necessarily believe that  
6 until they have an opportunity to see. I think that  
7 would allow for us to be unified.

8           Now under clause 8(4)(b), the ECCB will be  
9 under no obligation to justify denial of a licence.  
10 And based on the ECCB's already observed high-handed  
11 and uninformative mode of operation with regard to  
12 Anguilla, and I'm just mouthing what the people are  
13 saying. I'm just saying that this is what they're  
14 saying and we've got to listen to them. Because based  
15 on that, they do not find that permitting the ECCB to  
16 escape having to provide justification is a good thing.

17           *"Sections 77 and 78, empowering the ECCB to*  
18 *sanction directors, officers, employees and significant*  
19 *shareholders, while appropriate under very specific and*  
20 *narrow circumstances, is wide open to abuse by the*  
21 *ECCB, which has no overseer..."* The Latin that the  
22 regulators used is different but effectively it mean  
23 who is watching the watchman. And it raises serious  
24 constitutional issues and is a cause for concern. *"The*  
25 *government of Anguilla should [sic] end up stuck with*

1 *liability for people wrongly sanctioned, plus the harm*  
2 *caused to persons wrongly sanctioned."* Trade unions in  
3 Anguilla might follow what trade unions in Antigua did,  
4 which forced an amendment to this part of the Bill.  
5 Maybe this is something that we can do right now. The  
6 Chief Minister said there's no amendment but the trade  
7 unions got some of their amendments through at the  
8 initial stages. Perhaps the Honourable Chief Minister  
9 will tell us how that was done.

10 *"Section 83 - The ECCB continues to have*  
11 *the power to sanction a person for an act even though*  
12 *the Court has found the person not guilty of the act"*  
13 in question. Trade unions -- I'm sorry. *"This places*  
14 *the Central Bank ABOVE the courts in deciding a*  
15 *person's guilt."* So you see, Mr. Speaker, why it is so  
16 important where your governance systems are not, you  
17 know, entirely separate and where they don't take  
18 account of the rule of law and what the constitution  
19 provides for protection of its citizenry. You see,  
20 when that's not the case, we're rather, we will be  
21 placed kind of like, you know, in -- I'm not  
22 suggesting, Mr. Speaker, that you're like this but we  
23 know of a lot of cases in our recent history where  
24 Speakers have been really, really biased and have, you  
25 know, but they've got full authority. That is a

1 dangerous, dangerous thing, Mr. Speaker. And while we  
2 expect all our Speakers to be persons of great  
3 integrity, this is not always the case. And our  
4 governance systems are weakened by the arbitrary  
5 actions of others. This is the kind of concern that is  
6 being expressed here in relation to Section 83 of the  
7 Bill where the ECCB continues to have the power to  
8 sanction a person.

9           Section 87, regarding the removal of  
10 director, raises issues of constitutional rights and  
11 liability as well. And Section 98 which empowers the  
12 Central Bank to decide whether a person is a fit and  
13 proper person to be a significant shareholder, can be  
14 abused by the ECCB and allow victimisation of persons  
15 or potential shareholders and prevent existing  
16 shareholders from disposing of shares as they need to,  
17 and raises constitutional issues. Now the Honourable  
18 Chief Minister may be willing, Mr. Speaker, to  
19 discredit that concern but you will see that even in as  
20 age old, you know, court system as ours and with  
21 certain laws, our laws being fairly certain, our  
22 constitutional laws being certain, we still have our  
23 countries unwilling to have our cases subjected to the  
24 scrutiny of regional courts. We still insist on having  
25 the Privy Council as our final Court of Appeal for that

1 reason as well. People don't trust the relationships  
2 in a very small country, in a small region to always  
3 follow the law or to support or do what is right. So  
4 there's always worry about what that could lead to.

5 Section 133 of the Act, Mr. Speaker, deals  
6 with mergers. It deals with sales and other  
7 restructuring and empowers the ECCB to transfer  
8 depositors' deposits without obtaining any approval,  
9 assignment or consent, without incurring any liability  
10 whatsoever. I read Justice Mitchell's paper yesterday  
11 or today and I was -- and he said, you know, we've got  
12 some surprises coming. Now while I'm interpreting what  
13 that means, I can tell you as a lawyer that that's rich  
14 for uncertainty, rich and it will cost us a lot if  
15 we're not careful. Lawyers will do well.

16 MEMBER FOR VALLEY SOUTH: As they always  
17 do.

18 MEMBER FOR ISLAND HARBOUR: No, no.  
19 Lawyers will do well. But I get no joy when I win a  
20 case against the Government of Anguilla. Where's the  
21 joy? There's no joy. No joy when I win a case against  
22 a regional institution. I'd much rather that we do the  
23 right thing by our people. And that's why I'm reciting  
24 again my request to the Honourable Chief Minister to  
25 allow for this reading to be withdrawn till he has

1 agreed a time with the Governor for an assent in that  
2 time, sometime before December 2015 when he's got to  
3 have all this right in terms of the Banking Bill and  
4 let us progress now and apply the resolution plan that  
5 he has, test it against the law and see if the law  
6 really work for us. And if we move quickly we can get  
7 that done, Mr. Speaker. Back to the Banking Bill, Mr.  
8 Speaker.

9 *"It should be noted that under Section*  
10 *133(4), in carrying out such transfer the Central*  
11 *Bank..."* (in carrying out the transfer like we  
12 described above) *"...the Central Bank may seize*  
13 *deposits to pay off any matured or past-due loans owed*  
14 *to the institution.*

15 *Under Section 134 - Mandatory restructuring*  
16 *of liabilities" is the heading. "The administrator may*  
17 *seize customer deposits or may convert customer*  
18 *deposits to shares. In other words, the ECCB would*  
19 *have the power to enforce a "Bail-in" of depositors and*  
20 *the Government would have no say whatsoever in the*  
21 *matter."* So much for all the talk about protecting  
22 depositors a hundred percent. Sounds rather like the  
23 kind of scenario that was put forward during the  
24 election about the ISL. *"The New Banking Act would put*  
25 *depositors' funds in more danger than has ever been the*

1 case before in Anguilla. Also, compare this to the  
2 current banking crisis in Greece where the EU  
3 directorate recently assured Greek depositors that  
4 their deposits would not be "bailed in".

5 Under Section 135 [sic] which focuses on  
6 the court's powers in legal claims against Central  
7 Bank, Section 185 eliminates injunctive relief against  
8 the Central Bank and empowers the Central Bank to  
9 unrestrictedly continue doing whatever it is doing  
10 regardless of challenge or review before the court.  
11 "Injunctive relief is a centuries-old tried and tested  
12 legal remedy that forms a fundamental aspect of  
13 ensuring the delivery of justice to claimants, and to  
14 simply eliminate it without any discussion amongst the  
15 legal system or any [sic] reasoned analysis of the  
16 ramifications of its elimination on the delivery of  
17 justice in a society is unacceptable." So the people  
18 are saying, Mr. Speaker, that even the most sovereign  
19 governments have to abide by injunctive orders. Why  
20 should the Central Bank be exempt?

21 "Section 185(4) further seeks to fetter the  
22 Court and limit relief to award of damages, even when  
23 [sic] sovereign governments have to comply with all  
24 forms of relief imposed by their courts. Section 186  
25 forces rapid disposal of Anguilla's assets. Section



1 186(5) authorizes the Government to transfer massive  
2 percentages of Anguilla's property assets to foreign  
3 control." Mr. Speaker, I always say how does that feel  
4 when I say that? How does it feel to have your lands  
5 transferred, you're not having a say, and especially in  
6 a new regime that you didn't contemplate, to  
7 foreigners, to foreign control? And you know,  
8 Mr. Speaker, many people will say that, you know, we  
9 need to build harmonious relationships with others.  
10 But every historian will tell you that harmonious  
11 relationships are assured when the laws are certain and  
12 every constituent group is sure of what their rights  
13 are. That's why in the UK there's so much focus, even  
14 though they don't have a constitution, a written  
15 constitution like we have, on the bill of rights. And  
16 everyone, you know, is assured of what their rights.  
17 Nobody -- Diversity will not thrive, good relations  
18 will not thrive when these possibilities are permitted.  
19 So say our people. And equally, we know very well,  
20 Mr. Speaker, that since 1967 we've always had  
21 challenges. Sometimes, you know, I recognise why that  
22 is the case because I understand, you know, our people.  
23 I'm in touch with our people. They share with me what  
24 their feelings are. It takes a responsible leader to  
25 look at, to have a holistic view of diversity to make

1 sure that all peoples are protected and that we don't  
2 continue with this big divide in terms of, you know,  
3 foreigners and, you know, who is local and who is  
4 foreign. But that can only happen with responsible  
5 leadership bringing people together; all the  
6 stakeholders. These kinds of laws, even though on the  
7 face of it it might look not to be discriminatory, it  
8 actually devolves into our people, you know, being set  
9 up against each other and it's not a good thing. So we  
10 need to be very, very careful and to be cognizant of,  
11 you know, why we're doing things and how, in fact, they  
12 are playing out and whether they support Anguilla as a  
13 peaceful country; our people, you know, that brand,  
14 because it's critical to tourism, that we are continued  
15 to be viewed as a friendly and loving people.

16 Section 186(5) authorises the Government to  
17 transfer, as I've said, lands and we need that section  
18 to be looked at very carefully, especially in light of  
19 Section 189 which addresses the non-application of the  
20 Alien Landholding Regulation Act. This Act, without,  
21 you know, is, this section is particularly worrying  
22 because it advances a regime which itself needs, you  
23 know, the engagement of the Anguilla people. Not only  
24 because it contributes large amounts of money now to  
25 our, you know, support in social services, essential

1 social services no less and, you know, has saved us  
2 from bankruptcy because if we hadn't had, you know,  
3 those laws in the past we might have been worst off. I  
4 think the people, just in terms of the change of that  
5 regime, requires consultation, significant  
6 consultation. And I don't believe that this has been  
7 had in the context of the current consultation.

8           Section 6, Mr. Speaker, of the associated  
9 Eastern Caribbean Asset Management Corporation Act,  
10 believe it or not, which is, I've heard, I haven't seen  
11 it yet, but is on -- will be on the next Order Paper,  
12 specifically exempts the Asset Management Corporation  
13 from all laws of the country in relation to the  
14 enforcing of its security in a property. That's why  
15 the consultation doesn't have to be isolated just on  
16 the Bill but has to be tested in relation to the facts,  
17 the proposed facts of the resolution.

18           Now, the enactment of the Eastern Caribbean  
19 Asset Management Corporation Act will bring into force  
20 an accompanying agreement, the Eastern Caribbean Asset  
21 Management Corporation Agreement which sets out the  
22 articles governing the operations of the corporation.  
23 And the Article 107 of the agreement under the title  
24 "Reservations" states: "*No reservations may be entered*  
25 *in respect of any provision of this Agreement.*" And we

1 could go on, Mr. Speaker.

2 THE SPEAKER: Remind the  
3 member we are not debating that Act as yet.

4 MEMBER FOR ISLAND HARBOUR: I'm sorry?

5 THE SPEAKER: We're not  
6 debating that Act as yet.

7 MEMBER FOR ISLAND HARBOUR: Yes, but it's  
8 part of the resolution strategy and as our Honourable  
9 Chief Minister spoke lengthily about it this morning  
10 and has in, this morning particularly but also in the  
11 press recently, it is an integral part of the reality  
12 that the Banking Bill Address this.

13 THE SPEAKER: Well if he  
14 address it in here today, you can address it but what  
15 he addressed out there, that's something different.

16 MEMBER FOR ISLAND HARBOUR: Thank you,  
17 Mr. Speaker, I'm guided.

18 THE SPEAKER: If it was  
19 addressed in here you can deal with it.

20 MEMBER FOR ISLAND HARBOUR: Mr. Speaker,  
21 I'm guided by you but remember, Mr. Speaker, and the  
22 Honourable Chief Minister this morning spoke at length  
23 about, you know, the, you know, his solution for us,  
24 you know. You know, the fix that he is going to apply  
25 without engaging our people. And this law, the next

1 law, there's been no consultation really, sufficient  
2 consultation on that aspect of it as well. So that's  
3 all adding to my urging the Honourable Chief Minister  
4 to take advantage of the window that he's already  
5 assured the Governor that he will allow her so that she  
6 becomes comfortable with his plan which he, I hope, has  
7 shared with her. I don't know that. But which he  
8 clearly has not shared with the people. And I think  
9 he, as a responsible leader, you know, committed to  
10 improvement, he can do that now. We've got the window.  
11 It won't challenge the passing of the Banking Bill,  
12 which is important for securing our certainty but which  
13 in fact, if it's not looked at properly in the context  
14 of what's envisaged, we're going to have some  
15 challenges. And better now than after its passing and  
16 to introduce further uncertainty in the country.

17 Mr. Speaker, through you, I'm urging that the  
18 Honourable Chief Minister listens. I know he often has  
19 said that he is listening to the people. But if he  
20 continues to ramrod this through, and I can't think of  
21 any other word for it. Ramrod is always linked with  
22 bullying. So I wouldn't want, you know, the idea that  
23 it's being ramrod through to, you know, to lead to a  
24 situation where emotions are again going to be  
25 pressurised and we are going to see chaos. It's easy.

1 I'm proposing an out; an easy out. There's no time  
2 lost because it's not going to be passed. We're still  
3 within the parameters that the international rules are  
4 requiring. There is still opportunity to consult with  
5 the financial services industry, there is still  
6 opportunity to consult with the tourism, you know,  
7 stakeholders because this is so important and they are  
8 concerned. They are really concerned because if  
9 there's going to be additional costs levied on them to  
10 contribute to marketing, especially in challenged  
11 circumstances, you know, they might be tempted like  
12 some people in the financial services industry, just  
13 tempted to close down. And then what will there be,  
14 Mr. Speaker? How will we pay the ISL? It'll be less  
15 and less and less. So that is why, Mr. Speaker, we  
16 really need to do that. As I said before and last time  
17 in front of this last meeting in this house, said that  
18 it's inevitable that the Banking Bill will pass. It's  
19 inevitable. It's inevitable. And I would hope that  
20 the Chief Minister is comforted by that assurance  
21 because he has, you know, the wherewithal to, you know,  
22 eventually do it. But why not do it embracing the  
23 people? Mr. Speaker, that would curb it. That would  
24 send such a strong signal.

25 I think that the consultations, I want to

1 commend, particularly the Minister for Sandy Hill, the  
2 strong consultations on the Bill, the long hours, but  
3 they were good. And people felt, you know, felt they  
4 were being heard at least in relation to the sections  
5 of the Bill. But now we're going into that big,  
6 horrible area about asset management, the resolution  
7 strategy with nobody having information. Another  
8 repeat.

9                   Mr. Speaker, I'm urging the Honourable  
10 Chief Minister through you to do the right thing by the  
11 people. And in relation to this reading, you know, we  
12 talked about collaboration. We agree, I believe, that  
13 we need to have regulation and we need to stay  
14 compliant with the law and that needs to be the  
15 people's choice. That means that by stringing it out  
16 and going the long way we may be positioning for the  
17 British to take over. And that is not our will either.  
18 It's not the will of the people. It's not the will.  
19 What they are asking for is for the Chief Minister to  
20 engage with them to outline what he plans. To do it in  
21 a way that, I know that there are sensitivities and  
22 he's going to be concerned about that, but to share as  
23 much and as complete. Remember the truth, the whole  
24 truth and nothing but the truth. I think Anguillians  
25 will come together under that regime and support him.

1                   And you know, Mr. Speaker, if you think  
2 that I am, as I said last time, having my cake and  
3 eating it too, I want you to know what my personal view  
4 is is not really relevant except during the  
5 consultative process when I say to the people, you  
6 know, what I think and hopefully help in unifying  
7 others. When I stand here, I am the voice of the  
8 people. And yes, the Chief Minister wants to share  
9 that. And maybe he's right that it's combined because  
10 he represents a group as well; maybe fewer than gave  
11 him the mandate to come here. Maybe fewer. I don't  
12 know. But what I would say, Mr. Speaker, is that to  
13 the extent we can include everyone, everyone; to the  
14 extent that we can make sure that every single group,  
15 and especially our vulnerable groups, you know, whose  
16 lives have been impacted in such a horrible way and  
17 they don't have any understanding because the Chief  
18 Minister has had no time to sit with these vulnerable  
19 groups to talk about this new regime, I think I would,  
20 you know, urge the Chief Minister through you,  
21 Mr. Speaker, even at this late stage, considering what  
22 successes have been achieved in the past week, to do  
23 just that. And I think he'll be greeted by a people  
24 that are fully behind the plan; totally behind the  
25 plan.



1 I see, Mr. Speaker, you're looking at me  
2 like you think that we need to be cognizant of the time  
3 limits for our reporter again. Is that what you are  
4 looking at me in that way for?

5 MEMBER FOR VALLEY SOUTH: You can talk for  
6 as long as you want.

7 MEMBER FOR ISLAND HARBOUR: Okay, I'll go  
8 on then because I want to share. But I want to make  
9 sure that we are treating our people with respect as  
10 well and following the rules, Mr. Speaker.

11 THE SPEAKER: I will remind  
12 you when we're going to take a break for the reporter.

13 MEMBER FOR ISLAND HARBOUR: Okay, you will  
14 remind me. So thank you very much. So Mr. Speaker,  
15 now we're talking about amendments and immunities. And  
16 Article 100 of the Agreement, dealing with disputes,  
17 *"states that disputes between Participating Governments*  
18 *or between the Corporation and a Participating*  
19 *Government shall be submitted to arbitration."* So  
20 arbitration. So again, limited recourse to justice as  
21 we know it. That is not -- You know, it takes account  
22 of, you know, a modernised world. And certainly we  
23 push in our jurisdiction as lawyers. You know, we know  
24 that it might be a more cost effective mechanism and  
25 it's typically impacting people in a business

1 environment, you know, more commercial context. And I  
2 note that the Act refers to a commercial context but  
3 the link with the Banking Bill and how it operates is  
4 really, really important.

5 Now the section/article -- So why is it  
6 necessary that, why is it necessary that we keep top of  
7 our minds in the consideration of this Bill, why is it  
8 necessary that we recognise, keep fully separate the  
9 idea that the Banking Bill is one thing and the  
10 resolution is one thing.

