

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
23 FEBRUARY 1996**

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PRESIDENT

His Excellency the Governor
(Mr Richard Peter Ralph CVO)

MEMBERS

Ex-Officio

The Honourable the Chief Executive
(Mr Andrew Murray Gurr)

The Honourable the Financial Secretary
(Mr Derek Frank Howatt)

Elected

The Honourable William Robert Luxton
(Elected Member for Camp Constituency)

The Honourable Eric Miller Goss MBE
(Elected Member for Camp Constituency)

The Honourable Mrs N Edwards
(Elected Member for Camp Constituency)

The Honourable Richard James Stevens
(Elected Member for Camp Constituency)

The Honourable John Birmingham
(Elected Member for Stanley Constituency)

The Honourable John Edward Cheek
(Elected Member for Stanley Constituency)

The Honourable Mrs Carol Wendy Teggart
(Elected Member for Stanley Constituency)

The Honourable Mrs Sharon Halford
(Elected Member for Stanley Constituency)

PERSONS ENTITLED TO ATTEND

The Attorney General
(Mr David Geoffrey Lang QC)

The Commander British Forces Falkland Islands
(Commodore A K Backus OBE RN)

CLERK: Claudette Anderson

PRAYERS: Reverend Canon S Palmer LVO

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**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
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His Excellency the Governor

Honourable Councillors, ladies and gentlemen, it's a privilege and a pleasure for me to be here to preside over my first Legislative Council. My pleasure and privilege is tinged with a certain apprehension since I understand we're dealing with one or two and certainly one quite delicate and controversial issue which actually renders me slightly out of a job because, if I am not mistaken, if the Constitutional review passes I will no longer be your Speaker or you will have a Speaker. So I suppose I have, in a sense, a direct vested interest in this. Should I declare this now and recuse myself? In any case, without further ado I believe I should now declare this Legislative Council open and I do so

Clerk of Councils

Papers to be laid on the table by the Honourable the Chief Executive. Copies of subsidiary legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Council and laid on the table pursuant to Section 34(1) of the Interpretation and General Clauses Ordinance 1977.

- The Matrimonial Clauses Rules (Corrections) Order 1995
- The Pennine Services Ltd (Employees) Exemption Order 1995
- The Post Office Private Letter Boxes (Amendment) Rules 1995
- The Construction and Use (Seat Belts) Regulations Order 1996
- The Immigration Ordinance 1987 (Correction) Order 1996
- The Notaries Public (Amendment) Rules 1996
- The Commissioners for Oaths (Amendment) Rules 1996
- The Permanent Residence Permits (Applications) Regulations 1996

Copies of the audited accounts for the Falkland Islands Government and the special funds of the Falkland Islands Government for year ending 30 June 1995 and laid on the table pursuant to the provisions of Section 57 of the Finance and Audit Ordinance 1988.

The Honourable the Chief Executive

Your Excellency, Honourable Members, I beg to lay on the table the papers named by the Clerk.

Clerk of Councils

Questions for Oral answer.

QUESTION No.1/96 BY THE HONOURABLE W R LUXTON

Will the Attorney General advise what protection exists for the customer under Falkland Islands Legislation against the supply of goods by a dealer or retailer which do not meet a standard that may reasonably be expected. Will he summarise the options available to a buyer when a dealer or retailer either fails or refuses to repair or replace faulty goods in a reasonable period or refuses a refund.

Attorney General

Mr President. Although in many cases it will amount to the same thing, the legal obligation is in relation to satisfactory quality rather than the phrase "standard that may be reasonably expected" which the Honourable Member uses. In the relevant law satisfactory quality is defined as meaning the standard that a reasonable person would regard as satisfactory taking account of any description of the goods, the price if relevant and all the other relevant circumstances. With only three exceptions, when somebody sells goods in the way of business and whether they are sold new or second hand, the law implies a term that they are of satisfactory quality. The goods do not necessarily have to be perfect in every way and fit for every possible use, for example a reasonable person might expect a second hand car to have some minor scratches and would not expect the same performance from a Landrover 90 as from a Jaguar XJS. If they are not of satisfactory quality, the buyer's remedies depend on

whether he has accepted the goods or not. In law a buyer has accepted the goods if he has told the seller that he accepts them and that must be obvious. Additionally, he has accepted the goods if he does anything in relation to the goods which is inconsistent with the ownership of the seller. However, there will be no acceptance until the buyer has had a reasonable opportunity of examining the goods. The law specifically provides that a buyer is not deemed to have accepted goods merely because he has asked for or agreed to their repair by arrangement with the seller, nor has he automatically lost the right to reject the goods because he has given the goods as a wedding or birthday present. If the buyer has not accepted the goods he can reject the goods when he can refuse to pay for them or require the seller to pay him back the price and claim damages in respect of any loss he has suffered from the goods not being of satisfactory quality. There is no right in law to claim repair or replacement at the seller's costs although many sellers will in fact offer this. If the buyer has accepted the goods he has no longer any legal rights to reject them so he cannot lawfully refuse to pay for them nor can he require the seller to pay back the price. In those circumstances his right is to require the seller to pay damages in respect of any loss he has suffered from the goods not being satisfactory quality. However, in practice many sellers will offer to repair the goods at their own expense or replace the goods since the damages claimable are likely to exceed the cost of repair or replacement of the goods. If the buyer cannot get satisfactory response from the seller, he can of course bring legal proceedings, I draw to the attention of Honourable Members that there is a simplified procedure available in small claims, currently those under £1,000 which is intended to make the use of lawyers unnecessary, and that the courts have produced guidance notes in relation to the use of the small claims procedure. This procedure uses simplified forms and requires the use only of plain English, disputed claims are dealt with in a simplified hearing before the Senior Magistrate in which the claimant can represent himself or with the permission of the court be represented by a friend or relative. The Falkland Islands law which I've outlined above is in all material respects the same as that of England. That law is regarded as unsatisfactory in a number of respects and a Green Paper on guarantees for consumer goods and after sales service has been published. I'm awaiting developments in relation to that before considering recommending to Honourable Members changes in our own law.

The Honourable W R Luxton

Thank you Mr Attorney General for a very comprehensive reply which was no less than I expected from yourself. In general terms then, do you feel that if someone were to purchase a vehicle and pay for it and accept and find that it ceased to function after a very small mileage, like a couple of hundred miles shall we say, then the buyer would have a good case in law even if he had accepted the goods?

Attorney General

Mr President. I am not required to answer hypothetical questions but the question that the Honourable Member has asked is one which represents the facts of a case which was decided in an English court some years ago. It's always very difficult in law to determine whether the buyer has accepted the goods or not and this is one of the defects in the present law. It's a question of whether he has done something which is inconsistent with the ownership of the seller. If he has not in law accepted the goods the buyer will be able to reject the motor car and make the dealer take the car back and give him his money back. If he has accepted the goods he can sue for breach of warranty, that is for the cost of having the defects in the car put right at the seller's expense and for the inconvenience for not having the use of the car.

Question No.2/96 by the Honourable W R Luxton

This is addressed to the Chief Executive. Money was voted by Council in the current budget year to enable the National Stud Flock infrastructure to be set up at Saladero. Has this objective been achieved?

The Honourable the Chief Executive

Mr President, Honourable Members. As all of us will be aware there was a delay following the approval in last year's budget in getting these wheels turning. However the wheels have been whirring of late and I am confident that the infrastructure planned for the National Stud Flock

location will be set up during the current financial year. House, shed and fencing should be erected before the end of April, smaller items are either on site, in storage or in transit. The interior of the wool shed will be installed during the winter months.

The Honourable Councillor Luxton

Does the Chief Executive agree that the delays in provision of housing proper on-site supervision of the National Stud Flock at Saladero is little thanks from FIG for the commitment that the McBains had given to shepherding the National Stud Flock over the years. And would he like to compare these delays and the performance of the Agricultural Department with Heather and Robin Smith at Harps who, without any help from the considerable resources of FIG have recovered from the trauma of their home being burnt down in front of them on the 10 October, yet have successfully completed the busy season's work with limited facilities. They have finished construction of the foundations for their new house which is already in Stanley and have organised it to be delivered at Harps by 4 March 1996 ready for a speedy completion.

The Honourable the Chief Executive

Mr President, Honourable Members. I think the Honourable Member is asking me to compare performance in the private sector and the public sector, I think that's always a dangerous thing to do. However, I would answer the first part of his subsidiary by saying that we have been in constant touch and I've spoken with the McBains a number of times myself over this issue. I do consider it to be very unfortunate and I am sorry that it has happened to them but I think the situation that we are now in, they are reasonably satisfied with, and I hope they are, and I look forward to them being in their new house towards the end of April, and living happily there and shepherding the Stud Flock successfully.

QUESTION NO.3/96 BY THE HONOURABLE J BIRMINGHAM

Can the Honourable Chief Executive inform me of how many firearms are held in the armoury of the Royal Falkland Islands Police? What weapons are on order and under what circumstances and with whose authorisation would firearms be used?

The Honourable the Chief Executive

Mr President, Honourable Members. There are six firearms currently held in our Police Armoury, they are all captured Argentinean weapons. That answer however is as the Honourable Member is aware slightly misleading as there are ten pistols and two shotguns on order. When that order arrives the existing weapons will be scrapped and so there will be twelve new weapons. The circumstances relating to and governing the authorisation of firearms is dealt with in the Police Ordinance 1966 Section 4 and their use is regulated by Police Standing Order 3.4. The circumstances are a.) There is a reason to suppose that a police officer may have to face a person who is armed or is otherwise so dangerous that he could not safely be restrained without the use of firearms, b.) There is a need for armed protection and c.) There is a need to destroy a dangerous or critically injured animal. Authorisation would be given by the senior police officer available and much as I believe in democratic Government I do not think that a committee would be capable of making this kind of decision within an appropriate time horizon.

The Honourable J Birmingham

I thank the Honourable Chief Executive for his answer.

The Honourable Mrs W Teggart

Can I ask the Chief Executive if in the course of the nightshift of the Police Station there is in fact always a senior officer available to make such a decision or if something pertinent to this sort of situation happened, would such an officer be called?

The Honourable the Chief Executive

Mr President, Honourable Members. The word "available" I think is the key one here, available means available, it is the most senior police officer available and not necessarily on duty.

The Honourable Mrs W Teggart

Thank you very much.

The Honourable W R Luxton

Your Excellency, I was rather surprised to hear that the police are armed only with handguns and shotguns, could you just confirm that there are no rifles held by the police in which case, that seems to be something of an omission if you want to destroy dangerous animals or something. A wild bull for instance would not easily be tackled with a shotgun or indeed a handgun unless he was a fairly courageous officer.

The Honourable the Chief Executive

Mr President, Honourable Members. I thank the Honourable Member for bringing the "wild bull" situation to my attention and I will certainly raise that issue with the police. As far as I am aware and according to my information, no they have no rifles, only what I have described.

QUESTION NO.4/96 BY THE HONOURABLE J BIRMINGHAM

It is over a year since the report concerning the care of the elderly in the Falkland Islands was considered by the Executive Council. Apart from sheltered housing could the Chief Executive inform me of the progress to date regarding the recommendations that were approved. These were a.) Certain specified aids and appliances for use on a loan basis to be purchased during the 1994/95 financial year; b.) A call system to be installed in the sheltered housing on St Mary's walk and the call system to be extended to ten houses in the community during the 1994/95 financial year; c.) Provision made for the recruitment of a second district nurse during the 1995/96 financial year.

The Honourable the Chief Executive

Mr President, Honourable Members. I think it is best to answer this question under the three points a, b and c of the Honourable Member's question. a.) A selection of aids and appliances have been purchased the total amounting to £2,600 so far, the physiotherapist is in the process of assessing patients for their individual needs; b.) A call system has been identified by welfare staff and the hospital engineer, this also includes ten units for use within the community. The first five units should arrive shortly and will be installed to those patients requiring this on-call

system in the town; and c.) Provision has been made in the 1995/96 budget for a second district nurse, the conditions of this post will be advised by the Establishments Secretary.

The Honourable J Birmingham

Your Excellency, Honourable Members. I thank the Chief Executive for his very full answer and I am satisfied that all is well. Thank you.

QUESTION NO.5/96 BY THE HONOURABLE J BIRMINGHAM

Can the Honourable Chief Executive inform me of the percentage of hydatid cysts currently being found in offal sets at the butchery and also whether there has been any increases in hydatid disease in humans in the Falkland Islands during the last five years.

The Honourable the Chief Executive

Mr President, Honourable Members. I thank the Honourable Member for this question as I find the answer myself most interesting and I would regret that he won't be able to get in his three questions next month as he won't be with us. In 1991 the percentage found in the survey was 0.11%, in '92 it was 0.29%, in '93 it was 0.44%, in '94 it was 0.02% and in '95 0.02%. In the last two years there has only been one cyst per year discovered out of 11,437 offals examined and there has been no case of hydatids in humans in the Falklands since the mid 1970's.

The Honourable J Birmingham

I thank the Chief Executive for his answer and I think that's something for the farming community, the Agricultural Department and the butchery to be proud of. May I just say that communications being as they are I shouldn't be crowing too much about questions at the next Legislative Council.

QUESTION NO.6/96 BY THE HONOURABLE J E CHEEK

Mr President, Honourable Members. Will the Chief Executive please advise when the rubbish left after the closure of Navy Point Camp - the Camber, is to be removed?

The Honourable the Chief Executive

Mr President, Honourable Members. The removal of rubbish, indeed the general tidying up of the environment is I know a subject dear to Honourable Members' hearts. As far as the rubbish at Navy Point is concerned, it is the remnants of what has not yet been sold or otherwise cleared, there is one large portakabin complex, whose sale by tender has been delayed pending response to the development tenders in the area as a whole. Should Councillors wish to consider the removal of rubbish priority then either special funding will be required or some other part of PWD's activity will be delayed, otherwise I suspect that the rubbish will remain until the development plans are progressed.

The Honourable J E Cheek

Mr President, I thank the Chief Executive for his reply. I was specifically meaning the rubbish to the East of the Camber jetty where there are large piles of remains of possibly portakabins, that's the metal framing. It is an eyesore to anyone in that area and to anyone in Stanley Harbour, in fact to anyone who lives opposite in Stanley. I wonder if there is any priority to be given to the removal of that rubbish.

The Honourable the Chief Executive

Mr President, Honourable Members. I certainly will look into it and see if a priority can be made if that is the wish as I take it to be of Honourable Members.

QUESTION NO.7/96 BY THE HONOURABLE J E CHEEK

Mr President, Honourable Members. Will the Chief Executive please say whether on completion of the 100 unit East Stanley Development there will be sufficient capacity from a.)

Moody Brook Reservoir and b.) Stanley Water Treatment Plant to supply the water requirements of Stanley.

The Honourable the Chief Executive

Mr President , Honourable Members. The average Stanley resident uses 74.2 gallons of water per day and the present reservoir and Water Treatment Plant are well capable to cope with the 119,000 gallons involved in 24 hours by working at the Plant 14 hours. By increasing the hours of work to twenty-two allowing two for maintenance, then the potential 57% increase would allow for a population of 2,500. The first expansion of the system, and given an ever increasing population would in fact be the storage capacity of treated water and the limiting factor relates to back-up of supply rather than quantity used.

The Honourable J E Cheek

Mr President, Honourable Members. Firstly I would like to thank the Chief Executive for converting the normal litres to gallons, it's most useful for someone of my age. The 74.2 gallons seem an extraordinary amount of water and I wonder if the Chief Executive can say whether that is the amount leaving the plant divided by the number of people and includes that lost through leaks etc

The Honourable the Chief Executive

Mr President, Honourable Members. I too was astonished by this figure, I heard the Secretariat was leaking but this does seem ridiculous. It doesn't include I know the water that goes to fishing vessels and there are various other significant users excluded and therefore it is the true domestic figure. I can only believe that people are taking baths a great deal or drinking a lot or something quite astonishing like washing cars, it is a very large figure. There may be leakage in the system and I think if there is, it's so substantial that it must be found so I will be looking into that I can assure you but I did, having got the answer to this question from the department concerned, express my incredulity to the Director of Public Works and he confirmed this is the figure.

QUESTION NO.8/96 BY THE HONOURABLE J E CHEEK

Mr President, Honourable Members. Will the Chief Executive please inform the Council what is the situation regarding the acceptance of "carries" or any similar provision to enable Falkland Islands residents to have some chance of being involved through the current Licensing Round and any potential oil exploration/exploitation industry.

The Honourable the Chief Executive

Mr President, Honourable Members. I consider this a very important question and my reply therefore is somewhat longer than the other replies have been and I ask you to bear with me. In order to answer this question fully I must first define what a "carry" is. A "carry" occurs when a consortium of companies, all of whom have invested in a venture, agree to include another company in that venture without that new company being required to invest a proportional amount of cash. In other words, the new company is being allowed into the game without paying the entrance fee, it opens the way for pay-off without investment, joy without pain. Why should a consortium behave in such a benevolent manner? Why should they agree to actually enjoy less dividend themselves? In the hard world of oil companies there are only two answers: 1.) The company being "carried" is bringing expertise or some other non-cash element to the consortium that justifies their inclusion on purely commercial grounds or 2.) The body awarding licences, normally a government, makes it clear that "carrying" local companies would improve the chances of obtaining a licence. This second reason is not uncommon in the third world economies which wish to develop an oil industry. It is a way of ensuring that profits from local resources find their way into the local economy through the pockets of private sector individuals rather than merely through governments. There are of course fundamental problems with such a mechanism. 1.) It immediately unbalances what might otherwise be considered to be a level playing field when decisions are being made on licences; 2.) It has in many people's minds and particularly the oil companies, connotations of sleaze and unwarranted favouritism; 3.) It flies in the face of straightforward economic concept of a free market economy; 4.) It will almost certainly lead to an unacceptably unequal distribution of wealth among a small population; 5.) The whole concept of something for nothing is alien to many Islanders who believe in obtaining a just reward for a genuine effort

whether that effort be cerebral, physical or financial; And 6.) Likewise the concept of “carries” obviates the elements of risk for at least one party in a consortium and the idea of reward for risk must be at the very heart of our developing economy.

Admittedly if all bidders elect to include a “carry” the whole concept of advantage being gained is eroded but there can be no certainty that such a situation would arise. In spite of these many problems, problems that are practical, philosophical and ethical, we have been striving now for some months to create a pathway for Islanders to have some kind of personal share in the risk and thus in the potential benefit that may be derived from oil and gas, which after all does belong legally to the Falkland Islands and thus its people. The statement was made in answer to a question at the London Launch by the Honourable Councillor who poses this question that, all things else being equal, a consortium containing Falkland Islands interests would gain preference in the licensing round. In the light of the substantial advantages to Islanders implicit in the Constitution that seemed a reasonable position to adopt. The subsequent advertised statement by Directors of Monarch Petroleum that they believe that Island interest would create an advantage appeared to Government to distort the reality of our position and generally generate exactly the impression we were striving to avoid. It seems to me that we need to establish some principles in order to deal with this situation and I would recommend the following:

1. We eschew all thought of third-world type rewards for the “in-crowd” philosophy. We have never thought to espouse this as far as the Oil Round is concerned, in fact we have done our very best to be open and fair to all concerned.
2. We are attracted to the thought of Islanders becoming personally rich by using their knowledge and talents in the development of our oil industry, we want to make that process both fair and open to all.
3. We do not believe that there should be any advantage given to a consortium of companies that has elected to carry a Falklands company so long as being a “carry” implies a weakness and an inability to actually play a sensible proportional role in that consortium.
4. Where a Falklands company is bringing relevant resources, skills or knowledge to a consortium then such arrangements are heartily welcome but they remain commercial judgements by bidding companies as to their value.

5 In deciding on the award of licences the bids will be evaluated solely on technical, operational, commercial and environmental merits and it will be unthinkable to discriminate between companies or nationalities on any other basis.

So, where does all that leave us? The message to oil companies is this: Carry anyone you want but that is your business not ours. We reserve the right to be discretionary and methodical in our evaluation of bids and we undertake to be scrupulously fair. We will be keen to understand the benefits of any perceived "carry" to the consortium on a commercial basis rather than to the "carried". The message to local companies and individuals is this: Although there is inherent equity in ensuring that most of our revenue from hydrocarbons is channelled into the economy through Government, we must encourage individual and corporate investment and involvement. With this in mind the administration will be recommending the construction of a detailed plan for the involvement of the private sector in the future of our oil industry. This plan will be devised in full consultation with our private sector and will involve specific additional funds which I believe Government will be prepared to commit through the good offices of FIDC.

The Honourable J E Cheek

Mr President, Honourable Members. A lot to digest there. With your indulgence may I just briefly say before I ask what's probably a number of supplementaries, that I have agreed that with my inclusion on the Oil Management Team and I believe that I'm the only person to do so. Neither myself nor my immediate family will in any way be directly involved with oil. In the questions I may ask, the thrust of those questions, it was for the good of Falkland Islanders other than myself that I ask them. I'm rather surprised and I suspect other people are aswell, sorry I'm trying to phrase this as a question, the indication from Government was that carries would almost certainly be going ahead and it seemed that certainly Councillors were favourable. Can I ask what has caused a change of mind in the administration or Government?

The Honourable the Chief Executive

Mr President, Honourable Members. I'm not sure that there's been a change of mind and I'm interested that the Councillor on this occasion uses the term "Government" to mean

administration, something we seem between us to mix up. We always have the view as I've expressed in my previous quoted answer that we would very much like individuals within the Falkland Islands to be able to gain substantial benefit from the oil that may lie in our waters. We still want that to happen, that position hasn't changed, however it has become increasingly clear as our researches have progressed and as answers have come back from the consultants that we have had from the UK, that to go down that route in the manner which we were proposing would have been near impossible. It would have had several very deleterious effects, it would have made us look I think more sleazy and less fair than any of us would wish. It would have created inequity possibly in our own economy and most important of all to me because I am charged with the task of seeing this Oil Licensing Round through, I believe it would have distorted the situation at the time we are making decisions on the award of licences. I believe it would have inhibited some of the consortia from progressing on their current path now that is not just my belief, that belief is founded on advice that we have had from our own consultants and from others within HMG who have advised us of these situations. So based on that the Administration certainly has reached the conclusion that in this, the first Oil Licensing Round, this is not a path that we would choose to go down. However, we hope there will be a second round and a third round and many others and bearing in mind the problems we have encountered here we may well be able to include a somewhat more sophisticated mechanism that may take more time to evolve concerning carries than we had on this present one.

The Honourable Mrs N Edwards

Can I ask the Chief Executive in view of the fact that we are now advised that carries are not a good idea and that you said that plans are being drawn up to put to the business community as to how they can partake in any oil business there might be. When will we be informed of these plans, what's the time span do you think before people will be informed of what advantages they can take of a budding oil industry?