11 You see Mr. Speaker, if the Chief Minister  
12 had stood up this morning and spoken only about the  
13 Banking Bill, you know, the Banking Bill, how we were  
14 going to meet, you know, international standards, you  
15 know, the parameters we were operating under and  
16 perhaps not posited it as, or positioned it, lack of a  
17 better word, as the first step to fixing the banking  
18 crisis which needs to be fixed, you know, maybe we  
19 could have avoided this drawn out process, these drawn  
20 out proceedings. We might have been able to avoid it  
21 because I don't think the people of Anguilla fully have  
22 separated in their minds the two issues. It's the only  
23 reason in fact why it's necessary for me to, you know,  
24 say slavishly refer to what could be the potential  
25 ramifications of, you know, a particular resolution

1 strategy that we don't really know what it is going to  
2 be yet. Because until our people are told what is  
3 intended where, you know, all the evidence is put  
4 there. For instance, it took me a whole week. I  
5 mentioned this, Mr. Speaker, previously at one of the  
6 public, you know, at a public forum where we were  
7 talking about the Banking Bill, only the public forum  
8 on the Banking Bill and the Asset Management Company  
9 and the agreements that only - I'm the Leader of the  
10 Opposition, we agreed on the creation of the select  
11 committee, but only at that public forum for the first  
12 time I understood that the British, you know, had some  
13 challenge with, and this is my own wording,  
14 Mr. Speaker, so forgive me if, I hope the others will  
15 forgive me if I'm not right, but that the British, the  
16 impression that I left that forum with, to be clear,  
17 more clear, is that the -- for the first time I  
18 appreciated, based on what our Government members said,  
19 was that one of the reasons that we had to do this  
20 decision quick was because the British was going to  
21 impose it. It came from their mouths; that allegation.  
22 And that not only concerned me but it was the first  
23 time. And that was just at the forum in Island  
24 Harbour. I shared it already with them that it was of  
25 concern for me there. But that was the first time that

1 I recognised that this was the representation that they  
2 were using for the urgency. And that concerned me  
3 greatly because, Mr. Speaker, and it concerns  
4 Anguillians greatly because part -- first, were you --  
5 was that a subjective understanding of meetings with  
6 the British; is that? We had no evidence. We have  
7 nothing. And I have never received from the Honourable  
8 Chief Minister anything to suggest that that is not the  
9 case; that in fact, you know, the British were  
10 intending to impose on us until I went in October and I  
11 could draw on the meetings that I had in October with  
12 the Foreign and Commonwealth Office and meetings that I  
13 had with parliamentary groups dealing with the Overseas  
14 Territories where they had assured me then, not in the  
15 context of the claim that, you know, the British were  
16 requiring it now by mid Autumn, but they'd assured me  
17 that the British Government and the ministers would  
18 never impose anything on Anguilla except we were  
19 looking to have taxpayers' monies. That is what they  
20 said. So I couldn't marry those two things and, you  
21 know, obviously I had to enquire further. And I was  
22 told well, you know, ask the minister, the, you know,  
23 for the information. There must be something that  
24 they're relying on; share it. And I've asked but  
25 nothing has been forthcoming. So I'm going to rely,

1 Mr. Speaker, on, in the absence of information coming  
2 from the Government that in fact the international  
3 parameters are the tough deadlines we've got to meet to  
4 avoid crisis, December 2015, and if we could find a way  
5 to move from where we are now through the resolution  
6 strategy, you know, make that available to the public  
7 in a way that's of course sensitive to, you know,  
8 making sure that our financial systems are sensible,  
9 are good and um, good. And I know that that's the  
10 intention of the Chief Minister. I think if we could  
11 do that we could really make a lot of progress in the  
12 coming weeks. But if instead, we go forward with  
13 second, third reading, sham select committee operation,  
14 I don't believe we are going to achieve that outcome.  
15 And Mr. Speaker, I would want to work really closely  
16 with the Honourable Chief Minister to make sure that we  
17 avoid, you know, any further challenges in terms of law  
18 and order; any challenges.

19 I was detained from coming into the house.  
20 I feel so sad today because our house is empty,  
21 Mr. Speaker, and there were so many people outside  
22 wanting to get in, you know, just wanting to sit down  
23 like they did in the past. But why? And you know,  
24 this Banking Bill is going to be forever a blur on  
25 our --

1 THE SPEAKER: Nothing is  
2 preventing them from coming in. The door is open.

3 MEMBER FOR ISLAND HARBOUR: Okay.

4 THE SPEAKER: All the seats  
5 are there.

6 MEMBER FOR ISLAND HARBOUR: They don't feel  
7 welcome anymore, Mr. Speaker. That's --

8 THE SPEAKER: When they come  
9 in they must behave.

10 MEMBER FOR ISLAND HARBOUR: Mr. Speaker,  
11 and I'm not going there. I understand. But what I can  
12 say to you, Mr. Speaker, is that we've always got to  
13 take account of our people and include them and embrace  
14 them and make it easy for them to feel a part of what's  
15 occurring. Because just last week I sat, and this time  
16 part of a delegation to do with, you know, how our  
17 societies are evolving, with the OECS. This is on the  
18 issue of sustainability as well and affordability too  
19 in a different context but from the context of social  
20 services and how we are delivering them and how we are  
21 going to allow for our environments to be safe. And  
22 you know what was top of mind?

23 MEMBER FOR VALLEY SOUTH: Financing too.

24 MEMBER FOR ISLAND HARBOUR: What was --  
25 Well what is -- I'm sorry. The Chief Minister, he's

1 clearly -- You know, you have to --

2 THE SPEAKER: Chief Minister,  
3 order, please. You can talk through the Speaker.

4 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I  
5 apologise. I just didn't hear her mention financing so  
6 I just wanted to hear it.

7 THE SPEAKER: Okay. Yes.

8 MEMBER FOR ISLAND HARBOUR: You know, yes,  
9 Mr. Speaker, and I attended with the Honourable Evalie  
10 Bradley, I attended at the initiative of the Honourable  
11 McNiel Rogers. I'm so grateful that --

12 MEMBER FOR VALLEY NORTH: (Inaudible).

13 MEMBER FOR ISLAND HARBOUR: And on my  
14 suggestion as well. The minister was absolutely cool.  
15 He accepted that we should bring one of our Youth  
16 Parliamentarians. He'd made that commitment and I made  
17 sure he kept it and he did, and he's honourable for  
18 having doing it. He made that commitment at the youth,  
19 at the session with the youth in the presence of  
20 everybody else and I said I would follow up and I think  
21 the Permanent Secretary can absolutely confirm that I  
22 insisted that that should happen. Maybe not, maybe  
23 'insisted' is a strong word, Mr. Minister [sic],  
24 because I know the Honourable Member for Valley North  
25 would do the right thing and keep his word. But he did

1 in the case and we're grateful. But it was at that.  
2 And the OECS paid for it, you know, Mr. Speaker.

3 THE SPEAKER: Member for  
4 Island Harbour, the Court Reporter needs a break so  
5 we'll break.

6 MEMBER FOR ISLAND HARBOUR: We'll give her  
7 a break now, Mr. Speaker.

8 THE SPEAKER: Yes, she needs  
9 a break so we'll give her.

10 MEMBER FOR ISLAND HARBOUR: Okay. Thank  
11 you. I'll pick up from there.

12 THE SPEAKER: For another 15.  
13 How much?

14 THE CLERK: Five minutes.

15 MEMBER FOR ISLAND HARBOUR: We can go for  
16 another 5 minutes?

17 THE SPEAKER: No, but she  
18 needs 5 minutes.

19 MEMBER FOR ISLAND HARBOUR: Okay.

20 THE SPEAKER: Yes.

21 MEMBER FOR ISLAND HARBOUR: Yes, it's the  
22 right thing. I was trying to allude to that earlier,  
23 Mr. Speaker.

24 THE SPEAKER: Yes.

25 MEMBER FOR ISLAND HARBOUR: That we've got



1 to be respectful of that always. Thank you.

2 THE SPEAKER: Order. House  
3 in recess for 5 minutes. Let's say 10 minutes to be,  
4 so you don't have to rush too much; 10 minutes.

5 (House rise at 4:05 p.m.)

6 (House resumed at 4:10 p.m.)

7 THE SPEAKER: Order. This  
8 house will now resume its sitting. I think the lady is  
9 ready to go again.

10 MEMBER FOR ISLAND HARBOUR: Thank you very  
11 much.

12 THE SPEAKER: So Member for  
13 Island Harbour, you may continue.

14 MEMBER FOR ISLAND HARBOUR: Thank you,  
15 Mr. Speaker. So Mr. Speaker, you know, all of this,  
16 all of these commentaries and, you know, the outcome;  
17 you know, the impact; the amount of comments that we've  
18 had during the consultative process, a lot of it,  
19 except through this medium wouldn't get probably to the  
20 Chief Minister's ears. I know that he's been in so  
21 many meetings. But for instance, the open letter from  
22 the OECS citizens to the Heads of State of the OECS  
23 attending the 62nd Summit meeting in Roseau Dominica  
24 just now. Listen to this; just this. If we'd been  
25 listening to the council yesterday, I wasn't able to

1 go. I would have loved to have been there and I know  
2 the Chief Minister would have loved to have been there  
3 as well, you know, because as Chairman of the Monetary  
4 Union he is very much in the forefront of all these  
5 regional initiatives at the moment involving money.  
6 But this is what the letter to the -- from the OECS  
7 citizens, you know, a global group now, says:

8                   *"Dear Servants of the People:"* This is to  
9 the Heads of State. *"As people of these Island States*  
10 *of the OECS we convey sincere greetings. We are*  
11 *concerned landowners, business people and those who*  
12 *have credit arrangements with financial institutions in*  
13 *the OECS. We are the people who elected you to protect*  
14 *and advance our economic, property and democratic*  
15 *rights "without fear or favour." We are the ones who*  
16 *live the reality about which you speak of at this and*  
17 *other Summits.*

18                   *We are appalled at the secrecy that the*  
19 *ECCB Monetary Council, comprising yourselves, has*  
20 *employed in the introduction of the Banking Act of 2015*  
21 *and in the signing of the Eastern Caribbean Asset*  
22 *Management Corporation Agreement which is in fact a*  
23 *Treaty. Further, the recent passage of the Asset*  
24 *Management Corporation Act in the Parliament of*  
25 *Dominica with 2 days notice to the Opposition and*

1 passed in 4 hours at one sitting of the House  
2 exemplifies the haste about which we speak. The  
3 presence of armed Police inside of the Parliament in  
4 Anguilla during the first reading of the Banking Act",  
5 and today I might add, "exemplifies the aggressive  
6 response to the attempts by people to slow the  
7 process." Not to kill it but to slow the process.  
8 "Both belligerent postures having occurred between  
9 November 11 and 16th against normal citizens addressing  
10 their civil rights.

11 We are appalled at these blatant attacks on  
12 democratic rights. The speed of which has left no time  
13 for dissemination, discussion and review of these Acts  
14 by the citizens of the OECS, given the far-reaching  
15 implications of both pieces of legislation as regards  
16 the undermining of property and economic rights and  
17 democratic principles to wit, Section 5(2) of the Asset  
18 Management Act

19 "the enforcement of any security", I quote,  
20 "the enforcement of any security including a charge or  
21 mortgage whether legal or equitable acquired by the  
22 Corporation is **not subject to** the Title By Registration  
23 Act" (in our case with the Registered Land Act) "or **any**  
24 **other Law or enactment.**"

25 Not to mention the gross immunities of

1 Article 99 and the vesting Powers of Article 11 and 12.  
2 These decisions", Mr. Speaker, "address the very basis  
3 of our lives", they say, "and our relationship to our  
4 families, our ancestors and the society we elected you  
5 to protect. We insist that we have the opportunity to  
6 be informed and to discuss all relevant documents  
7 before any further legislative action is taken in any  
8 other territory in the region [sic].

9 We **demand** that you the Heads of Government  
10 of the OECS pull back from this indecent and aggressive  
11 rush with which these two Acts are being rammed through  
12 the Parliaments and that YOU the representatives of the  
13 Governments together with the people of the OECS  
14 discuss these at the State and OECS levels.

15 We alert you NOW because we fear that  
16 failure to heed this call and to ensure that this  
17 process is curtailed could result in widespread civil  
18 protest and violent unrest throughout the OECS. We do  
19 not wish to see this happen and so urge you to  
20 immediately and forthwith using all deliberate speed to  
21 lead an open and transparent dialogue among the people  
22 of the OECS on the issues targeted and raised by these  
23 two Acts.

24 We have penned this letter on behalf of all  
25 thinking OECS citizens not as a Threat but as a fervent

1 *call to deepen and protect our fledgling democratic*  
2 *process and so strengthen the validity and*  
3 *effectiveness of our institutions and Laws. We believe*  
4 *these two Acts which are the object these concerns and*  
5 *the processes being used to entrench them are*  
6 *diametrically opposed to those principles."*

7 An open letter, as I said, from OECS citizens throughout  
8 the OECS Region to the Heads of State of the OECS  
9 attending the second meeting in Roseau, Dominica  
10 yesterday and today.

11 MEMBER FOR VALLEY SOUTH: Signed by whom?

12 MEMBER FOR ISLAND HARBOUR: Yes. By the  
13 citizens.

14 MEMBER FOR VALLEY SOUTH: Oh, signed by  
15 citizens. Okay.

16 MEMBER FOR ISLAND HARBOUR: Yes.

17 Mr. Speaker, you know, we are in a good  
18 position in Anguilla if we consult with the people now  
19 and quickly to avert a course that is headed, you know,  
20 to an uncomfortable end. And the way that we can do  
21 that is just by giving some more time. Just slowing  
22 the process down just a little bit. We've done good so  
23 far. We've adjourned it from one day and I believe  
24 we've made progress but it's not finished. If we could  
25 do that we would be able to show excellent leadership

1 to the rest of the territories. No time better than  
2 now with our Honourable Chief Minister, Chairman of  
3 this region to model those kinds of behaviours. And  
4 what an out it would be for our Chief Minister to say  
5 on this eve, 'you know what, I'm listening to people;  
6 I'm listening to my people; I'm listening to the  
7 people, our people of the region. And yes, it's been  
8 passed before; and yes, I'm as committed as I've always  
9 been to this Bill; I'm setting out -- separating out  
10 Anguilla's peculiar circumstances in the, you know,  
11 which we have to resolve quickly, but I am standing as  
12 a leader in the OECS region and I'm hearing you, my  
13 people, and I am going to commit to be that shining  
14 star in terms of leadership where I will have decisive  
15 action but it will always include the people. And what  
16 a wonderful day, Mr. Speaker, it will be. You know,  
17 just before the Governor has indicated -- just after  
18 the Governor has indicated her willingness to consent  
19 -- to assent to the law; for us, even if we have to,  
20 what do we say, compromise the, you know, do the  
21 readings quickly like it's intended today. Just think  
22 what that would signal to the rest of the world. What  
23 it would signal to our people. And our doors can be  
24 open. Are we always, are we going to always have  
25 armoured police officers inside the courts? We don't

1 want that. We could do it now and that would be such  
2 an excellent opportunity, Mr. Speaker, to demonstrate  
3 excellent leadership. That is how it's done in  
4 countries whose economies end up successful. And in  
5 those where it's not done, and this is recorded, I have  
6 often spoken to our Honourable Chief Minister made  
7 reference to Robinson's studies on successful economies  
8 where this is absolutely a first indicator that we're  
9 not going to turnaround our economy. So I would ask  
10 the Honourable Chief Minister reflect on it. I will  
11 share it with him, I will do whatever work that needs  
12 to be done to bring the people on board. We're nearly  
13 there. We're nearly there. And the resolution will  
14 then work well because we would have brought our people  
15 along with us.

16                   And just so, Mr. Speaker, there can be no  
17 continued blurring in our Honourable Chief Minister's  
18 mind, because we spoke earlier about the conflicts of  
19 interest, you know, the perceived conflicts of interest  
20 because I know that, you know, many of our people  
21 consider that this isn't the right time for our  
22 Anguilla leader to be in the Union. They feel that the  
23 Currency Union, they feel that any time other than now,  
24 but that our choices have been fettered by that  
25 development. I'm not saying that is true, Mr. Speaker,

1 to the Chief Minister. I'm just letting you know that  
2 this is a concern of the people, letting the Chief  
3 Minister know that that's a concern of the people. But  
4 I think it would signal well in the region if in  
5 advancing the Banking Bill through our situation and  
6 coming up with a unique solution for Anguilla, if  
7 that's on the ball, that he could, that our Chief  
8 Minister could really signal that, you know, his  
9 leadership is going to be impactful and make a  
10 difference. I think it's a wonderful opportunity. But  
11 as I said, there's been this blurring and continued  
12 blurring today between the Banking Act itself and the  
13 resolution.

14                   And I just want to share, I know the  
15 Honourable Chief Minister shared an excerpt as well  
16 from the Honourable -- I'm sorry, the retired Justice  
17 of Appeal Mitchell's dissertation on the banking and I  
18 believe that this is on, you know, it's going to be  
19 published if it's not on his blog spot already. I  
20 think, yes, the 85 page document. He's got a huge  
21 stuff on his blog spot so it's already available. But  
22 I just want to share because often I've heard the Chief  
23 Minister say that our people don't read a lot. And,  
24 you know, there are challenges to finding time to read.  
25 Even me with my busy life, I don't get to read as much



1 as I would like to. But the -- regarding the banking  
2 crisis and the new ECCB Banking Bill, I think this  
3 dissertation is relevant. He said:

4 *"Listening to the talk show [sic] on the*  
5 *radio these days, one gets the impression that some*  
6 *Anguillians are confusing Anguilla's banking crisis*  
7 *with the new Banking Act. In fact, the one has*  
8 *practically nothing to do with the other. Let us keep*  
9 *the two issues completely separated in our discourse."*

10 Now, of course, we haven't achieved that today and I  
11 have compound it as well from what happened. But he  
12 said:

13 ***"The new ECCB Banking Bill 2015.** We know*  
14 *how the new Banking Act came into existence. It is no*  
15 *way derived from the Anguilla banking crisis. It*  
16 *pre-dates the Central Bank take-over of NBA and CCB."*  
17 *And "to repeat what I have written elsewhere, the new*  
18 *Act is the result of the region's international*  
19 *obligations reflected in the Basel Committee on Banking*  
20 *Supervision's Core Principles for Effective Banking,*  
21 *issued in September 2012. The Core Principles are the*  
22 *minimum standards applied to judge how sound are the*  
23 *prudential regulation and supervision of banks and*  
24 *banking systems in all regions of the world. And [sic]*  
25 *they are the benchmark used by the IMF and the World*

1 Bank for testing the quality of supervisory banking  
2 systems.

3 The new Banking Act", which we are  
4 considering now, Mr. Speaker, "and the ECCB Agreement  
5 Amendment from which it comes, have a regional reach."  
6 So you see why the agreement is important? You have to  
7 look at that holistically, Mr. Speaker. I hope that is  
8 now clear to you. And that "They establish a single  
9 banking space within the Eastern Caribbean Currency  
10 Union." And "Unlike as under the old Banking Act..."  
11 Our still current law until this one becomes law.  
12 "...a bank licensed in one State..." meaning one of  
13 our islands, "...will now be able without restriction  
14 to open a branch in another State." And "the Central  
15 Bank is under an international obligation to implement  
16 the Core Principles in our region." It's an  
17 international obligation so no doubt the, no wonder  
18 that our administering authority is very interested in  
19 how quickly we are doing it. "It is required to ensure  
20 that the regulatory framework, ie, the standards it  
21 demands of itself, the banks it regulates, and the  
22 financial arrangements of the governments who make up  
23 its board of directors, the Monetary Council, meet the  
24 minimum standards established by the Core Principles.

25 I have explained elsewhere that the draft

1 Banking Act is a product of these international and  
2 regional obligations." Which we've already espoused.  
3 "The new Act provides a regime which international  
4 regulations [sic] will recognise as belonging to a  
5 well-regulated banking system. It was drafted long  
6 before the Central Bank moved in on NBA and CCB.

7 We have been warned that the deadline for  
8 passing the new Banking Act in every State in the  
9 Eastern Caribbean runs out at the end of December 2015.  
10 Failure to pass the new Act in Anguilla on schedule  
11 will not only affect indigenous banks, but will poison  
12 the international banking environment for the  
13 international banks that do business in Anguilla."

14 Now, "in August 2013", Mr. Speaker, "the  
15 Central Bank sent in a conservator for the two  
16 indigenous banks." We know that. "They are, the NBA  
17 with assets at about EC\$1 billion, and CCB with assets  
18 of about EC\$700 million. The explanation given by the  
19 Central Bank at the time was that the two banks were  
20 illiquid and there was a concern they might fail and  
21 that the depositors' funds would all be lost.

22 At some point, it was suggested that there  
23 was a hole of some EC\$600 million in NBA's assets. It  
24 has never been clear to me what shortfall there was in  
25 CCB's assets. Additionally, of the EC\$1 billion in

1     *loans, some 50% were non-performing and of doubtful*  
2     *value, given the depressed market that exists for their*  
3     *securities. Because of the Aliens Landholding*  
4     *Regulation Act, there is in practice no market in the*  
5     *region or internationally. Under the new regime, the*  
6     *Alien Landholding Regulation Act is about to be amended*  
7     *or repealed." I'm going to stop there because now you*  
8     *will see, Mr. Speaker, that all the concerns --*

9                     MEMBER FOR VALLEY SOUTH:     Mr. Speaker,  
10     can I prevail on the elected Member for Island Harbour  
11     to continue to read the Act [*sic*] for the benefit of  
12     all of us because I can't figure out why she's  
13     stopping. I mean, she has been reading very well all  
14     day long.

15                    THE SPEAKER:                     Okay.

16                    MEMBER FOR VALLEY SOUTH:     Continue to read  
17     it.

18                    THE SPEAKER:                     There's a  
19     request that you continue to read the article.

20                    MEMBER FOR VALLEY SOUTH:     From the Don  
21     Mitchell thing. I have it here. I'm following her.

22                    MEMBER FOR ISLAND HARBOUR:    Very well,  
23     Mr. Speaker. And Mr. Speaker, you're okay. What I  
24     intended to do, and I'm quite happy to read the whole  
25     thing because I think that, you know, staying with that

1 and then going to the revisions that he made from the  
2 earlier process will well take us into midday tomorrow.  
3 So if the minister, you know, I'm quite happy with it,  
4 but. And before I read, continue reading, Mr. Speaker,  
5 which I'm happy to do, which I'm happy to do, I'm at  
6 the Section 8. I'm at paragraph 8. So I'm going to  
7 come back to pick up from paragraph 8. But I just want  
8 to say why we need -- why we have an opportunity to do  
9 them both together but avail of the opportunity to --  
10 of the difference in time. We have till December 2015  
11 instead of mid Autumn which was the impression that  
12 certainly I had, you know, up till when I saw evidence  
13 that in fact December 2015 is the outline.

14                   What we have, again, and I'm urging the  
15 Chief Minister in line with the request of all the OECS  
16 citizens is, you know, to take advantage of that little  
17 window. I'm not saying pushing it all the way there.  
18 I think we are well on our way with the consultation  
19 process, and now if we include the banking crisis  
20 resolution strategy in our discussions to the extent  
21 that we can, you know, funnel through the select  
22 committee, we'll make up the time. So we're not going  
23 to lose time here, we will only include our people.  
24 It's not intended to lose time in terms of the outside  
25 deadlines, it's intended to make the use of that time

1 much more effective but also to use our strategy in  
2 relation to that to demonstrate to the broader OECS  
3 community that Anguilla is setting an example when it  
4 comes to participation by the people. I think we have  
5 a wonderful opportunity to do that and without pushing  
6 your lines out more. That's all I'm suggesting. And  
7 I'm saying that instead of people feeling as they will  
8 that we are ramming it down their throats, if we use  
9 the opportunity like in normal readings where you have  
10 a select committee and you lay out your, and in quick  
11 order too, but we get that, we will be demonstrating  
12 the kind of decisive leadership that the region wants;  
13 and everybody wins. And the ministers get to go back  
14 to their desks right away and be really productive;  
15 finishing roads, delivering water. These are the kinds  
16 of things. You know, making sure our children are  
17 educated. These are the things that really matter. So  
18 Mr. Chief Minister -- Mr. Speaker, if I could persuade  
19 the minister, and I am quite happy, you know, I  
20 collaborate. There's no great, unlike the many divided  
21 groups out there searching for power, that's not my  
22 wish. All I want is a simple thing which I'm hoping  
23 the Chief Minister and this Government would want as  
24 well. That's what collaboration looks like. What is  
25 right by the people. So there's no, you know. It is

1 just cooperating to make sure our people are good. And  
2 actually, it's going to make our, make Anguilla look  
3 good by all international standards. And if it is that  
4 it is true that the British are looking to stand by, if  
5 we are opening that participation and we are  
6 celebrating it and we are including our people, that  
7 will be the best deterrent to the British Government  
8 seeking to come in because it will be representative of  
9 the kind of democracy that they are currently  
10 advocating in their public hearings. So we would be  
11 really setting an excellent example.

12 I, Mr. Speaker, I'm encouraging our  
13 minister. I know that he's often stumbled, you know,  
14 to the right decision after some time but that's okay.  
15 None of us are perfect. And this is the right --  
16 Mr. Speaker, this is -- Thank you, Mr. Speaker. I've  
17 been going. If I may have just a minute to drink some  
18 water. So Mr. Speaker, I will oblige our Chief  
19 Minister and I hope the Government will consider that  
20 in the interest of the people we are making progress.

21 So Don Mitchell, Justice Mitchell's  
22 dissertation continues at 8. And really, the value of  
23 this, and I'm glad that the minister has, the  
24 Honourable Chief Minister wants it to -- wants the  
25 reading because this is a way that people listening,

1 they will request copies as well and this will make it  
2 clearer to them and absolutely help to make the  
3 participation process much easier because they will  
4 take responsibility to educate themselves as well as,  
5 you know, our responsibility to share whatever  
6 information that we have. So it's all a good thing.  
7 So back to paragraph 8.

8 *"At some point, it was suggested that there*  
9 *was a hole of some EC\$600 million in NBA's assets. It*  
10 *has never been clear to me what shortfall there was in*  
11 *CCB's assets. Additionally, of the EC\$1 billion in*  
12 *loans, some 50% were non-performing and of doubtful*  
13 *value, given the depressed market that exists for their*  
14 *securities. Because of the Alien Landholding Act,*  
15 *there is in practice no market in the region or*  
16 *internationally."* For these land I would add. *"Under*  
17 *the new regime, Aliens Landholding Regulation Act is*  
18 *about to be amended or repealed."* That is one of the  
19 provisions of this Banking Bill, so. And I continue.

20 *"So that, if all NBA's depositors came to*  
21 *the bank and demanded their funds back, and if the*  
22 *conservator could sell all the loans and other*  
23 *investments, then, from what we are been told, there*  
24 *would be a shortfall of some EC\$500 million of*  
25 *depositors' money. Some EC\$500 million might be*



1 raised, but there would be EC\$500 million short to be  
2 repaid. Indeed, if there was a run on the bank, given  
3 that most of the depositors' funds are tied up in  
4 loans, we were told that the bank would soon run out of  
5 cash and would have to close.

6 This was the banking crisis that the  
7 conservator was allegedly sent in to solve in August  
8 2013. We were told at the time that the idea was to  
9 find a solution to the liquidity problem, and that as  
10 soon as the banks were returned to good health things  
11 would be returned to normal. No one seems to have  
12 realised that in recent weeks this promise has been  
13 brushed under the carpet.

14 **The Resolution:** The Chief Minister of  
15 Anguilla has, in repeated broadcasts on radio over the  
16 past two weeks, explained that he has decided on the  
17 resolution of the banking crisis." He told us that  
18 today too. "He is going to transfer all the bad loans  
19 (allegedly some 50% in both banks) to a new regional  
20 corporation to be established by Act of Parliament in  
21 each of the States and Territories giving effect to a  
22 regional Treaty. This regional company will be known  
23 as the Asset Management Company (AMC). This company  
24 will renegotiate with defaulting borrowers and, as a  
25 last recourse, sell their securities, locally,

1 regionally and internationally, with the ALRA amended  
2 or repealed. The participating governments will share  
3 in the profits of AMC pro rata. We in Anguilla have no  
4 further interest in the bad loans sold, transferred or  
5 given (it is not clear which) to AMC.

6           Then, the Chief Minister is going to merge  
7 the two banks, NBA and CCB. Lawyers know what the  
8 merger of two companies involves. Typically, and in  
9 this case essentially, it involves the formation of a  
10 new banking company, let us call it..." He is doing a  
11 hypothetical, Mr. Speaker. "...let us call it the  
12 National Caribbean Bank of Anguilla. The conservator  
13 will transfer all the remaining assets of NBA..." He's  
14 following the law as well. "The conservator will  
15 transfer all the remaining assets of NBA and CCB,  
16 including the existing customers and deposits [sic], to  
17 the new bank, NCBA. These assets will presumably  
18 include the profitable subsidiary companies of NBA and  
19 CCB. The new bank will have one shareholder, the  
20 government of Anguilla. The government will be either  
21 borrowing a large sum of money..." This is  
22 speculation. Large sum of money. Because unless our  
23 Chief Minister tells us this is what he intends. "The  
24 government will be either borrowing a large sum of  
25 money to invest in the new bank or putting up a large

1     *guarantee to stand behind the depositors, it has not*  
2     *been made clear which. There will be no other local*  
3     *shareholders in NCBA. The new board of directors will*  
4     *be appointed in the usual way by the sole shareholder.*  
5     *Let us call them the government directors of NCBA.*

6             *No one is giving any thought to what is to*  
7     *happen to NBA and CCB after the merger. NBA has some*  
8     *3,500 shareholders and CCB some 75 shareholders." I'm*  
9     *not sure if that's correct. "Their boards of directors*  
10    *have already been dissolved by the Central Bank, and do*  
11    *not exist anymore." We know that. "Their shareholders*  
12    *remain on the books, hoping that one day someone will*  
13    *tell them what is to happen to them now, based not on*  
14    *anything anyone has informed me, but on what little I*  
15    *know of mergers and acquisitions." So he is*  
16    *speculating based on his knowledge of the law. And*  
17    *looking at the regime that's been set up by the law,*  
18    *this, the proposed Acts. He is on 14, paragraph 14.*

19             *"Until approximately one week ago, I*  
20    *harboured a faint hope that the second recognised way*  
21    *to carry out a merger of the two banking companies was*  
22    *being contemplated. That occurs when one of the two*  
23    *banks buys up the assets and takes on the liabilities*  
24    *of the other. There is then said to be an acquisition,*  
25    *and the two banks are merged by one having purchased*

1 the other. It happens every day. But, over the past  
2 week I became disillusioned about that solution. It  
3 was clear that, with the AMC purchasing all the bad  
4 debts of the two banks, there was no plan to accomplish  
5 the merger by purchase. That only left [sic] merger by  
6 selling the assets of both banks to a new bank."

7 In my view, "The only sensible way this  
8 resolution can work is, after the bad loans have been  
9 transferred to the AMC, and the good loans have been  
10 transferred to the NCBA, is [sic] to simply abandon the  
11 old banks. They serve no further purpose. After a  
12 year or two, the Registrar of Companies will strike  
13 them off the Register for non-compliance with the  
14 Companies Act requirement for filing of annual returns.  
15 That will be the end of them. The old banks will fade  
16 away into the sunset."

17 I could imagine if this -- Of course, he is  
18 speculating and he is sharing his knowledge of mergers  
19 and acquisitions. But you could imagine if that was  
20 going to be the outcome, how our -- how shareholders  
21 would be concerned and how that could adversely impact  
22 what we are trying to achieve in terms of a stable  
23 financial system. Okay, Mister. So Mr. Speaker, I  
24 have obliged. Now --

25 MEMBER FOR VALLEY SOUTH: You have not

1 completed reading.

2 MEMBER FOR ISLAND HARBOUR: He wishes me to  
3 continue. Maybe he has another part of that that I --

4 MEMBER FOR VALLEY SOUTH: (Inaudible)

5 MEMBER FOR ISLAND HARBOUR: Okay. "Red herring"  
6 the next section is called. *"The controversy in the media  
7 over the new Banking Act is a red herring obscuring the sad  
8 fate of the two local banks and their many thousands of  
9 shareholders. The only bank the new bank will regulate is the  
10 new Government-owned bank and the old shareholders in NBA and  
11 CCB will have no interest in the new bank. The two old banks  
12 will never be regulated by the new Banking Act. The new Act  
13 will never in any way affect NBA or CCB.*

14 *The shareholders and directors who are presently  
15 campaigning against the Act, on the basis that its provisions  
16 are draconian, are misled. The fact that the new Act bars  
17 injunctive relief against the Central Bank is irrelevant. The  
18 fact that the new Acts bars the right of anyone to sue the  
19 Central Bank is relevant (sic). Only the new shareholder --*

20 MEMBER FOR VALLEY SOUTH: (Inaudible).

21 MEMBER FOR ISLAND HARBOUR: -- the Government,  
22 and the new Government, but that doesn't have -- that doesn't  
23 do -- have anything to do -- Mr. Speaker, I must, you see the  
24 Chief Minister speaks across and then I fall into it so you  
25 must forgive me. But, Mr. Speaker, that is exactly why we

1 need consultation and why if we sit down and we talk to people  
2 who really understand, you know, what a resolution regime will  
3 accomplish we will achieve so much and that is why I'm  
4 advocating one short period, the select committee works and  
5 the Honourable Chief Minister, we share it. And I think that  
6 if it's the right decision that the minister has, and I'm not  
7 exposing -- I know that for myself, I do not have any  
8 information that would allow me to say that is the right  
9 decision or not the right decision because as a lawyer, and an  
10 old lawyer no less, I've had many, many years.

11 THE SPEAKER: You're not old.

12 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, you're  
13 very kind. I appreciate I may not look as old as I am but  
14 I've been practicing law for a long time and this is an area  
15 that is, you know, really critical to how we're advancing the  
16 financial services industry so we've got to get it right.  
17 We've got to get it right. And I'm saying that there are many  
18 experts out there including the Honourable, including retired  
19 Justice of Appeal Mitchell, with views on it that I think if  
20 we listen, could really help in unifying our people and  
21 bringing them together. All we need is a little bit of time.  
22 So I'm asking, we're having to go to great lengths to secure  
23 that time and to share all this information publicly but it  
24 would be much better if the Honourable Chief Minister would  
25 say that the right way to do this is for us to sit down one

1 time more. We've aborted already on two occasions and we  
2 might as well get it right now, especially as we know that the  
3 British Government will not impose laws on us and they're not  
4 intending to give us any money; that's what I understood,  
5 Mr. Speaker, from the Honourable Chief Minister. So there's  
6 no risk of any laws being imposed on us in the next week or so  
7 when we could have a very active select committee hearing and,  
8 you know, actually accomplish much. Not just to do with this  
9 but to do with the AMC one time and then you can have, you  
10 know, what will be unusual in the region, you would have had  
11 full participation by the people. Full and welcome  
12 participation by the people and without compromising your  
13 outside time limits and without compromising the financial  
14 system or the opportunities that are available. In fact, it  
15 will work rather smoothly if we can secure that. So that is  
16 what I would urge, Mr. Chief Minister. Mr. Speaker, I'm  
17 continuing but that's what I would urge.

18 Mr. Chief Minister -- Mr. Speaker, I've got in  
19 front of me as well an example of what has happened in Antigua  
20 post the passage of the Bill, you know, in the other case in  
21 the region where there was, you know, where the banks were  
22 severely challenged in similar ways. And in that case, and  
23 the article I have here it shows, you know, another side or  
24 some of the risks that we're exposed to. And again,  
25 Mr. Speaker, it would be preferable if we did this in a select

1 committee hearing where we could go through the negatives  
2 because then there wouldn't be any need for alarm. It is  
3 ironic that it was the Chief Minister who, the very first time  
4 in this house I called for information, all relevant  
5 information, months and months ago it seems to me now with  
6 none forthcoming up to this time. And through that the Chief  
7 Minister, Honourable Chief Minister said then in the house,  
8 you know, he wouldn't want me to be viewed as an alarmist.  
9 How sad it is that it's the Chief Minister, our Honourable  
10 Chief Minister, who is the one fitting that profile. Because  
11 it has, his actions have caused such alarm in Anguilla. And  
12 you know, Mr. Speaker, I notice when he said that,  
13 Mr. Speaker, imputing that, you know, I wasn't the calm,  
14 collected person that I am, the calm, collected leader that I  
15 am. In fact that, you know, the roles, the profiles would,  
16 you know, so fit his own conduct. That is sad.

17 But we are here today and Mr. Speaker, I'm very  
18 focused. Before I go to that article that I spoke about, we  
19 are here today because our people deserve to participate in  
20 this process. And I know there's a Chinese philosophy which  
21 considering, you know, how prolific the Chinese culture is  
22 expanding in Anguilla everyday, we have to, you know, in  
23 diversifying and dealing with diversification, you know, pay  
24 attention to a lot of their philosophies. We need that. And  
25 Brussels today is in dire problems because they weren't, you



1 know, proactive enough in, perhaps in addressing the threats  
2 posed by, you know, groups popping up that, you know, there  
3 wasn't sufficient engagement in the process. That's why, you  
4 know, we're having the challenges we're experiencing in the  
5 world today. It's top of every report, news report today what  
6 happened in France and what is happening in France and the  
7 link with Brussels, the link with Belgium as a whole and those  
8 popping up. But the Chinese philosophy that I refer to has to  
9 do with repetition. And I love this myself, this philosophy  
10 that, you know, repetition is really important. And I, if  
11 needs be, Mr. Speaker, I can start at the beginning again  
12 because repetition is critical perhaps to remind the Chief  
13 Minister that it will be a much more productive use of our  
14 energies and the energies of Anguilla, Anguillians as a whole  
15 if we could, you know, through the select committee filter a  
16 lot of the information that will otherwise take days to go  
17 through here, Mr. Speaker. It's why, Mr. Speaker, we have  
18 rules for select committees even as so far back as our old  
19 rules. Our old rules are archaic, we agree that, but in fact  
20 it provides for improved effectiveness through select  
21 committees if we use them. And I was so -- because this was  
22 the Chief Minister's idea about the select committee, you  
23 know. I was just so impressed that the Honourable Chief  
24 Minister was prepared, through that medium, to share the  
25 information. And I believe that that information is still

1 necessary. So that Chinese philosophy of repetition where you  
2 start at the beginning all over again, I'm going to go back to  
3 part of my address which says that even though the Chief  
4 Minister is responsible for the regulatory framework we have  
5 now and that is definitely not appropriate for where we've  
6 reached and must necessarily be supplemented if we're going to  
7 meet the international regulations and the core principles of  
8 the Bâle Convention, if we're going to be able to achieve them  
9 then we've got to pass this law by 2015. I'm advocating and  
10 repeating that if the -- Mr. Speaker, that I believe that  
11 through the select committee we should aim to achieve unity  
12 across the length and breadth of Anguilla in relation to the  
13 outcome we want. What we want is a financial system that we  
14 can be proud of, that will foster and attract international  
15 investment into Anguilla which we need urgently to create jobs  
16 for our people. What we need is to demonstrate to the  
17 regional community but the international community and to the  
18 United Kingdom Government, that we in Anguilla, that we are  
19 committed to participation by the people, a representative  
20 democracy that is in line with best practice anywhere in  
21 Europe, anywhere in the developed world and that our people  
22 are engaged every step of the way by our leaders in the  
23 decision making processes that we pursue. I believe that,  
24 Mr. Speaker, that we have a unique opportunity today by  
25 withdrawing this reading or otherwise adjourning the third

1 reading to accord with whatever the Governor says is a time  
2 where she's comfortable with the resolution process, delaying  
3 that to happen at a time when we're totally comfortable  
4 ourselves, the people of Anguilla are comfortable with what  
5 the Bills provide. And that we shouldn't be ramrodding  
6 neither the Banking Bill, the final reading, nor the Asset  
7 Management Corporation Act/Bill, with the Bill, we shouldn't  
8 be pushing that through in such a way that we're showing the  
9 world that we're political dinosaurs here. Political  
10 dinosaurs who function like dictators, they do not engage the  
11 people in finding solutions. They identify a solution and  
12 roll it out and they hardly ever open to accountability for  
13 the result either because dictators don't listen to anything,  
14 including when it's going wrong. I want us to be able to show  
15 the world, Mr. Speaker, that this is not the kind of democracy  
16 that we have in Anguilla. We ascribe to best practice.