The Honourable the Chief Executive

Mr President, Honourable Members. I would hope the answer to that question in short is quite shortly. We have a meeting with the Chamber of Commerce scheduled for this week coming

and that will certainly be discussed but there will have to be other meetings also. A plan can only be in place if one has a vision and I believe that where we are at the moment is we do have a vision of where private companies and private individuals can in fact benefit from this Round and it is not dissimilar to the sort of situation that has arisen in other parts of the world. Those of you who have been to Aberdeen and we have sent study trips to Aberdeen the Chamber have been there, officials have been there. The major benefit to the economy in Aberdeen has been through the service sector, it has been through professional organisations, it has been through supply organisations and all those providing services to the oil industry. And many people in Aberdeen have made a lot of money out of that and indeed as they do in other parts of the world. In a sense, that is the most obvious course and I do not think it's one that we should back away from because those in Aberdeen that one speaks to welcome that opportunity and most of them ceased vigorously. I was speaking to a lawyer in Aberdeen only this week and he was concurring with that view, so it is my belief that we need to target specific service areas that we know are going to be needed within an oil search and ultimately an oil exploration situation. We are going to need to create the ability for local businesses both to be formed who can accommodate that and local businesses to adapt and create partnerships with expertise from overseas, now doing that is not easy because you are talking about personal relationships and forging those and getting people together. I will be recommending to the Councillors in the near future that money is specifically set aside for just that kind of purpose because the vision I have is that most of the servicing that is capable of being indulged in from here and enjoyed from here, and the benefits of it reaped from here will in fact happen here in a manner which does not distort our own economy or our own environment but indeed enhances both and so we will be examining all the potential of that. As I say we will look at what happens in other parts of the world, there is plenty of data to go on and so discussion will open very shortly. Now, we have had the Chamber of Commerce talking to us certainly over the last year saying "When are you going to help us with this, when are you going to do this, when are you going to do that?" The answer is now, we are going to start now, I think I am on record as saying all along there will come a point in the oil licensing round when it becomes more or less obvious that there are going to be bids at the end of the round. It does seem to me that we are virtually at that point, we are confident that there will be bids from consortia

and now that we have reached that point we need to work with the local economy to make sure that the maximum benefit is obtained.

The Honourable Mrs N Edwards

Thank you very much for that reply

The Honourable J E Cheek

Mr President, Honourable Members If I could ask a number of questions together I'm sure the Chief Executive will weave together an answer that will cover all of these points. Firstly may I ask is it true that the basic idea of carries was to provide entry into the upstream, that is the actual exploration/exploitation of oil which would not otherwise be possible as there is in terms of the oil industry no capital in terms of most things, no capital within the Islands, no expertise within the Islands. The proposals we've put forward for carries were such that a large number as possible of Falkland Islanders would be involved in any one company and that it would not be restricted - to use your words, an "in-crowd" whatever that may be. I was particularly distressed to hear the word sleaze, I believe in the fisheries, excluding the first year or so when there were very few Falkland Islanders involved in Stanley Fisheries, since then we have been involved in what are considered "carries" and without that involvement a number of companies that are starting to be successful and starting to be really involved in fisheries have now reached that point because of those "carries" and I don't think it has been seen in the in the industry, the foreign industry, that there is any sleaze. I wonder if the Chief Executive would accept that that is so? I will leave that as my question.

The Honourable the Chief Executive

Mr President, Honourable Members. I do not know about weaving a story together to answer that one. I agree with much of what the Councillor has said on this, I think one can only applaud what has happened in the fisheries, there is no implication that what happened there implied sleaze. I use the word "sleaze" advisedly because I was using it in connection with thirdworld economies and one does have to accept the fact that there are thirdworld economies who are searching for oil or trying to encourage the exploitation of oil at this moment. In fact they are our competitors and I know that because at the exhibition at Houston last year we had

adjoining stands with such countries and the kind of regimes they are setting up are the kind of regimes where they are saying, we are bringing nothing to the party but we are going to be your partners as we will not let you in. Oil companies do not have to go along with that, they can go to another country with another option which does not say that that country is to be let in for nothing, they are going to choose that other country. It is part of a great strength I think that we have to remain untainted by what is regarded as thirdworld and sleazy. I am in no way suggesting that our recommendations were that, in fact it is entirely laudable in an economy such as ours to want local people to actually create capital, to want to obtain expertise, to want to take part in the large numbers that the Honourable Member has referred to. It was an opportunity to enter into the upstream side of the industry but to actually make it happen without damaging our chances is we are advised not the sort of thing we should be doing at the present time.

The Honourable Mrs W Teggart

Can I just ask the Chief Executive if when he and members of the Administration are formulating plans to include local businesses as far as possible in the oil industry, they will also formulate some plans probably with input from Councillors I'm sure so every man woman and child who is resident in the Falklands will see some tangible benefit from oil when and if it starts to flow. I certainly would like to think that it wouldn't just be those with business ability and involved in companies who would benefit from this and whether it should be in the form of some sort of negative tax. I certainly would like to ask the Chief Executive if they can be looking at that at the same time. Thank you.

The Honourable the Chief Executive

Mr President. Honourable Members. This is a subject dear to my heart, it actually links in with one of the seven points I think that I made at the time that I spoke on the Oil Bill. By far the largest quantity of revenue will come to Government, I think, however successful the private sector is here in attaining profits out of the oil sector. The fact that our oil regime at the moment is targetted to tax the revenue of oil companies somewhere between 45 - 50% of the selling price of the product to give you some idea of the many millions of pounds that could be involved here, that will be a Government revenue. Now Government consists of the

Councillors, you know the administration is here to administer Councillors policies and wishes and I cannot stress that too strongly and if the Government is not capable of ensuring that with that huge income, let's assume we get it, if that huge income doesn't create very substantial advantages and personal income for every man, woman and child on these Islands then Government will have failed the people.

His Excellency the Governor

Are there any other Members who wish ask a Supplementary on this matter of serious public and national interest?

QUESTION NO.9/96 BY THE HONOURABLE R J STEVENS

Mr President, Honourable Members Could the Chief Executive reassure everyone in the Falkland Islands that no semen, embryos or import of live cattle will take place from the united Kingdom until scientists agree that there is no risk of spreading BSE?

The Honourable the Chief Executive

Mr President, Honourable Members. The present policy of the Department of Agriculture is to treat every application for animal and animal product imports on its merits. At the present time it would be very difficult to convince the veterinarians that live cattle could be sourced from the UK without some risk of introducing BSE. The situation with semen and embryos is somewhat different, under their reciprocal trading agreements with Australia and New Zealand they are obliged to trade with the UK unless there is some very good reason not to and BSE would be such a reason. It is understood that at present both Australia and New Zealand are accepting embryos and semen from the UK but clarification on this issue is being sought. If such an application was made to the Department of Agriculture, it would as it has in the past seek the advice of MAF, New Zealand before setting the protocol for importation.

The Honourable R J Stevens

I would like to thank the Chief Executive for that answer and ask him whether the inference is that if you're getting away from live cattle you're getting away from the problem. However,

can the Chief Executive tell me whether Germany is importing beef into its country from Britain now? I understand that previously it's refused to do so.

The Honourable the Chief Executive

Mr President, Honourable Members. I really do not have that fact at my fingertips I'm afraid Honourable Member, I am quite happy to try and find out if you wish me to do that.

The Honourable R J Stevens

Mr President, Honourable Members. What I'm trying to suggest is that perhaps a lot of the information that we'd get being part of the United Kingdom, when it comes to finding out intricate scientific information, the beef industry and cattle industry of UK would influence a lot of the data we get. I'm just wondering whether he feels like me that it's totally accurate and like the media of the UK that's not too sure on a lot of these issues.

Attorney General

I am sorry, Mr President, that is an improper question. He is asking the Honourable the Chief Executive to express an opinion in a Dependent Territory of the United Kingdom on data published by HMG in relation to its own internal affairs and it is therefore an improper question.

The Honourable R J Stevens

I'd like to thank the Attorney General for putting me right on that. However, I think that I would be thanked if this kind of questioning stopped the import. If BSE comes to this country because we're a bit sloppy and because we're prepared to take the opinion without questioning it, I think that would be very foolhardy.

The Honourable the Chief Executive

Mr President, Honourable Members. I will try to answer the proper question maybe even covering the improper one marginally at the same time. Quite clearly from my previous answer and from the attitude of the Department of Agriculture, there is no way we need to, there is no way we want to and we will make it as absolutely certain as we can that we do not in any

way create a situation where BSE can occur here. Now live cattle we will not import from the UK, we are not doing that at the moment and it seems to me it is quite unlikely at the present time. The question of semen and embryos I am informed is somewhat different and we rely on the attitude in New Zealand at the moment for advice. Now I am not clear in my own mind as to why we do that, I am not even clear if that is the best source of advice but clearly we need technical advice and specialist advice on this. It is our intention to make sure we do not slip up, it would be a terrible thing if we did but we employ experts to advise us in these areas and employing those experts we must I think in this technical area, rely on their advice. I will take it upon myself to convey to the Director of Agriculture and to the whole Agriculture Department specifically the veterinarians there, of our deep concern on this and that where we need to have barriers, tests and expertise in this field we will have it.

The Honourable J E Cheek

Could I ask the Chief Executive if in providing this information we could obtain it from an independent source other than that from countries that may have BSE?

The Honourable the Chief Executive

Mr President, Honourable Members. I thought that New Zealand was an independent source, if you are expressing some doubt with that I am sure we can obtain advice from another source. I know that New Zealand is not always taken to be this fount of all knowledge in these Islands.

The Honourable Mrs N Edwards

Can I just ask how much semen or how many embryos have we imported anyway? I wasn't under the impression that we'd imported any embryos, cattle embryos and cattle semen, we haven't imported have we recently?

The Honourable the Chief Executive

Mr President, Honourable Members. We have imported cattle semen recently, I know that from having visited the Dairy Farm recently when I was shown a container which I was told

contained such semen. Whether we have imported embryos or not I really don't know Councillor.

QUESTION NO.10/96 BY THE HONOURABLE R J STEVENS

Mr President, Honourable Members. Can the Chief Executive confirm or deny reports that the new Cable and Wireless earth station will be slower in moving electronic data than the present set up. Will for example the modem speeds of 28,000 bits per second be accommodated on this new system?

The Honourable the Chief Executive

Mr President, Honourable Members. I'm delighted to come to the end of this questioning session. I hope that the Honourable Member for Camp will forgive my lack of detailed technical knowledge in this area, I dare say he is well versed in bits, cycles and hertz as indeed are Cable and Wireless whom I must thank for providing the information to enable me to answer the question. The new earth station will be capable of providing faster and more flexible communications than the current one, however, the earth station itself plays no part in limiting the speeds of any individual service it carries. As far as modems are concerned speeds of 28,000 bits per second will not be accommodated on the new system. Assuming that the modem connection will be over a standard dialled international circuit, and ITU. The reason for this is that a telephone circuit is designed for carrying voice communications, only having an audible band width of 300-4,000 hertz and a maximum data speed of 2,400 bits per second, these are the current ITU standards and recommendations and are applicable world-wide. To obtain a reliable data speed of 28,000 bits per second over an ITU would be a real achievement although 14,400 bits per second can be obtained. The new digital circuits are expected to carry data at speeds of 9,600 bits per second, this is not Earth Station dependent but to do with the technology of the telephone circuits. This relates to UK connections although performance may vary considerably from call to call. Modem design is nowadays able to accommodate the limitations of telephone circuitry and can exploit the capacity of lines to the maximum. However, the slowest section of the chain of connection will impose an absolute limit on data speed. In general, modems fitted to fax machines have been designed for

reliability rather than speed, Cable and Wireless warn us of the dangers of acquiring cheap fax machines which may be more prone to error and therefore ultimately more costly. If the Honourable Member wishes to pursue the matter further, I would be very happy to take up specific points with Cable and Wireless and I know that they too would be very happy to answer any questions from any future users. Personally I'm very keen to see video conferencing and cheap internet capability here in the Falklands as soon as possible and we are happy that Cable and Wireless are pursuing those goals at present with some vigour.

The Honourable Mrs N Edwards

I tried to understand that answer Chief Executive but what I want to know is when we get this new Earth Station in, will my fax facilities be any better or are we just talking about phones?

The Honourable the Chief Executive

Mr President, Honourable Members. As I understand it your present fax facilities are not on microwave system and it may well be with the introduction of the microwave system into the whole of camp then the ability of fax machines will be greatly enhanced because of the reliability of the line.

The Honourable Mrs N Edwards

Thank you for that answer because sometimes now it goes so slowly and I couldn't bear the thought of it going slower still in the future, it takes a long time to get a fax through sometimes.

MOTION NO.1/96 BY THE HONOURABLE THE CHIEF EXECUTIVE

Pursuant to Section 35 of the Interpretation and General Clauses Ordinance 1977 request this house that the Wearing of the Seatbelts (Prescribed Roads) Regulations 1996 be approved.

The Honourable the Chief Executive

Mr President, Honourable Members. This particular Motion refers to the matter of seatbelts and it will in effect create a situation where the law will ensure that seatbelts are worn on the

MPA Road and on a section of the Bypass. That section excludes the stretch of road between the top of Philomel Hill and where the filling station is in the FIDC. I know that some of us hate inhibitive and restrictive legislation, this particular legislation does increase personal freedom to live. I beg to Move.

His Excellency the Governor

Does any Honourable Member wish to second this Motion?

The Honourable the Financial Secretary

I beg to second this Motion.

The Honourable Mrs S Halford

Mr President, Honourable Members. I said before I do support the wearing of seatbelts but I think it is absolutely ludicrous as I actually said before that you don't have to wear them on a certain section of the Bypass Road but perhaps you included the section so that I have to wear one every time I leave home. I actually believe that if you're going to wear seatbelts it should be all or nothing even in Stanley, you don't have to be going that quick if you're going to kill yourself.

The Attorney General

Mr President, perhaps I can explain why that section of the Bypass Road was omitted from the Order. It was of course omitted on the decision of Honourable Members and the reason for it was, people come up Philomel Hill, drive on the Bypass to drive to the petrol filling station to fill up their cars. It is only too likely that people just driving that short distance would forget or find it an absolute nuisance to put on a seatbelt for that short distance and it would be quite wrong therefore in those sort of circumstances to put people inadvertently in the position of committing a criminal offence through understandable forgetfulness. Therefore, that short section of the Bypass was as a matter, I think Honourable Members thought of common sense, omitted from the Order.

The Honourable W R Luxton

Your Excellency, Honourable Members. I support this Motion very vigorously, personally I would like to see the wearing of belts compulsory all over the town as well but I will accept this compromise even if you're restricted to the speed limit of 25 miles per hour. If two opposing vehicles have a head-on with the combined speed of 50 miles per hour there's a definite possibility of someone being terminated. To a certain extent it would be better if people got into the habit as you do elsewhere in the world of putting a seatbelt on as soon as you get into a vehicle but I'll go along with this compromise for the time being and support the Motion.

The Honourable J E Cheek

Mr President, Honourable Members. I too support the Motion, I too would like to see it cover all the roads in the Falklands. I think this was the idea that it was introduced as it is now as a staged introduction, at the moment a lot of vehicles don't have seatbelts, that, over time will change as vehicles introduced into the Islands have to have them and I would hope to see within not too many years that we extend it to cover all roads. I support the Motion.

The Honourable J Birmingham

Your Excellency, Honourable Members. I didn't think anybody was going to speak but I shall. I voted against this when it came at the last Legislative Council and I shall vote against it this time for the same reasons which are that I came to the Islands and came back to the Islands because of the restrictions that existed in the UK that didn't exist here. We're constantly told that there are more and more rules and regulations coming in and if I may go back a little bit to the Honourable Attorney General answering the question from the Honourable Councillor Luxton. Anything that does away with lawyers is to be thought of as good. I'm afraid I would fight as much as I could to stop seatbelt legislation flowing in town, this is bad enough. And regarding it's freedom to live, I think that's very dramatic and a bit OTT. Thank you very much.

The Honourable Mrs W Teggart

Mr President, I've got great pleasure in supporting this Motion, I've got an eighteen year old son who's alive today because he put on his seatbelt for a joke when being driven down to the airport. Certainly the people who looked at the crash afterwards couldn't believe that he'd got out alive, he certainly wouldn't have if he hadn't been wearing a seatbelt. I'd hate to think of somebody being killed because we didn't support this. Thank you.

The Honourable Mrs N Edwards

Yes Sir, I support the Motion. I don't support the wearing of seatbelts in the Camp, we don't want our roads regulated just yet thank you.

The Honourable E M Goss MBE

Mr President, I would like to rise to support this Motion but I would have liked to have seen the legislation applying to the Bypass Road, all the Bypass Road because if you're coming down there with or without you come into an open situation and when it was originally tabled we talked about it and I was of the opinion that it would have been all right to have Stanley, the bounds of Stanley only without seatbelts but on the faster roads we should have all been obliged to wear them. I support the Motion.

His Excellency the Governor

No further interventions? Thank you, in that case if my arithmetic is correct the Motion is approved. Thank you.

Clerk of Councils

Adjourned Motion on the Report of the Select Committee on the Review of the Constitution.
Motion No.3/95 by the Honourable J E Cheek to move that the Report of the Select Committee on the Review of the Constitution be adopted.

The Honourable Mrs S Halford

Mr President, before the Motion is put I would like to move an Amendment to the Report of the Select Committee, have I leave to do so?

His Excellency the Governor

You do indeed, please proceed.

The Honourable Mrs S Halford

In moving this Amendment I must stress that I do so as Chairperson of the Committee, this does not necessarily reflect my personal views or my right to vote on the issue. I move that the Report of the Select Committee be amended by the replacement of paragraph 17 with the following paragraph, a copy of which I have circulated amongst Honourable Members.

Paragraph 17: We do not endorse Mr Wallace's proposal, paragraph 5.3 that the present reference to the number of constituencies should be removed from the Constitution and believe that on the contrary the present provisions of the Constitution providing for the Camp and Stanley constituencies should remain. We agree that the number of elected Members of the Legislative Council should be increased from eight to eleven, paragraph 5.4, and the provision to that effect be made by the Constitution. We differ somewhat from Mr Wallace's proposal in paragraph 5.5, our proposals are that the Constitution shall provide that four Members at least shall be returned by each constituency and that the remaining three Members shall be returned as shall from time be prescribed by Ordinance. We have in mind that initially it would be provided by Ordinance that the remaining three Members would be returned by the Stanley Constituency. An elector might vote for as many candidates as there are seats to be filled in respect of the constituency in which he votes but he would not be obliged to exercise all of his votes. We support Mr Wallace's proposal, paragraph 5.7, that the Constitution should be amended so as to remove the requirement that a candidate who is otherwise qualified to stand for election must be registered as a voter in the constituency in which he seeks election. We agree that the quorum of the Legislative Council should be raised to seven Members including the person presiding is a Member of the Council, paragraph 5.7. We agree that provisions should be made for an elected Speaker, paragraphs 5.11 and 5.12.

As I have said previously, I do not agree with all the recommendations but would be happy to go along with the majority of them but only if the public had had time to air their views and concerns. During the delay I have had response from a number of people, all of whom could

be counted on one hand. I would like to thank those people who took the time to write expressing their concerns, such a small response must surely suggest the majority of the public are happy with the proposals. The concerns expressed by these people was over the qualifying period before new immigrants could apply for Falkland Islands status, I am not the only Councillor who thought that the period should in fact be longer, we're a small fragile community in world terms and I believe cannot therefore allow what could be short-term settlers to control our destiny.

His Excellency the Governor

Thank you Councillor Halford. Can I invite Councillors now to let us have their views if they wish to do so.

Attorney General

Mr President, Councillors should speak first to the Amendment and the Amendment should be put then the Motion should be put when Councillors may then speak to the Motion.

His Excellency the Governor

Thank you.

The Honourable Mrs W Teggart

Mr President, I would just like to stand to support the Amendment.

The Honourable Councillor E M Goss MBE

Mr President, Honourable Members, I must declare myself as from the very start when we decided to look at the Constitution. I have the original Motion as put by the Honourable J E Cheek in front of me. Certain comments made by the supporter of the Motion at that time, Mrs Edwards in front of me and other comments by the Attorney General and because after the discussions got under way and the indication was going for eleven Councillors, I thought well that be all end all I will have to oppose any change to Constitution if the most important issue is going to be the number of Councillors. Having recently received the cost of eight Councillors for the last year of nearly £69,000, I believe I'm right in the public interest in

standing my ground and I cannot support this Amendment or the Bill at this stage but I do hope I will be able to speak on it if it carries on through. Thank you

The Honourable Mrs N Edwards

Sir, I just rise to say that I do support the Amendment.

The Honourable J Birmingham

Your Excellency, Honourable Members. I just rise to say I don't support the Amendment.

The Honourable R J Stevens

Your Excellency, Honourable Members. I'm rising not to support the Amendment and I'll wait until we discuss the whole before I go into any detail.

His Excellency the Governor

May I ask a clarifying question? I do understand you are opposing the Amendment.

The Honourable R J Stevens

I am opposing the Amendment

His Excellency the Governor

Thank you.

The Honourable W R Luxton

Your Excellency, I just wish to support the Amendment.

His Excellency the Governor

Do any other Councillors who have not yet spoken and there can't be many of those, they've all spoken. Mr Cheek.

The Honourable J E Cheek

Mr President, may I suggest that the proposer be allowed to wind up before we take a vote.

Attorney General

Yes Sir, the Honourable Mrs Halford as proposer of the Motion has the right to speak again.

The Honourable Mrs S Halford

Having heard all Councillors comments about the proposed Amendment I think it's time for me to add my own personal thoughts. I do not and have never believed the Falklands needs eleven Councillors nor do I believe or even agree with all I see in the papers but on this occasion I will have to agree with the Editor of Penguin News that eleven Councillors will not have the desired effect of lessening the workload but will in fact increase it. The reason that this proposal has proceeded thus far is that it has been felt by the Stanley Councillors that their workload is increasing. The addition of one Councillor to this Constituency would make a lot of difference, whilst the Camp Councillors recognise this fact, they are not prepared to give up one of their number in order for this to happen with the current compliment of eight Councillors. I believe that the Falklands would be far better represented by a three five split than by the proposed four seven split, it wouldn't take even the poorest mathematician more than a few minutes to work out that the scales are far better balanced with the lesser rather than the greater number. Having said that I am well aware that it is not always possible to have everything one would want, never the less I do recognise the need for extra representation in the Stanley Constituency and for that reason I am prepared to compromise and support the Amended Motion.

His Excellency the Governor

Well thank you very much. I've got an indication of the way the wind is blowing from the interventions that Honourable Members have made for and against this Motion. I think never the less given the great importance of this matter for the future Governments' of the Falkland Islands, it would be appropriate to have a formal vote and I therefore call for this. Would all Honourable Members for the Amended Motion please raise their hands, and those against, and no abstentions. The Amendment to the Motion is therefore carried.

The Honourable J E Cheek

Sir, as the proposer of the original Motion sometime ago and although we all spoke to it at that time may I beg leave of the Council that we each be allowed to speak again to the original Motion. That is the Report of the Select Committee be presented.

Attorney General

That is in order Sir, provided all Councillors agree, or the majority on a vote.

His Excellency the Governor

Do I see any serious dissent? In that case it is agreed. Thank you.

The Honourable J E Cheek

Your Excellency, I would just reserve my right to speak as the proposer at the end of the debate.

His Excellency the Governor

Could I have the first Honourable Councillor who would like to speak in that case.

The Honourable J Birmingham

Your Excellency, Honourable Members. It doesn't give me pleasure to rise to oppose this Motion. At the last meeting of Legislative Council I asked for an extra three months to give the public and myself more time to consider the draft recommendations. I've been very keen to see the Constitution changed but I'm afraid that I can't agree to the proposals put before us today. I informed the Chairman and the other Members of the Select Committee how I intended to vote two weeks ago. I've two major objections to the recommendations which I consider to be divisive. I believe that eleven Councillors is an over-representation in a community so small, I also think that anybody who upsticks and comes to this country as I did twenty-one years ago, if after seven years your roots are not firmly enough in and people don't think you're committed, there's something not right there. To be seven years in a place and then to have to go to a committee and ask for the vote just doesn't seem right to me. The kind

of changes I was hoping for were changes that would bring the community together to try and get away from the Camp versus Stanley, the West and the East, the town and wherever, expats, imports all the names. I'm afraid I think this is just going to make things a little bit worse, the only people who'll gain are our not so friendly neighbours across the water. The public's been criticised for lack of interest in the Constitution, I don't quite agree with this, I would like to thank all the people who have taken the time to discuss their views with me. At the last meeting of Legislative Council it was mentioned there had been a consistent six two vote on the Constitution, well I would say that's stretching the truth a little bit. What I would say is no one should feel guilty for changing their mind after all we've all got to live with whatever decision is made today and I don't think we live in the kind of culture where changing your mind means loss of face. Pressure's been put on to make changes before the next election, before oil comes, before change is forced upon us, I don't think change is being forced upon us, I don't think that we really need to rush before the next election. We need to bring in the right kind of people, we can do this through a strong immigration policy, there is certainly no outside pressure to change or none coming to me. I can't go along with changes that divide us as a community, I think that the way ahead would be one constituency so that we all, as we've just seen five minutes ago on seatbelt legislation, I was the only person to stand up against it but all four Camp Councillors were in on the vote and it won't affect them for 95% of the time. We vote on decisions that just affect the Camp, we are one community and we should behave as one. Although I'd like to see fair representation I can't agree to this at the expense of Camp, I've been prepared to compromise but there really has to be a limit. If it is acceptable not to have to live in the Constituency that you're standing for then I don't see the need for separate constituencies. I believe at last year's Farmers' Week the consensus was that if we can't have four four then one constituency would be acceptable. We discuss the Executive Council papers, all Councillors discuss the Executive Council papers at GPC, I feel that we are naturally moving towards one Council and I think that the proposals being recommended amount to tinkering with the Constitution rather than radical change and therefore Sir, I can't support the Motion.

His Excellency the Governor

Thank you Councillor Birmingham Who wishes to speak next? Councillor Stevens.

The Honourable R J Stevens

Your Excellency, Honourable Members. I stand up and I'm against this Motion, it feels rather futile to do it, now that it's fairly obvious the way it's gone. We've lost the counter-balance that every democracy needs in a more advanced community where you have many inputs from many areas and many interests, it evens out but the democracies where the power or interest come from are always the democracies that aren't very strong. This move does divide the community because whether or not it's deliberate if you have an interest, if you have an understanding you naturally go towards that and this will happen. I believe Stanley has always had an advantage, at the end of the day it's Councillors that make decisions but at the end of the day the Councillors go to the Administration, to the experts, to the Chief Executive, Heads of Department, Attorney General, Financial Secretary and they all live in Stanley, that's the advantage. You can't expect Councillors to be experts on everything so they go, and again I'm not saying it's deliberate but if you live and your lifestyle is so, then you think a certain way because of your experiences. And so this Government whether we like it or not is led by the Administration and until we have full-time Councillors that have eight hours or twelve hours or the same amount of hours in the day to look into problems, it will always be that way. Again, we're talking about a divided community but there are many areas where people living and voting in Stanley have a job in or dependent in Camp. The Camp tracks is an example, FIGAS, Byron Marine and tourism. I have to admit there are more voting people in Stanley but the Falkland Islands is a one-off, it is different from all other places and I think this system has worked and I know a lot of people in Camp will be very disheartened at the decision that's been made today. I don't support the Motion, thank you.

His Excellency the Governor

Thank you Councillor Stevens. Which Honourable Councillor would care to speak next? Councillor Goss.

The Honourable E M Goss MBE

Mr President, Honourable Members. I think we should keep the flow up of those against so I stand to speak against this Bill this Motion as I have, right from the very start. One Honourable Member used the word tinkering, I've used the word before in our discussions in other Houses - meddling and I believe we're actually meddling with a good piece of machinery, a Constitution that has worked. There are people in the Islands when we've been talking about this, have asked me what does it look like, where do you obtain it? There are lots of people in the Islands who have never viewed our Constitution maybe they came in after all the groundwork was done in the preparation of the Constitution or after '88 but a lot of people on the street in the public are not aware of what is actually written in the Constitution. When Councillor Cheek brought this Motion to the Council at our Legislative Meeting held between the days of 28 May and 2 June 1994, he had a lot of ideas but he did have elements of reservation as I say "we might not change things" is one of the things he said. Another thing he went on to say was, "if this Motion is passed and I think we have to ask questions fairly rapidly of the electorate to give us some steer, it won't be a counting of votes, that is the Constitution, it doesn't quite work like that". Further down the page, so three and a half years he's talking about the time span we need to do something which is all we have if indeed we want to do anything. So, he wasn't too sure at that stage when he brought in as a Motion that we wanted to do something. Councillor, the Honourable Norma Edwards in rising to second the Motion, went on to say, "I think it is necessary to have a look at it whether we change it eventually or not remains to be seen but it needs a good airing". She then raised some points about her children not being able to vote whilst they're on education overseas and the Honourable the Attorney General stood up to qualify some of the things that were said and he was working as he said here from memory. The points that were worrying Councillor Edwards about the voting of her children, the Attorney General said were not Constitutional, they could be changed under the Electoral Ordinance and that's probably what we should be looking at for that. He went on to say when he was looking at the Honourable Member's daughters' unfortunate cases to say that hard cases make bad law but that's not Constitution he ended up in saying. Anyway they were only extracts from how it started and we've had many exchanges on the Constitution, public meetings, over the telephone, lots of people won't come forward and speak of course and amongst ourselves some of them very heated. I said

once before however, if the marginal majority of Councillors pushed this forward I for one will not see it as a democratic decision, and I don't. We might work like that but there are pressures brought on Members who were against it at one stage, a week or two later they changed their minds and that's quite all right, it's quite in order but when we're looking at a very serious document that we're going to take with us into the future that all our population, the voting population have got to live with, I think we really have to look at it, turn it inside out, upside down, every way we can which we did. The The Foreign and Commonwealth Office provided Walter Wallace who had the experience on reviews of Constitution, he came down to advise us, he gave a fairly, in my opinion, garbled sort of report and recommendations towards the end. These were responded to by people who know and understand, people that we trust to know and understand like our Financial Secretary had his views from the Treasury viewpoint. The Chief Executive gave his views, the Attorney General gave his views and a lot of them followed along with my views but here we are today actually letting the thing go forward on the amendment which it refers to. I suppose this can be adjusted to the male gender, he, he, he, I do hope it extends to the girls as well if it does go through and we don't end up with less people on the electoral roll, we only have 1,600 at the moment. I was speaking to one of the Members of Parliament the other night visiting the Falklands and I said how many people do you represent? Oh, he said 74,000 in my Constituency. We want 11 for 1,600, the figures are a lot different so I oppose the Motion.

His Excellency the Governor

Thank you Councillor Goss. Would any other Honourable Councillors like to speak for or against this Motion? Councillor Teggart?

The Honourable Mrs W Teggart

Yes Mr President, Honourable Members. I think that a lot of what I wanted to say on this was actually said last time and I'm not going to repeat myself a great deal anyway. I think that what people have to remember is that we did have professional help in formulating these changes to the Constitution, they weren't ideas we dreamed up, a gentleman came down who was very kindly supplied to us from the Foreign and Commonwealth Office with considerable experience in dealing with these matters. It possibly has a bit more forethought as to just

where we're heading in the future with the advent of oil legislation and well the advent of it we've had a lot of that and we'll have a lot more I'm sure. When oil companies start getting around we're going to need a lot more input as far as time is concerned. Since that Amendment at the last Legislative Council I must admit I opposed because I really thought that everyone that wanted to have a say had a say, I really didn't think that putting this off for another three months was going to achieve anything. I was completely wrong because I averaged one person a month who wanted to have a comment, perhaps if we put it off for another six months I'd get another six people but I wouldn't count on it. Of the three people that did approach me, one said that if you set up a committee to sort out who can have the right to vote or not, I'd love to serve on it because I've got no family ties with the Falklands. This person was an incomer and in fact he would be an excellent person to serve on the committee, that was what he wanted to speak to me about on the Constitution. Another person said I elected you to make a decision so will you get on and make it and the third person I actually had a letter from yesterday said something like they didn't like the idea of having to wait seven years but a number of Councillors would have liked it to be longer than that. So that was the input I've had since the amendment proposal and adjournment for three months. It hasn't actually gone a long way to change my mind on any particular subjects. I also possibly have reservations about eleven people representing Stanley. Maybe it's not enough, it's interesting to look at it, you think of an Island like St Helena who are basically granting aid from Britain, they get all their funding from Britain. They have twelve Councillors, OK, they've got 5,000 people in their population but we don't know how many we are going to have in another five years. they have twelve people, they have an Executive Council made up of five people and their budget is nothing like ours. They don't have to make decisions that we have to make and they certainly don't have the vast number of committees etc that we'd like to serve on. A comment that was made to me last week that I thought was of great interest and I'm sure other people will aswell was when somebody said to me, it's much better to get a Stanley Councillor on the Committee because it's so difficult to organise meetings if you've got Camp Councillors on and it's no fault of the Camp Councillors it is just that they have busy times particularly during the shearing season and they can't get away and so there is a preference amongst the people doing this organisation to actually have a Stanley Councillor on their committee. They appreciate aswell that our time is limited and I know that

there have been incidents even in the last week where a Councillor has been asked to serve on a committee and has said no I can't I've got too much on, that is it , I really can't undertake anymore. And that situation as far as Stanley is concerned is going to be happening more and more, we have to do something about it, I know it's unpalatable to a great many people but I think that the time has come when we've got to look ahead, we've got to look ahead to the future. If we're going to pretend to hold down a full time job as well as undertake our Council work with any credibility at all then we really have to have some extra bodies on the ground to do some of the work. I was quite interested in a Councillor's comments that said that the Government here is led by the administration, I can't remember which of my colleagues it was at the moment actually but I did jot down led by the Administration, only if we let it happen and I really believe that the time has come when Councillors have to be more accountable for what is happening, we have to stand up and say no, we are going to make this decision, the Administration is not going to make it for us and we are not going to be led by the nose. I believe that since I last served on Council between '87 and '89 that we are making great strides towards looking after our own future, protecting our own interests and I think the way ahead is to do it more and more. That all said, I support the Motion to amend the Constitution and I do hope that my colleagues will do likewise. Thank you Sir.

His Excellency the Governor

Thank you very much. Councillor Edwards.

The Honourable Mrs N Edwards

Well Sir, having listened to the very articulate speech by Councillor Teggart I'm beginning to wonder whether I have made the wrong decision if the end result in changes to the Constitution are going to mean more committees, we're bogged down in them already and I hope to God we're not going to have anymore. I agreed to the delay in the Report from the Select Committee because I too felt that there hadn't been enough input from the public. Like other Councillors I didn't get very much, one comment I got was well you've already got eight useless so and sos what do you need another three for? However, I have bowed to the experience in recent years of Stanley Councillors bearing in mind that I was once a Stanley Councillor myself in 1985. I have to say that I don't know that the workload has got bigger

because there are more complex problems, that may well be so in the future when oil comes along but I think the workload has got greater because paper is pushed about a whole lot more. The Administration has increased not doubled but trebled I would say since 1985 but the actual workload has been increased because of the increase in committees and we now have got so many committees, I can't remember exactly how many, we counted them up recently but it's a ridiculous number for a small place. However, because Stanley Councillors say that they can't cope with the workload, I know how busy it was for me all those years ago, I don't doubt that it is busier and provided Camp can keep a minimum of four I reluctantly, very reluctantly will agree to support the Motion. Eric quoted me as saying that it needed a good look at, perhaps we mightn't change it but I think we've got beyond that point now where if we don't change it, if we don't put forward our ideas, the Secretary of State is going to say well hard cheese people of the Falkland Islands you don't know what the heck you want, we'll review the Constitution and then we might get changes that we don't want at all. Again reluctantly I agree to increasing the years in which residency is necessary, I'm pleased it wasn't extended to ten years, I know all the arguments for that but I still feel that if somebody has committed himself to the Falklands for seven years, five years even but seven years then we really shouldn't have to put him before a committee to see if he is a worthwhile citizen to vote. However, as I say I'll reluctantly support it.

His Excellency the Governor

Thank you Councillor Edwards. Councillor Luxton.

The Honourable W R Luxton

Your Excellency, Honourable Members. I also support this Motion in general somewhat reluctantly, I'd like to have kept the Camp Stanley four/four split but I do accept that that situation is no longer tenable and if we don't change it I don't think changes would be initiated by the Secretary of State. I think the pressure for change would be initiated from this end and I think he would be obliged to respond and I would sooner see changes to the Constitution that we've played a part in rather than have somebody else do it for us. I also have reservations about the number of Councillors, I hope that what we put forward now is not writ in stone and can't be debated and perhaps altered before there's a final change. I hope we're just starting

off a process. I think eleven Councillors is over the top but I'm not sure quite what the best alternative would be, I'm not happy about the idea of a single constituency because I think Camp representation would be swamped in time. I think if we stuck with eight then a five - three split may be acceptable to all parties. So, as I say I hope we're starting a process that will lead to change but that what is actually in the Select Committee's Report is not unalterable and I note that the amendment says that provision would be made for an elected Speaker, so I think Sir, you're probably not going to get out of a job immediately. I support the Motion.

His Excellency the Governor

Thank you. Councillor Cheek

The Honourable J E Cheek

From the shake of the head I believe, Sir, that the other Member does not wish to speak. I stand as a Councillor for the Falklands not as a Stanley Councillor. Fair enough Stanley is my Constituency but I hope what I do, I hope what all of us do is for the Islands and I hope that that will continue to be so. Our proposed new Constitution is not perfect as people will have gathered we've had arguments, very strong arguments, almost fights over it and I think we've hammered out something the majority can agree to. Some of the things I don't think are perfect from my point of view, we all know that, I suspect that everyone here would prefer something somewhat different but in the real world we seldom get exactly what we want and we have come up I believe with a compromise. Eleven may well be too many Councillors, there is a reason behind it, the reason I think a valid one is that Executive Council must be less than half of the total number of Councillors. We could have argued that we only needed nine total Councillors and had four on Executive Council, that possibly leads to a problem of an even number causing too many even splits in any decision, that was the reason for the eleven. If we had nine I believe that the current population split would lead to a six three split between Stanley Constituency and Camp Constituency, I'm damn sure we wouldn't have had agreement on that. So, as I say, we've reached not perfection by any means but something that is acceptable hopefully to the majority. If I can mention one or two other things, this also corrects as has been highlighted on a number of occasions by a number of people, various

errors that those of us involved in the current Constitution didn't see and allowed to get through by not seeing them. I think the two main arguments we've had are 1.) Is the split, well possibly the total number of Councillors and the split between Stanley and Camp, 2.) How long before new Falkland Islanders are allowed to vote. When Mr Wallace came we said look I believe we have a problem here, what is your solution? And he pointed out what other countries had done, one of them in the West Indies has gone for twelve years, after twelve years you can apply to a committee but they also have a quota so there's only a relatively small number and they have a lot of people who go there. I believe and I haven't named the Caribbean Island but I believe the current population, over 50% of it are new to the small Caribbean Island and they still continue to come so the final draw is not being able to vote in that small Island, they may ultimately if they're very lucky get a vote and I think that we had to protect ourselves. What is very interesting is new Falkland Islanders who have the vote probably think strongly along these lines as those of us who were born here but I won't carry on, we've hammered this into the ground. The indication is that there's a five three for the Motion as amended, I would commend this and obviously vote for the Motion and I would ask the President that we have a formal vote on it now. Thank you.

Attorney General

The Honourable Members will be voting on the submission of the Report as amended earlier this afternoon.

His Excellency the Governor

Thank you Honourable Councillors. Before we do vote I hope you will indulge me if I just offer one or two comments on this issue and this debate. I have been very struck by the seriousness with which Councillors present here irrespective of the lack of public response, I have been very struck with the seriousness with which Councillors have addressed what is obviously a difficult and important issue. I'm also secondly rather struck by the frequency with which the word reluctance has peppered the debate, it says something about this, the changes that have been proposed and look as though they will be voted through do not seem to be heard to command any great enthusiasm by many Members present. I think it's a little bit ironic that that should be so and that this is a Report that was commissioned but written by

somebody from outside, not somebody from within the Islands though taking full account of views expressed here. I would incidentally like to echo the point that Councillor Luxton made, I don't think realistically there is any question of the Secretary of State wishing to impose a Constitution on the Falkland Islands, another point I would like to pick up is that no Constitution is unamendable as we are seeing by the fact that this debate is taking place now. As a relative newcomer to the Islands I don't feel strongly qualified to speak about the aspirations, fears and hopes of Islanders new and ancient if I can put it that way. However, I would like to make two points, again I was struck by the reluctance with which most Honourable Members today contemplate the prospect of an increased number of Councillors. This I suspect is not an issue on which the Secretary of State in London would have a serious view because it is very much within the internal responsibilities of the Falkland Islands, he would be concerned if there was some good governance aspect and I don't believe there is. We can of course all have views and obviously Members do about whether a larger number of Councillors is going to lead to greater efficiency, more democracy or whatever but those are all perfectly respectable and respected differences of view. On the question of voting again as a newcomer I hesitate to say, to speak about this, I know it's a subject that evokes views in both directions, the only point that I would like to make is that while I absolutely respect the wish of the people of these Islands to maintain control of their destiny, of their future, of their identity, I do hope that the fears one or two Honourable Members expressed about divisiveness will not come to pass because I think that would be sad. May I make one point and that is I do hope if this goes through that after the qualifying period for people to be considered for voting has expired that some really transparently, manifestly fair open unpolitical and impartial mechanism can be set up to deal with candidates for citizenship and voting rights. On that note I believe it is now my duty to call for a vote on this Motion, a formal vote and I hereby do so.

A vote was then taken on the Motion which resulted in five in favour and three against. Therefore the Motion was carried.

ORDERS OF THE DAY BILLS

The Supplementary Appropriation 1995/1996 Bill 1996

This Bill has not been published in the Gazette therefore is being presented under a Certificate of Urgency.

The Honourable the Financial Secretary

Your Excellency. The purpose of this Bill is to appropriate and authorise the withdrawal from the Consolidated Fund additional sums totalling £513,870 for the current financial year. Clause 2A of the Bill provides for supplementary expenditure amounting in total to £353,870 approved by the Standing Finance Committee and authorised in the first instance to be advanced out of the Contingencies Fund. A report of the authorised advances has been made to Executive Council. This appropriation will restore the balance of the Contingencies Fund to £500,000. Clause 2B of the Bill provides for less urgent supplementary expenditure amounting to £160,000 recommended by Executive Council and approved in principle by the Standing Finance Committee in respect of the estimate costs to 30 June 1996 of the second phase of a fundamental review of Civil Service remuneration and employment conditions. It is estimated that the second phase of this consultancy will cost £240,000 over the current and next financial year. I beg to move the first reading of the Bill.

His Excellency the Governor

The Motion is that the Bill be read a first time, are there any objections to the Motion?

The Bill was read a first time.

The Honourable the Financial Secretary

I beg to move the Bill be read a second time.

The Bill was read a second time. In the Committee stage clauses 1 and 2 and the schedule were adopted as part of the Bill. Council resumed. The Bill was then read a third time and passed.

MOTION FOR ADJOURNMENT

The Honourable the Chief Executive

I beg to move that this House stands adjourned.

His Excellency the Governor

Does any Member wish to speak to this Motion?

The Honourable J E Cheek

Your Excellency, Honourable Members. A hundred years ago this year Camp Education started forming in the Falklands. I hope we have some way of celebrating this but just for the record if I could speak just for a few moments on that. Apparently, a couple of years before that the Falkland Islands Company introduced in Lafonia a teacher for Lafonia and the offshore Islands but it was in 1896, a hundred years ago this year that the Government introduced the first two Camp teachers on West Falkland and I am sure there was nothing limp-wristed about those Camp teachers. Life then was extremely hard for the next seventy-five years in fact a similar sort of teaching in Camp carried on. I can vaguely remember Hill Cove in the mid forties having a Camp teacher, I can only ever remember it happening once, possibly it was because of the second world war that we had fewer Camp teachers than we otherwise might have had and although ideally the Camp teacher should visit the settlement or the outside house once every three months or so for a couple of weeks, it was not unknown for gaps between the teacher visiting you and teaching you as a child or your children could have easily been more than a year. Not too long ago some of the bigger farms started introducing their own teachers and certainly in the fifties some of the farms employed teachers of their own, had their own schools, quite often the teacher was also the farm book-keeper. More and more Government took over the control and the supply and the payment of those teachers in the last twenty-five years or so, I suppose before that was the introduction of the aircraft in the late forties early fifties that made life somewhat easier. Together with, in the last twenty-five years or so the introduction of two metre VHF which is in some ways transposed education to what it is today. Darwin School was introduced by the Falkland Islands Company, said by some to improve the education of the people working for them, said by others to make sure the little blighters didn't go to Stanley and lose the taste for Camp, I'm not sure which was true, both

probably. The introduction of the Stanley Hostel made a big difference, now we have largely almost all Camp secondary children coming to Stanley and enjoying the same amenities, the same education at the new school as the Stanley pupils. And we have a fair number of those now going off for further education in UK, at Peter Symonds for 'A' Level and on from that to university. I personally look forward to the time when the first university graduate graduates in some agricultural science or whatever it might be and comes back working in the Camp. As I say I look forward to some sort of more formal way of celebrating this during this year, I'm sure we will all be advised what it is.

Could I move onto the one other subject that I wish to speak about which is exclusivity of oil supplies in the Falklands. Sometime ago because of the problems we're having of fuel supplies in Stanley an exclusive agreement was entered into with Stanley Services Ltd which I think the Falkland Islands Government has a 45% shareholding. Because of my involvement on a personal basis in the fishing industry and because I know something about fisheries and others involved in that industry approach me, I've come to realise that the agreement that we the Falkland Islands Government have with Stanley Services Ltd is far from ideal. For example I believe the agreement although it gives exclusivity to SSL doesn't provide that SSL actually has to provide any fuels, certainly not for the fishing industry in which we have now seven registered vessels in the Islands. I believe that is so, neither does that agreement with Stanley Services indicate anywhere whether it actually has to have in storage or have available here specific fuels or whether it has to supply them within a reasonable specified time. I'm sure the agreement between Stanley Services Ltd and the supplying fuel company is totally different and I suspect that will be because it's between two commercial companies who are probably tied up very very tight indeed. But it's the agreement between FIG and Stanley Services that worries me and I would suggest that Members might like to look into that and the effect it has on our major industry in the Islands, an industry that is expanding within the Islands. I've nothing further to add Sir, I support the Motion.

The Honourable E M Goss MBE

Your Excellency, Honourable Members. In rising to support the Motion for Adjournment I haven't any subjects I want to dwell on, I just want to extend my good wishes and warm

welcome to you Sir and your good lady who's just left the room, as this is your first Legislative Council session, Sir I support the Motion for Adjournment.

His Excellency the Governor

Councillor Goss, thank you, I'm extremely grateful for your good wishes and that my wife walked out as you were delivering them is absolutely coincidental I assure you.

The Honourable W R Luxton

Your Excellency, Honourable Members. I too would like to welcome you to your first Legislative Council meeting Sir and it certainly won't be last, it will be the first of many because I think even if the Review of the Constitution goes through, we won't be replacing you too soon. One of your duties in the next week or so is going to be I believe to cut the tape on the completed West Road on West Falkland, I'm absolutely delighted that that contract has reached completion and my congratulations go out to Whiterock Ltd on the early completion. I think it's really great that private enterprise in these Islands has got a really successful construction company building roads like that. Congratulations are also in order to the PWD who are building the North Camp Road to Port San Carlos, they're working in much more difficult country, their progress is good I believe and they will also complete this year.

Other things that affect the agricultural community are going ahead such as the abattoir, although I was very surprised to hear an FIDC representative saying on the radio the other night that oh no this wasn't Government money, of course it's Government money. It's money which is accrued to this Government under the STABEX Scheme, in fact I might add that that money is in fact due to the agricultural community because the funds are coming in due to the low wool prices that were paid. The rules of the scheme as administered by Europe or the EEC don't allow it to be paid directly to those who if you like didn't earn it, it has to go to approved projects but it is certainly our money and the concept that oh no it doesn't matter if you waste it, it's only STABEX money is absolute nonsense. That concept is abroad in the Islands although that of course is not the attitude of FIDC I hasten to say.