17 THE SPEAKER: I would like to remind  
18 the member there's a lot of repetition in what you're saying  
19 and the rules speak against so much repetition, so try not to  
20 repeat the same thing over and over. Thank you.

21 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, thank  
22 you very much. What I can do, Mr. Speaker, is continue, as  
23 the Chief Minister determined, with the letter, the article  
24 that -- where the retired Justice Don Mitchell said the  
25 controversy over the new Banking Act is a red herring

1 obscuring the sad fate of the two local banks and their many  
2 thousands of shareholders. That the only bank the new Banking  
3 Act will regulate is a new Government-owned bank, which is  
4 being proposed. That the new Act will never in any way affect  
5 NBA or CCB.

6 I believe, Mr. Speaker, if this is the case and  
7 this is the intention of the Chief Minister and his colleagues  
8 that they need to say that and let us consider that before  
9 passing any of this legislation, finalising this legislation  
10 in this house. We need, during the select committee stage to,  
11 considering that this is a unique situation for Anguilla based  
12 on the treaty and that small amendments will not be permitted,  
13 all the amendments, all the concerns of the people, I believe  
14 that we need to adjourn that and put into focus exactly what  
15 is intended for the people of Anguilla; what resolution  
16 strategy the Chief Minister is intending to provide. I  
17 believe that if this is dealt with we will avoid a lot of  
18 protest and we will be able to be --

19 MEMBER FOR VALLEY SOUTH: Mr. Speaker, on a  
20 point of order. The Honourable Member for Island Harbour has  
21 been going over this point on and on. And we on this  
22 honourable side of the house have been very tolerant, but I  
23 want the member to understand that after a while our tolerance  
24 can run out. And on section 41 of the Rules of Procedure, it  
25 is possible for me to rise, based on the recurring repetition

1 of the speaker, that the question be now put. I don't have  
2 any intention of doing that, Mr. Speaker, but I would ask the  
3 Member for Island Harbour that she brings relevance to the  
4 discussion by not repeating herself. Most of the stuff that  
5 she has been saying I can read it off my lap -- my iPad. I  
6 have the papers here, I'm sure other people can do it as well.  
7 But she has gone through an education process which is very,  
8 very good, but we'll be grateful if she'll come to the point  
9 and let us know what she wants. She continues to insist that  
10 perhaps we should adjourn and have a meeting of the whole  
11 house to discuss this Bill. She has not given anybody the  
12 opportunity to make a decision on that, so I just want to know  
13 where she's going with this. Thank you very much,  
14 Mr. Speaker.

15 THE SPEAKER: Thank you.

16 MEMBER FOR ISLAND HARBOUR: Thank you,  
17 Mr. Speaker. And I understand that the Honourable Chief  
18 Minister is, even though I've repeated myself apparently so  
19 much that he doesn't understand that what I'm hoping to do is  
20 through you, Mr. Speaker, persuade him that the right thing to  
21 do by the people of Anguilla is to go -- is to -- that is what  
22 I'm -- so I don't know what he's referring to when he says  
23 that he doesn't understand where I'm going because that is the  
24 one thing that I have been repeating, Mr. Speaker.

25 Mr. Speaker, there've been so many questions put

1 forward by Anguillians about the Banking Bill and the kind of  
2 resolution plan that is being considered; so many questions.  
3 The most recurring question and the education process,  
4 Mr. Speaker, that the Honourable Chief Minister might have  
5 referred to because actually, retired Justice of Appeal  
6 Mitchell's dissertation, even though it's posited as a  
7 hypothetical consideration aligning all the things that, you  
8 know, that's possible under the law, that is not the same  
9 thing as a specific resolution plan that the people need to  
10 engage with. And there is an Anguillian saying that you can  
11 bring a cow or a calf to the well but you can't force the cow  
12 or the calf to drink. And, you know, I marvel, Mr. Speaker,  
13 at the wisdom and understanding offered in these little  
14 sayings by our ancestors. And it points to the fact that with  
15 the right kind of approach we can achieve so much together, so  
16 much together. That's why, Mr. Speaker, I've said to the  
17 Government, every opportunity I've had in this house, share  
18 the information. Today we've not heard, I've specifically not  
19 asked before now, Mr. Speaker, for the financials of the banks  
20 but even in that learned treatise by the retired Justice of  
21 Appeal which the Honourable Chief Minister urged me to read,  
22 there is need for the financials. There are so many  
23 assumptions that we're making and allow for so much, you know,  
24 nonsensical speculating on the part of the public as some  
25 dignitary said recently, you know, listen and Anguillians know

1 everything about everything, but in the absence of specific  
2 information that is what is going to happen. Responsible  
3 leadership is responsive to that recognition. And so when --  
4 Where are the financials of these institutions? How can the  
5 Honourable Chief Minister and his Government make any  
6 decisions that are open to testing if those financials are not  
7 produced, if they are not shown? And there've been claims on  
8 the part -- there've been demands on the part of many of the  
9 shareholders but the public generally, you know. And even if  
10 we got it in a filtered way, as we did in the PwC report, you  
11 know, provided in the paper, even if we got it in a filtered  
12 way I think it would go a lot to letting our people know what  
13 the reality and what the options are and what the choices are  
14 facing our people. I think that would be responsive  
15 leadership. Responsive leadership. I think, Mr. Speaker,  
16 that even at this stage, and I would ask the Honourable Chief  
17 Minister to provide to the committee, right away, the PwC  
18 report unedited, the financials, the latest financials  
19 unedited, the resolution plan unedited, the fiscal measures  
20 that will be implemented to make sure that it's affordable and  
21 sustainable unedited, his thoughts, and then just let's have a  
22 discussion.

23 MEMBER FOR VALLEY SOUTH: You want to see from  
24 the Monetary Council unedited as well?

25 THE SPEAKER: Order, please.

1                   MEMBER FOR ISLAND HARBOUR: Mr. Speaker, the --  
2                   yes, any information that the Honourable Chief Minister is  
3                   willing to provide from the Monetary Council unedited would  
4                   also be welcome. It would go to satisfying our people that,  
5                   you know, satisfying them that it's an open and transparent  
6                   process. I don't know if you've noticed, Mr. Speaker, but in  
7                   the United Kingdom now it doesn't matter what the financial  
8                   ramifications are, how huge they are, in the select committees  
9                   they bring in front of them experts, company executives,  
10                  shareholders, lead -- you know, all the financial managers  
11                  with a view to ascertaining what is in the best and collective  
12                  interest of the people. I mean, and it may be that if our  
13                  Government, our Honourable Chief Minister, now that he has the  
14                  role as Chairman of the Monetary Council, if he would be  
15                  willing to model that we would certainly be able to hold out  
16                  that we are, you know, worth looking at seriously as a country  
17                  and a region, as an island and a region because that would be  
18                  in line with international practices and international  
19                  standards. And that is what the Banking Bill is aimed at, to  
20                  bring us into line with international standards and the core  
21                  principles of the Bâle Convention. That is the whole purpose  
22                  of it.

23                  So, Mr. Speaker, yes, the Chief Minister has  
24                  indicated that he might be willing to share information  
25                  relating to the suggested resolution by the Monetary Council.



1 You know, I'm sure that our people would be grateful to  
2 receive information to that, you know, together with all the  
3 other relevant information we need.

4 Mr. Speaker, I know it's a long day. I know  
5 that it's long.

6 THE SPEAKER: Are you suggesting  
7 that you're wrapping up now?

8 MEMBER FOR ISLAND HARBOUR: I'm sorry?

9 THE SPEAKER: Are you suggesting  
10 that you're wrapping up now?

11 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I'm  
12 sorry that I can't wrap it up so quickly when I'm still  
13 waiting, Mr. Speaker, for an assurance, and on a point of  
14 order, I'm quite willing to hear from the Honourable Chief  
15 Minister through you, he's been speaking through you often  
16 during my presentation, that he is willing to withdraw under  
17 Section 64.

18 THE SPEAKER: Well he has a right to  
19 respond to you after you're finished, so maybe you'll hear it  
20 then.

21 MEMBER FOR ISLAND HARBOUR: Okay. But you know,  
22 Mr. Speaker, it would be a considerate thing if it were to  
23 come via you. It would be a real -- It will be real evidence  
24 of effective decision making, you know, aimed at ensuring, you  
25 know, the best use of time.

1                   THE SPEAKER:                   It's not necessary to  
2 come through me, he'll respond to you. He has a right to  
3 respond.

4                   MEMBER FOR VALLEY SOUTH:   Obviously not.

5                   MEMBER FOR ISLAND HARBOUR: Mr. Speaker, you  
6 remind me so often of the rule that it's all through you,  
7 Mr. Speaker.

8                   MEMBER FOR VALLEY SOUTH:   Obviously not.

9                   MEMBER FOR ISLAND HARBOUR: All through you,  
10 Mr. Speaker. Still, I go back to the -- another -- because  
11 the Chief Minister has indicated that, you know, sharing the  
12 educational resources available to us through this medium is  
13 so valued, I'm going to look at another paper that, where the  
14 same author, Mr. -- The Honourable Mr. Justice of Appeal  
15 retired Justice of Appeal Don Mitchell, Queen's Counsel,  
16 examined the question: *"Why does the new Eastern Caribbean  
17 Currency Union Banking Act give our Central Bank such  
18 dictatorial powers?"* I'm sure that was intended to be -- And  
19 he's looked at the bank in -- the *"present Banking Act is  
20 Chapter B010 of the 2010 Revised Edition Laws of Anguilla. It  
21 is a uniform Act, almost identical with the other Banking Acts  
22 across the Eastern Caribbean dollar (EC\$) region. Or, it used  
23 to be. All of the six independent States have replaced it  
24 with the new Banking Act. Only Anguilla and Montserrat have  
25 failed to enact it. The governments of these two islands face*

1 *stiff opposition from members of the public, based mainly on*  
2 *what they describe as objections to the dictatorial powers*  
3 *proposed to be given to the Central Bank. This opposition has*  
4 *been holding up the passage of this essential piece of*  
5 *legislation.*

6 *The details of the powers, and the various*  
7 *reasons given for objection, (and you've heard some of them,*  
8 *Mr. Speaker, already) are not, you know, the cause (sic) for*  
9 *this analysis. What is important is an understanding why any*  
10 *new powers are being introduced at all. Why is there any need*  
11 *for a new Banking Act?" And it's to answer the question: "Is*  
12 *the Central Bank power-hungry, and determined to get its way*  
13 *at the cost of our banking system, as the opponents of the new*  
14 *Act allege? Or, is the Central Bank merely complying with*  
15 *standards that are required internationally?"*

16 *So, Mr. Speaker, there are numerous writings,*  
17 *numerous dissertations out there that could help the people of*  
18 *Anguilla to buy into this regime. It is incumbent on our*  
19 *Chief Minister to include them. And I say that while there*  
20 *are many, many risks as the article on the Antigua Bank*  
21 *discloses, the real concern is that the longer we keep*  
22 *information away from our people, the more challenging it is*  
23 *to get the consensus that will allow us to start creating*  
24 *jobs. There is going to be a long period of uncertainty*  
25 *punctuated with protest, many Court actions and all of this*

1 leading to an uncertain outcome. We can avoid that by  
2 compromising the period that the people have, that our people  
3 have to deal with the resolution to accept that it's the best  
4 thing, if it is, and to be in a position to implement the new  
5 regime without protest and uncertainty. I believe that would  
6 be the case.

7           Now, Mr. Speaker, in relation to the groups that  
8 have been, that are going to be impacted, the measures that  
9 are going to be put in place. It is true that the Honourable  
10 Chief Minister has already acknowledged that he intends to  
11 continue with the ISL and to implement further taxation  
12 measures in the short term together with the property tax  
13 revision strategy that will allow for more efficient  
14 collection of revenues. A lot is intended in the short term,  
15 a lot that Anguillians are anxious about. I see the  
16 opportunity, Mr. Speaker, today for the Chief Minister, by  
17 dealing with this Act in a responsible way, this proposed Bill  
18 in a responsible way, to show that in relation to the future  
19 legislation he will allow for proper consultation with the  
20 people as well. There are grave anxieties in our people and I  
21 feel sorry. I told our Honourable Chief Minister just  
22 recently that I felt sorry for him that he's so, he has so  
23 little touch with the people that he is not able to appreciate  
24 the concerns and the anxieties that our people have at this  
25 time and how unsettle they feel in relation to the way that

1 they are being consulted, not just on this Act but also on all  
2 the other taxation measures that are being proposed. There is  
3 a great anxiety. And I've said to the Chief Minister  
4 personally when I made that observation to him recently that  
5 in failing, that in his continued failing to -- his continued  
6 failure to engage with how the people are feeling, that what  
7 he is doing is actually giving them better reason and good  
8 reason to challenge his leadership. The Chief Minister  
9 himself, Mr. Speaker, recently told, you know, mentioned that  
10 there were many of the people involved in the protest, you  
11 know, intent on destroying his Government. He is the person,  
12 Mr. Speaker, who made that observation in my presence. And at  
13 that time I said to him, in the presence of other members of  
14 the Government and other opposition supporters, I said to him  
15 that this opportunity, this one opportunity we have to show  
16 that we're going to bring in everyone, irrespective of which  
17 party affiliation they have, is the best opportunity to build  
18 trust and confidence in this administration. And that in his  
19 continued reluctance to do the right thing by the people,  
20 insofar as giving them adequate time to participate in the  
21 decision making process, that he was only entrenching that  
22 concern and further dividing the country himself.

23                   And so, Mr. Speaker, I can only tell you that  
24 after a very long day and many repetition, many repetitions of  
25 the message that I've been since the 1st of June of this year,

1 1st of June, as far back as the 1st of June. We were elected  
2 23rd April we, this Government came into being. Immediately,  
3 as early as the 1st of June in that address on the park I  
4 called out to the Chief Minister and asked that he include the  
5 people. Let us make that -- We would have been so far ahead.  
6 We would have been so far ahead because he would have done it  
7 the right way. And now he's got a thought but he's not doing  
8 it the right way and it's going to lead to protest and  
9 disorder and further delays. Sometimes the race is not for  
10 the swift but it's for those who persevere. And I've already  
11 indicated that this, the select committee would be the right  
12 mechanism to allow for us to make up for lost time, make up  
13 for missed opportunity. And we can still achieve, in a timely  
14 way, what is the overriding objective which is to keep, to get  
15 our international -- to get our national system in line with  
16 international regulation. There's an opportunity for that.

17 Now, Mr. Speaker, the Honourable Chief Minister  
18 took great, don't know what the right word is, I would -- he  
19 objected strongly to the fact that I suggested in this house  
20 that by failing to do the right thing in terms of building a  
21 consensus that he was demonstrating that he was an inept  
22 leader. He took great objection to that and -- but I have to  
23 say that even more than before, Mr. Speaker, even more than  
24 before, I am concerned to hear from people on the street in  
25 Anguilla that the Honourable Chief Minister doesn't identify

1 with their feelings or their positioning because he has never  
2 been in a situation like they have been during the revolution  
3 and after. I have heard many people who support another  
4 regime say that the Chief Minister, his position on the  
5 Banking Bill is not surprising because he's never really even  
6 identified with the Father of the Nation in terms of modelling  
7 what is the right way to participate and include people, and  
8 in fact it's why he, the Chief Minister, has, you know,  
9 suffered several setbacks in his career including, including,  
10 you know, the fact that he's taken political decisions on  
11 himself in the past and that, you know, not respecting the  
12 wishes of the people. One example of that was when, you know,  
13 the Father of the Nation, the holiday, it has occurred many,  
14 many times. And this is the situation that our, these people  
15 fear is occurring all over again. It's occurring all over  
16 again that our Honourable Chief Minister, given the  
17 opportunity to really engage with our people, including long  
18 time supporters of the Chief Minister and his political career  
19 and persons who've helped him tremendously in the past that he  
20 is now, in their words, 'dissing them on the Banking Bill'.

21 MEMBER FOR VALLEY SOUTH: Mr. Speaker, on a  
22 point of order. Where is Miss -- Honourable Member for Island  
23 Harbour going with this? She doesn't have a clue of the  
24 issues that she's talking about.

25 THE SPEAKER: Let me listen to the

1 point of order first. What's the point of order?

2 MEMBER FOR VALLEY SOUTH: The point of order is  
3 that she is imputing a certain kind of conduct and behavior to  
4 me that I am doing things without the support of the people,  
5 and I'm sick and tired of it.

6 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, I'm  
7 sorry.

8 MEMBER FOR VALLEY SOUTH: And it's irrelevant  
9 to the debate.

10 THE SPEAKER: Yeah, I agree it's  
11 irrelevant.

12 MEMBER FOR ISLAND HARBOUR: Mr. Speaker.

13 THE SPEAKER: Get back to the  
14 Banking Bill.

15 MEMBER FOR ISLAND HARBOUR: Mr. Speaker, you  
16 know, and certainly I was only pointing to those facts. Those  
17 are facts, those are not -- that's not imputing anything.

18 THE SPEAKER: Let's deal with the  
19 Banking Bill.

20 MEMBER FOR ISLAND HARBOUR: No. But what I'm  
21 saying, Mr. Speaker, is that the same lack of willingness,  
22 same unwillingness to take on the wishes of the people.

23 THE SPEAKER: Let's deal with the  
24 Banking Bill. Come back to Banking Bill.

25 MEMBER FOR ISLAND HARBOUR: The Banking Bill,



1 the consideration of the Banking Bill. What I'm urging,  
2 Mr. Speaker, on the Chief Minister through you, Mr. Speaker,  
3 is that the Chief Minister has made, I think you will be the  
4 first to say it, I've heard him say it myself, he even cried  
5 when he said it that he's made mistakes. And we all make  
6 mistakes. Nothing's wrong with admitting you make a mistake.  
7 Quite frankly, I admired him more for admitting that he is not  
8 perfect. What I'm saying is that in relation to the Banking  
9 Bill, the attitude that our Chief Minister is demonstrating to  
10 his people, to our people, he's demonstrating an unwillingness  
11 to listen and hear them. This is not what I'm saying, this is  
12 what our people are saying. They've said it to him; it's on  
13 the radio, it's in that OECS letter that they did. This is  
14 not a new thing. And what I'm reminding him of, because I  
15 followed his political career and I know that in relation to  
16 in a prior time when there was a decision to be made, he went  
17 ahead with his own thoughts and with one segmented part of his  
18 group to the cost of the people of Anguilla. And ultimately,  
19 I believe that hurt his political career. I believe he's  
20 learnt from that because he said it himself. So I was just  
21 actually following through on the thought of that young person  
22 this morning, that young person who said that, you know,  
23 perhaps the Chief Minister lacks insight into, you know, how  
24 his behaviour is being viewed by others. I just started by  
25 saying, Mr. Speaker, that I felt sad about this. I felt sad

1 that, you know, this is the thought. And, you know, my job,  
2 the purpose of this debate is to get to an outcome that meets  
3 with the wishes of the Anguilla people. That is why we're  
4 here, why I'm standing on my feet. Not with one political  
5 grouping but with each and every Anguillian; not with one  
6 political grouping. And as I've indicated, Mr. Speaker, the  
7 nature of how we operate in Anguilla, the Chief Minister was  
8 out of office, you know, he lost his seat. After so many  
9 years he lost his seat. Why did he lose his seat? I'm, you  
10 know, I'm no expert on why he lost his seat, but what I can  
11 say --

12 MEMBER FOR VALLEY SOUTH: Why did you lose  
13 yours? Why did you not win yours the first time?

14 MEMBER FOR ISLAND HARBOUR: See again,  
15 Mr. Speaker, this cross the table. But what I was saying --

16 THE SPEAKER: Yes. Member for  
17 Valley South, please be quiet. But Member for Island Harbour,  
18 I wanted --

19 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I  
20 apologise, but the irrelevances are killing me.

21 THE SPEAKER: Yes. I'm about to say  
22 I want you to speak either for or against the Bill; support  
23 the Bill or not support it. That's what you're here for.

24 MEMBER FOR ISLAND HARBOUR: Yes. You know,  
25 Mr. Speaker, I know that you see it in very narrow terms. I

1 know that, Mr. Speaker, you're ahead of us in that regard  
2 because even now the Chief Minister is not recognising that  
3 that separation of the two issues is what the Honourable  
4 Mr. Justice of Appeal retired Don Mitchell advocates, even  
5 now. And I was trying to persuade, Mr. Speaker, the  
6 Honourable Member for Valley South that, you know, it's okay  
7 to change course in the middle of things. Sometimes you don't  
8 know what the right decision is until you've lost your seat or  
9 something like that, that happens. But in this case the cost  
10 is not to a personal political career. Margaret Thatcher said  
11 that when the conversation turns to personal attacks, like why  
12 would I have lost my seat in 2010, why uhm, not lost my seat,  
13 why I didn't win in 2010. But the point is --

14 THE SPEAKER: I think that  
15 particular point, you started that. He doesn't have a right  
16 to jump in when you're speaking, he doesn't have that right,  
17 but you refer to him losing his seat so he said why didn't you  
18 win yours; but I agree he should not be talking across the  
19 floor like that.

20 MEMBER FOR ISLAND HARBOUR: Okay. Thank you,  
21 Mr. Speaker.

22 THE SPEAKER: He has a right to  
23 respond.

24 MEMBER FOR ISLAND HARBOUR: Yes, and I apologise  
25 for engaging on that personal, you know, for responding to him

1 even though he's at fault. But, Mr. Speaker, what I'm doing  
2 and I'm doing it in a very longwinded way I know, but be  
3 patient with me. What I want to outline is that the decision  
4 on the Banking Bill is a difficult decision. It might look  
5 like a easy decision like refusing a holiday might have looked  
6 like in the past, but there are great costs, not just personal  
7 cost, personal career cost but also other costs. And these  
8 are one of the, these are factors that are relevant to the  
9 passage of the Bill. So it might not look direct, but I am  
10 actually encouraging the Honourable Chief Minister to take  
11 some of those factors under consideration as well. It's  
12 really important. That's it, Mr. Speaker. I didn't intend to  
13 suggest why he lost. I was referring to what the Honourable  
14 Member has himself said publicly. And I listened and I  
15 understand that.

16 So what I'm encouraging, Mr. Speaker, is that  
17 the Honourable Minister not move forward with the passage of  
18 the Bill today. What he does instead is give our people an  
19 opportunity to consider for a very specific time, together  
20 with the pertinent details of the resolution plan that he has,  
21 filtered through the select committee in a way that assures  
22 that all persons represented have an opportunity to put  
23 forward concerns but in a way that does not challenge the  
24 financial system at all in a responsible way. And I'm  
25 advocating that he does this and he affords this opportunity

1 before the -- so that it doesn't cost time while the Governor  
2 is being made comfortable with what is happening, but that  
3 provided we can get that information to the public I think  
4 that it will be a smooth transfer through, Mr. Speaker. That  
5 is what I wanted to communicate by asking him to, by reminding  
6 him of, you know, all the factors relevant to the decision  
7 including that he's arrived at this place, you know, with many  
8 people putting good faith in him, you know, despite. And I  
9 want him to recognise that that is the most important thing,  
10 especially as we are not, it's not going to cost the  
11 jurisdiction or the financial system in any way, in my belief.

12 Now, Mr. Speaker, I can go back to what has been  
13 put forward. I mentioned this morning that Mr. -- several  
14 persons, several Anguillians have, in the absence of any  
15 specific information being provided to them, as far as I'm  
16 aware, but with, you know, with data, you know, looking at the  
17 laws how it's operated, looking at some of the cases that  
18 Antigua has had to deal with in the Court system relative to  
19 the banking situation, their financial situation there, the  
20 strategies put in place there to make sure that the banks  
21 operate. We've also -- That some of these Anguillians have  
22 put forward their own thoughts and plans in relation to an  
23 alternative, you know, alternative ways of dealing with this  
24 crisis. Obviously, the hazard of that is one that if we don't  
25 provide relevant information, if there isn't full disclosure,

1 you know, there is the risk that, you know, all of this is  
2 going to lead to further chaos and disarray because nobody has  
3 the right facts. But in the absence of specific information  
4 we know and in developing democracies they know that this is  
5 the way that you stem adverse developments, you have to  
6 provide information. But there are people out there with  
7 alternatives. What we know from the Honourable Chief Minister  
8 himself is that the English have, the United Kingdom in  
9 relation to TCI and dealing with that regime there that, you  
10 know, certain regulations were put in place by the British and  
11 I believe I've heard from the Chief Minister that some of that  
12 legislation has been put in front of Executive Council here as  
13 well which would suggest that there is another alternative  
14 being offered in relation to the Banking Bill and, you know,  
15 the kind of regime that we might be able to have in Anguilla  
16 as an alternative to passing the Banking Bill now. And while,  
17 Mr. Speaker, you know, to my knowledge none of this draft  
18 legislation has been shared with the public. I know that, you  
19 know, it is one of the options, an alternative regime that  
20 many Anguillians would be willing to look at as an alternative  
21 to, you know, the ECCB banking regime. I'm not saying that  
22 that is my view at all, and my view is irrelevant, but I'm  
23 letting the Honourable Chief Minister know, through you, that  
24 true freedom exist when there are choices and all the choices  
25 are laid out and people, you know, laid out for consideration

1 by the people. And that, I believe that before a decision, a  
2 final decision is taken passing this law through, even though  
3 I know overwhelmingly a lot of the experts support the ECCB  
4 model as well, I still believe there is value in opening that  
5 alternative to the people, sharing with them what the  
6 alternative is. And I know that there's been a lot of  
7 discussion that even when the ECC (sic) Banking Bill becomes  
8 law that we're still going to have a regime where we have a  
9 financial, a Chief Financial Officer seconded here from the UK  
10 to make sure that, you know, the financial management meets  
11 international standards as well. I think these are all  
12 matters that the Anguillian people feel very strongly about  
13 and would like further information on and also dialogue about  
14 what the right decision is in relation to passing of the Bill  
15 for that purpose.

16 As I said, Mr. Speaker, earlier, I don't  
17 consider that it is useful to speculate about what those laws  
18 are, but through this select committee and bringing, you know,  
19 being able to access, you know, hard evidence; the reports,  
20 the financials, any correspondence with, you know, the  
21 British, with others, you know, sharing that information, I  
22 think we could move in a rapid way towards, you know, a speedy  
23 resolution of the entire issues and bring all our people with  
24 us and I think that would be quite an achievement.

25 Now, Mr. Speaker, I said earlier that I was

1 minded to, I was minded to read about, you know, the case in  
2 Antigua and I know a lot of people, Anguillians listening will  
3 be concerned to know more about those examples. But depending  
4 on what the Chief Minister and the Government, and I know that  
5 this will be an instant because so many issues have been  
6 raised today, where I know the Member for Valley North has  
7 supported the minister in this regard but particularly the  
8 Member for Sandy Hill and the Member for Road South and the  
9 other members of the house, I think their people would be  
10 happy to hear from them what their thoughts are in relation  
11 to, in relation to the Banking Bill and particularly any  
12 alternative resolution strategies that they might have put  
13 forward with them in their respective districts. That would  
14 put us, Mr. Speaker, in a very good way when we convene the  
15 committee because the information, I believe, has already been  
16 shared so it would just be a question of organising and  
17 disseminating it together and getting to a resolution. That  
18 is my view.

19 Mr. Speaker, thank you very much.

20 THE SPEAKER: You can continue, go  
21 ahead. You're finished?

22 MEMBER FOR ISLAND HARBOUR: Are you inviting me,  
23 Mr. Speaker, to continue?

24 THE SPEAKER: If you're not  
25 finished. Are you finished?



1                   MEMBER FOR ISLAND HARBOUR: Mr. Speaker, all I  
2 would urge at this time is that the Banking Bill is, the  
3 second reading, as is normal, that we refer to a select  
4 committee for amendments but in this case a select committee  
5 exist already to deal with these matters that we refer not  
6 just the Bill but the resolution plan to that committee, to  
7 the select committee of the whole house. It must not be  
8 confused with the select committee that normally goes through  
9 the amendments inside of the house but, you know, for that  
10 select committee that has been organised and which has already  
11 convened on this issue to meet to deal with the other aspects  
12 before we progress the, you know, the third reading of this  
13 Bill.

14                   THE SPEAKER:                   All right. Thank you.

15                   MEMBER FOR ISLAND HARBOUR: Thank you.

16                   THE SPEAKER:                   Are there any other  
17 contributions?

18                   MEMBER FOR VALLEY SOUTH: Excuse me,  
19 Mr. Speaker.

20                   THE SPEAKER:                   Yes.

21                   MEMBER FOR VALLEY SOUTH: I'm not sure whether  
22 the Honourable Member for Island Harbour was moving a motion.

23                   THE SPEAKER:                   No, she didn't. She  
24 didn't move a motion, she's just suggesting something.

25                   MEMBER FOR VALLEY SOUTH: Okay.

1                   MEMBER FOR ISLAND HARBOUR: Well, Mr. Speaker, I  
2 move that the Banking Bill be referred to the select committee  
3 for consideration in the context of, for further consideration  
4 in the context of a resolution plan that will be advanced by  
5 the Honourable Chief Minister that he -- by the Honourable  
6 Chief Minister and that after there is full consultation on  
7 that plan and the Bill that the Bill comes back in good time  
8 for, you know, any third reading.

9                   THE SPEAKER:                   Yes. Okay, I heard  
10 the motion. Do we have a seconder?

11                   SECOND NOMINATED MEMBER: Mr. Speaker, I second  
12 that motion.

13                   THE SPEAKER:                   Moved and seconded  
14 that this Banking Bill be deferred until another time until it  
15 goes to a select committee. Those in favour?

16                   MEMBER FOR ISLAND HARBOUR: Yes, aye.

17                   SECOND NOMINATED MEMBER: Aye.

18                   THE SPEAKER:                   Those against?

19                   (Members on Government side responded "aye".)

20                   Okay. It's not passed so I'll ask any other  
21 person that wants to contribute you may do so.

22                   Member for Road South.

23                   MEMBER FOR ROAD SOUTH:       Thank you,  
24 Mr. Speaker. I came here today to serve my country with  
25 dignity and to do the very best I can.

1                   Mr. Speaker, you -- we all would have to remain  
2 seated with our seatbelts securely fastened for we are still  
3 airborne. There are many persons speaking in Anguilla today  
4 as if Anguilla is at her wits ends (sic). We have a  
5 responsibility to our country and a duty to make sure that we  
6 carry Anguilla on from strength to strength regardless of the  
7 circumstances that she face. And as I listened to the various  
8 persons throughout Anguilla speaking I have been entertained.  
9 I'm always entertained but I'm deeply saddened whenever I  
10 happen to see a wolf teaching a sheep to sing "come and dine".  
11 I have seen a lot of that recently. People have been swept  
12 away with every wind of doctrine in regards to this Banking  
13 issue but I would like to remind all of Anguilla very briefly  
14 this afternoon.

15                   The Chief Minister spoke, Mr. Speaker, for one  
16 hour, and I think he freed his conscience, and the Leader of  
17 the Opposition spoke for six hours, and I believe that she has  
18 freed her conscience so I think that the people of Anguilla  
19 have seen and heard a lot, Mr. Speaker, by way of the radio  
20 programmes and even in the house today and before, even the  
21 marches in the street and all of the happenings regarding this  
22 Bill, I don't intend to be very long. But I intend to say  
23 that we as a people we must not forget, Mr. Speaker, that we  
24 are still airborne. We are still seeking a destination called  
25 happiness, pursuit of happiness, fulfillment in life.

1                   Anguilla in 2008 experienced significant  
2 turbulence in making this flight on to our destination. The  
3 people of Anguilla in 2010 correctly decided that the  
4 Honourable Hubert Hughes should take over command of the  
5 flight during that moment of turbulence. Mr. Hughes made the  
6 assessment that for whatever reasons he needed on this matter  
7 to put down the landing gear and that is when he signed on in  
8 2013/2014 we saw the two banks went into conservatorship. For  
9 whatever reasons may have been facing him, he changed his mind  
10 and he pulled up the landing gear and we continue to circle  
11 this issue.

12                   I am on this side, on the Government's side of  
13 this house because I went out to the people of Anguilla in  
14 2014, spent many nights out in the dew, Mr. Speaker, and I  
15 gave them the commitment that among the many problems facing  
16 this country ranging from water to banking to crime, that we  
17 will fix it. I was well aware that if the people gave me the  
18 opportunity to be here that I have five years to do so. I'm  
19 happy that some of the issues directly under my charge, such  
20 as water, I have gone ahead and I've made tremendous gains for  
21 the people of Anguilla. But today, Mr. Speaker, I want to  
22 commend the Honourable Chief Minister, Mr. Banks, not for the  
23 manner in which he has handled this issue in coming to the  
24 public because I have my own opinions about some of the way in  
25 which the issue unravelled out, was rolled out to the public,

1 but I would like to commend the Chief Minister highly for  
2 recognising how serious this matter of banking is in Anguilla  
3 and I admire his resolve to fix it. I stand squarely behind  
4 him. I've given him my commitment that whatever timetable  
5 he's on it will be fixed. I am a son of this soil and for far  
6 too long this issue has been perplexing Anguilla and Anguilla  
7 must rise again.

8           In 2015, in just five years after giving  
9 Mr. Hughes the chance, the Honourable Hubert Hughes the chance  
10 to take command of the cockpit of this country, the people in  
11 five years decided that circling the issue of banking in  
12 Anguilla, they have had enough, Mr. Speaker. And they went  
13 back and made a decision that Mr. Victor Banks and this  
14 Anguilla United Front team should take up the role of bringing  
15 Anguilla to her desired haven. Mr. Banks, the Honourable  
16 Chief Minister, has now decided that he's making an approach.  
17 And, Mr. Speaker, I said that we all must please remain seated  
18 with our seatbelts securely fastened because as we make this  
19 approach all of Anguilla must bear in mind that this landing  
20 on this banking issue is not the answer to all things. As the  
21 Leader of the Opposition clearly pointed out, this is not the  
22 answer to all things, this Banking Legislation.

23           Mr. Speaker, the Chief Minister has got to go on  
24 to pass his budget. Whatever the implications or  
25 ramifications of these Bills are, he along with this team will

1 have to address it in the budget. The Chief Minister has also  
2 got to go on from here to make sure that he satisfy the  
3 Foreign and Commonwealth office, the British Government with  
4 whatever concerns they have for this banking legislation and  
5 the resolution. I do not envy his position, Mr. Speaker, and  
6 I do not wish to have that position at this time. I heard him  
7 when he was speaking, Mr. Speaker, talk about every single  
8 facet of society and every agency that is not on his side.  
9 And though he may paint a picture that he stands alone and he  
10 may have cried tears in one instance to that statement, today  
11 I stand up to say that he's not alone. And he's not alone,  
12 Mr. Speaker, because what he is doing is something that I deem  
13 important for this country to move on. I love my country so  
14 dearly, Mr. Speaker, that I could have asked the Chief  
15 Minister when he was going to St. Kitts that I be a part of  
16 that mission, but when I look at the hunger and the thirst,  
17 Mr. Speaker, that the Leader of the Opposition had not to be  
18 further confused in this matter, I made the suggestion that  
19 perhaps we should put the Leader of the Opposition on that  
20 flight. In less than five seconds the Chief Minister and  
21 other members of this Government decided that she could be a  
22 part of the team and gladly she went. I was hoping today that  
23 the Leader of the Opposition would have stand here in this  
24 Honourable House and she would have declared that she has been  
25 more informed, that she has overcome some of the ignorance

1 that people have about certain matters of pursuing this  
2 resolution, that she has firsthand knowledge, Mr. Speaker, of  
3 the gravity of the matter seeing that she would not have  
4 walked into a bar in St. Kitts but she would have walked into  
5 a room where she would have met persons who take the charge  
6 very serious on this banking resolution from the IMF, the CDB,  
7 the World Bank, the FCO and the Eastern Caribbean Central Bank  
8 itself. Those are very weighted organizations, very  
9 substantial organizations. And it should have sent the signal  
10 that this matter is a very, very serious matter.

11 I have given the Chief Minister my support, told  
12 him that I've had enough of the talking because I live my  
13 life, Mr. Speaker, by one mode, that there is a time for  
14 discussion and there is a time for decision. And all of  
15 Anguilla is like a big multitude, Mr. Speaker, in the valley  
16 of decision and we are halting between several opinions. And  
17 as we continue to halt between those varying opinions our  
18 country continues to go down and down and down, deeper and  
19 deeper in the mire. Well somebody has got to stand up to say  
20 that enough is enough and that Anguilla must be redeemed.  
21 Redemption is a must. It is not a necessity, it's a must in  
22 this hour. And I was elected and I take my charge very  
23 seriously because on the night when they were counting the  
24 votes and the ballots and everybody else knew exactly what was  
25 going to happen in which district, it was very easy to make

1 assessments. When the ballots were coming in down in District  
2 Number 6, it was obvious to all within this country that  
3 somewhere in this nation there is (sic) some people who are  
4 very serious and committed about implementing change. And,  
5 Mr. Speaker, change was implemented down in District Number 6  
6 and I dare not disrespect the call made by the people down in  
7 District Number 6 for that change; I'm going to stand up and  
8 represent. And I'm not going to declare myself an authority  
9 on this banking matter but I will say it is very  
10 disheartening, Mr. Speaker, to hear someone get up in this  
11 house to say that nothing was done for six months. That is  
12 sad commenting. Good politicking but sad commenting,  
13 Mr. Speaker, because other Governments have had two to three  
14 years to do absolutely nothing. But if the Honourable Chief  
15 Minister could come to this house in six months/seven months  
16 and say that he has a position, he has a resolution, I think  
17 that he should be commended. And one of the things,  
18 Mr. Speaker, that pleases me today is that this resolution is  
19 not found through inaction, it is not found through paralysis.  
20 The Chief Minister, Mr. Speaker, could have taken the easy  
21 option and pretend to be mentally paralysed and continue to  
22 allow our banks to go closer and closer to liquidation. That  
23 was not his position.