On the subject of wasting money the MPA Road I gather is not such a happy story, I understand that the tarmacking was supposed to last for a period of ten years, I can only say that from what I've heard of it, time must be flying quite quickly, I hope we can address this problem and sort that one out. The Honourable Member for Stanley Mr Cheek mentioned Stanley Services Ltd exclusivity agreement, I would certainly support him in recommending other Members to look closely at this and see if we need to renegotiate that agreement perhaps and get a better service for our most productive industry from Stanley Services.

The Chief Executive answered my questions earlier on the subject of the National Stud Flock, that is really a sorry story. I trust he is not satisfied with the performance of the Agricultural Department in this, we've all read the correspondence and seen the various reports. I really think it's time we took a stronger line with Departmental Heads who are not performing as they should. If there are no sanctions Sir, then there's no stimulus to improve that performance so I hope the Chief Executive will start looking at his service where performance is not up to scratch and do something about it.

I'm also sorry that we hadn't got the Landholdings legislation before us, I understand the reasons why it isn't here but I think it is very sad for Landholdings employees that they're still in limbo. Honourable Members know I wouldn't have started from here anyway but that's history but it's a sorry story and we have yet another expert down here, the only sensible thing he said when we had listened to him was the Government shouldn't be mixed up in business and I agree with that but I didn't agree with anything else he said. We'll await his report anyway.

Another little rumble I hear is that the Victory Parade venue is to be altered. I understand that this took place with a committee of fairly recent arrivals and the decision was made. I hope it's not true, the Victory Parade has traditionally taken place on Victory Green and it's a ceremony of which many of us are very fond of. I may be mistaken and I hope that that is so and that the Victory Parade will take place on Victory Green as has been traditional.

Final point Sir, I can never leave this table without me mentioning our neighbours, you said to me the other day on the telephone that I'd been rather quiet of late on the subject of Argentina and things Argentine and I said to you that that was only probably because the Director of Broadcasting hadn't seen fit to 'phone me up and ask what I thought about it. I was pretty busy in the wool shed anyway. The rather loathsome charm offensive which the Foreign Minister of that country brought his family into the business which I thought was absolutely beneath contempt and of course the latest phase has been not the charm but the threats. If we don't allow Argentines ashore in these Islands there won't be a fisheries agreement. I think the message from this Council should be to Di Tella that he and his grotty country, his grotty third world country have tried to threaten the Falklands and the British before, he should know by now that it doesn't work and it won't work on this occasion. I can tell you that while I'm on this Council no Argentine aircraft is going to land in these Islands with our approval, I can state that quite definitely because if you permit Sir, and I think you would have to permit it, an Argentine aircraft to land in these Islands, you would have my resignation on your desk forthwith and there might be some civil disobedience which I'd take great pleasure in joining in. And I might have to run my re-election campaign from the confines of the police station over here, believe you me I would. So no Argentines and I think no Argentine aircraft, I think we should let this message be received loud and clear. On that note Sir, I support the Motion.

The Honourable J Birmingham

A very hard act to follow Your Excellency. In rising to support the Motion for Adjournment I too would like to welcome you and your wife to the Islands and hope well in fact I'm sure you'll have an interesting time. Sir, may I pick up on a point you said just before the vote on the Constitution when you said that Councillor Luxton had said there would be no pressure from the United Kingdom, I think he actually said the opposite, I think it was me that said that. The Constitution has been well aired, all I would say is I'm sure the Chief Executive looks forward to up to thirty-three questions for oral answer, I know he finds them very challenging.

We should have been discussing Landholdings today so it's also a disappointment to me as it's been decided that this wouldn't happen. I'd like to thank the employees for their hard work

during the shearing and hope that their patience will be rewarded by decisions being made soon or take into account the wishes of the majority. I actually look forward to Mr Hood's Report.

At the last Legislative Council I asked a question about sheep dip, I've recently been informed that there's a total of 5,000 litres stored on a Landholdings farm, I intend to pursue this matter and would be interested to hear from any other farms that have sheep dips stored on them.

I am pleased that the abattoir is going ahead, nobody would argue that we don't need a localised business but I saw in a newspaper early last week that up to 15,000 abattoir workers will be put out of work in Britain due to over-production and as far as I'm aware, nobody seems to know at which port in the United Kingdom any meat exported from this country would enter, so we'll see what happens there.

At the last Stanley Councillors public meeting on the 10 January the oil at Albemarle was mentioned and I'm pleased to see that a tender has gone out again so hopefully, in fact I know interest this time is more than it was the last time. I think we really want to get rid of that particular problem, it's been there a lot longer than I've been where I'm standing.

I think we recently showed the good Dr Di Tella or the bad Dr Di Tella that we behaved in a mature and civilised way when members of his family visited the Islands. I am pleased to say that once again his propaganda campaign blew up in his face. His daughter got here on a Swiss passport but as far as I'm concerned, Dr Di Tella will not get here on any passport, I think the person just won't be arriving on these Islands.

It's always nice to see a vessel of the grey funnel line steaming through the narrows, I think that the Guard Ship sailing around these Islands is a symbol of the continuity of the British commitment to the Falkland Islands and also tells other maybe not so friendly people that they are fully committed and long may that last. I can't see a fisheries agreement if Dr Di Tella actually continues to give us little threats, agreement at any length is not on as far as I can see.

I dare to bring up the millennium, I know I've been called the "Millennium Man", Honourable Councillor Goss has put me in this position and I have to carry on with this now though I'm called many other names I know. If we do decide to do something then surely we have to do something reasonably soon, if we wait then for the next Council the budget will already be in place, they won't be able to make any decisions until '98 and by that time any buildings that could be erected just wouldn't go up in time. So I ask Honourable Members to have a good think about putting something in place.

I continue to be concerned that there are people in the Islands who are unable to work for medical reasons but because they have a certain amount of money in the bank are only entitled to a bare minimum of welfare payment. I don't necessarily agree with means testing but at the moment we have a selective means test, people in Stanley are means tested but people in the farming community aren't so I'm afraid that we've got to have or we haven't, we can't have one set of rules for one part of the community and another set for another. We've got amongst us young adults with special needs and although these needs have been recognised, very little has been done so far. We need sheltered employment to give them a degree of independence and sheltered accommodation to extend that independence. The whole sheltered accommodation programme needs some momentum, not only for the young but also for the elderly. FIG has recently spent a lot of money on computers, I'm sure and I hope that this financial commitment will increase efficiency and help the managers to manage.

It's nice to see that the Post Office renovations are actually going to advance, I think it's something like seven years since the first plan was drawn up so you see when you import a lot of expensive technology things do eventually get moving.

I had a 'phone call from a lady last night who didn't know whether she should ring up or not and it concerns something that could be seen as minor, it can be irritating, the burning of rubbish in bins in the town. I find the burning of rubbish always seems to be somebody who's West of you. I've nothing against burning rubbish, I just can't cope with the smouldering drums, if you're going to burn, I wonder if people could just burn and get it over with. To drive past or walk past a bin that you know's been burning for over a day and smelling

everybody out further down, down wind it's a bit off-putting. I think it's a growing problem and unless people do start behaving more responsibly to their neighbours then dare I say the word legislation, it might eventually come in.

Finally I shall be going away representing not just Stanley but the Falklands at the CPA Seminar in Westminster at the end of this month. I'm looking forward to my first overseas trip as a Councillor. Your Excellency I would like to support the Motion for Adjournment.

The Honourable Mrs N Edwards

Your Excellency, Honourable Members. In rising to support the Motion for Adjournment I haven't very much to comment on, I think Mr Luxton's covered most of the points that I was going to make apart from reiterating what he said about the West Falkland Road reaching Fox Bay. Congratulations to all the Whiterock gang, I think they did tremendously well and I can now reach Bill Luxton's in about three quarters of an hour I reckon, so he mightn't be pleased with this road campaign after all, wearing my seatbelt possibly.

One thing that Bill didn't mention about the farming community was the assistance to farmers that is being offered at the moment regarding the loss of sheep in the winter. I've had a lot of 'phone calls from farmers saying there's no way we can meet this criteria so I would just like really to say to the farming community, get in touch with the agricultural department within a week or so because this is being looked at and amendments will be made in future. And a paper will be produced, hopefully will be more helpful and hopefully the rural development paper will also get another look because I don't know that we can any of us agree to a project that we put forward being viable, we could in hindsight but not before we ask for the money so I think it should be just a straight grant as we had before. Before everybody starts screaming rich farmers, don't need anymore money let me just remind people that the wool prices have yet again fallen this year and there are some people, not all of us, some people are in desperate need.

The 'phone in the Camp, I wondered really whether Jeff Rich was being brought down here to teach us all how to drum so we could stand on hilltops and communicate because the Cable

and Wireless 'phones are getting worse in the Camp. The Camp community will be pleased I'm sure to hear that it is still going ahead for April for the beginning of the new system to be put in and I hope within a year or two or within this term of Council to be able to see a new system and decent 'phones for the Camp community.

South Georgia I know is no business of ours: that's strictly your domain but I do mention it frequently everytime I go to the Foreign Office, I really do think Britain should be told officially by us that it is time, high time that proper policing was put in place down in the South Georgia region. It used to come under our jurisdiction and is no more and we still have a strong feeling for South Georgia and the waters around South Georgia. I think it's absolutely disgusting that Argentinean longliners can sit in South Georgian waters and poach the fish without anything being done because, I am being told, of the political situation. They are signatories to the CCAMLR Agreement and if anybody should be out there, they should be and I think Britain should really look very closely at the situation down there, as soon as possible.

The millennium I've got written down here, now I was going to say something very important about that John.

The Honourable J Birmingham

Two thousand things you were going to say.

The Honourable Mrs N Edwards

Possibly yes. But I'm afraid it's slipped my mind now so I support the Motion for Adjournment.

The Honourable Mrs W Teggart

Yes Mr President, Honourable Members. I'd like to begin by welcoming you and Mrs Ralph to the Falklands, I think that your first six weeks have been particularly busy here and I'm sure that it's not going to be an indication of all your time in the Falklands. I do hope that you get some time off to actually enjoy what we have to offer as well as the hard work that you've

been experiencing in your time here. I must also apologise for not having got any questions in for this Session, somehow or other my bit of paper telling me when the deadline was got lost in the post, I'm not quite sure if it was by accident or by design. So I actually found out three days after they closed that they had done, so that is why there have been no questions from me but believe me I am working on them already for March so you can be warned.

It's quite interesting actually and I don't know how many of my fellow Councillors actually sit down from time to time and look at their election speech but I did recently and I thought oh gosh, I haven't got anywhere with that and I'm not really likely to. A couple of things I thought oh yes that's all right, that's been achieved, that's been done but it did make me wonder reading through it as I did the other day, just how much of what we set out to do we actually achieve. Perhaps I'm also getting conscious of the fact that our time as a Council is actually starting to run down now, we're on the downhill run if you like. There are things that I would certainly like to see achieved during our term in Office, who knows if we'll ever all be back together as a Council again. It did make me stop and think, particularly after comments were made to me by a constituent the other day who said I've never known a Council who argues as much as you lot do, is it as bad as it seems to be? I said well actually it's probably worse because we do, we have some very very heated arguments over sometimes really quite minor things. It's quite amazing really, you can suggest something that's absolutely major and it might go through on the nod and yet something that you think isn't going to make a ripple in the pool at all will be pounced on and ceased. I think what I'm getting to really is I rather like the idea that the Chief Executive had with his Heads of Department where he turned round and he said to them I think at the beginning of the year, give me your five aims for the year. Perhaps that's something that we as a Council can sit down and do, completely independently with no discussion with each other but just sit down and think of the five things that we would most like to see achieved during our remaining time as a Council. And then see what common ground we have and go from there and let's see if we can really achieve something more in these next twenty months. I think we've actually achieved quite a lot, probably not anything like we would wish to do or want to do but I think now we still have time to achieve some of those targets that we set ourselves when we were elected and I would really like to see us start off, not on the things that are going to cause a lot of friction but on the things where we have

common ground. I know that there are those things, the Motion that was passed in the last Legislative Council for looking at the differences between Stanley and Camp and trying to do something about those, it received unanimous support. And I think it's things of that nature that we should be concentrating on rather than leaping at each other's throats for real or imagined things for the next twenty months.

I've been really pleased with some of the things that have happened recently in Executive Council and I'm sure that the Governor will cover them during his annual round-up particularly assistance with house building I think. We've agreed a principle for that and I am certainly very happy that sort of thing is going ahead, it seems to me to be one of the things that is holding up an awful lot. Also Stanley roads worry me too particularly since I've started riding a bicycle around, if you're driving a car somehow the bumps don't mean so much but if you're on a bicycle, you feel every one. It's quite interesting after my first bike trip in about ten years, I could hardly walk when I got off the bike at the other end so the roads are fairly rough, and it isn't exactly a boneshaker of a bike, it's quite well cushioned.

I'd like to pick up Councillor Birmingham's point about the burning rubbish drums, being a culprit of this at frequent intervals I must say that I can assure him as I'm sure that he's discovered himself, Legislative Council and Executive Council papers make a really good blaze and once you get them going in your drum you can burn anything else pretty quickly aswell. I'd also like to complement the White Rock gang and indeed the North Camp Road gang for their achievements during the last season. Many years ago, probably about twenty year ago, more than I care to remember I actually got bogged on a horse in Bull Flats, I'm sure an incident that John and Jan Cheek remember quite well because I was going to visit them and I was rather late arriving. I think the search party was leaving Fox Bay as I sort of arrived on my horse but I'd got bogged on Bull Flats not being terribly good on that particular area of Camp, I went the wrong way and had quite a struggle getting the horse out again. Of course you get very cold once you've sort of got very wet yourself but I certainly think it's a great achievement to think that the road now goes to Fox Bay. I think that everyone should be complemented. I actually saw the North Camp Road from the air the other day and was absolutely amazed at how well that's gone. Not really being a person to sort of spread

compliments about much in Legislative Council, I must say that I don't actually get the opportunity to fly with FIGAS very often but when I went out to Saunders the other day I actually flew out with Jeff Porter and must admit that he made what could have been a boring flight extremely interesting. It makes such a difference to have a pilot who will talk to you, tell you what's going on, what's here, what's there, you know where you are and what you're doing. I mean I'm no stranger to most of the Falklands but it still gives a completely different view to flying rather than just sitting in the back of the plane and going from A to B. So, my compliments to him and indeed to the rest of the FIGAS staff as well.

I believe that is just about all I had to say, I look forward very much to the report from Mr Hood on Landholdings and it will be interesting to hear and see the recommendations that he makes and indeed I'm also looking forward to the opportunity as a Councillor to meet with the Landholdings Board, and be able to discuss the way ahead. So that's certainly something that I'm looking forward to immensely, Sir I support the Motion for Adjournment.

The Honourable Mrs S Halford

Mr President, Honourable Members. In rising to support the Motion, I'll keep it brief as usual. Sir I'd also like to welcome you and your wife and I know the Islands don't offer you everything you wish because our countryside and roads are not quite up to what you require for your Harley Davidson but never the less, we hope you enjoy your stay.

Nobody's actually touched upon Cape Pembroke as yet, I've been riding down around there recently and I know my fellow Councillors or most of them are not really too user friendly towards horses but in the process of riding down there I've seen that there's been a new track. It's been graded out of the sand whether or not this track was actually meant to be put there I don't know but at the end of the day it is a good, it has been a good track. I have to say after going down there, after it had been in place a couple of weeks I was rather saddened to see that as with other parts of the area, somebody or some persons who obviously thought they were very smart at the time have made a wonderful job of wrecking it in a couple of places. One thing that is concerning a lot of people is the fact that the areas are fenced off, not that they're fenced off necessarily around Gypsy Cove and the lighthouse but the fact that they're

locked. We're really not in Colditz and a lot of people are very upset about the fact that these gates are locked.

A lot's been said today about the Agricultural Department and I'm sure by now that most of them now must be licking their wounds and running for boxes of plaster. In their defence I would say that the fencing at Saladero, although it's only part of the infrastructure that is, should at this time be more or less completed.

The MPA Road I have to say I was pleased to see they were getting along so fast until I drove along it and had a look at it and now I'm not so sure about it. I'm very concerned at the state of it. What was brought home to me last night driving in along that road after having met the 'plane was that when you're driving in the dark on that road in the conditions like last night which I'm sure could happen at any time, I consider it's highly dangerous. There are no cats eyes or markings on the road whatsoever and you are literally driving blind. I hope if and when the road is done to a decent standard that cats eyes and markings will also be put in place. And talking about roads I suppose I may aswell say that while Councillor Edwards is able to drive down the road perhaps at speed, I'm not sure of the distances on the West to visit her other Councillor, and not having to wear a seatbelt I hope she remembers the fact that everytime I go to fill up my vehicle with fuel driving down the Bypass I will have to wear a seatbelt. If I lived at Philomel Hill I wouldn't have to right.

I do sympathise with what Councillor Birmingham said about the rubbish drums, I think they are appalling in Stanley and as was said they always seem to be burning west of you, they are awful.

On the Constitution we've said a lot about that, perhaps one thought, I'm sure it won't bear any fruit but if we can change our Constitution wouldn't it be nice if the Argentines also changed theirs again and took us out of it. Sir I support the Motion for Adjournment.

His Excellency the Governor

Thank you Councillor Halford, any further interventions?

Commander British Forces

Your Excellency, Honourable Members. I would like to just contribute a little bit to this august meeting and at the risk of bringing levity to what has quite rightly been a solemn and far reaching debate over the Constitution and other matters.

A few points if I may, they are really what might be called parish notices. First of all I would like to offer my immense and sincere gratitude to the Falkland Islands community and particularly the Falkland Islands Government for the generous gift of the second pair of married quarters which are now completed at MPA. It is incredibly important that we continue I hope the process of having married quarters built because it does provide me with greater continuity of married people in the Islands and that in turn means that we can become efficient, make less mistakes and hopefully become less of a burden on you all. Some people you will recollect only spend long enough in the Islands to learn the lessons of how to get bogged but very rarely how to get unbogged and that in itself is a symptom of not being here long enough. There will be an official opening shortly and I hope that your good self Your Excellency and perhaps others will come and officiate.

On the more official side of business, South Georgia Fisheries have been mentioned and I appreciate that it is not strictly the business of this meeting but I would like to make a short point on that, a military presence will be provided in support of the UK's determination to enforce current fisheries legislation in the waters of South Georgia during the forthcoming toothfish season. That is a quite considerable change to policy and I think we all agree it is the correct one. I would also like to point out that my pet rat-catcher and drain-sniffer who to the uninitiated is actually an Environmental Health Officer, will be made available to investigate two minor problems in Stanley, one of which is over the purity of your water supply and the other is over some less welcome rodent immigrants who live hereabouts.

SSVC have been in the Islands recently, in fact they're still here and have been discussing the provision of live TV coverage. All I'd like to say on the subject is that we too at MPA

thoroughly support the principle of live TV coverage. It does of course depend on funding but we are doing everything we possibly can to get a better service for the Islands as a whole.

Another little piece of good news I hope is the visit of Eric Bristow. The drummer obviously drummed up lots of support if you'll excuse the pun but we've got Eric Bristow coming down, I am particularly keen and have succeeded I understand in getting him to the West Falklands as well as to the East. He will be appearing in Port Howard on Saturday 2 March and he will be appearing in Stanley on Sunday 3 March so I think the Honourable Members for Stanley should be sharpening their darts at this very moment.

The Falkland Islands Guardship was also mentioned, I would just simply point out that a meeting took place on the 31st of last month between the Foreign Secretary and the Secretary of State for Defence at which it was agreed the current arrangements for the Falkland Islands Guardship would be maintained.

And my final point is that flushed with success during a recent Royal visit I understand His Excellency is setting himself up in competition with ourselves at MPA in providing battlefield tours. In order to assist him in this process he has the script and map. Your Excellency I support the Motion for Adjournment.

His Excellency the Governor

Are you referring to battlefields between His Excellency and ExCo.

Commander British Forces

Your decision.

His Excellency the Governor

Thank you very much Commander. I think it is now the turn of the Financial Secretary to speak.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. Following on from what Councillor Edwards reported I can confirm that approval has been given to draw up a further programme of financial assistance for farmers and a paper will be presented to Executive Council soon dealing with that subject.

I'd just like to join elected Members in welcoming you to the Islands, you and your wife to the Islands Sir and I support the Motion for Adjournment.

The Honourable the Chief Executive

Mr President, Honourable Members. It is traditional Mr President I suppose for the Chief Executive to give hostages to fortune by commenting on the comments and promising certain things will be done. That's all minuted and then one makes sure that it is done. If I may comment in turn Councillor Cheek talked about Camp Education and the wonderful anniversary that is coming up. I can assure him that our Public Relations Agents in London - Shandwick, are well aware of this, they've already interviewed Mrs Rendell and articles have appeared in the UK press. It is hoped that other events and other ways of getting through to the population there will occur but I hope we do come up with some special things so that we really can celebrate what is an amazing achievement. On the vexed question of exclusivity and Stanley Services Ltd, I think it fair to say that I for one am well aware of the problems. I think it would also be of interest for Councillors to know that the Directors of Stanley Services are also aware of the problems and in principle have agreed that certain elements of the agreement that is already in place do need updating and do need redefinition and I refer specifically to what the Councillor mentioned. That there is no specific mention of supply to the fishing fleet per se, that there is no specific mention of the fuel type that will be supplied nor is there a specific mention of the timing of that supply. And it is fair to say that the Company is just as worried about that as the Administration and it is not inconceivable that negotiations will be entered into to overcome those problems.

Councillor Goss welcomed Your Excellency and Mrs Ralph just as she left the room, I was very much involved in saying goodbye to your predecessor and it was said by so many people at

the time that he was and indeed his wife was a very hard act to follow. Thinking about the word act I'm not so sure it was an act but one of the things that has impressed me during your time here Sir is how rapidly you pick things up and learn, and if last night's short tennis match was anything to go by, you are learning extremely rapidly and I look forward to tortuous times ahead.

Councillor Luxton raised some very relevant points, the MPA Road and the present situation, we are all disappointed and I think there's no point pretending anything else about that. I held a press conference yesterday where I went into some of the details with the local media and so those details will be available to the public. I can assure the Honourable Member that we are doing everything we can to put right what has been done badly. We are also doing everything we can to make the present road safe because I do agree with the other Honourable Member that driving on that road at night and hitting an unseen pothole is at the moment a real problem. In the future when the road is complete it is only sensible to have some sort of indicators along the side. I think the side is probably preferable to the middle, most people drive in the middle anyway.

On the Stud Flock, I think it right that I shouldn't say too much about the comments about the Agricultural Department and their role in the Stud Flock. These questions are a matter of process, a matter of our management of the Civil Service and I can assure the Honourable Member that they are being dealt with. I think it's only fair to look at what the real concern was a year ago. The real concern then was because animals were not what they should be, they were not healthy and where they were was not correct, we went through tortuous debates and we made some difficult decisions. Those animals as the Councillors will know from the monthly report which was considered only yesterday are now healthy and the Stud Flock itself is actually progressing quite well. The problems have moved from the animals to the infrastructure and I think that that actually is a forward move.

I know Your Excellency, you will deal with the problem of the Victory Parade which isn't a problem.

As far as the comments about Argentina were concerned I know that Councillor Luxton has been awarded the nickname in Argentina of "Churno Bill" and his explosive comments which he has begun again here today, I'm sure that nickname is well deserved and will continue to be known by that.

Councillor Birmingham the "Millennium Man", interesting this fixation with the millennium here. If we do have a building to commemorate the millennium, maybe we should call it the Menem Memorial Building as a memorial to ill-founded aspirations for the year 2,000. I think that would be very suitable.