24                   Mr. Speaker, one of the movies that I love  
25 tremendously is the Titanic. It's a movie that makes me cry.



1 I don't cry very much, Mr. Speaker, watching movies but the  
2 Titanic catches me every time. And what catches me every time  
3 about the tragedy of the Titanic is not that moment when the  
4 Titanic struck the iceberg, it was after, Mr. Speaker, to  
5 watch men with sense, men with understanding come under  
6 paralysis just standing idly by doing nothing as the great  
7 ship goes down. Well I am on board this one, Mr. Speaker.  
8 I'm on board Anguilla and no matter what peril she's facing, I  
9 will not succumb to paralysis to just stand idly by and do  
10 nothing. Something will be done in this hour to redeem  
11 Anguilla and to save this nation. There is redemption,  
12 salvation. And we as a government will not speak too widely  
13 about all things being normal but we will guarantee the people  
14 of Anguilla in this hour that we are considerate, we are wise  
15 based on your choosing April the 23rd, 2015 and we are  
16 considering establishing a sense of normalcy, not maintaining  
17 all things normal because all of us are sensible enough to  
18 know, Mr. Speaker, that whenever there are changes made things  
19 cannot continue as they were. But we as a government are well  
20 aware that one of the large charges placed on us, one of the  
21 responsibilities we have, Mr. Speaker, is to ensure a sense of  
22 normalcy, come as close as is possible. We cannot redeem the  
23 whole. In moments of peril you cannot save everything in the  
24 total sum, something is always lost. But I have learnt  
25 through my life and through living and through the great book,

1 Mr. Speaker, it is necessary at times to put one to rest, take  
2 a part from that one and create something wonderful and new.  
3 And I think women understands that very well, Mr. Speaker,  
4 because the great mastermind, the Almighty, put man to sleep,  
5 put man to rest, took a part out of man and created something  
6 new and wonderful. And that is to say, Mr. Speaker, that  
7 sometimes putting something to rest is not a bad thing and  
8 sometimes creating something new and different and vibrant is  
9 not a bad thing.

10 The Chief Minister, Mr. Speaker, is a leader,  
11 not by right. He's followed closely, he's well supported but  
12 he's not a leader, he's not leading me as a right, that is not  
13 afforded to him. He doesn't have that right. The Honourable  
14 Chief Minister is leading me and leading this team because  
15 it's an opportunity given to him by five other leaders and I  
16 take the chance to speak for the rest of my colleagues but I  
17 for sure, I'm a leader. But being a leader, Mr. Speaker, does  
18 not mean that I have to run the risk of always trying to be  
19 opposite and trying to be conflicting. Being a leader most of  
20 all calls for understanding the responsibilities placed upon  
21 you. And it is irresponsible as a leader to link crime to  
22 this Bill, to try to encourage people to engage in criminal  
23 activities because of this Bill.

24 Chief Minister in the days ahead, Mr. Speaker,  
25 we as a government in the days ahead we have to consider the

1 ISL; in the campaign we talked about removing it. And  
2 everybody who campaigns to people, Mr. Speaker, would always  
3 like to keep their promises, keep their pledges but sometimes  
4 when the reality of life sets in, you have to consider  
5 people's lives more so above their rights or their happiness.  
6 Every good doctor, Mr. Speaker, knows that you would like to  
7 continue living your life with two legs and two arms but  
8 sometimes a very wise surgeon would walk into the room and  
9 tell a patient you're going to have to lose four fingers to  
10 save your arm. All of us, Mr. Speaker, we do not like the  
11 moment when we have to consider loss, but something must be  
12 done in this hour to make a response to this issue that has  
13 perplexed the nation for a very long time. And amidst all of  
14 the talk and all of the considerations I'm asking all of us as  
15 Anguillians to ban ourselves together to move forward for the  
16 year 2016 and take our country upwards and onwards.

17 Thank you very much, Mr. Speaker.

18 THE SPEAKER: Thank you. Any other  
19 contributions? Member, that's the Second Nominated Member.

20 SECOND NOMINATED MEMBER: Mr. Speaker, thank you  
21 for allowing me to speak. I'll like to ask the Member of Road  
22 South if I'm free to move about the cabin?

23 THE SPEAKER: If what you ask?

24 SECOND NOMINATED MEMBER: If I'm free to move  
25 about the cabin. His speech was very, very well orchestrated

1 and he was referring to us flying a plane so I'm here asking  
2 if I'm free to move out the cabin.

3 MEMBER FOR ROAD SOUTH: You're free.

4 SECOND NOMINATED MEMBER: Thank you.

5 Mr. Speaker, regardless of which road we take I agree we need  
6 banking regulations. However, there are some aspects of the  
7 new Banking Act that eats away at our fiber. We are a strong  
8 country but we have took (sic) some paths that have lead (sic)  
9 us down a road not of no return but it's a road where we're at  
10 a pitchfork right now and we have to decide which way to go.  
11 I think that what the Leader of Opposition is trying to say is  
12 that if in the initial process when the AUF took office and  
13 according to the Member from Valley North, as he mentioned the  
14 pecking order, if they had took (sic) time to sensitise the  
15 public on this Bill, I don't think we would have this drama  
16 today. Also the AUM Government sat on it for two and a half  
17 years and they also did not sensitise the public so therefore  
18 I think there's a problem.

19 Mr. Speaker, we are living in a global economy  
20 today and to conduct business across different countries the  
21 banks has (sic) to be in fully functional -- has to be fully  
22 functional. We need to stabilise Anguilla, create a footing  
23 that is built on stone, not on sand. But it's a shame that we  
24 have to give up our sovereignty to build a new footing. When  
25 we had the lead we should have put ourselves on the same

1 footing as the BVI and create a self regulatory body in our  
2 banking sector. Our leaders need to apply certain passions of  
3 diplomatic discretion in order to negotiate sound investments,  
4 sound decisions and sound judgments for this country.

5 Government need to exercise prudent borrowing because it is  
6 essential to the survivability of this country. Both me and  
7 the Leader of the Opposition are not privy to some of the  
8 financial assessments or the financial resolution that the  
9 Chief Minister and his colleagues have put together, so  
10 therefore we cannot even analyse the impact or the tax burden  
11 that the people of Anguilla will be subjected to.

12                   Currently, I'm a business owner here in Anguilla  
13 and the stabilisation tax puts a very heavy burden on my  
14 business and I'm pretty sure it does the rest of Anguilla and  
15 their businesses.

16                   I think it's prudent to mention that the  
17 legislation that has been mentioned by the Government in  
18 regards to the 6 inch stack of papers that the UK presented  
19 them, was only a contingency plan in case the Government did  
20 not act. It is not a plan for the UK to come and take over  
21 the country but if we don't act in a prudent and a fiscal  
22 manner, it's an emergency act so that we would not have, it's  
23 more like a fail-safe, so that we would not have a  
24 catastrophic failure of the banks. But according to -- Excuse  
25 me, Mr. Speaker.

1                   There have been many comments made about the  
2 saving of the banks and to also protect the depositors. And  
3 also if we are going to protect the depositors, I'll like to  
4 find out from the Honourable Member from Valley South if we're  
5 intending to protect the offshore depositors along with the  
6 onshore depositors because according to what Helen Hatton had  
7 stated, and if I may be able to read a section from her  
8 letter, I'll read the last paragraph: *"Finally, absent formal*  
9 *briefings on which I can rely, I move into sharing a deep and*  
10 *possibly unfounded concern. I believe the ECCB proposals may*  
11 *involve particularly damaging treatment of the depositors in*  
12 *the offshore banking subsidiaries of the domestic banks to*  
13 *which the proposed legislation will apply. Should the*  
14 *assembly decide to move ahead with this Act and should the*  
15 *offshore depositors be treated in the manner I understand is*  
16 *being planned, members must realise that they will be dealing*  
17 *a killer blow to Anguilla's offshore industry. What*  
18 *international client or prudent advisor to such client would*  
19 *ever again entrust assets to a jurisdiction that is prepared*  
20 *to eradicate a person's lawful ownership by statute? And if*  
21 *it becomes known that this is the way Anguilla treats non*  
22 *locals, what does this message say to other inward investors*  
23 *including in industries vital to the continued development of*  
24 *Anguilla's economy such as tourism, light manufacturing,*  
25 *engineering, fisheries, mariner, airport or retail*

1 *developments? It is worth seriously considering that it took*  
2 *jurisdictions such as Portugal, Malta, and the Seychelles*  
3 *decades to recover from the economic stall caused by the*  
4 *seizure of international investors assets."*

5           So in this resolution, I'd like the Chief  
6 Minister to clarify if the international depositors will be  
7 protected. Reason being, we have worked so hard to create  
8 this offshore sector and like in the BVI, it creates great  
9 income for the Government and what we'll like to see is that  
10 Anguilla do not stall the offshore sector for maybe 10, 15  
11 years but we can grow upon it.

12           Also, both Pricewaterhouse -- PricewaterCoopers,  
13 (sic) sorry, and ECCB has done evaluations on both banks'  
14 financial status and non performing loans. However, their  
15 numbers vary drastically. Therefore, if the financial  
16 evaluation of both banks are much closer to PricewaterCooper  
17 (sic) assessment, wouldn't the banking resolution we are  
18 rushing to implement backfire in the near future and leave  
19 Anguilla in a worse position? That's a question that I'd like  
20 our leader, the Chief Minister, Member for Valley South to  
21 answer to the public.

22           Mr. Speaker, I'm not here in full support of  
23 this Banking Act. I think we need more consultation. We need  
24 to embrace the people and take care of their worries. They  
25 are like children, they need to be reassured that when we're

1 finished that Anguilla would be on a stronger footing than it  
2 is today and in the near future.

3 Mr. Speaker, I thank you for allowing me to  
4 speak.

5 THE SPEAKER: Thank you very much  
6 for your contribution. Member for Valley North.

7 MEMBER FOR VALLEY NORTH: Thank you very much,  
8 Mr. Speaker. Mr. Speaker, we are here this evening, we  
9 started this morning, with respect to the second and third  
10 reading of this Banking Bill. And let me place on record,  
11 Mr. Speaker, that I have been in this Honourable House for  
12 over 11 years and during the 2005 to 2010 session, the then  
13 Speaker, I believe cognizant of the fact of these lengthy  
14 contributions, had decided to put time limits on the debates  
15 and the presentations. Now that is up for debate,  
16 Mr. Speaker. And Mr. Speaker, the reason why I mentioned this  
17 is because I sat all day here from 10:00 o'clock and listen to  
18 the Leader of the Opposition from 11:00 o'clock until after  
19 5:00 o'clock, six hours, Mr. Speaker. And in her  
20 presentation, Mr. Speaker, she mentioned a lot of things. She  
21 mentioned a lot of things. She spoke about the new leadership  
22 in the house with the Clerk and having the minutes and so on  
23 and so forth. And, Mr. Speaker, that is a fact. As you know,  
24 Mr. Speaker, and I am fully well aware of because I sat across  
25 the aisle and held that position that the Member for Island



1 Harbour is holding now for five years. And, Mr. Speaker, I am  
2 very well aware and the people of this country are very well  
3 aware that there is a marked distinction between the Leader of  
4 the Opposition and the Leader of Government business. A mark  
5 distinction, Mr. Speaker. And, Mr. Speaker, I want the people  
6 of this country to realise that. And I'm saying through you,  
7 Mr. Speaker, that I would like the Honourable Member for  
8 Island Harbour to realise that as well. And, Mr. Speaker, say  
9 what you want about the Leader of Government business, I can  
10 attest to the fact that he is much more accommodative to the  
11 Leader of the Opposition in this session of the house than  
12 what was previously done.

13 Mr. Speaker, we're in this house because of an  
14 electoral process and we're all elected. The Member for  
15 Island Harbour is the elected representative of that  
16 constituency. And we heard over and over about involving the  
17 people, the voice of the people and representing the people.  
18 And I'm saying, Mr. Speaker, if the Leader of the Opposition  
19 is representing the people who oppose this administration, she  
20 has that right. We did not get on this side of the aisle by  
21 having the minority of their votes. So, in essence, we are  
22 representing our people.

23 I took offence, Mr. Speaker, to a suggestion and  
24 it was in relation to the Chief Minister. The member said  
25 that the Chief Minister at times stumbles over the right

1 decision. That is my understanding of what was said, not  
2 quoting. And, Mr. Speaker, that in itself is an insult to the  
3 over 1000 individuals who would have voted for the Chief  
4 Minister from Valley South.

5           Mr. Speaker, the Chief Minister and Minister of  
6 Finance, Ministry of Finance is part of his portfolio. He is  
7 the lead minister and person with respect to this Banking Act.  
8 And, Mr. Speaker, he alone cannot pass the Banking Act. We,  
9 the other members of the Government, Mr. Speaker, we have a  
10 voice and we have a vote with respect to this and he is the  
11 lead person. And, Mr. Speaker, you've heard over 16 plus  
12 years in terms of being Minister of Finance. Yes, that is so.  
13 And over 16 years, Mr. Speaker, irrespective of what we think,  
14 that experience, Mr. Speaker, has been beneficial to Anguilla.  
15 The Member for District 1, whether she was invited by the  
16 Member for Road South, the Chief Minister or the Minister of  
17 Home Affairs to be part of the delegation going to St. Kitts,  
18 should have learned something from those meetings. And,  
19 Mr. Speaker, I wasn't there. But again, my experience,  
20 Mr. Speaker, part of Government and dealing with the British  
21 Government, the FCO, the IMF, the World Bank, the Eastern  
22 Caribbean Central Bank, the Caribbean Development Bank,  
23 Pricewaterhouse and all the others, Mr. Speaker, would lead me  
24 to believe that they were part of the discussions in St. Kitts  
25 on Tuesday. And, Mr. Speaker, while I wasn't physically

1 present, I can give the people of Anguilla an assurance, based  
2 on my experience working with the Member for Valley South and  
3 Minister of Finance, that they were adequately and efficiently  
4 represented in those meetings. The Member for Island Harbour  
5 was present, Mr. Speaker. And, Mr. Speaker, all of the  
6 questions and concerns that she raised here during the day,  
7 Mr. Speaker, I am wondering if the member would have raised  
8 those concerns in that particular meeting. And that meeting,  
9 Mr. Speaker, was about the Banking Act/Resolution, bear me out  
10 because I wasn't there. But the point I am making,  
11 Mr. Speaker, and there're several I will make.  
12 Pricewaterhouse and Cooper, they were there via telephone or  
13 via video conference, Mr. Speaker, and the Member for Island  
14 Harbour and Leader of the Opposition was part of the  
15 Government delegation and I would hope, Member for Sandy Hill,  
16 that in the introduction that she would have been introduced  
17 as the Leader of the Opposition. So therefore, these concerns  
18 that she's bringing to this Honourable House as Leader of the  
19 Opposition, I am wondering if they were raised in that  
20 particular meeting. Pricewaterhouse, Foreign and Commonwealth  
21 Office, the Eastern Caribbean Central Bank, the IMF and the  
22 World Bank among others that were there. You see, Mr.  
23 Speaker, the point I am making here is that the member  
24 mentioned that when reference is made to the Member for Valley  
25 South in terms of his years of being elected, she blocks out a

1 part of it. Over quarter century, over 25 years and more and  
2 possibly believes in two terms. And when I heard that,  
3 Mr. Speaker, I put an asterisk beside it because at the end of  
4 the day, Mr. Speaker, the Member for District 1 as well as the  
5 other members on this side of this house elected District 2,  
6 District 6, 7 and 5, Mr. Speaker, are all rookies. In other  
7 words, Mr. Speaker, the two-term reference is possibly why the  
8 member from 11:00 this morning until after 5:00 this afternoon  
9 would have been on her feet and making presentations and being  
10 repetitive all the time. But I am saying, Mr. Speaker, that  
11 there will be time for that because there will be no general  
12 elections, Mr. Speaker, until 2020. So there will be a lot of  
13 time for that. And in a few days, as a matter of fact in the  
14 next two days or three days it will only be seven months. And  
15 I understand, it is a long time you have sitting there in that  
16 chair, at least five years.

17 THE SPEAKER: Address the chair,  
18 please.

19 MEMBER FOR VALLEY NORTH: Mr. Chair.

20 THE SPEAKER: Yes.

21 MEMBER FOR VALLEY NORTH: It's a long time.

22 And, Mr. Speaker, I am not talking theoretically, I am talking  
23 from five years of experience sitting over there, Mr. Speaker.  
24 So I am saying, Mr. Speaker, to the people of Anguilla that we  
25 have to be very attentive to what is coming, not only from the

1 side of the opposition but also from Government's side,  
2 Mr. Speaker. And, Mr. Speaker, the reason why I am saying  
3 this is because on Monday in the presentation that the Member  
4 for District 1 had, my understanding through that presentation  
5 was that she didn't have a solution for the current banking  
6 situation. My understanding from that presentation on Monday,  
7 Mr. Speaker, was that the Bill should pass and that she's  
8 asking for more time for public consultation to get the people  
9 on board. And as I said earlier, we are here representing the  
10 vast majority of the people in this country. And,  
11 Mr. Speaker, experience has taught me that you don't please  
12 everybody who would have supported and voted for you, but over  
13 time, Mr. Speaker, once they realise what you're doing is in  
14 the best interest for the majority of people they will always  
15 come back and follow you.

16 Mr. Speaker, reference was made earlier this  
17 morning to me nodding my head in approval when the Member for  
18 Island Harbour was making the point, Mr. Speaker, that it is  
19 inevitable for the Bill, this Bill to be passed. It is  
20 inevitable for the Bill to be passed. It is inevitable.  
21 December 2015, deadline. We must keep in line with  
22 international standards, Mr. Speaker. My understanding, and  
23 I'm sure the public they were listening because at that time  
24 it wasn't as drawn out as it was this afternoon, that was  
25 earlier this morning or earlier before lunch. And,

1 Mr. Speaker, I had to nod because that's what we are here to  
2 do. So I got the impression and I'm sure the general public  
3 listening, as you've said throughout your presentation that it  
4 is inevitable that the Bill must pass. And Mr. Speaker, the  
5 Minister of Finance who is leading the passage of this Bill,  
6 Mr. Speaker, I dare say in the political arena in Anguilla the  
7 type of experience, the type of knowledge and representation  
8 with respect to this particular and a number of other Bills,  
9 Mr. Speaker, bar none in this country from the political --  
10 from a political perspective is head and shoulders above  
11 everyone. And I am sorry because the rules of procedure in  
12 this Honourable House does not allow for the member in  
13 District 1 to reply, but she was there. And it would be nice,  
14 it would be very, not only entertaining but it would be very  
15 educational to give us her assessment of the representation  
16 from the Minister of Finance in Anguilla relative to the  
17 meetings that we had in St. Kitts. And I'm sure that she too  
18 would have been proud of the representation from the Chief  
19 Minister of Anguilla.

20 Mr. Speaker, that being said, it is always a  
21 learning process, a learning curve. And Mr. Speaker, the  
22 Member for District 1, I understand her position. Her  
23 position in the sense that she survived what one may describe  
24 as the political tsunami that swept through the country on  
25 April the 22nd; she survived. And, Mr. Speaker, she should

1 not take that for granted. She should not take it for granted  
2 and she must understand that we on this side were also elected  
3 and we were elected to lead. So while you speak, Mr. Speaker,  
4 about cooperation, Mr. Speaker, we have to be cooperative  
5 among ourselves and in the best interest of the Anguilla  
6 people.

7           The Second Nominated Member mentioned about the  
8 pecking order that I referred to sometime ago. And since he  
9 brought it back up, the advice, Mr. Speaker, that the Leader  
10 of the Opposition would have given all day long to the  
11 Minister of Finance, that too, Mr. Speaker must be part of a  
12 pecking order. What are we on this side of the aisle,  
13 Mr. Speaker? We are elected representatives just like the  
14 Member for Island Harbour. And I understand.

15           A substantial portion of her presentation was  
16 about leadership. Leadership. And what I understood, Mr.  
17 Speaker, from the presentation on Monday in this Honourable  
18 House was that we have a leader who, for a better terminology,  
19 may be inept in certain areas, and we all are human beings and  
20 we all are inept in certain areas, but when it comes to the  
21 administration, governance and leadership of this country at  
22 this particular point in time, Mr. Speaker, ineptness and  
23 Victor Franklin Banks should not be in the same sentence, and  
24 I make no apologies about that, Mr. Speaker.

25           Mr. Speaker, there was mention about the

1 concerns from Antigua, that we incorporate in and presented to  
2 the legal department at the Eastern Caribbean Central Bank.  
3 And, Mr. Speaker, the Member for Valley South intimated during  
4 that discussion that notwithstanding the concerns of the folks  
5 in Antigua that the bill passed. And I want the people of  
6 Anguilla to understand what we are doing here, Mr. Speaker.  
7 Despite, Mr. Speaker, the concerns, the Bill has been passed  
8 in Antigua. And, Mr. Speaker, one of the banks in Antigua is  
9 under the conservatorship and two of our banks here are in the  
10 same position. As politicians, Mr. Speaker, we use the  
11 political platforms and rostrums.

12                   Mention was made about the ISL and going back on  
13 your word, Mr. Speaker. Mr. Speaker, when one is in  
14 Government and realise, Mr. Speaker, that the resolution to  
15 this bank is going to involve all of us in this country, all  
16 of us in this country, and you are faced with a situation  
17 whereby, and these are the facts, to be able to help fund the  
18 cost of a resolution of our indigenous banks, the banks that  
19 were good to all of us, Mr. Speaker, or most of us in this  
20 country, to do away with the ISL, Mr. Speaker, or keep it in  
21 place for a year or two, a further year or two, as oppose to  
22 allowing the failure of our banks because as the member for  
23 District 1 said, she was made to understand that the British  
24 Government is not giving us any money so we're going to have  
25 to do it and we're going to have to do it, Mr. Speaker. The



1 choice we make must be affordable. And while it is a fact,  
2 Mr. Speaker, if we have to renege on a political promise for  
3 the greater good of this country, I would have absolutely no  
4 objection to that because it is the overall good in the  
5 development of this country. How are we supposed to  
6 turnaround this economy and have economic activity and so on  
7 with our banks, our indigenous banks being unstable? That's  
8 the question, Mr. Speaker, that we've got to ask ourselves.

9 Mr. Speaker, as I said before, when the member  
10 for District 1 mentioned about coming together, about getting  
11 the people on board, wonderful idea. About consultation,  
12 beautiful idea, Mr. Speaker. But then again, in my  
13 understanding, I go back to my note here. Spoke about the  
14 divided groups out there who are vying for power. Those  
15 divided groups, Mr. Speaker, one would expect that as Leader  
16 of the Opposition it would be incumbent upon her, if she's  
17 going to talk about bringing people together, to get those  
18 divided groups together. That's what she's supposed to do  
19 because if she is representing the people, Mr. Speaker, she is  
20 representing the people who did not support this  
21 administration. So if those divided groups are out there  
22 vying for power, and she is the Leader of the Opposition,  
23 Mr. Speaker, it is easier for her in her position as Leader of  
24 the Opposition to get those divided groups who are vying for  
25 power together. Because those, that divided group over there

1 or those divided groups over there, Mr. Speaker, don't want to  
2 hear from this administration you know, and especially from  
3 the Leader of Government Business and the Member for Valley  
4 South. So I throw that out as a challenge, Mr. Speaker, to  
5 the Leader of the Opposition because the divided groups over  
6 there. And we are not in isolation here, we know who they  
7 are. Mr. Speaker, on the 9th of November everyone who sit in  
8 the gallery down there, we knew them and we could almost make  
9 a prediction as to who they're supporting. So getting that  
10 group together and the talk about bringing them together you  
11 will have less demonstration and those sort of things,  
12 Mr. Speaker, is an assignment that I believe, Mr. Speaker, the  
13 leader of the opposition should be part of.

14 Mr. Speaker, a letter was read I think from the  
15 concerned citizens of the OES (sic).

16 MEMBER FOR ISLAND HARBOUR: OECS.

17 MEMBER FOR VALLEY NORTH: OECS, Organisation of  
18 Eastern Caribbean States. And it made mention of the two  
19 day's notice that was given to the opposition in Dominica and  
20 to the passage of both Bills in four hours or in one sitting,  
21 Mr. Speaker. And, Mr. Speaker, the opposition has a role to  
22 play and I'm sure that members of the parliament on Government  
23 side in Dominica would have some reservations with certain  
24 parts of the Bill as well, like in every other country. But  
25 they look at the greater good and they realise that Bills can

1 be repealed, they can be amended, Mr. Speaker. And  
2 Mr. Speaker, presenting the concerns from Anguilla and  
3 incorporating the concerns from Montserrat -- Antigua, that  
4 was handed to the legal department of the Central Bank,  
5 Mr. Speaker, I would hope that the Leader of the Opposition  
6 didn't just rely on Mr. Hodge, Kennedy Hodge and a number of  
7 individuals who would have brought forth proposals to be  
8 included in that. I would hope, Mr. Speaker, that the Leader  
9 of the Opposition and based on her professional training and  
10 experience in law would have had a very integral and important  
11 contribution to those points of submission. I would hope that  
12 that was the case. And, Mr. Speaker, I'm not going to repeat  
13 myself. I have a lot of stuff here because it was all day  
14 that I was taking notes here about all sorts of things,  
15 Mr. Speaker. But in the interest of time, I make no  
16 apologies, Mr. Speaker, in supporting this particular Bill to  
17 this house. And, Mr. Speaker, I have all the confidence in  
18 the world that the Minister of Finance and the Leader of  
19 Government business is not only on the right path but has the  
20 right approach. He has studied it enough and we all on this  
21 side of the aisle will be making a decision, Mr. Speaker,  
22 based on the reality and the leadership in particular in this  
23 particular Bill.

24 So, Mr. Speaker, I stand here to support this  
25 Bill and to say to the general public in Anguilla, the Asset

1 Management Corporation Legislation, that too, Mr. Speaker,  
2 will be brought before this house. That too, Mr. Speaker, is  
3 something, as the member pointed out, that needs some  
4 consultation and we agree with that. But in the interim, it  
5 is posted on the Government's website and I would encourage  
6 individuals in this country to go ahead, read it, study it.  
7 Again, issues that you have concerns about, please document  
8 them and bring it to the Government. The politics,  
9 Mr. Speaker, and the results of the election were known on  
10 April the 23rd. And those who believe that there is a snap  
11 election around the corner, they have a long time waiting  
12 because it will be 2020 before they will have that opportunity  
13 again. And I'm saying, Mr. Speaker, to the member for  
14 District 1, representation will include and will involve the  
15 people of this country and your presentation here today is  
16 number 3 in the pecking order, Mr. Speaker. Because I  
17 remember the former Chief Minister and Member for District 6,  
18 he would have had three days. And I remember the former  
19 Parliamentary Secretary, he would have portions of three days,  
20 so in the pecking order, you are number 3.

21 This Bill, Mr. Speaker, I'm in full support of  
22 it. Thank you.

23 THE SPEAKER: Thank you, Member for  
24 Valley North. Do we have any other contributions? If not --  
25 Yes, Member for West End.

1                                   MEMBER FOR WEST END:           Thank you,  
2   Mr. Speaker. I stand in support of the Bill but also I stand  
3   in support of our Chief Minister because over the last couple  
4   of weeks it hasn't really been an issue about the Bill. See,  
5   the Bill will pass, but as always the focus seems to be on the  
6   Chief Minister or Victor Banks. And even today the  
7   presentations, a lot of it, and not just today but over the  
8   last week or so, has been geared towards his ability to lead.  
9   And I often believe that leaders are not always those who run  
10  out front and shout and scream and make noises but actually  
11  leaders are also those in the back or in the pack. And we  
12  know that sure it has been a number of years that our Chief  
13  Minister has been involved in politics but a lot of those  
14  times he's actually made others leaders. When he had 50  
15  percent of the Government he was prepared to allow the  
16  Honourable Hubert Hughes to be the Chief Minister. When he  
17  was 25 percent of the Government, was his vote as well that  
18  allowed the Honourable Osbourne Fleming to become the Chief  
19  Minister. He took a blow in 2010 but like all true champions  
20  and leaders, he didn't lie down and play dead. He went back,  
21  learnt from the lessons, some people might call them mistakes  
22  but I think I prefer the positive side; he learnt from his  
23  lessons and he came back stronger than any other politician in  
24  Anguilla. Even the Father of the Nation cannot boast over a  
25  thousand votes. He won, in fact, the Honourable Curtis

1 Richardson in District 6, myself in District 7. Many people  
2 thought we couldn't make it if you're on the same slate as  
3 Victor Banks. But I've known him in the 23 years that I've  
4 come back to Anguilla and I've always considered him to be a  
5 leader. And again, as I said, despite the fact that people  
6 thought if you're running with, in our areas anyway, the  
7 Anguilla United Front or with Victor Banks as a leader but  
8 people have learnt, they have learnt. In our areas too  
9 they've learnt because after a while you have to back the  
10 chat. And a lot of what's been said over a number of years  
11 has been loose talk. And I think the realisation, when things  
12 really hit home to people they realise that you have to stand  
13 up, you have to stand up for what you really believe, not what  
14 others tell you.

15           And, Mr. Speaker, today again I stand in support  
16 of our Chief Minister and what he believes. And also, I take  
17 offence to when people who are not within the room or within  
18 the meetings that we have to suggest that he keeps things to  
19 himself, he doesn't inform us. That is not true, Mr. Speaker.  
20 But I suppose there's a difference between politics and  
21 representation and I still believe that those who play too  
22 much politics when politics are not required are really trying  
23 to mislead people and we've seen that over the last week.  
24 We've seen a lot of that. I see our Chief Minister as a  
25 representative, not just of his district but all of Anguilla.

1 And I stand in support of him not just for this Bill but the  
2 leadership qualities that he brings.

3 I also would like to take this opportunity to  
4 thank a number of my supporters, people in West End and  
5 throughout Anguilla for the support that as a Government we've  
6 needed over the last couple of weeks when many others have  
7 seen the opportunity to throw darts at us. I think over a  
8 period of time people have realised what the real motives have  
9 been. And as we face this challenge over the next, whether  
10 it's the next couple of weeks, next couple of months or  
11 probably for years to come. We talk of unity, we talk but we  
12 talk out of different sides of our mouths. We really should  
13 put our hands and our heart and say we believe in unity and  
14 forget about the politics.

15 Mr. Speaker, again I thank you for the  
16 opportunity to speak and also thank the Chief Minister for  
17 allowing me to be part of his team.

18 THE SPEAKER: Thank you very much,  
19 Member for West End. Member for Road North.

20 MEMBER FOR ROAD NORTH: Mr. Speaker, I know  
21 the day is far spent and people are perhaps getting tired.

22 THE SPEAKER: You have your mike on?

23 MEMBER FOR ROAD NORTH: Yes, it is on.

24 THE SPEAKER: Okay.

25 MEMBER FOR ROAD NORTH: But let me first of

1 all say that the last couple of weeks or last week in  
2 particular has been quite challenging but we must thank God  
3 for the strength, the courage and faith that he has given us  
4 to withstand it all.

5           Mr. Speaker, I do not stand here as or pretend  
6 to be an authority on the banking issue but I do know that for  
7 the last seven months since this Government has come into  
8 power our Chief Minister and his team has been feverishly  
9 working on this banking issue and I believe that I have been  
10 able to understand enough to even get a grassroots view of the  
11 whole situation and to understand the impact that it has, the  
12 negative impact it has for the socioeconomic development of  
13 our island, and hence my support for this Bill. I am  
14 convinced, Mr. Speaker, that the only motive as articulated by  
15 our Chief Minister for passing this Bill is to work out a  
16 solution which is in the best interest of Anguilla, the  
17 depositors, the shareholders and the survivability of our  
18 indigenous banks. Mr. Speaker, the people of Anguilla should  
19 by now, even if they had any doubts, understand from the  
20 eloquent and articulate presentation by our leader as he took  
21 the pains to explain to this Honourable House and the people  
22 of Anguilla the importance and the urgency of having this  
23 legislation passed in this Honourable House as well as the  
24 informed consultations over the past week. I must also  
25 commend the Honourable Member for East End for the excellent



1 job she did in presenting those consultations.

2 Mr. Speaker, there is no question that there is  
3 need for consideration to be given to some amendments in this  
4 legislation but as one financial space, a process for making  
5 amendments was also outlined. As I indicated to the  
6 Honourable Member for Island Harbour, even if we -- there is  
7 another week, there is another month, there is another year  
8 for consultations, the outcome will exactly be the same, there  
9 will be no change.

10 Mr. Speaker, the scholarly writings of the  
11 learned Don, Mr. Don Mitchell, QC on this issue are very  
12 enlightening. And I also came across an article by a  
13 Mr. Peter Queeley giving the Montserratian view. And it says  
14 here: *"From the onset, I wish to state that the proposed new  
15 Banking Act does not pertain to a single financial institution  
16 and its particular circumstances, nor does the proposed new  
17 Banking Act pertain to a particular OECS territory or its  
18 particular circumstances. Rather, the new Banking Act  
19 pertains to the conduct of banking business and the regulation  
20 and supervision of the same in the OECS region. Therefore, it  
21 is irrelevant for one to state that a particular institution  
22 non performing loans less than 5 percent or the liquidity  
23 situation surrounding a particular institution is strong or  
24 that other territories' indigenous banks are in trouble and in  
25 Montserrat that is not the case."* And it goes on to say,

1 Mr. Speaker, that "one cannot wait for situations to happen  
2 for action to be taken. The necessary safeguards must be put  
3 in place to mitigate the various risks. The situation  
4 confronting a financial institution or a particular territory  
5 can change over time and sometimes in the twinkling of an eye.  
6 And history has shown us that in Montserrat we have had our  
7 troubling times such as the case which led to the ECCB  
8 intervention in the Bank of Montserrat in 1992. That  
9 particular situation was localised. History has also shown us  
10 that regional situations such as the collapse of the CL  
11 financial group can also have local and regional effects. The  
12 same pertains to the other territories in the OECS region."

13 So, Mr. Speaker, we have been hearing that this  
14 Banking Bill really is to regulate the conduct of banking  
15 business within the region given all that has gone on as it  
16 relates to banking in finance, not only in the region but  
17 throughout the world.

18 Mr. Speaker we have leaders and we have  
19 followers. And if I was not convinced that my leader, the  
20 Honourable Mr. Victor Franklin Banks, was not making the right  
21 decision in the interest of Anguilla and Anguillians, I do not  
22 think that he would have had my support. But I stand here  
23 this evening, Mr. Speaker, to say that given all the  
24 circumstances, all that has gone down, I stand in full support  
25 of this Bill. Thank you.

1                   THE SPEAKER:                   Thank you Member for  
2 Road North. Are there any other contributions? If there are  
3 no other, then the mover may respond.

4                   MEMBER FOR VALLEY SOUTH: Mr. Speaker, it's been  
5 a long day and I'm accustomed of hearing my name called on so  
6 many issues, even when I'm not in the house. For five years,  
7 as the Honourable Member from Island Harbour pointed out, I  
8 was outside of the house. But for those five years I can  
9 guarantee you that my name was called more than anybody else  
10 in this Honourable House, even those who were in the house.  
11 Mr. Speaker, so I'm accustom to the kind of approach that  
12 persons think is necessary to save Anguilla. The way to save  
13 Anguilla apparently is to say all kinds of demeaning things  
14 about Victor Banks. I'm here today, Mr. Speaker, to say that  
15 unfortunately, the situation in which we now find ourselves  
16 has nothing to do with Victor Banks. It has to do with the  
17 fact that in 2008 the economies of the world crashed and open  
18 vulnerable economies like Anguilla felt the pinch. But it  
19 also pointed to the fact, Mr. Speaker, that when the economies  
20 of the world are affected in the manner in which Anguilla was  
21 affected at that time, you better have prudent legislation in  
22 place to deal with the fallout of situations such as those.

23                   If we were in a boom cycle, as we were in 2003  
24 to 2007, we would not have been having these concerns in the  
25 banking sector today. We may not have had the proper

1 legislation in place for regulation but that would have been  
2 shrouded by the fact that people were making money, people had  
3 jobs and therefore there was growth in the economy. As a  
4 result of that, the exposure and the risks to the economy were  
5 not seen. But what that has pointed to is that the financial  
6 services sector in particular the banking sector and most  
7 particularly the indigenous banking sector of the region needs  
8 to consider the importance of legislation for regulation that  
9 makes it capable of carrying out the function that is required  
10 in these times.

11           The Honourable Member for Island Harbour said a  
12 lot of things. But one of the things that I was most  
13 concerned about, because it's a part of the pride of my  
14 journey to the ripe old age of 68, she said that I was not  
15 here in the Anguilla Revolution. She may have been here in  
16 the Anguilla Revolution but based on my calculation of her  
17 age, she only had a childhood's version of what happened in  
18 the Anguilla Revolution. And I recall that I used to teach at  
19 the Anguilla -- the Valley Secondary School. I began teaching  
20 in the Valley Secondary School in 1964 and I retired or left  
21 in 1968, September, to pursue a tertiary education at the  
22 College of the Virgin Islands now University of the Virgin  
23 Islands. I was very much involved and experienced a number of  
24 the critical incidents of the Anguilla Revolution of 1967,  
25 very much informed. And as a student at the College of the

1 Virgin Islands, a student of politics and economics, among my  
2 colleagues from Anguilla I was the spokesman on issues  
3 affecting Anguilla in the Anguilla Revolution. I was a half  
4 hour away, 45 minutes at the most. So I find it insulting and  
5 disrespectful for the Member for Island Harbour to suggest  
6 that she was a part of the concerns that molded so many of us  
7 in the Anguilla Revolution and I was not. And one of the  
8 things that came to mind was because of the kind of freedoms  
9 that existed in Anguilla when there was no really entrenched  
10 law and order, that as a teacher in the Valley Secondary  
11 School, I would have noticed that whenever you try to  
12 discipline a child and that child realise that they were in  
13 trouble, the first thing they would say to you is that you is  
14 (sic) a Bradshaw. And when they call you a Bradshaw that's  
15 the end of the story. Case closed. Likewise, a first time  
16 politician on entry to this House of Assembly finds it fit to  
17 discredit my 35 years of active politics by saying I'm an  
18 inept leader and that is perhaps because I don't know anything  
19 about the Anguilla Revolution. That is the kind of behaviour  
20 we had in this Honourable House today. And I want to say to  
21 the Member for Island Harbour that I've been involved in  
22 politics in Anguilla and the region for a number of years and  
23 I feel encouraged whenever I have to interact with my  
24 colleagues from all parts of this region to discuss issues  
25 affecting the region and Anguilla because I feel strongly that

1 I do a good job in representing my country.

2 In this situation today when we're dealing with  
3 the technical issue of financial regulation, banking  
4 resolution, bank failures, there're so many technical issues  
5 that we must attend to. And I listened and I'm sure that the  
6 Member for Island Harbour, when she had the privilege of  
7 accompanying us to St. Kitts, would have listened to how  
8 experts on the subject could disagree on the finer details of  
9 the proposed resolution. So it means, Mr. Speaker, that it is  
10 not an easy fix. It is a process which involves experts who  
11 may not be like minded but who understand the technical issues  
12 of a resolution process.