I mentioned the Landholdings Report and several people did and Mr Hood's New Zealand presence with us. A copy of his Report, the final version of his Report will shortly be available to the Directors of Falkland Landholdings Ltd, they will have a meeting on the 5 March to discuss it. After that meeting they will seek a meeting I hope with Councillors and after that joint meeting with Councillors, Executive Council of course will discuss the outcome of that meeting. One may pose the question, will anything happen after we've been going around in circles for so long? My answer to that is it must, something must happen to break the deadlock that exists at the moment and I think what we've seen here today that quite a few Councillors expressed the view that they were actually subjugating their own personal view in order to get something done on the Constitution. It's a good sign, it may well be that we can see our way forward into having maybe not a unanimous but at least a majority opinion among Councillors as to where we should go in the development of the land which is now Falklands Landholdings, and indeed in the development I hope of the whole of Camp because until we make a good profit out of Camp, however we do it, we'll always be up against some sort of problem.

I would like to assure the "Millenium Man" also that as far as I understand it, the potential problems with the port of entry of meet killed in our abattoir are lessening and there are real economic ways that we can overcome that problem quite easily.

I wish him well also on his first overseas trip as a Councillor, I know the British media are sharpening their questions for his arrival and I wish him all the best in that.

Councillor Edwards commented on the triumph of the West Road so far and I think it only right that I should also add to that but once again can we remember the problems of that only a year ago. All sorts of discussions and goings on about contracts and how was the road going to be built and this, that and the other and now we are not all that time on and we're actually saying what a great success. And yet we're not actually congratulating ourselves for overcoming the problems, I believe those problems were overcome very sensibly by Councillors and indeed by PWD in the way that the contract was eventually set up, and here we are today with a success on our hands and long may it continue.

The agreement with Cable and Wireless, Councillor, over the significant improvement of the Camp telephone system has now been signed. His Excellency has I know signed that, I hope you have Sir, you look rather puzzled, I'm sure you've signed it. (Attorney General confirms) It is signed, the equipment is on its way, the man who will manage the process is here so I'm confident that long before the end of this Council, those communications will be improved.

Councillor Teggart raised the question of the Stanley roads and they are dreadful in fact they too are becoming dangerous. We have bits of wire sticking up that should have been holding the concrete in place and all that sort of thing. Now there is I am pleased to relate a Consultant's report on its way on the Stanley roads, the cynics may say well that it is the same Consultant that wrote a report on the MPA Road and that is true. We will be looking at that Consultant's report very carefully but I do know that Stanley roads will be very expensive and very time consuming to repair because concrete such as that is difficult to repair. The key to getting it right is to lay it properly in the first place and may that happen in future.

Well that Sir, concludes my comments, it's been a long meeting, maybe longer than any of us thought and I beg to move that this house stands Adjourned Sine die.

His Excellency the Governor

Chief Executive thank you. Before I do whatever I'm supposed to do to close this session I just wanted to thank all Honourable Members elected and unelected for their warm welcome. Margaret and I have found ourselves feeling very much at home very quickly here, very touched by the warmth of our reception, thank you very much for that.

I'd like just to mention the visit of The Princess Royal, I hope everybody in the Islands felt that it was a pleasure to have her here, I would like to say I've received an extremely warm letter of thanks on her behalf from her Private Secretary which I'm broadcasting and will have published in the media if they'd like to publish it. He, on her behalf particularly asked me to extend a very very warm thank you to everybody in the Islands for her visit.

I'm very much looking forward to cutting the ribbon at the Fox Bay opening of the road, I'm looking forward to the previous day to my first experience of Camp sports with only a serious regret that I can't apparently take part in one arcane local ritual know as the two-nighter, next year perhaps.

The Victory Day parade that Councillor Luxton's heard about, I think it's actually a distortion on what he's heard, it refers to the Queen's birthday party this year and in response to a suggestion by a number of people I consulted, that actually all the different events celebrate national celebrations of the year and are a bit samey and indistinguishable. I thought I would do it very slightly differently and have the parade up at Government House on the road in front but with the 21 gun salute and a fly-past if the jets are not otherwise occupied, and followed by the customary reception, I thought we would do all of that. I don't think it's the Victory Day parade as such, in any case my aim this time will be to ensure maximum popular participation and pleasure to what is obviously a very important event.

May I say something very quickly about Argentina and South Georgia. The British Government certainly hopes to be able to secure a long term fisheries agreement with Argentina which will be to the benefit of all of us and to the conservation of the fish stocks. We will not however, there will be no question of that sort of conditionality, I think Mr Di

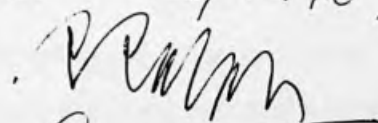
Tella was actually off the cuff about people coming and having to spend the night here. In any case that's not a formal position and that's not acceptable. Similarly aircraft landing and all of that, it's clearly not acceptable and nor is there any serious prospect of it I think. On South Georgia, Commander British Forces has said that we are going to police the fishery. I'm extremely glad that the tougher policy which I know my predecessor pushed for, for a long time has actually come to fruition in my time here and I'm very pleased about that. We very much hope that this will result in the proper protection of fisheries stocks in those waters.

It is extremely good news that the Guard Ship is not going to be reduced in its presence in these waters and I would like to welcome that.

One last word, I'm going to the United Kingdom, to London in the second half of March to go and talk to some more people about Falkland Islands business. I've got an extremely busy programme fixed up for me but if anybody here feels that it would be useful for me to go and see somebody over there to advance and promote some worthy cause, obviously if I can I will be glad to do so. I'm sure Honourable Councillors will want me to convey their warm wishes to the Falkland Islands Association who are holding a reception to coincide with my visit.

I've thoroughly enjoyed this afternoon, I think it was very stimulating and alternately serious and good humoured. Thank you very much indeed, I think we've just hit our target have we not in finishing in time for Honourable Councillors to go and talk to Honourable Members of Parliament from Westminster. On that note, the Motion was that this house does now Adjourn, do I see or hear any objection? Right, well if there isn't any objection this house is adjourned *sine die*. Thank you

Conferred His 31st day of May 1996.


Governor

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
26 APRIL 1996**

RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD IN STANLEY

ON 26 APRIL 1996

PRESIDENT

His Excellency the Governor
(Mr Richard Peter Ralph CVO)

MEMBERS

Ex-Officio

The Honourable the Chief Executive
(Mr Andrew Murray Gurr)

The Honourable the Financial Secretary
(Mr Derek Frank Howatt)

Elected

The Honourable William Robert Luxton
(Elected Member for Camp Constituency)

The Honourable Eric Miller Goss MBE
(Elected Member for Camp Constituency)

The Honourable Mrs N Edwards
(Elected Member for Camp Constituency)

The Honourable Richard James Stevens
(Elected Member for Camp Constituency)

The Honourable John Birmingham
(Elected Member for Stanley Constituency)

The Honourable John Edward Cheek
(Elected Member for Stanley Constituency)

The Honourable Mrs Carol Wendy Teggart
(Elected Member for Stanley Constituency)

The Honourable Mrs S Halford
(Elected Member for Stanley Constituency)

PERSONS ENTITLED TO ATTEND

The Attorney General
(Mr David Geoffrey Lang QC)

The Commander British Forces Falkland Islands
(Commodore A K Backus OBE RN)

CLERK: Claudette Anderson

Prayers: Reverend Canon s Palmer LVO

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RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD 26 APRIL 1996

His Excellency the Governor

Welcome everybody, and I think I'm required to declare this meeting formally open and I hereby do so.

Clerk of Councils

Confirmation of the record of the meeting held on 24 November 1995.

His Excellency the Governor

Does anybody have any amendments or comments that they would like to suggest to the record of the last meeting? Well in that case we can consider them confirmed can't we and I shall sign.

Clerk of Councils

Papers to be laid on the table by the Honourable the Chief Executive. Copies of subsidiary legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Council and laid on the table pursuant to Section 34(1) of the Interpretation and General Clauses Ordinance 1977.

The International Tribunal for the Law of the Sea Immunities and Privileges Order 1996

The International Sea Bed Authority Immunities and Privileges Order 1996

The Census Order 1996

The Census Forms Regulations 1996

The Fishing Licences Application and Fees Regulations Order 1996

The Honourable the Chief Executive

Mr President, Honourable Members, I beg to lay on the table the papers named by the Clerk.

Clerk of Councils

Questions for Oral answer.

QUESTION No.12/96 BY THE HONOURABLE MRS N EDWARDS

Would the Honourable the Chief Executive explain just where we are at present with the Baseline Survey? Is it now completed or is there still work to be undertaken?

The Honourable the Chief Executive

Mr President, Honourable Members. The initial phase of the Baseline Survey work is on schedule, this involved a two year contract awarded in November 1995 to Brown and Root Environmental and Imperial College consultants. The work to be undertaken included a desk study on the Falklands environment, a shallow marine survey of coastal waters to approved standards together with a Literal Survey and production of a database and geographic information system to store and display the data and which can be extended in the future. The Diving Survey was completed during the recent summer months and satisfactory progress has been reported on the other components of the contract. The current Baseline Survey work represents part of what needs to be undertaken in the future, it is intended that survey work should extend into the offshore areas. There are guidelines for surveying in advance of oil exploration and for monitoring the subsequent impacts. These include: Biological surveys and chemical analysis of sediments, sea water and biological material. Additional work may need to be done on tide and current movements in Falklands waters as the data would be useful for oil spill contingency plans. There are a number of other studies which could be undertaken with a view to measuring environmental change and assessing potential impact. The seabird monitoring programme undertaken by Falklands Conservation is of relevance to the Baseline Survey, additional Baseline Survey work and monitoring activities are likely to be geared to the level of interest in the Licensing Round and the likely pace of exploration activities. Information on this should be available soon after 2 July 1996.

The Honourable Mrs N Edwards

Thank you for that answer Chief Executive, I realise that I have skipped the first question that I was going to ask so if I may Sir, I'll come back to that after my next question.

His Excellency the Governor

Did anybody wish to ask a supplementary question on the first question that was asked?
Councillor Stevens.

The Honourable R J Stevens

Your Excellency, Honourable Members. I just would like to ask the Chief Executive if we're satisfied with the progress to date?

The Honourable the Chief Executive

Yes, the answer to that Mr President and Honourable Members is yes we are. Certainly the Chairman of FENTAG I know is satisfied as he has said in the answer that he prepared for me.

QUESTION No.13/96 BY THE HONOURABLE MRS N EDWARDS

Would the Honourable the Chief Executive tell us what is to be the fate of the samples collected during the Baseline Survey and are the results of the Baseline Survey going to be used to assist future changes to the coastal and sub-literal marine flora and fauna?

The Honourable the Chief Executive

Mr President, Honourable Members. The bulk of the biological samples collected during the Baseline Survey have been left in the possession of FIG's Fisheries Department. Some, if not most will be held as a reference collection, some may be used in other studies or for further taxonomic work if this seems appropriate. A report on the Shallow Marine Survey component of the Baseline Survey should be available from the contractors in the near future, a further report will be delivered in due course which will be the result of a more general desk study on the Falklands environment. It is certainly the intention that the Baseline Survey results will be used in helping to assess future significant changes in coastal and sub-literal flora and fauna. Relatively little work has been done previously in this particular area, the main impetus for undertaking the work is the opening of an Oil Licensing Round although any changes in the flora and fauna may also be due to other factors. A case in point is the decline in the numbers of sealions and some seabirds since the 1930s' whilst the commercial fishery is sometimes identified as a potential culprit, the fact is that in some cases significant changes took place before offshore fishing started in any volume in the 1970s'.

The Honourable Mrs N Edwards

Can I just ask the Chief Executive whether all these samples will be collated not just some of them but all of them and will scientific papers be written on them and will they be properly collated and used in the future, because at the moment if this survey is going to go on for a two year period it will be in the Summer months. I would suggest although I am not a scientist that maybe we should be looking at all periods of the year not just the Summer months of what is in our waters around the Islands. Also if I may just say that most of the flora and fauna start their lives in the areas of, the kelp is very rich nursery if you like and I don't believe that the kelp beds have been surveyed at all, yet. Are they going to basically?

The Honourable the Chief Executive

Well Mr President, Honourable Members. I think the answer to this, we could talk all day about what should and what shouldn't be surveyed. The fact of the matter is that the Tender documents reflected the advice that was given by the Joint National Conservation Council (JNCC) in the UK which is the accredited body for this kind of thing. All tenderers tendered on that basis, as far as more taxonomic work is concerned, none of the bidders for the contract indicated that they would identify everything to species level and so unless we particularly ask for that work to be done, there is no reason why it should be, it wasn't part of the original arrangement.

The Honourable Mrs N Edwards

Thank you very much.

QUESTION No.11/96 BY THE HONOURABLE MRS N EDWARDS

Would the Honourable the Financial Secretary tell us what amount of money has been spent in the last twelve years on survey work and reports written on the state of Fox Bay Village Jetty and what sum of money has been spent to date on the present work being undertaken there?

The Honourable the Financial Secretary

Your Excellency, Honourable Members. A number of reports have been written on the surveys conducted on the Fox Bay Village Jetty over the past twelve years. The cost of these reports where a charge was made and minor works undertaken amounts to just over £11,000. Funding of £85,000 has been allocated in the current financial year for the rehabilitation of the jetty. To date almost £75,000 has been spent and it is anticipated that the full amount budgeted will be used. The overall cost of the rehabilitation of the jetty is now estimated to be £130,000 which includes the engineers costs of £10,000 but excludes the costs for the transit shed of £25,000.

The Honourable Mrs N Edwards

Thank you very much Financial Secretary. Can we have some assurance do you think that this will be completed within the next year? I know you're not the one to ask that question to really.

The Honourable the Financial Secretary

Well I can't really answer it with any accuracy but I do understand from particularly the meeting we had with the Director of Public Works today that the jetty is receiving some priority.

The Honourable Mrs N Edwards

Thank you.

QUESTION No.14/96 BY THE HONOURABLE R J STEVENS

Your Excellency, Honourable Members. Please could the Chief Executive advise where television transmissions cannot be received at all or are intermittent due to failing equipment?

The Honourable the Chief Executive

Mr President, Honourable Members. According to SSVC the only location where TV transmissions cannot be received currently due to equipment failure is Port Stephens. At Port Stephens the FIG requested the use of wind generators and the system has so far proved to be

unreliable. If mains power were available on a similar reliability to the rest of the system, it would be expected to be normal. There are however other locations which are not covered by either TV or radio, the Government is working with BFBS through the Broadcasting and Communications Committee and is awaiting the results of a user or in this case it could in fact be a non-user survey, being conducted by the Media Trust. When those results are known suitable solutions to the problems will be proposed.

The Honourable R J Stevens

Thank you the Chief Executive for that answer. Perhaps you could advise the best way forward for people that can't listen to the radio or watch television, who in fact they should contact in the first instance.

The Honourable the Chief Executive

Well Mr President, Honourable Members. In fact if they fill in the survey forms which I am sure they will all have the Committee will then have the advice that we need and it will then be simply a matter of proposing investment of repeater stations or whatever is necessary to make sure that everybody has the same standard of reception.

The Honourable R J Stevens

Thank you very much.

QUESTION No.15/96 BY THE HONOURABLE R J STEVENS

Your Excellency, Honourable Members. Can the Financial Secretary tell the Councillors the total projected costs of the abattoir and the waste processing plant and say what is this cost as a percentage of the total STABEX Fund?

The Honourable the Financial Secretary

Your Excellency, Honourable Members. The cost of the new abattoir is estimated at £1.4M, funding for the abattoir has been approved. Whilst only approval in principle has been given for the waste processing plant at an estimated cost of £400,000, £590,000 has already been allocated to the project from the STABEX Fund and a further £779,000 has been applied for. The Falkland Islands Government currently has access to approved funding of £1.5M plus accrued interest which represents the allocations for the years' 1990 and 1991. The projected cost for both the abattoir and the waste processing plant represents 75% of the total STABEX funding currently available to the Islands, of £2.4M for the years 1990, 1991 and 1992. The total funding that has been allocated to the Falkland Islands amounts to £4.1M and the projected costs of the abattoir and waste processing plant therefore represent 44% of this. The total figure includes the allocations for the years' 1993 and 1994 for which FMOs' (that is Frame Works of Neutral Obligation) have not yet been agreed, as well as projects in previous FMOs' which have not yet been ratified. It should be noted that the STABEX Fund allocations are made in ECU but for the purposes of this question the amounts are being converted to sterling at the current exchange rate of 82 pence to one ECU.

The Honourable R J Stevens

I thank the Financial Secretary for his answer.

QUESTION No.16/96 BY THE HONOURABLE R J STEVENS

Your Excellency, Honourable Members. Can the Chief Executive state how much and when money was allocated to the track going through Cobbs Pass towards North Arm, and why with winter closing no work has been carried out?

The Honourable the Chief Executive

Mr President, Honourable Members. Cobbs Pass and its approaches were allocated £12,000 on the 14 November 1995 by Councillors. It was anticipated that a private contractor would undertake the works after the main shearing season, however, I am informed by the Director of Public Works that the contractor involved has indicated that he is no longer interested in carrying out the works. I regard this as particularly unsatisfactory and will ensure that the reason for this apparent default, presumably there was never a contract anyway are thoroughly investigated. It is bad enough to have Bodie Creek Bridge rotting away without this apparent low priority being given to the obvious alternative.

The Honourable R J Stevens

I would like to thank the Chief Executive for that answer but I was under the impression that the amount of money that was put to the Bodie Creek Bridge at that time, when the decision was made not to repair, was put towards this work through Cobbs Pass and towards Walker Creek and North Arm.

The Honourable the Chief Executive

Mr President, Honourable Members. I can't comment on that as I have no information on that but will look into it.

THE HONOURABLE E M GOSS MBE

Your Excellency, Honourable Members. I would like to emphasise as a supplementary the importance of Cobbs Pass and because Orqueta Creek is a tidal creek and there's a heck of lot of snow and ice comes down in the winter months. It's very important to get on with that work before winter closes in or you'll have to let Bodie Creek Bridge be open and as an addition to my supplementary, can we have a second "b" in Cobbs in this paper?

The Honourable the Chief Executive

Mr President, Honourable Members. I have every sympathy as I said I'm very concerned that I had to give such an unsatisfactory answer. I feel for the people in Lafonia and I think that something needs to be done about it.

The Honourable Mrs N Edwards

In view of the fact that the road isn't going to happen, perhaps this House would like to reconsider the decision they made earlier on Bodie Creek Bridge and vote some money for its repairs.

The Honourable the Chief Executive

Well Mr President, Honourable Members. I'm not sure about the rules of bringing matters back before the same Council. I don't think that's possible for a while but it was a jolly robust and very enjoyable debate I remember, and I'd love to have another one.

QUESTION No.17/96 BY THE HONOURABLE MRS S HALFORD

Will the Chief Executive please advise the House whether or not Executive Council has approved the recommendation of the Transport Advisory Committee, to construct high specification link roads to farms in the north of East Falkland. And can he further confirm that no public money will be expended on those roads or any other such roads which may be subsequently constructed, until rights of public access to recreation land within the farms to be served has been secured. Bearing in mind the high financial cost to the tax payer of link road construction.

The Honourable the Chief Executive

Mr President, Honourable Members. Executive Council yesterday approved the recommendation of the Transport Advisory Committee to construct link roads to farms in the north of East Falkland. The second part of the question however, is I'm afraid incapable of a clear answer at this stage, the two opposing views seem to me to be as follows: One view is that the taxpayer is paying up to £2M for what are effectively private driveways and therefore some kind of public access to beaches, nature sites, beauty spots and so forth would seem quite reasonable to anticipate. But the alternative view is that in the Falklands there is a very tight legal situation with regard to land ownership and trespass. It is quite reasonable for a landowner to refuse entry on to his property especially at lambing time if he or she feels that such property may suffer real damage as a result. I do not believe that there are many Falkland farmers who are anything other than hospitable and warmly welcoming to visitors, however, the question raises a crucial point. It is I would suggest a matter of policy and that is not up to the Officers to determine, the answer to this question is in Councillors' hands.

The Honourable Mrs S Halford

Thank you for that answer. Whilst I think we should be pushing ahead with these roads I still strongly have the view that we should have access to land off of the roads. I'm quite well aware that lots of farmers don't want people going in their lambing camps and I sympathise with them, and they certainly don't want people driving all over the place wrecking the land like they do around Stanley either. It's not just vehicles that could have access to these areas, surely people walking are not going to cause an awful lot of damage and I think it is something that we should look into and I shall certainly be pushing further.

The Honourable the Chief Executive

Mr President, Honourable Members. It does seem that this does need looking into and I would suggest that a paper comes before Executive Council in the near future to resolve it.

QUESTION No.18/96 BY THE HONOURABLE MRS S HALFORD

Now that the Transport Review has been requested can the Chief Executive please advise, bearing in mind the demands for improved social convenience rather than prudent financial policy making and is in large part driving the expectancy of the rural roads programme, what is the required timetable for the delivery of this review? What is its Consultant's Terms of Reference? What dialogue will the Consultant enter into? How much will this Review cost the taxpayer? And how will the Government be advised with regard to its implementation?

The Honourable the Chief Executive

Mr President, Honourable Members. That's a lot of questions for the price of one, I shall try to answer them all. At their meeting on the 28 March of this year, Executive Council agreed that Mr Mike Summers be appointed to undertake a Transport Policy Review on behalf of the TAC. It is expected that the Review will take up to a maximum of 150 man hours and be completed by the 31 May 1996. There may be some slippage in that date, I notice the Consultant with us here in the room and he has certainly warned of some slippage so although that date was part of the original package, it may slip a little bit. A total budget of £7,600 has been approved for this work, the Terms of Reference for the Review are as follows: Review of the current position ie mid 1996 of extent and standard of air, sea and land facilities; comparison of planned position to actual position; summary of resource already committed by FIG to transport facilities and infrastructure; summary of options with costings and priorities for further projects designed to improve air, sea and land transport facilities; summary of best methods of co-ordinating; three methods of transport for optimum benefit to Islanders. It is expected that the Consultant will hold discussions with the following groups and organisations, although of course he may decide to hold discussions with other persons' or organisations considered necessary by him: FIGAS and the Director of Civil Aviation, Bighorn Marine, the Transport Advisory Committee; the Farmers' Association; Hogg Robinson, Stanley Services Ltd; The Falkland Islands Company; Falklands Landholdings Ltd. The Report of the Consultant will be submitted first to the Transport Advisory Committee who will consider it and make recommendations to Executive Council as to its implementation.

The Honourable Mrs S Halford

I thank you for that reply. It would seem with this Policy like all things in the Falklands, there is a Falklands factor and that's always slippage. On this occasion I would hope that the slippage will not be too much but as consultants go by what you've told us, we're obviously going to get value for money I assume. Thank you.

QUESTION No.19/96 BY THE HONOURABLE J BIRMINGHAM

Your Excellency, Honourable Members. Can the Honourable Chief Executive state the current situation regarding the removal of an estimated 18,000 gallons of heavy furnace fuel oil which is leaking into the sea from a tank situated at Albemarle on the West Falklands?

The Honourable the Chief Executive

Mr President, Honourable Members. I'm well aware that the particular Honourable Member who is asking this question has recently witnessed question time in another House. I will await the supplementaries with trepidation as I know that the Honourable Member's particular hero put on an impressive display. However, may I say that I am heartily fed-up with this oil leak at Albemarle, the Government didn't cause this mess but it is our clear responsibility to clear it up. As each idea has come forward there has been some kind of reason why a clear cut decision has eluded us. I believe we are tantalisingly on the verge of a sensible solution to the problem, a portable high temperature incinerator of the kind used in clearing up oil slicks all over the world. Although the oil would be burnt and thus lost to us as a potential fuel, this solution has some desirable features. 1) It will be cheaper than previously proposed ideas. 2) We should not end up with the problem merely being transferred to Stanley. 3) It would be fairly quick to carry it out. 4) The incinerator would be re-useable, hopefully to cope with other embarrassing waste situations. I undertake to keep Councillors and Leon Bernsten closely informed.

The Honourable J Birmingham

I thank the Honourable Chief Executive for his answer. He's stung me on a supplementary, he's got me there, he's already answered it. I have a piece of paper here and the question is I wonder if the Chief Executive has actually read this - environmental conservation and in the introduction to this it says "The water surrounding the Falkland Islands show few signs of pollution problems. The Falkland Islands Government is intent on ensuring that this remains the case." I sincerely hope that this is the case, certainly in the light of apparently a potential court hearing regarding an oil spillage by a ship in Stanley Harbour. We can hardly take people to court for spilling oil in Stanley Harbour if we're going to allow oil to go into the sea ourselves.

The Honourable the Chief Executive

Mr President, Honourable Members. I agree totally with the Councillor's point of view.

QUESTION No.20/96 BY THE HONOURABLE J BIRMINGHAM

Your Excellency, Honourable Members. Can the Honourable the Chief Executive inform me of whether the Falklands Islands Government has a contingency plan in respect of a major oil spill in Falklands waters? And if so, could he give me a brief outline of the procedures which would be followed?

The Honourable the Chief Executive

Mr President, Honourable Members. We started the answer to the last question with a reference to major and I will do so again, major here is a relative term rather than an absolute term. The Government has a brief oil spill contingency plan to meet what is regarded as the most likely risk. This is of a small coastal or fishing vessel being involved in some incident which results in marine gas oil being released into the environment, a limited amount of dispersants are available to meet this eventuality. In recent years the most serious incident involving the fishing vessel, Lord Shackleton II, sinking near Beauchene Island with up to 600 tonnes of fuel on board. Advice at the time from the Marine Pollution Control Unit in Southampton recommended leaving the fuel to disperse naturally or ideally with some mechanical assistance from vessels steaming up and down the affected area. A fishery protection vessel was used for this purpose. Monitoring at the time and subsequently does not indicate that the pollution resulting from this incident had much impact. To all intents and purposes, the options currently available to FIG extend to leaving the oil to disperse naturally which has often been recommended by experts for the minor incidents which have occurred around the Falklands, or alternatively to use dispersants. Stanley Services Ltd and BFFI hold stocks of dispersants and FIG has an agreement to use the tug Typhoon for oil pollution control duties if required. Costs are only incurred if the Typhoon is used. If by major oil spill, one means a passing super tanker laden with crude oil discharging its cargo on Falklands shores, then the current oil spill contingency plan does not address incidents of that scale. In such a situation outside help would be necessary, even if the plan covered such a scenario, it is doubtful whether all the equipment necessary would be held in the Falklands. A more likely worst case scenario might be an incident involving one of the relatively small tankers which support the fishing fleet and Stanley Services Ltd. However, the fuel involved is generally marine gas oil which will evaporate or disperse relatively quickly although it will have an adverse impact on the immediate area of any spill. The question may be seen as having some relevance to any potential offshore oil industry, oil companies themselves will have to produce oil spill contingency plans which will need to be adequate to address their own operations. FIG is also looking at upgrading its own contingency plan and resources in response to both a possible oil industry and recent international conventions. The first step would be to produce a new oil spill contingency plan which takes account of current and future risks and discussions on this are underway. In fact I understand that the money was voted for the first stage of this plan this morning. It should be emphasised that in dealing with spills in Falklands waters, advice can readily be obtained from experts at the Marine Pollution Control Unit in the UK and this advice has always been followed.

The Honourable J Birmingham

Your Excellency, Honourable Members. I'd like to thank the Chief Executive for his answer and if the plan of action is as wonderful as the answer he's just given then I shall sleep well in my bed tonight. Thank you.

QUESTION No.21/96 BY THE HONOURABLE J BIRMINGHAM

Your Excellency, Honourable Members. Can the Honourable the Chief Executive advise me of how many incidents there have been during the last twelve months of controlled substances

being brought into the Falklands, both in the mail and by persons, and whether there has been an increase in such incidents compared to the previous twelve months?

The Honourable the Chief Executive

Mr President, Honourable Members. During the past twelve months there have been six incidents involving persons importing or attempting to import controlled substances by mail in contravention of the Misuse of Drugs Ordinance 1987. Four of which resulted in convictions and the offenders being removed from the Islands, the quantities of controlled substances ceased where applicable were as follows: The first person it was 1.376 gms of cannabis resin and 1gm of heroin; the second it was 1.2gms of heroin; the third it was 2.1gms of herbal cannabis; the fourth was 1gm of opium; the fifth was 0.45gms of cannabis resin; the sixth, there wasn't any actual quantity involved because the individual was convicted of attempting to procure. Over the period there was an enhancement of customs controls on imports in general as a result of information received from various sources and which is reflected in the number of seizures made. The last known seizure prior to the aforementioned was 30gms of cannabis resin destined for the Falkland Islands which was intercepted at Brize Norton on the 6 October 1994.

The Honourable J Birmingham

I thank the Chief Executive for his answer and I know that in the town of Stanley there are certain people who consider that there is a major drug problem and I wonder if the Chief Executive could see any merits in holding some kind of a seminar to try and educate the youth of Stanley and the Falklands?

The Honourable the Chief Executive

Mr President, Honourable Members. I think that's an excellent idea, I think it's worth asking the group of Police and others that meet together, Customs and people from the Health and Welfare departments to look into that.

The Honourable Mrs N Edwards

Can I ask the Chief Executive if he knows whether that these incidents of substances being brought in were by itinerate visitors or residents?

The Honourable the Chief Executive

Mr President, Honourable Members. I can give some more details than I have in this area, two of the offenders were Spanish crew members on board fishing vessels, one was a contract employee resident at Mount Pleasant, and one was a British crew member who had been associated with the Islands for over six years.

The Honourable Mrs N Edwards

Thank you.

The Honourable Mrs C W Teggart

I'm not at all sure if whether you'll be able to answer this question but I was a bit baffled on a recent court report on someone who was deported from the Islands for having a controlled substance or trying to import or whatever, that the name wasn't mentioned. And my concern really was that if someone drinks and drives then their name is mentioned, I mean it might only be a minor point and the name might not mean anything to people but it does worry me slightly that if we're going to have an increase in this sort of incident that the identity of the people is going to be kept quiet as a matter of policy.

The Honourable the Chief Executive

Mr President, Honourable Members. I would think that's probably a matter for the Media Trust, the media themselves rather than Government to determine.

His Excellency the Governor

I would just like to apologise to Councillor Teggart for calling her by the name of another Councillor, I'm sure you wouldn't be insulted.

QUESTION No.22/96 BY THE HONOURABLE MRS C W TEGGART

Will the Chief Executive confirm that any specialists recruited to implement diversification on Landholdings will be housed on Landholdings farms and not take up Government Housing in Stanley?

The Honourable the Chief Executive

Mr President, Honourable Members. Falkland Landholdings Ltd have no plans to recruit specialists to implement diversification on Landholdings farms. In any event FLH is an independent company and I do not imagine that it would make such plans without resolving the obvious housing issues. However, there are clear plans within the Department of Agriculture to recruit particular specialists over the coming year. Some may risk diversification others will be involved in the existing core-farming activity. I do not believe that the issue of housing has been addressed by the Management of the Agricultural Department or indeed the Management Committee. However, it would seem sensible to house new officers wherever it is most appropriate, for instance a research scientist may need daily access to the laboratory and library at the Agriculture Department and thus to impose some kind of restriction on the approval of any position would seem to me to be dependent on the function concerned.

The Honourable Mrs C W Teggart

I'd like to thank the Chief Executive for his reply, I might just note here that I've not only changed my name today I've also changed my sex as above the question I'm Mr C W Teggart but to go back to the question. I know the Chief Executive understands my concern over the shortage of housing in Stanley, I face it regularly every month and it does seem to me that if we're going to bring in people like cattle specialists and pasture specialists who are basically going to be working in the camp, that make much more sense to be housing them out in the

Camp in fact I feel that I would have great difficulty in approving for these people to come here if I felt they were going to be taking up accommodation in Stanley. A point that I actually made at Executive Council was that these people should be housed in the Camp whenever appropriate. I was therefore perturbed to find their names on the Government Housing list at the meeting following that but I'd like to thank the Chief Executive for his clarification.

The Honourable J Birmingham

Your Excellency, Honourable Members. I'd like to thank the Chief Executive for making the point that Falkland Landholdings is an independent company

QUESTION No.23/96 BY THE HONOURABLE MRS C W TEGGART

Will the Chief Executive confirm that it is policy to maximise potential revenue to Falkland Islands during the oil exploration phase?

The Honourable the Chief Executive

Mr President, Honourable Members. This rapid sex changing must be some kind of record. Revenue to the Falkland Islands Government during the exploration phase as indeed the exploitation phase also is fixed by statute and involves a combination of acreage rental and licence fees. It has never been our policy to maximise revenue to the Government during the exploration as this may well have had a very discouraging impact upon bidding as has been the case in other countries. However, I do not believe that the issue merely involves Government as there has been considerable debate recently regarding the possible role of the private sector during exploration. On the 27 October 1994 I promised seven policies or principles would be adhered to and the third one was, we wish to add value to these Islands, we do not wish to line the pockets of people from overseas and we get nothing at all out of it. At every possible stage we will be looking to encourage private sector growth and private sector involvement in the oil industry. In spite of the recent decisions regarding "carries" and despite the view of some that we are so environmentally minded that we will discourage any local development that is oil industry related, we remain solidly of the view that we wish our private sector to obtain the maximum commercial benefit from live opportunities that are increasingly likely to present themselves. The Government has been holding regular meetings with the Chamber of Commerce to try and find ways of assisting in this process and a paper prepared jointly by the FIDC and the Chamber of Commerce was discussed at Executive Council yesterday. That paper postulated a public statement by the FIG to reinforce our determination to see our private sector prosper. This answer is in effect such a statement, our policy here has I believe been consistent, we are not so green in one direction that we can be assumed green in the other. The FIG not only wishes to see shore-based activity in support of exploration here on the Islands but we will give every encouragement to FIDC to work with local companies to that end, Chamber or non Chamber members. I know that some local companies are already well advanced in their plans to involve themselves and we salute such far sightedness and sound business planning. My personal opinion is that some kind of shore-based consortium of local companies able to provide a range of essential services such as happens in Aberdeen, would be ideal but it is not up to Government to create such a situation. It is up to us to create the atmosphere in which enterprise can flourish and I believe we have done so and will continue to do so.

The Honourable Mrs C W Teggart

Yes I'd like to thank the Chief Executive for his very full reply, there certainly has been some concern voiced recently by members of the Chamber of Commerce and I was sure that this was the situation, we were going to encourage private enterprise and I hope that that answer really helps to clarify the situation. Thank you very much.

QUESTION No.24/96 BY THE HONOURABLE MRS C W TEGGART

Several months ago funding was agreed for SSVC to provide live news and sports coverage in the Falkland Islands. Given that sports fans have already missed the US Masters and the FA Cup Final is imminent, can the Chief Executive bring us up to date with the situation?

The Honourable the Chief Executive

Mr President, Honourable Members. Of all the fifteen questions confronting me this afternoon this is one of the closest to my heart. It would have been fantastic to see Faldo overtake Norman on the last day of the US Masters in spite of our hemispherical oneness with the Great White Shark. When the funding for live sport was discussed with the FIG back in February we agreed to place a sum on the table. However, the result of our offer was always dependent upon negotiations between the MOD and SSVC. We are awaiting the result of those negotiations at this very moment and by the CBFFI's nod and his earlier shake of his head, he confirms that is the case. I can assure Honourable Members that I have reacted positively to recent suggestions of live coverage of the FA Cup Final and several games from the European Championships. I've also suggested that some matches from Wimbledon, and that's tennis in this case not football, would be appreciated. These interim arrangements will cost some extra money.

The Honourable Mrs C W Teggart

Thank you, I'd like to thank the Chief Executive for his reply. One of the reasons for asking the question as I'm sure he will appreciate is that a couple of years ago, we did have specific funding for particular sports coverage. I can remember we had the FA Cup Final, two years ago we had some Wimbledon coverage and something else I can't remember off hand but there were several items and certainly I've been approached by a lot of people saying this money was agreed, where's our sport? I know that a lot of my colleagues are not perhaps as sport minded as I am but I do think that they do appreciate that a lot of the population of the Falklands for some reason or another would like to see Manchester United and Liverpool in the FA Cup Final and I hope that that will be possible. Thank you very much.

The Honourable Mrs N Edwards

I was listening to a programme on the radio the other day and it seems that we may soon not be receiving the SSVC television, there have been problems in Cyprus providing it to the local population.

The Honourable J Birmingham

It's to do with copyright.

The Honourable Mrs N Edwards

Yes it's to do with copyright but they are going to have to have a look at this I believe, is this so?

The Honourable the Chief Executive

Yes Mr President, Honourable Members. This was touched on briefly when two senior executives from SSSC visited us recently and they in fact mentioned I recall that there was a problem in Cyprus to do with copyright and it was to do with people who were not actually on the system as it were being able to tune in who were extraneous. Here we don't actually have that problem the system is well encompassed and within known bounds and I don't believe that problem exists in the Falkland Islands.

The Honourable Mrs N Edwards

Can I just say that the Falkland Islands were particularly mentioned in this programme.

The Honourable the Chief Executive

Mr President, I don't have that information, if you can point me in the direction of the programme I'm happy to look into it.

The Honourable Mrs N Edwards

Counterpoint I think, last week's Counterpoint.

The Honourable J Birmingham

Yes, perhaps I could help out, the Falkland Islands were mentioned in that programme but only at the tail end and the person talking didn't think there would be a real problem.

The Honourable Mrs N Edwards

I didn't understand that that was what he said, he said that it could affect the Falklands and places like that if you listened carefully.

The Honourable J Birmingham

I'm sorry, I obviously wasn't listening very carefully, I'm sure the Chief Executive well perhaps you could delay your departure tomorrow and find out.

QUESTION No.25/96 BY THE HONOURABLE E M GOSS MBE

Your Excellency, Honourable Members. After the last question full of hearts, sharks and balls this is a very short question. Can the Chief Executive tell us what progress has been made in the selection of a site for the new abattoir?

The Honourable the Chief Executive

Mr President, Honourable Members. I don't know where to start with that preamble. Anyway, acting upon the instructions of Executive Council four sites were assessed in March 1995 and the paper nominating Pony's Pass submitted to Executive Council which was duly accepted. As a result of written application to the Director of Public Works it was established that due to the effects of explosive detonations the built site must be a minimum of one kilometre from the Quarry site, three positions to the west of the Quarry were surveyed by the Public Works Department. On the 25 March of this year FIDC was approached by Mr Ben Bernsten who expressed his dissatisfaction with the holding ground around the proposed site indicating that it was too soft and the grazing was poor. This information was placed before GPC on the 27 March together with an alternative proposal for a site to the west of Moody Brook on the north shore of the harbour. FIDC was instructed to arrange an assessment of both sites and report to Executive Council, the assessment was completed on the 8 April and FIDC await the reports from the relevant departments in relation to service costs, land allocation and so forth. The site proposal will be submitted to the May sitting of Executive Council but will not delay the abattoir project.

The Honourable E M Goss MBE

I'd like to thank the Chief Executive for that reply and I'm pleased to know that it is moving on, the abattoir has been talked about in this room many other rooms for a long time and so was the site, and to find out that after three or four sites had been selected, identified and condemned, I'm pleased that it is moving ahead again. Thank you.

The Honourable J Birmingham

Your Excellency, Honourable Members. I wonder if the Chief Executive could tell us when we might see the first brick being laid to actually build the abattoir.

The Honourable the Chief Executive

Mr President, Honourable Members. I'm afraid I don't have that precise information, I've always assumed that once it started it would be a year from start to finish but when we actually start I'm not clear on at this stage.

The Honourable W R Luxton

I was going to ask the same question.

The Honourable Mrs S Halford

Mr President, could I please just point out that the site looked at was East of Moody Brook not West.

The Honourable the Chief Executive

Mr President, Honourable Members. My briefing says west, thank you for correcting that.

QUESTION No.26/96 BY THE HONOURABLE E M GOSS MBE

Will the Chief Executive advise what it has cost Government to date in setting up the original computer system, the upgraded equipment including consultancy fees and has the modern technology installed led to any reduction in staff levels?

The Honourable the Chief Executive

Mr President, Honourable Members. The original computer system cost £47,000 and was purchased in 1985 from the £31M Development Aid package. Since then the system has been gradually developed, expanded and updated as new technology became available. Since the original purchases in 1985 Government has spent £1,245,950 on computerisation, this includes the cost of setting up and running the Computer Section without which the systems would not be able to operate or be maintained. This sum also includes £334,566 which was spent this year to upgrade the entire Government system and £10,000 to engage a network consultant. I know that no reduction in staff levels were promised as a result of the recent upgrade and I would be surprised if they were promised in earlier proposals. There are some computer applications where they can be a considerable saving on staff, banks in the UK are a very good example of this, machines have replaced laborious ledger type activity and speeded up a myriad of processes but staff saving is rarely capable of cost justifying computer investment. And I say so with some experience as I have been involved as a manager in proposing or working with something like six major systems. The intent is to provide better information more quickly and more accurately with better analysis and the results should be a better quality of decision making by management and better control. I do not believe that as a Government we have really begun to utilise the computer power that is now available to us, our steps are tentative but in time they will be far reaching.

The Honourable E M Goss MBE

I thank you for that answer, I only asked the question in public awareness avenue and I suppose it will stagger quite a few people to know that the cost of modernisation so far has been in excess of £1.3M. On the original computerisation of Government I do recall that there might not have been promises made of reductions in staff levels and lower costs in the wage bill but it was a carrot that was dragged across in front of us. Thank you.

QUESTION No.27/96 BY THE HONOURABLE E M GOSS MBE

Chief Executive, I understand the recent decision taken by the Transport Advisory Committee is to continue road building next summer in the Port San Carlos northern area to Little Creek and Cape Dolphin. If this is true when can the population of North Arm and Walker Creek expect work to start from Goose Green?

The Honourable the Chief Executive

Mr President, Honourable Members. It is correct that the Transport Advisory Committee have recommended that road building be continued next summer in the North Camp, this work will probably take four to five years to complete. This decision was made by Executive Council at the meeting yesterday but all is not lost to the long suffering inhabitants of Lafonia. The Transport Advisory Committee has requested that a second construction team should be set up and all the necessary equipment made available so that work can begin on the Goose Green to North Arm road as soon as possible. With the TAC sponsored Review of Transport Policy having been set in motion, I believe that that Review will be proposing a network of roads that will keep this second gang occupied for a similar period. The likely start date given approvals is January 1997. Personally I favour the opening up of a second front on the west also so that the delectable area around Port Stephens is also better served.

The Honourable E M Goss MBE

I thank you for that reply, I'm sure the residents of North Arm and Walker Creek will take some comfort out of that and can I just clarify that you're identifying a date of start in that area as January 1997? Is that what you said?

The Honourable the Chief Executive

Mr President, Honourable Members. My understanding is if the proposal is put and accepted as rapidly as it can be and if the equipment arrives on time as it might do and if labour can be found which it should be, then that could be the start date.

The Honourable E M Goss MBE

Right thank you very much, I do hope that we get the support that we need.

The Honourable Mrs N Edwards

It's probably a question that you can't answer at the moment Chief Executive but in view of the fact that we're now getting quite a considerable mileage of roads about the Islands, has the Transport Committee do you know thought about a maintenance team on both the East and the West Islands which are going to have to be constantly employed. Otherwise it's throwing money down the drain.

The Honourable the Chief Executive

Mr President, Honourable Members. We in fact discussed this yesterday in Executive Council and we said that one of the things that we need to look at very carefully is the ongoing maintenance cost of any road project in the future because clearly we will need to see what sort of maintenance gangs we require and how much it will cost. Because it is futile just to go building a road that clearly potholes evolve in the road and they need filling in and there's a cost to that, so in future we will make sure that proposals carry a maintenance cost with them.

The Honourable W R Luxton

Is the Chief Executive aware or perhaps I could clarify, the last meeting with the Transport Advisory Committee had a lengthy discussion on this with the Public Works Department and is he aware that the Superintendent of Public Works and the Road Engineer assured the Committee that they have this programme of maintenance fully under control and will be inserting the necessary funds in the next Budget requirement?

The Honourable the Chief Executive

Mr President, Honourable Members. To be quite truthful I wasn't aware but I'm delighted to hear it.

The Honourable Mrs N Edwards

Yes, I'm delighted to hear it too. May I just suggest that you were talking about future road programmes, I think we need this maintenance team put together reasonably quickly so that they are there ready to work next summer and on all the roads.

The Honourable J Birmingham

Your Excellency, Honourable Members. Does the Chief Executive consider that now is the time to be looking to the future when at the end of the present "road-mania" we're going to have a large group of people who will have spent a number of years doing nothing except building roads. I wonder what we're going to be doing with these 20, 30, 40 people at the end of that stage in our development?

The Honourable the Chief Executive

Mr President, Honourable Members. I think one thing that we have here and it's a very blessed thing to have is full employment and I'm quite sure that if the economy grows at the rate it has been growing that there will be no shortage of work for people who come off the roads to do other things. Some of them clearly will be on-maintaining the roads if that's what they wish to do but there will be other tasks both in Camp I trust and also in Stanley.

The Honourable J Birmingham

Thank you.

His Excellency the Governor

Any further supplementary questions? If not I think we've come to the end of them haven't we? If I may I would like to congratulate the Chief Executive for a very peppy performance despite feeling distinctly under the weather, I hope you get better soon.

The Honourable J Birmingham

Can I just say I consider it pretty disappointing, I was under the impression that the Chief Executive wasn't feeling very well so I came prepared to give him an easy time but if I'd known I would have come better prepared.

ORDERS OF THE DAY BILLS

The Taxes (Amendment) Bill 1996

The Honourable the Financial Secretary

Your Excellency, Honourable Members. This Bill is designed to provide a comprehensive framework for the taxation of oil related activity in the Falkland Islands. It will hopefully provide the mechanism to keep the money rolling in to maintain the roads of the future. The provisions for the Bill reflect Government Policy by imposing the Corporate Income Tax element of the approved two instrument fiscal regime. The other fiscal instrument, a royalty as well as acreage rents were imposed under the provisions of the Offshore Petroleum Licensing Regulations 1995. The Government expects that if oil exploration and then exploitation is successful, most of the economic benefit to the Islands will arise from the application of the approved Fiscal Regime with the largest source of revenue being the Corporation Tax element. This piece of legislation is therefore most important to the future financial well being of the Islands. I do not intend to explain the provisions of the Bill in detail as a thirty page explanatory memorandum was published with the Bill in a Gazette supplement in January this year. The Bill runs to 116 pages and makes amendments to the Taxes Ordinance 1994 in two Schedules. The first schedule makes amendments relating to the taxation of businesses and in particular to the taxation of petroleum related businesses. The second Schedule makes minor amendments unconnected with the oil provisions. In the first Schedule the extent of the tax jurisdiction has been expanded to include the Continental Shelf and the system of depreciation allowance modified to cater for the special types of capital expenditure likely to be incurred by the oil industry. A two-way ring fence has been introduced to prevent oil losses being set against other Falkland Islands income and vice versa. A narrow tax on capital gains has been introduced to bring into charge the disposals of licences or interest therein. The POAT system has been strengthened in order to improve assessment and collection of tax from employees. No withholding tax is proposed for payments to contractors but the licensee may be made responsible for any unpaid tax thereon. Companies in the oil industry all tend to operate

through consortia and further measures have been introduced so as to enable such entities to be treated as one entity in substance for many tax purposes. This particular legislation together with much of the rest of the Bill is based on UK precedence although these have all been carefully considered before implementation in the Falklands. I would like to pay tribute to the following people who assisted in formulating the Fiscal Policy and in drafting the Bill. In the United Kingdom, Lesley Furlonger, our legislative draftsman, Jim Marshall partner in the firm of Chartered Accountants Ernst & Young and Richard Holme our Tax Agent and Adviser. In the Falklands the Economic Adviser, Richard Wagner and Attorney General, David Lang. I would also like to record my thanks to the officials in the Department of Inland Revenue in the United Kingdom who so willingly provided expert advice. Without the sterling efforts of these consultants, advisers and officers this Bill would still be in the conception stage and the deadline set for remission to Legislative Council prior to the closure of the Oil Licensing Round would not have been met.