13 Right now, Mr. Speaker, if you ask me, we got  
14 15,000 bankers, economists, financiers, financial experts, and  
15 regulators operating on Anguilla. And every one of them want  
16 to see the financials, every one of them want to see the  
17 reports. To what end? They're entitled to see what is  
18 available to be seen but to what end?

19 I get the feeling that the Member for Island  
20 Harbour, based on the request for a number of unedited  
21 documents, must think that she's a member of the Monetary  
22 Council. There're documents that my colleagues in Executive  
23 Council are not allowed to see so I don't know why she would  
24 believe that because she feels it's so and because she is  
25 talking about this new found transparency in governance that

1 every document that comes out of the Monetary Council she  
2 entitle to see. Well if she wants to be the Minister of  
3 Finance she either have to join my Government or form a  
4 Government of her own, and that requires leadership that  
5 allows you to put a team of persons together to seek  
6 representation at that level.

7 Mr. Speaker, Section 32 of the Banking Act, the  
8 current Banking Act, prohibits the ECCB from disclosing  
9 information obtained during their work about depositors to the  
10 public.

11 MEMBER FOR VALLEY NORTH: Repeat that again.

12 MEMBER FOR VALLEY SOUTH: Section 32 of the  
13 Current Banking Act, not the one we're forming now -- we're  
14 passing now, prohibits the ECCB from disclosing information  
15 obtained during their work about depositors to the public.

16 MEMBER FOR VALLEY NORTH: That's the law.

17 MEMBER FOR VALLEY SOUTH: And I'm shocked that  
18 the Member from Island Harbour who made her politi -- her  
19 professional career by dealing with secrecy issues,  
20 particularly financial, confidential relationships and all  
21 that kind of thing, could be so disingenuous to suggest that  
22 certain information should not be held confidentially by  
23 persons who have been charged with that fiduciary  
24 responsibility.

25 The Member for Island Harbour read out two

1 documents; she spent the whole afternoon reading them. Two  
2 documents that she was in a workshop with us on Monday  
3 afternoon led by the Honourable Member for Sandy Hill,  
4 Minister for Home Affairs, talking about these issues and she  
5 comes in this Honourable House and reads them word for word.  
6 She doesn't appear to have any original thoughts about this  
7 issue. She read them word for word. She did not question a  
8 single item whether it was from Anguilla or from Antigua. So  
9 while she don't want to make any amendments to those  
10 presentations and even though she understand the process which  
11 she was a part of, of submitting your proposed amendments and  
12 concerns to a central body for circulation during a uniform  
13 financial space known as the Eastern Caribbean Central Union,  
14 she has no suggestions about the list of concerns, no original  
15 ideas, no amendments about the list of concerns that were  
16 expressed. And I'm certain that if she will go through that  
17 list of concerns properly she would recognise that some of  
18 them are frivolous. She would recognise that some of them are  
19 frivolous. Because she has not taken the time to use any  
20 mental effort, she come in here today to filibuster this act  
21 because she has this great idea that what we should do is come  
22 in this house and meet in the committee of the whole house and  
23 go through it. I want to say to her that the committee of the  
24 whole house comprises all the members on this side of the  
25 house as well as the Member for Island Harbour and the Second



1 Nominated Member. All the members on this side of the house  
2 and the Second Nominated Member and the Member for Island,  
3 that's who it comprises. So, in other words, if we had a  
4 meeting of the whole house and she didn't show up we wouldn't  
5 miss her. We would not miss her. And everybody on this side  
6 of the house who would become members of the committee of the  
7 whole house on finance are members of Executive Council or our  
8 cabinet that meets from time to time to discuss these issues,  
9 because there must be a Government cabinet that meets  
10 exclusive of Executive Council.

11 So, Mr. Speaker, I think that the Member for  
12 Island Harbour is extremely disingenuous in her presentation  
13 here today. She made the statement that for 16 years as  
14 Minister of Finance how come I did not revise the law as it  
15 relates to the guarantee of only \$300 to depositors, as if I'm  
16 the only Minister of Finance and lawyer in the currency union.  
17 And furthermore, she is a practicing lawyer for many, many,  
18 many years, works with banks and confidential people but she  
19 (sic) has not occurred to her in her practice, in her  
20 professional capacity to maybe suggest to persons who are not  
21 necessarily practitioners, like myself, that we need to look  
22 at that \$300 limit. But she got it up here as a big, big  
23 thing that I did not look at the issue of the \$300 limit for  
24 depositors. She also goes on to talk about why would the  
25 Government of Anguilla want to give up the revenue from the

1 licensing process. To me, she believes that the concern with  
2 regulation has more to do with revenue coming to the  
3 Government of Anguilla than the integrity of the regional  
4 financial system. But if she would be apprised of the facts  
5 and would care to understand the facts, the banks are licence  
6 assigned by the Minister of Finance but the funds for  
7 licensing the banks goes to the Financial Services Commission.  
8 That's where it goes, to the Financial Services Commission.  
9 So it's not as if the Government of Anguilla is losing any  
10 money from its normal operations, it is actually the Financial  
11 Services Commission who may be at a loss for some of these  
12 funds that would be coming from licensing the banks. But we  
13 believe it is a critical action that must take place.

14           There're a number of concerns that were pointed  
15 out in her presentation. They are genuine concerns in a  
16 number of areas; genuine concerns. But there's a process for  
17 fixing those concerns because all the Attorney Generals from  
18 the region, all the drafts persons have got to sit down as  
19 lawyers, not as we in this Honourable House of Assembly, as  
20 lawyers, and not only look at the laws and the provisions but  
21 the context of those provisions, why it was necessary to make  
22 those provisions. As I said before the International or  
23 Monetary Council experts who worked and the other consultants,  
24 drafts persons who worked on this Bill didn't do it because  
25 they want to rip off Anguilla, they did it in the way they did

1 it because they want to ensure the strength of the financial  
2 system; to strengthen it.

3 She started reading the article, the  
4 presentation by Don, Justice Don Mitchell, and she stopped at  
5 a particular point and I will like to continue at section 18  
6 where she tried to stop. And I'm not saying that everything  
7 that Don says I agree with, but if you're going to come to  
8 this Honourable House and say a couple things that matches the  
9 argument that you want to make, then I believe it is my  
10 responsibility to read the other part that does not match the  
11 argument that you want to make.

12 Section 18: *"What is incontrovertible is that*  
13 *the passage of the new Banking Act into law is a necessary*  
14 *pre-condition for the creation of the new bank which is*  
15 *intended to be licensed under the new regime. And, the*  
16 *formation of that new bank is urgent. The deadline is said to*  
17 *be the end of December, though we have never been shown why.*  
18 *The Eastern Caribbean Currency Union is, it seems, at risk of*  
19 *falling off a cliff if the new standards are not put into law*  
20 *before the deadline.*

21 *Meanwhile, Anguilla's correspondent (sic)*  
22 *banking relationships are at risk. The new bank will not be*  
23 *able to enter into any correspondent (sic) banking*  
24 *relationships with Europe and North American banks unless the*  
25 *new Banking Act is in place. Indeed, if the new bank is not*

1 put in place in a matter of days, we are told that the  
2 existing international banks providing banking services in  
3 Anguilla (Scotia and First Caribbean) will likely lose their  
4 existing corresponding banking relationships. All  
5 relationships between Anguilla's banks and international banks  
6 will cease. It seems that this is a principal reason for the  
7 haste with which these measures are being put in place. It is  
8 a pity that nothing was done during the past two and a half  
9 years.

10 It may be unfair to suggest that another reason  
11 why nothing has been done in the past two and a half years is  
12 that both the past government and the present government were  
13 concerned that all hell would break loose if the Anguilla  
14 public (most of whom are shareholders in one bank or the  
15 other) were given enough time to absorb the consequences of  
16 the resolution of the banking crisis that is now being put  
17 into effect.

18 As I have written elsewhere, it is unfortunate  
19 that no sufficient effort was put into rescuing the two  
20 existing banks. An insertion of new capital, and a dilution  
21 of the existing shareholders' equity, as was done in the USA  
22 and the UK, would have been immensely fairer.

23 And, finally a word of caution. All the  
24 explanation I have given above of what the Chief Minister is  
25 doing to the old banks and to the new bank is based on pure

1 speculation and on what is reported in the media. But, having  
2 practised for many years, mainly as a corporate lawyer, and  
3 having been involved in the merger of several companies over  
4 the years, I know how it is done. There may be still some  
5 surprises.

6                   Whatever happens, it is essential that the new  
7 Banking Act be put in place in Anguilla without amendment and  
8 at the earliest possible time. The consequences of our  
9 failure to do so will be nothing short of catastrophic, not  
10 just for Anguilla but for the region.

11                   Indeed, the British Government, we are told,  
12 have warned our government in writing that if the banking  
13 crisis is not resolved, and the new Banking Act in place  
14 before mid-Autumn, they will move in and by Order in Council,  
15 impose a solution that will be immensely more drastic than  
16 anything that the ECCB proposes. We have mere days left to  
17 act."

18                   Now, as I said before, I'm not saying that  
19 everything that Don says there, the Honourable Justice Don  
20 Mitchell says there is completely accurate. But it points to  
21 the fact that he recognises the enormity of the problem, the  
22 challenge that we face and the urgency of responding to it.  
23 The urgency of responding to it. This is what we are here  
24 concerned about.

25                   The Member for Island Harbour spent a lot of

1 time filibustering, that's what it's called. You filibuster  
2 because you want to spend a lot of time in this house talking,  
3 talking, talking so that maybe we on this side will get worn  
4 out. But let my colleagues tell you, the later in the night  
5 it is, the more energy I get. So if she believe, the Member  
6 for Island Harbour believe that by coming in this House of  
7 Assembly and repeating herself is going to cause me to want to  
8 go home, she's got a serious thing coming.

9           It is obvious to me that the Member for Island  
10 Harbour is falling in the same old tactics. She talks about  
11 me refusing Ronald Webster a holiday. I was not the past  
12 Government. I was not even the Chief Minister. Why me? Why  
13 me? And why is that important in this discussion. Mr.  
14 Webster has his holiday. We had granted him a half holiday,  
15 he now has a full holiday; he deserves it. What is the issue  
16 here? What does that have to do with the Banking Bill? She  
17 is joining other persons like the people in 50 years ago who,  
18 whenever they find themselves in a corner they call you a  
19 Bradshaw. She is joining their tactic. She's a professional  
20 woman. She's joining their tactics here in the House of  
21 Assembly. If this is the quality of leadership that she  
22 thinks I should espouse, coming in this house mumbling her way  
23 through her presentation, when she runs out of things to say  
24 or repeat, coming in here with anecdotes about picking up, as  
25 she claims, a drug problem individual in her car, a very brave

1 woman, and bringing his account of me in this Honourable House  
2 is a way to influence the people of Anguilla to responding in  
3 a particular way to this Banking Act, you got a difficult road  
4 ahead.

5 Mr. Speaker, there're a number of other things I  
6 could speak about. But I want to read to you the report from  
7 CariCRIS. CariCRIS is the rating agency based in Trinidad  
8 that examines the situation in the various territories of the  
9 region and makes comment. And they rate us whether it's a  
10 triple A rating, a triple B rating, a D rating or whatever, a  
11 F rating in terms of the economy. And their report in 2015  
12 goes as follows:

13 *"Anguilla's financial sector performance lags*  
14 *that of its regional peers and has deteriorated every year for*  
15 *the last five years. As evidenced by the level of non*  
16 *performing loans which grew from 9 percent in 2008 to 49*  
17 *percent in 2013 largely reflecting the prevailing difficult*  
18 *economic circumstances in Anguilla. The ratio of non*  
19 *performing loans to total loans in 2013 increased to that*  
20 *figure, 49 percent, from 36.4 percent in 2012. CariCRIS*  
21 *expects loan portfolio quality to continue to deteriorate in*  
22 *2014 and 2015 on account of the continued weak economic*  
23 *activity expected in Anguilla over this period. The 3-year*  
24 *average ratio of non performing loans to total loans for*  
25 *Anguilla of 39 percent was significantly higher than the OECS*

1 average of 10 percent and CariCRIS' sample average of 11.7  
2 percent. This is largely due, however, to the performance of  
3 two banks.

4           On February 11th, 2014, the ECCB extended a  
5 period of conservatorship over the Caribbean Commercial Bank  
6 Limited (CCB) and the National Bank of Anguilla. The ECCB  
7 indicated that the conditions which existed when they assumed  
8 control of the banks in 2013 still prevail. Together these  
9 two banks accounted for approximately 77 percent of the assets  
10 of the banking sector as at December 2013. This remains a  
11 significant credit concern for CariCRIS as a failure of these  
12 banks can lead to a financial and economic crisis in Anguilla.  
13 A financial assessment of both institutions is ongoing with  
14 the valuation of the physical assets having been completed  
15 thus far. The ECCB has been holding discussions with the  
16 Government of Anguilla, the British Government, the  
17 International Monetary Fund, the World Bank regarding the  
18 conservatorship. CariCRIS expects that the two banks will  
19 likely be merged into a single recapitalised entity and the  
20 bad loans removed and transferred to a special purpose  
21 vehicle. CariCRIS expects this. CariCRIS is also of the view  
22 that a protracted delay in arriving at a decision regarding  
23 these two banks may likely lead to a further deterioration in  
24 the loan portfolio quality of both institutions."

25           A rating from CariCRIS is very important for a



1 jurisdiction because it helps us to get credit at a particular  
2 rate. And it also is a statistic against which investors  
3 measure the performance of the country in which they're going  
4 to do business.

5           Mr. Speaker, records will show that the banking  
6 crisis has been caused mainly by the economic recession.  
7 Anguilla which is heavily dependent on tourism had more than  
8 its share of problems mainly because the construction boom was  
9 brought to an end before the hotels could reach its  
10 operational phase. Hotels or projects directly affected are  
11 as follows: Altamer Resort, Rendezvous Bay Hotel, Viceroy  
12 Hotel now operational, Flag Luxury now purchased by Cuisinart,  
13 Forest Bay Development, Quincy Gumbs. Some other properties  
14 ceased to reduce operation for one reason or another. These  
15 include the Malliouhana Hotel, the Cap Juluca Hotel. If the  
16 hotels in 3 were completed and those in 4 remained operational  
17 Anguilla would not have felt the worst aspects of the  
18 recession despite the decline in our tourism arrivals. There  
19 would be full employment, homes and apartments will be rented,  
20 people would be employed and loans would have been serviced  
21 for the most part. The global recession has forced the  
22 cessation of American Eagle flights throughout the Caribbean  
23 and has seemingly affected access to Anguilla as well.

24           So the reality is, Mr. Speaker, that all the  
25 stuff that the Member for Island Harbour is talking about is



1 MEMBER FOR ISLAND HARBOUR: No. Against.

2 THE SPEAKER: Okay. The ayes have  
3 it. I call about upon the Clerk to read the Bill a second  
4 time.

5 THE CLERK: A Bill to provide for  
6 the regulation of banking business, the establishment of a  
7 single banking space and for incidental and related matters  
8 and the repeal of the Banking Act Revised Statutes of  
9 Anguilla, Chapter B11.

10 THE SPEAKER: Thank you. Under  
11 Rule 54 of the House of Assembly Procedures, the Bill now  
12 stands before a committee of the whole assembly to consider it  
13 clause by clause. Assembly in committee.

14 THE CLERK: Clauses 1 to clauses  
15 193.

16 THE SPEAKER: Clauses 1 to 193.  
17 Those in favour of those clauses as circulated, those in  
18 favour?

19 (Members of Government said "aye".)

20 Those against?

21 (No response.)

22 The ayes have it.

23 THE CLERK: Schedules 1 through 4.

24 THE SPEAKER: The question is that  
25 schedules 1 to 4 be approved as circulated. Those in favour?

1 (Members of Government said "aye.")

2 The ayes have it.

3 THE CLERK: The title.

4 THE SPEAKER: The question is that  
5 the title be approved as circulated. Those in favour?

6 (Members of Government said "aye".)

7 Those against?

8 (No response.)

9 The ayes have it.

10 THE CLERK: The preamble.

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

13 (Members of Government said "aye".)

14 Those against?

15 (No response.)

16 The ayes have it.

17 THE CLERK: The enacting clause.

18 THE SPEAKER: Question is that the  
19 enacting clause be approved as circulated. Those in favour?

20 (Members of Government said "aye".)

21 Those against?

22 (No response.)

23 The ayes have it. The mover may report. Well  
24 the house will now resume its sitting.

25 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I beg to

1 report that the Bill entitled the Banking Act 2015 has passed  
2 through committee without amendments and it's ready for its  
3 third reading.

4 THE SPEAKER: Thank you.

5 THE CLERK: Banking Bill 2015,  
6 third reading.

7 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I move  
8 that the Bill entitled an Act to provide for the regulation of  
9 banking services, the establishment of a single banking space  
10 and for incidental and related matters and the repeal of the  
11 Banking Act be read a third time and passed.

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

14 THE SPEAKER: Yes. Seconded by the  
15 Member for Valley North. It has been moved and seconded that  
16 a Bill entitled an Act, Banking Act 2015, be now read a third  
17 time and passed. Those in favour?

18 (Members of Government said "aye".)

19 Those against?

20 (No response.)

21 The ayes have it. Bill read a third time and  
22 passed.

23 THE CLERK: A Bill to provide for  
24 the regulation of banking business, the establishment of a  
25 single banking space and for incidental and related matters

1 and the repeal of the Banking Act, Revised Statutes of  
2 Anguilla Chapter B11.

3 THE SPEAKER: Yes. Bill read a  
4 third time and passed. Someone move that we be adjourned.

5 MEMBER FOR VALLEY SOUTH: Mr. Speaker, I move  
6 that this house stands adjourned until Monday 23rd at 2:00  
7 o'clock in the afternoon.

8 THE SPEAKER: Do we have a seconder?

9 MEMBER FOR VALLEY NORTH: Mr. Speaker, I beg to  
10 second it.

11 THE SPEAKER: Yes. It has been  
12 moved and seconded that this house be adjourned until Monday  
13 23rd, 2:00 o'clock in the afternoon. Those in favour?

14 (Members of Government said "aye".)

15 Those against?

16 (No response.)

17 The ayes have it. This house now stands  
18 adjourned.

19 **(Meeting adjourned at 7:10 p.m.)**

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 19<sup>th</sup> day of November, 2015, the foregoing proceedings  
were taken down by us in machine shorthand consisting of 251 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 7<sup>th</sup> day of January, 2016.

.....

CARLA S. RITCHIE  
Certified Court Reporter

.....

HEATHER R. RODNEY  
Certified Court Reporter