There are four minor amendments to be made to the Bill which have been agreed by Executive Council. It will be necessary for the amendments to be moved and seconded and I will present the Motions for Amendment at the Committee stage of the Bill. I beg to move the second reading of the Bill.

His Excellency the Governor

The Motion is that the Bill be read a second time, does any Honourable Member wish to speak to the Motion?

The Bill was read a second time. In the Committee stage clauses 1 and 2 were adopted as part of the Bill.

Clerk

Schedule 1

The Honourable the Financial Secretary

I beg to move that Schedule 1 with the following amendments stand part of the Bill: The first Motion for Amendment. I move that paragraph 2.3 of Schedule 1 to the Bill be amended so as to delete the following definition and references in this Ordinance to quotation on a recognised stock exchange in the United Kingdom shall be construed as references to listing in the official list of the Stock Exchange.

The Honourable C W Teggart

I beg to second the Motion.

Schedule 1 with the first amendment as proposed by the Financial Secretary and seconded by Councillor Teggart was adopted as part of the Bill.

The Honourable the Financial Secretary

Consequential on the Motion I have just moved, having been agreed to, I move that the definition of unquoted shares at the end of sub paragraph 2 of Schedule 1 to the Bill be amended to read "unquoted shares" means shares which are not listed in the official list of a recognised stock exchange.

The Honourable Mrs C W Teggart

I beg to second the Motion.

Schedule 1 with the second amendment as proposed by the Financial Secretary and seconded by Councillor Teggart was adopted as part of the Bill.

The Honourable the Financial Secretary

I beg to move that paragraph 2 sub paragraph 4 of Schedule 1 to the Bill be amended to read in sub-section 3b after 165 there shall be inserted or 165A as the context may require.

The Honourable C W Teggart

I beg to second the Motion.

Schedule 1 with the third amendment as proposed by the Financial Secretary and seconded by Councillor Teggart was adopted as part of the Bill.

The Honourable the Financial Secretary

I move that paragraph 38 of Schedule 1 to the Bill be amended in the proposed Section 199 of the Taxes Ordinance 1994 in the sixth line of sub section 1 of that proposed section by inserting a comma after the words "disposed of" and by inserting immediately after that the words "and acquired" followed by a further comma.

The Honourable Mrs C W Teggart

I beg to second the Motion.

Schedule 1 with the fourth amendment as proposed by the Financial Secretary and seconded by Councillor Teggart was adopted as part of the Bill.

Council resumed.

Clerk of Councils

Schedule 2.

The Honourable the Financial Secretary

I beg to move that Schedule 2 stands part of the Bill.

Schedule 2 was adopted as part of the Bill.

The Honourable the Financial Secretary

I beg to move that the Bill be read a third time and do pass.

The Bill was then read a third time and passed.

Clerk of Councils

Supplementary Appropriation 1995/96 No.2 Bill 1996

This Bill is being presented under a Certificate of Urgency.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. The purpose of this Bill is to appropriate and authorise the withdrawal from the Consolidated Fund of additional sums totalling £851,400 for the current financial year. Clause 2A of the Bill provides for supplementary expenditure amounting in total to £245,600 approved by the Standing Finance Committee and authorised in the first instance to be advanced out of the Contingencies Fund. This appropriation will restore the balance of the Contingencies Fund to £500,000. Clause 2B of the Bill provides for less urgent supplementary expenditure amounting in total to £605,800 approved by the Standing Finance Committee on the 29 March 1996. It is worth mentioning for the benefit of the sheep farming community that this Bill includes provision of £300,000 to enable financial assistance to be provided in compensation for the reduction in income caused by above average stock losses brought about by the severe winter weather last year. I'm also pleased to report for the benefit of travellers to and from Mount Pleasant Airport this Bill includes provision for the purchase of a purpose made gritter to treat the Stanley to MPA Road during icy conditions in the winter months.

I beg to move the first reading of the Bill.

The Bill was read a first time.

The Honourable the Financial Secretary

I beg to move that the Bill be read a second time.

The Bill was read a second time. In the Committee Stage Clauses 1 and 2 and schedules 1 and 2 were adopted as part of the Bill. Council resumed. The Bill was then read a third time and passed.

MOTION FOR ADJOURNMENT

The Honourable the Financial Secretary

Your Excellency I beg to move that this House stands adjourned *sine die*.

His Excellency the Governor

I believe this is the moment of which I'm able to invite any Honourable Members who wish to make a statement to do so. Would any Member like to speak?

The Honourable R J Stevens

Your Excellency, Honourable Members. In rising to support the Motion for Adjournment I would like to say a few things. I didn't say anything the last time there was an Adjournment because I thought we were having another Legislative Council in about a month's time. It seemed that I'd have plenty of opportunity but it was delayed until now, we have another Legislative Council in a month's time but I would like to say a few words about Camp. I believe well I know that we've had a tough time since '89 I would say most farms have had a tough time, we've had the wool price collapse, we've had the disasters like dust and last year we had a severe winter. But really on top of that we still have three major problems which makes recovery of an agricultural industry rather difficult and I've said this before when I've stood but I think it needs to be said from time to time. I don't get support in all quarters in fact I do get a lot of pressure against what I say but I do say it in good faith and in the belief that we can secure a strong future for everybody in Camp. One of the areas of concern or should be concern to us all is the small farms, now there are probably 18-20 farms that are too small and if you take that as a percentage of the whole of the farms that we have on this Island which is about 90, that's quite a big percentage. To think that we can let perhaps that many or a number of those farms collapse, I think would probably be unsatisfactory in demographic terms. That's one of the ways forward to let those farms go, I think when a lot of these farms were split up it was over a very short period of time and a lot of farmers took on these properties with the best advice available at that time. We didn't have an Agricultural Economic Adviser but we did have a lot of experts in our community. Ten years on we realise that these farms, we know that these farms just don't have a long term future because they won't be able to ever maintain a suitable standard of living, one that compares to the majority or most people in Stanley. The point that I try and put across quite strongly is that a number of these people do not have an alternative, there is no alternative, they cannot find extra work unless they come in here and find it which again for a resident population isn't what I see as the best solution. I've put forward the idea of relocation because the point is that if you relocated three or four farms you would strengthen these 18 or 20, well they would reduce I know but these ideas have made other people in the community as a whole feel threatened because they feel that by this relocation, the relocation of people would threaten the security of others. I think if we really looked at it in respect to what's happening I don't really think that's true.

Anyway, we move on to marginal farms which I describe as farms with marginal land where more vulnerable sheep don't prosper, more vulnerable like ewes and lambs, hogs and shearlings. These farms struggle to maintain their number but again we're not talking about one or two, we're talking about a large percentage of that type of farm, I'm not going to give

examples but it's easy to find out. People don't have to take my word for it necessarily but just pick up farming statistics over the last ten years and you can see that there are many farms not just a few that cannot maintain their sheep numbers. Some of this can be put down to the dust and severe winter but a lot of it is because that ground's just not suitable. There are two ways as I see it, to get round it, probably more ways, you could pay a subsidy like they do in Europe which people are trying to look away from everywhere; you could have what I'd like to see which is to encourage ewe farms, breeding farms to support these areas, or you could let them really go down the slippery slope and probably have them farm part time; and then thirdly you have farms which can't maintain Falkland Island people, a resident population. Now again I see this as a great problem, I think there are many ways of helping ourselves in other areas not looking towards grants but looking towards other things, but it still wouldn't help or it wouldn't solve, it would certainly help the main problems. One of the things that I've spoken about is the deep water jetty on the West, now if this was possible I'm told it is by some and it isn't by others but if this was possible every farm on the West would have the same opportunity as every farm on the East, which is save money by getting large items and their wool sent or you receive it and send it away directly. I've said it before and I'll say it again the majority of farms will save more money that way than they'll ever make selling animals to the abattoir. I've already mentioned the other self-help idea which is to encourage financially ewe farms, breeding farms which support the dry farms because that's what I think some of these marginal areas would prosper more with. Not as has been mentioned in the past, lambs but animal that is maybe two or three years old would do better on these areas. Perhaps a financial package just to develop that concept where you have three groups, two farms - the breeding farm and the dry farm under some kind of contract to each other, with it being made financially viable by the dry farm having a contract with the abattoir. And then you have a way of making the dry farm pay good money for a young sheep because at the end of the day when that animal gets to seven years or whatever, he is bringing in money to be able to afford that better price. The alternative is that the better farms get bigger and stronger and the weaker farms and marginal farms, well as I say they get very very weak and perhaps people will even leave them. I really think that an encouraging complimentary farming with the roads, with the improved sealinks, it's in our grasp. I must say that I'm disappointed with the feelings that our Chief Executive has towards the small farms, I agree with him in some respects, a lot of the diversification isn't really viable, it's not very dynamic. We're not making tens of thousands of pounds but to say that there isn't some kind of drive and some kind of desire to find that idea that's going to make it all worthwhile, that's certainly there. We need to find it.

Today, I think many people including members of the Administration think that the formation of Landholdings was the start of the rot when people began to drift away from this area because of the insecurity caused by the continuing uncertainty, it hasn't helped. The drift away from Camp has been right across Camp since the late '70s and again the farming statistics will prove that, it's not a new phenomena, it's something that's been happening over a period of time. It's just that perhaps we're getting to a time where it's so desperate we need to look at it. I've put my ideas forward and these are some of them but the idea that people have been chased away from Camp I just don't think that's right, it's just been a fact of money, a fact of farm finance. That money that's supported loads of people, lots of people just can't anymore. The great Landholdings debate continues and I think we're split in fact, one half Councillors believe one thing and half another so it's a great disappointment that something concrete can't happen. When I hear the issue isn't political I just can't agree with that because the farms were bought by Government money and the Government has made decisions like stopping

mortgage repayments. Landholdings farms have had five years and quite right because if they'd paid back money they'd be in trouble, also Government gave a million pounds work in capital as they should have done. If Landholdings paid back under the same terms as I did on a mortgage of 7% they would have paid back about £170,000 which is about £20,000 more than the profit that they made this year. And that is if we the Government again did the proper thing and said that these farms were paid for a political price which was £6M but their actual price is £2M but that is on just £2M, that would be on the same terms let's say as I had then if it was paid back under the other mortgage system which is 25 years and payments get smaller and smaller. For the first five or six years those payments would have been more than that so if you add those up we're talking about a lot of money. There are areas that perhaps I do agree with the Board of Landholdings, the Leasing Policy perhaps, again it's encouraging some people to go to Camp and perhaps leasing at this time with low wool prices is the way forward. I feel that an option to buy when wool prices recover and both parties having the right to terminate if the farmer finds out that it's not as easy and is not as pleasurable in Camp as he thought or the owner whether it's Landholdings or the Government think that they're not doing the best that they could with that land so would like them to leave. There are areas certainly where I think perhaps Falkland Landholdings Board are picking up the ball and running with it and I should think that that's the best thing at this time. I would like to see a solution one way or the other, I'd like it to go with me obviously because I think my ideas make more sense but I'd like to see a solution either way. The arguments that have come up against me when I've talked about ownership of Landholdings is that bringing people into Camp would push other people out but surely this great idea of leasing would have the same implications.

Anyway, I'll move on to end this Motion of Adjournment to more positive things and I'd like to see the FIGAS flights being introduced from East to West and I look to encourage people to take advantage of these flights to make it work. Perhaps we could think of different locations on the West as well, perhaps we could try Fox Bay Village, that's a central location there's a big populous there but again I'd like to see the idea sold more by FIGAS and I'd like to see as many people as possible take advantage of this opportunity.

We move on here to roads and I'm delighted to see the road arriving at Port San Carlos, we now have a jetty on the East and a jetty on the West and the possibility of a ferry and I hope that Byron Marine looks for every opportunity to make a ferry concept work, - Farmers Week, perhaps May Balls, darts tournaments or any other opportunity. I think that we should try and develop that. The road on the West is shooting away, I was talking to one member of the road gang on the West and it really sounds encouraging and hopefully they'll be nearly to Hill Cove next year. And on the roads, lastly the San Carlos effort, a one-man band effort I would like to say here how hard this little gang has tried to get over Sussex Mountain where everybody remembers days of getting stuck in Hell's kitchen or bogged on the side of the mountain and here we have a one-man band with some fairly old equipment, people guesting, guest workers, all types of good Falkland Islands concepts and at the end of the day we've got a road over Port Sussex Mountain, or Sussex Mountain, they don't belong to us.

Finally, I've been rabbiting on enough, making up for not being able to speak last time or not being prepared to speak last time, is the long term Fisheries because without a long term Fisheries I think we must anticipate a decline. We've got to try and control these assets and try and do everything to secure these fish stocks because again, I've said it before but it's

worth mentioning again that these are world issues, animals, fish stocks whatever, they are world issues. Wiping them out isn't an issue between us and Argentina, it's an issue that should concern well everyone in the world whether they're in the fishing industry or not, so I support the Motion for Adjournment.

The Honourable Mrs C W Teggart

Mr President, Honourable Members. In rising to support the Motion for Adjournment I have a few points that I would like to make. I had rather a confused meeting really because I started off as the wrong Councillor, changed my sex and then became the Chief Executive for a little while but I can assure you that I'm very much Wendy Teggart at this moment in time.

I must also own up to always having a little bit of a worrying feeling, not a worrying feeling really just knowing my colleagues as well as I do. I always think that every time they see Mrs C W Teggart written down that everyone's going around with a pencil putting a little "o" in the middle.

I'd like to just, if the Clerk could refrain from looking at me for a couple of minutes because she always frowns at me if I harp back to something that's happened on in the meeting, telling me in her own way that I shouldn't be mentioning it again, tell you that I have just received some information since I've been sitting here actually about SSVC and the FA Cup Final, apparently they're having difficulty in obtaining a satellite channel. I always get terribly frustrated over this sort of thing because I always think well the Cup Final happens at the same time every year. We've always been forthcoming with some funding for it and as I said I get very frustrated when something like this holds us up a few weeks before the event. Also as well, I don't want anyone to get me wrong, I'm not criticising SSVC, I'm very grateful to them for the coverage that they give us on a lot of the events that happen but once again I get very frustrated when reading through the Penguin News at lunch time and looking to see what coverage there was going to be on the Masters this weekend. I noticed that although we're going to get coverage on the third round on Saturday, on Sunday when we have the clash of the titans with Faldo and Norman we're not going to get anything and I find that really really infuriating. I am sure there are a lot of people like me in the Falklands who would have loved to have seen that.

Also as well going back to the questions I would like to reiterate the point I made about the drugs. I think that if people are bringing in drugs into the Falklands we are entitled to know who is bringing them in, when they're bringing them in and where they are getting them from. I feel that we are entitled to that information and it must be circulating in Government circles somewhere and I'd like to see it brought out in the open so that everyone is aware of it.

At our last Legislative Council meeting when I stood up to speak to the Motion for Adjournment I said that perhaps we should take a leaf out of the Chief Executive's book and ask ourselves what our five most important aims were for the next year. Fellow Councillors came back with their five most important aims at GPC the other day and I think that members of the public would be interested to know just what we see the five most important things to try and achieve during our final term in office as being. Top of the list very strongly that came through I think from everyone who participated was the need for sheltered accommodation. I think I would add here that although we're giving it priority we did see fit to undo the decision

that had previously been made in Executive Council that such accommodation should be sited in the Government Dockyard when PWD move out. The decision has been made that that isn't a suitable site for sheltered accommodation and I might add that as Chairman of the Sites and Buildings Group, the Sites and Buildings Group is looking quite strongly at the idea of relocating the Camp children from Stanley House and using that site for sheltered accommodation, possibly an Old Folks' Home of some sort. I certainly would welcome comments from members of the public on that before we go too far down that road if it's going to be something that people aren't going to like then please will you let me or another member of the Sites and Buildings Working Group know so that we don't travel too far down that road before we start looking for an alternative.

The second thing that we gave importance to were roads and Camp tracks. The third thing I think speaks for itself, I'm always going on about housing and that was our third priority. Fourth was a strong Immigration Policy and I know that that is something that is being looked at now by the Immigration Committee and I hope that that can be pushed forward fairly quickly. And the fifth I know very dear to Councillor Stevens' heart is a rural development strategy and so those were the five things that we came back with, there were a lot of others obviously mentioned, there are about a dozen others and I hope that having prioritised these we can get on with these and move some of the others along as well.

At the risk of being boring I'd like to reiterate some of what Councillor Stevens has said. It annoys me tremendously to hear of Falkland Landholdings being spoken of as being a private company. Technically it might be but if it is a private company then tax payers money should not have been used to buy it. Councillors and members of the Administration should certainly not be sitting on the Board. In the media some weeks ago we were called meddling Councillors for daring to interfere, I would suggest at the risk of being accused of using unparliamentary language that if that is what it took to get the Falkland Landholdings Board off their collective backsides and actually start doing something rather than sitting round and I don't know what they've been doing for four years, but I am delighted that at long last the message has got through, do something or we will do it for you. I was rather perturbed to hear that once again it was also thought necessary by the Landholdings Board to pay the Landholdings employees a sweetener to stay on the farms. We have said time and time again that whatever happens with Landholdings we will look after the interests of the employees. We are currently saying that to all the Civil Servants as well, they haven't had a cost of living award for a couple of years, apparently there wasn't one last year but this year there certainly has been. The unestablished workers have got it, the Civil Servants are being asked to wait until the end of the Hay Management Review, that Review has been going on for some time, it's going to go on a lot longer yet. Perhaps I can stick my tongue in my cheek and say that perhaps all Civil Servants should be getting a bonus as well for sitting around while their futures are being reviewed. Sir, I support the Motion for Adjournment.

The Honourable J Birmingham

Apparently I've been getting it wrong, it's Mr President, Honourable Members. Honourable Members in rising to support the Motion I'm looking around the room and last night's debate comes to mind at the Community School. I would like to congratulate the pupils and staff and recommend that people should go along and listen to any future debates. Last night's debate was very interesting, the better side won. Yes, there are several matters I'd like to speak

about. At the moment our main income comes from fishing and I find it very distressing that foreign fishermen are killed and injured each year mainly due to poor safety standards. Apparently there is nothing we can legally do about this but I'd just like to add my voice to the others who've spoken out about it. I think we should be looking again at setting up some kind of a seamans' mission so that fishermen have somewhere to go when they're ashore. I wonder if the local fishing companies would like to show a little bit of interest? On fishing we definitely do need a longterm agreement with our neighbour and hopefully something will happen in the not too distant future.

I'll also speak about Landholdings, at the last meeting of Legislative Council it was well chewed over but as the future of the company, and it is a private company, no matter what's said, as the future of the company is yet to be resolved I make no excuses for mentioning it. I'm pleased that the Board has taken a firmer approach and as the Board comprises two Councillors and several members of the Administration, we were very fortunate that our Vice-Chairman was able to take on the role as spokesperson. If Mr Betts has been forthright at times he has been so with the full backing and knowledge of the Board. I too would like to see a final solution. I would like to comment, the bonus that was paid out was a loyalty bonus and it wasn't a sweetener, it was something that a private company paid to their employees for showing loyalty over the last year.

At the last Legislative Council I asked a question about hydatid disease and it was pleasing to know that the incidents are low. However, we can't afford to be complacent and I'd like to see a workable and I underline workable form of Dogs Legislation being enacted as soon as possible so that we can towards eradicating the disease.

As we're going to go down the road of building a new abattoir with the possibility of exporting meat, I would also like to see the long awaited animal welfare legislation come before Council. We've seen elsewhere that the damage that can be done when unsafe and unsavoury animal husbandry practices are exposed so let us be warned by this. I was going to speak about Albemarle but I think we've heard enough of that today.

I've been asked to bring up, if that's the correct term, to bring up the subject of food which is past its sell-by date and best before date. Around the shops in Stanley I notice there is some slippage, I believe that several years ago the Board of Health approached the matter rather vigorously so perhaps it's time to have a similar look. To buy a packet of something in a certain shop and to look at the date as being the last year of the 1980s, you wonder what kind of condition it's going to be in.

Once again our good friend Guido Di Tella has recognised our loyalty to the Queen whilst pursuing his country's sovereignty claim. We keep being told that we should go to Argentina and put our case and that we should allow Argentine passport holders to come here. I'm glad we've held out against this kind of pressure, I personally have no problem with non-Government Representatives visiting Argentina and trying to change their minds but I certainly don't think the time has come when Elected Representatives, certainly of this Council, could go over there.

I wonder if we've got too many committees, I know this comes up very often but surely somebody's got to start looking into it all, the only problem is I suppose we would need to set

up a committee to look into it. I certainly feel that we've contracted "Consultantitis", apparently we can't make the smallest or slightest decision without bringing somebody down from the United Kingdom or further afield to give us information that we've given them, only they put it out in finer language.

Somebody mentioned to me freight costs, this was a person who'd brought down some housing materials, they brought down some trusses. Without naming any of the companies that do bring freight to the Islands, I can understand the worries and fears of people who are going to use them when they find out from maybe their next door neighbour that for instance the trusses that came down or the vehicle that came down, that they weren't allowed to put anything into the empty space, was well stuffed by the Company. In fact maybe that's the term I should use, some people using some of the shipping companies are being well stuffed, perhaps they could have another look at their freight charges.

The MPA asphalt gang, we've heard this afternoon that there's no shortage of work, that there's full employment so we can also look I take it to there being no lay-offs down at Megabid or anywhere else within PWD. There's loads of work that can be done and I'd like to throw in the words Navy Point which is quite a disgrace and will take up a considerable amount of time.

The Falklander project perhaps isn't everybody's dream, it certainly isn't mine perhaps but there's been a lot of money invested, there's quite a few people involved and perhaps if the Falklander itself doesn't exist for too much longer then the team that are working there could surely carry on knitting cheaper more cost effective woollen items.

If as it seems we're going to be having eleven councillors, by the way I'd like to thank the Governor for putting us straight the other day, certain Councillors were saying that if we didn't make changes then the Foreign Office would force change upon us and Your Excellency assured us that that would not have been the case. Nevertheless, if we're going to have Stanley Councillors to the tune of seven I hope that the words Town Council are not going to come up too often in the future.

Mad Cows, a year ago we could well have been going down the road to ostriches, this was quite a serious idea coming from the folks that live on the hill, I'm glad common sense has prevailed as we see in the newspapers, ostrich farms are going down the tube now.

A heritage fund is hopefully going to be set up in the future, I think this is a very good idea and might stop problems such as the buying of Nut Cartmell's stamps last year. Anybody listening to the news yesterday would have heard an item coming from the House of Commons when one particular MP whose name escapes me, no it doesn't it was Tony Banks, he was talking about a certain ball that was lost that won the World Cup and he was threatening to go to war with Germany over just a ball. Well I'm sure if Britain would threaten to go to war with Germany perhaps we could maybe find some money in our large reserves to purchase the Duffy Sheridan picture that's for sale. And with that I'll finish up, oh no I've got one other item, sorry about this folks.

A new hostel, I'm of the firm conviction that a new hostel on the old BFFI site would free up Stanley House for all manner of items, not least more sheltered accommodation and an Old

Peoples' Home. And I would also like to finish up Mr President by congratulating you before tomorrow on your first half century. I support the Motion for Adjournment.

The Honourable Mrs N Edwards

Your Excellency, Honourable Members. In rising to support the Motion for Adjournment I am not going to take up too much of anybody's time. There are a few things that I would like to mention and one is to do with farming of course. I listened very carefully to Councillor Stevens, he missed out the most pertinent reason why small farms are not succeeding and that is that there is no money or virtually none. The wool price has dropped through the bottom of the floor, it's down 50 pence since January at this present time and there will be people who haven't sold any wool this year who won't be having any income coming in unless it picks up considerably. So they're are going to have whatever Government pays out for their bad winter and winter losses and believe me we're not ungrateful for that, we're extremely grateful but what I'm saying is be aware that there will possibly be some farms that will have no income at all this year, unless the wool prices come up a bit in the few months time and they're able to sell, or very very little income. He mentioned the drift away from Camp and again you're quite right, it has been going on since the '70s and the reason was as it is now, the money wasn't there, people will go where the money is and unfortunately it ain't in the Camp. Not at this present point in time although a lot of people tend to think we're rolling in it, subsidy's an ugly word, it's not nice, nobody likes it but I would point out to people that the subsidy pay per head of population to the farmers in the Falklands is far far less than in Britain and possibly most of the rest of the World. Most farming places and nearly all farming countries are subsidised, it's a fact of life unfortunately. Hopefully we won't have to continue with it forever but that depends on whether you all buy woollen jumpers and things instead of synthetics and there is another reason why the wool market is not recovering. I think that synthetics are now far more sophisticated, you can chuck them in the washing-machine and woollens you can't and it doesn't do us any good. There we are, we'll struggle on no doubt.

One thing that concerned me that I read in the Penguin News was this gentleman who's been down to stick whatever it is down the necks of King Penguins, gadgets to measure the temperature of their inside when they digest their food and to strap on some kind of instrument which tracks them by sunlight when they go to sea to see where they go to feed. Now with all due respect and I'm not against research at all, I wonder whether this kind of thing is necessary especially to our King Penguins, we haven't got a very big colony of King Penguins. I would think if he bothered to write to BAS, probably all this has been done before or they would have this kind of information to give him. And I do think we should be looking more carefully at who we let in to play about with our penguins or any of the other birds. I don't think it's necessary all this research for researches sake and I think that might be for what this is for. They're not hungry, they're perfectly healthy the ones we've got but they won't stay there long if somebody comes sticking bits and pieces down their throats.

Committees, somebody brought up committees. I do believe that if you want to give anything the kiss of death you form a committee because there is nobody accountable then, you can blame it on the committee and that is what's happened time and time again here. We have an abundance of committees and as you all know it's one of my pet hate subjects, I think we have far too many, we should look at them all carefully and bin half of them and you'd probably get more done.

Mrs Teggart wondered if Falkland Landholdings wasn't a private company, I think it's an ideal example of a Government Quango, that's its name I should think, and again with Landholdings you can have all the answers in the world, the fact is that if you're going to sell off land or divide Landholdings up in whatever way, shape or form at this point in time, there is not viable land to sell. It's not viable and therefore you are not offering a reasonable living in my opinion. I threatened to hit somebody round the ear this morning at Standing Finance Committee, the committees and messing about with penguins and Landholdings gets me really cross. I will support the Motion for Adjournment Sir. Thank you.

The Honourable E M Goss MBE

Your Excellency, Mr President, Honourable Members. I actually thought Landholdings was going to be on this Legislative Council's Agenda next month in May when all eight Councillors are here. It's had an airing and a mention from all the other Members and as we're going around like a snowball or a chain here I think it's only fair that I should stand up in defence of some of the things that's been said about Landholdings. With regard to the loyalty bonus that was referred to earlier on that was paid to the employees, I wrote and thanked the Board on behalf of the people of North Arm but I did put in brackets behind loyalty, tolerance. I think it was a tolerance bonus for the things that those people have had to suffer for the years that this ongoing squabble and the green grapes have been squashed. I really think that those people out there who are very low paid, who work very hard were due what they got. If I could move on to the question period or go back to the question period, when we were discussing the extension of roads into the North, this is in fact an ongoing cost of sub-division. It raises its ugly head in the form of the high cost to build roads on this occasion just to make those small farms more accessible. Councillor Stevens told us how some of the small farms are on the brink of going under largely because of the poor wool prices, now these poor wool prices have affected the big producers as well as the small producers and the big producers of course have bigger teams and bigger wage bills. All the help hasn't been one-sided, Government has written down big chunks of mortgages over the last few years to help keep some of the frailer units alive so it's been a double-sided sword, there's been help coming in all ways in all angles.

I am pleased that at least two of the councillors, I think Stevens started the ball rolling by mentioning fisheries. I was going to say something about fisheries, we've been and the farms and the whole of the Falklands has been living off the fisheries for nine years now. Now I'm not wishing to set any alarm bells ringing or in any way criticise the staff that work for fisheries and we must not lose sight of the fact that we depend on the revenue from these fisheries and will be depending on that revenue for our survival for some years yet, before revenues from oil start to come in or we find some other source. It's said to be a renewable resource but what's a nagging worry of mine is the dependence we have for our financial survival on the fisheries. Have we become complacent about it? We frequently pat ourselves on the back of having one of the best Fisheries Regimes in the world. Are we kidding ourselves? There is an increase in poachers coming into our waters and I will say brazen poachers who display call signs of licensed ships flying the same national flag as them and probably sister ships from the same company. They come repeatedly into our waters, on one occasion FIGAS reported five ships with the same call sign and they were chasing these out but it's a chain, you can only chase out one ship at a time when they're following in behind. So isn't it time we came down heavy on the companies who are sharing out their call signs and abusing the system and taking liberties

with us? I've heard it said before that anyone can drive a horse and cart through our Fisheries Conservation Management Operation that we're so proud of. Does this mean illegal net sizes are being used? Does it mean that false catch returns are made? My concerns are amplified when the fishing catch was lower at the start of the seasons, the boundaries of the operation were moved, they were opened up closer in-shore. A short while ago Councillor Edwards was concerned about the gadgets that are put in penguins from one end to the other but the ships working East of Volunteer and Menguera Point are working within five miles during the day, at night time they're up to the shores. Is the Fisheries Patrol out there? Are there inspectors on these ships? With those ships hoovering up fish so close to our shores, they're hoovering up the food of the penguins, the King Penguins from Volunteer Point must have to go further if the ship are coming in catching the few squid that are trying to escape from the fishing ships. I think they're breaking the food chain of seabirds and whether they're penguins, shags or albatross. I think we should look more closely at that and it is worrying when you look at the weekly returns from the Fisheries Department, catches ranging from 10-16,000 metric tonnes a week. There must come a time when the basket of the sea begins to empty. Are we too greedy, what I'm asking ourselves and what we must address and think about, are we issuing too many licences? Are we allowing too many catches? There are some very efficient ships out there that can suck up 90 tonnes of fish in a day, that's a lot of fish and it's going on and on, so I want all Councillors to think of this. I want our Fisheries Department to address the subject, I want them to look closely at what they're doing, we've got two patrol ships, have we got enough inspectors? We've got two defenders. Have we got enough clout? And can we get it under tighter control because if we're not going to get a long term Fishery Policy agreed with our neighbours then we've got to look after what we've got closer to home and I really urge us to get on with that.

I was interested to hear one of the Councillors make reference to FIGAS' recent introduction of scheduled flights to West Falklands. I listen to the flights schedule but I would like to see the actual cost of this trial and see how much our losses really were.

Sheltered accommodation was touched upon and I know one of the senior members of our community in the gallery there that was frowning of the thought of living in the dockyard but I would like you to know that I put eyes on and suggested the Triangle Paddock at Government House would be a nice place to build homes for the elderly, perhaps you can chase your sheep out to Camp Sir and give us some blessing and help on that one.

One of my top priorities in Councillor Teggart's request that we target priorities of what we'd like to see achieved before the Council is dissolved, mine was to extend the off-road parking, the two-way system we have on Philomel Street all the way up Ross Road to the Secretariat and have off-road parking. Now to do that we've got to address the fact that we have to build car-parks and we can extend out into the Harbour side, so I don't see any problem with that. As I walked through the door here today brought my mind to thinking of the bank and the bank getting built and all the emphasis that was put on there would be sixteen car-parks behind the bank for bank staff, all this out in front would be extended into car-parks for customers to the Post-Office or to the Courtroom or wherever they drove up, we'd have off-road parking. And I've said before at the Public Works Department a lot of staff turn up there, there is no problem with parking there, they've got all the dockyard, and a lot of the older folk would be happy to see that used as car-parks rather than sites for their sheltered accommodation. So I think we should focus ourselves onto having a free run up and down Ross Road. Some of my

other ideas did fall into place with other Councillors and the priorities came out but I was very disappointed to know that everyone is quite happy to play dodgems up and down Ross Road except Goss from North Arm. Sir I support the Motion

The Honourable Mrs S Halford

Mr President, Honourable Members. In rising to speak to the Motion I must say that I'm not pleased living in Stanley to play dodgems up and down Ross Road, I'd far prefer to see a one-way road traffic system and allow for parking and you wouldn't have to play dodgems.

Many of my points were also agreed by other Councillors when we put our five points together. The one point I had which I suspect nobody else did was I wanted to see a designated Stanley Common. This is already in motion anyway but my main reason for that was we have a reasonable sized community in Stanley and unless we actually designate an area which everyone can go on for recreation, at the moment we don't have anywhere else we can go and I think it's very important that this should be designated for everyone to enjoy.

With the Camp roads I would like to see them progress further around the Islands, I think they're a benefit to all of us, certainly socially. I was actually at the opening of the North Camp Road the other day which I was very pleased to be at and in fact I think the gang have done a really good job there. One thing that really did make me wonder was one of the blokes came up and he asked me about the second gang idea, were we going to have a second gang on the East and his concern was that if we had a second gang, the work would be finished too quickly. And I wondered gosh does that mean you're working slowly, well obviously not because they do seem to have done a good job out there. But I'm sure they shouldn't have to worry because even once these roads are done whether we have one or two gangs as has already been said, there is an ongoing maintenance or there is going to be. Stanley roads are a prime example of this, they're there, they don't last that long and wherever roads are there will always be maintenance. But I think one thing we're really forgetting along the road, along these roads is the fact that they are going to have to be designated which will mean licensed drivers not unlicensed drivers and insurance. Now this is a dirty word to a lot of farmers I'm sure but I actually said in my election speech that progress would come along the roads and it wouldn't always be the progress that people wanted. But there is a concern with the roads that what happens with accidents with unlicensed drivers uninsured, if we're going to have the roads I do believe we're going to have to designate them and the drivers will have to be licensed and insured. The other thing with the roads if it hasn't been forgotten it's certainly been put on the back-burner, is that the land over which they're built has not yet been officially reclaimed, OK you can argue that where they have just gone, that's not possible yet but the Stanley By-Pass has been there for quite a number of years and that land has still not yet been reclaimed from the owners.

It's already been mentioned that the dockyard site is not going to be used for sheltered accommodation, I was absolutely delighted to hear this. Somebody has seen the light at last, you don't have to have the sheltered accommodation as close to the hospital as possible. I'm sure the Museum will be pleased that the intention is for it to be used as a heritage site.

Recently we introduced the seatbelts, I've heard some horrifying stories about seatbelts since the introduction of them in that rather than put the belts on when people get into vehicles,

some of them have suddenly got on to the By-Pass Road or elsewhere and realised gosh I should have my belt on, jammed their brakes on to stop and put the belt on just about causing an accident. So perhaps it would be better if we put them on when we got into the vehicle and not just when we got to the area where we should wear them.

Councillor Birmingham mentioned the Animal Welfare Legislation, he'll be pleased to know that this should in fact be before the next meeting of this House, along with some other legislation. Sir I support the Motion.

The Honourable W R Luxton

Your Excellency, Honourable Members. This certainly is a rather safer venue this morning in that I'm rather further away from my potential assailant, perhaps we should hold Standing Finance Committee in public as well.

Being the last to speak of course everybody's said most of the things that I might have done but of course I would like to echo some of what Councillor Stevens said as far as the plight of farms and small farms. And this year it really is very depressing when you look at the wool prices, we're being offered prices which are anything up to a pound or kilo lower than last year and there are going to be some quite serious problems.

Landholdings, I'm sorry that we haven't been able to make a decision on this yet, I know technically it is a private company but the shareholder is the tax payer and we represent the shareholders and so I think ultimately the decisions are going to be taken by whoever is elected to sit around this table. Because the shareholders appointed in the end appoint the Board of Directors. I hope we can get a definitive solution to the problem fairly soon so that people know where they are.

Again I'm delighted to see the progress with the roads east and west and I'm glad that Executive Council and the Finance Committee have accepted the recommendations that the Transport Advisory Committee put to them. I was also pleased to hear the Chief Executive enthused about the possibility of two gangs on West Falkland, we didn't, in Transport Advisory, didn't dare mention that at this stage of the proceedings but it may be something to look for in the future. It'll be good to have the link roads progressing on the North while Councillor Goss can relax and know that the road's heading towards him at North Arm.

The Constitution, I supported the whole package although I expressed my unhappiness with eleven Councillors as opposed to eight but there were other things that I did want to see happen. But I wonder having thought about it since whether we are absolutely committed to the eight, I would be reasonably content with a five three split between Stanley and Camp and I wonder whether it's too late to have that as an alternative. I'm getting the impression that the majority of Councillors in fact now feel that that would be an acceptable alternative so perhaps in the end we can, before the decisions are final, we can look at that again.

The Fisheries, I agree with those Councillors who said that we should take a more robust attitude towards the poaching and really at one stage we were talking about arming a patrol vessel and I wonder whether we shouldn't look towards that again and rather than the big gun that we were going to put on perhaps they should be armed with machine guns. I suspect that

it would be less hassle than blowing one out of the water but people I guess don't like being shot at by machine guns so that might be something we should look at

Finally Sir, I gather the question that I mentioned last time, the Queen's Birthday Parade, although I got the name wrong at the last meeting I still hope that we will return to the traditional scene which at least doesn't jam up the westend of Stanley completely. Sir, I support the Motion.

The Commander British Forces

Your Excellency, Honourable Members. I don't intend to say very much for fear of misrepresentation by the media. First I'd like to apologise for my absence due to injury from the Queen's Birthday Parade and celebrations last Sunday. I'm most grateful to my Deputy, Phil Owen who stepped into the breach at short notice and I'd also like to thank those who've been kind enough to enquire after my health and dispel the rumour that I'd fallen down a 50ft cliff. Wishful thinking I'm afraid, better luck next time. I had hoped to give some support and better news for the Chief Executive's response on SSVC and live television coverage. I know it is a subject that is dear to the heart of everybody in the Falklands both service and civilian. We have been trying hard, we have rubbed the noses of many VIP visitors into it and yet I'm afraid we still have no news at all. I'm also aware that there's been much discussion and Councillor Birmingham mentioned it but didn't raise it, about the state of the old furnace fuel oil tank at Albemarle. Thanks to the generosity of Pam and Leon Bernsten I recently visited the site myself to gain first hand knowledge of the problem. As a former user of furnace fuel oil in warships I can confirm that the substance is a particularly unpleasant mixture that requires careful handling. It is also highly probable that toxic residues exist in the bottom in the sullage in the bottom of the tank. I strongly support early action to remove both the oil, the sullage and the scrap associated with the station at the earliest opportunity. As each year passes it becomes an increasingly lethal threat both to the environment and to the health of a hard working Falklands family and their stock.

As Winter approaches, more settlements become isolated through the deterioration of their airstrip due to the weather. I'd like Councillors and in particular those representing Camp to make it absolutely clear to their constituents that the Search and Rescue Service provided from MPA is available for all emergencies in these Islands, not just for those at sea. Please do not allow an emergency to develop into a crisis or is it vice versa. We are only a telephone call away and we are there for your service.

On the same subject of emergencies I'd like just to thank the emergency services here in Stanley and the Medical Department for their wholehearted support to our Island disaster exercise last Wednesday at which many lessons were learnt.

And finally my faith in the Agricultural expertise of an Honourable Councillor from North Arm has taken a great knock today on hearing him suggest the removal of His Excellency's black sheep into Camp. Your Excellency I support the Motion for Adjournment.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. I believe Sir that the future Agricultural Policy which the Chief Executive is charged with producing will deal with the concerns expressed on the economic future of small farms and farming generally.

In response to Councillor Birmingham's concern we will ensure that the new Medical and Health Services Committee will look at the matter of sell by dates on food stuffs.

I think that the management of the Fishery is under firm control but we can ask the Director of Fisheries to investigate and report the points raised by Councillor Goss. Our dependency on fishing is a concern but it is unfortunately unavoidable at the present time, this is why we are allowing a non-renewable resource to be explored and hopefully exploited.

A major concern, although we can boast self-sufficiency in all areas other than land defence, a concern is the growing dependence on the Government by almost everyone in the community. I believe that the community is more dependent on the Government now than at any time in the past. We need to look at ways for making the Government less dominant and giving the private sector more strength. I support the Motion for Adjournment Sir.

His Excellency the Governor

I'd like to thank all Honourable Members present today for raising some extremely pertinent and topical questions. I don't propose to comment on all of them because it's not my place to do so which doesn't mean that I don't have views on them but I think they're matters for public debate amongst Councillors. And I listen with the greatest interest to the evolution of positions and policies particularly on very fundamental issues such as those to do with the future of agriculture and I have the greatest sympathy for farmers who are now finding themselves, through no fault of their own, in considerable difficulty. The whole question of the Falkland Landholdings issue which I found myself tracking when I got here, it's obviously one of those subjects that's been going for a very long time and one can only really hope that a consensus will develop here amongst the elected representatives of the people so that a solution which does correspond to the wishes and interests of the population concerned, people concerned, emerges and without too much delay.

I would like to just comment on one or two specific points though, one is the longterm Fisheries Agreement and the associated question of managing and conserving our fishing resources. I think the point is extremely well taken and if I may say so, it's one that is well understood in London aswell not just here. Though of course the primary responsibility for the management of the resource rests here in the Falkland Islands as it should do. Executive Council yesterday agreed to some measures for the more robust and forceful management of our Fishery in the Falkland Islands Maritime Zone. I've announced on my broadcast following Executive Council that those measures had been agreed though I did not specify what they were not least because I don't think we want to forewarn the opposition. But those points about the need for forceful conservation and management at the regime are well taken and measures will be taken accordingly. The whole question of poaching is one that I know exercises us, I don't think there's any perfect solution, the idea of arming a vessel is not a new

one, I'm glad you raised it again though Councillor Luxton because that's one I think that we need to revisit to see whether that mightn't be part of a package of measures to deter or deal with some of these unlicensed vessels. In the longer term I would like to think that progress towards a long-term Fisheries Agreement may help to resolve some of these questions. It won't be the perfect solution but it may make a contribution and I'd just like to report in case Members were not aware, that the freezing of the negotiations with Argentina on the long-term Fisheries Agreement was unbroken at the Foreign Secretary's recent meeting with the Argentine Foreign Minister. And I think we must hope that that leads to some progress which will be to our benefit.

I have to say although I'm a Civil Servant and a Member of Government that I have a great deal of personal sympathy with those who expressed concern about the proliferation of committees and sub-committees and all the rest of it, and if we could achieve some reduction or let's call it a rationalisation, I can't believe that that wouldn't be in the common good and it would certainly I'd like to think that it would take some of the load off what I know are very hard pressed Councillors. So I think that's something that the Chief Executive has in mind, I don't know in the end it's always a problem, do people want their particular committee to be abolished or merged with another one, but that would I think help, it seems crazy to have quite so many.

You mentioned the number of Councillors, I don't seek to reopen what I know was a very contentious, difficult issue for this Council. I don't equally know if it's too late if Councillors' wish to change their recommendation but if there is a serious rethink going on about the proposal that the number of Councillors should be increased to eleven from eight, and the ratio perhaps should be after all five to three, please let me know in any way you think fit, and preferably as a majority view. I would obviously be bound to report that to London and the Constitution would then not be amended or would be amended accordingly, according to your wishes. As one Councillor put it and I'm grateful for that clarification, I think it was Councillor Birmingham, there really is no question in this exercise of the imposition of a new dispensation by London and indeed let us remember that the initiative for this present round of Constitutional modification comes from a Report to Councillors which was then debated and modified and submitted to me for onward transmission to London. So we really are in your hands or rather the Government in London will respond to your views rather than seeking to impose something and least of all something that's unwelcome here.

The suggestion about the Triangle at Government House, I don't have an enormous affection for sheep so I'd be prepared to sacrifice the sheep or move them somewhere else in the higher interests of human beings. But on the other hand there is the proposal that the helicopter pad should be put in properly and concreted in a sensitive and environmentally friendly way in the paddock. And I really wonder whether the comings and goings of helicopters and the noise and so on would be a little bit off-putting for older folk. If the Sites and Buildings Working Group decided that this was something that needed to be looked at seriously, obviously it's something that they should consider.

Two last points, one is that I am very grateful for the best wishes on my birthday tomorrow, it's a date that quite a lot of 50 year olds prefer to pass by in silence and that was going to be my position. It does however prompt one slightly humbling thought and that is that although it seems a very long time to me since I was born, I've now been alive for less than a third of the

time that the Falkland Islands have had the Union Jack flying over them which I think's an interesting observation or it is for me.

And finally, the controversial question of the Queen's Birthday Parade, I'd like to say and I don't mean it entirely facetiously that I don't think it's done any harm to get people talking and thinking about it even if I've received more brickbats than plaudits. I've written to one Councillor's offspring who wrote to me to say that I'm not a, I'm now paraphrasing, that I'm not a radical revolutionary who's out to change things purely for the sake of change. In this case I rather liked the idea of making a special thing of the Queen's 70th birthday but I take very careful note of the comments that have been offered to me, both positive, and there have been positive comments, and negative and there have been plenty of those too. And those will obviously weigh heavily with me when we come to think about what we should do this time next year. And on that note thank you very much indeed for all your contributions for an interesting session, 31 May we shall meet again. I think it is now for me to declare that this House is Adjourned *sine die*. Thank you very much.

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 31 MAY AND 4 JUNE 1996**

RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD IN STANLEY ON 31 MAY AND 4 JUNE 1996

PRESIDENT

His Excellency the Governor
(Mr Richard Peter Ralph CVO)

MEMBERS

Ex-Officio

The Honourable the Chief Executive
(Mr Andrew Murray Gurr)

The Honourable the Financial Secretary
(Mr Derek Frank Howatt)

Elected

The Honourable William Robert Luxton
(Elected Member for Camp Constituency)

The Honourable Eric Miller Goss MBE
(Elected Member for Camp Constituency)

The Honourable Mrs Norma Edwards
(Elected Member for Camp Constituency)

The Honourable Richard James Stevens
(Elected Member for Camp Constituency)

The Honourable John Birmingham
(Elected Member for Stanley Constituency)

The Honourable Mrs Carol Wendy Teggart
(Elected Member for Stanley Constituency)

The Honourable Mrs Sharon Halford
(Elected Member for Stanley Constituency)

PERSONS ENTITLED TO ATTEND

The Acting Attorney General
(Mr Robert Mark Titterington) (present on 31 May 1996 session)

The Attorney General
(Mr David Geoffrey Lang QC) (present on 4 June 1996 session)

The Commander British Forces Falkland Islands
(Commodore Alexander K Backus OBE RN)

CLERK: Claudette Anderson

Prayers: Reverend Canon Stephen Palmer LVO

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RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD ON 31 MAY and 4 JUNE 1996

His Excellency the Governor

Honourable Councillors. Just under four months after taking office as Governor, it's a privilege to deliver my first Report to Legislative Council and to the people of the Islands as a whole on the work of the Administration over the last year.

My predecessor suggested this time last year that the Governor's Report, which lasted a good hour, might with advantage be shortened. With the agreement of Honourable Councillors here present I am introducing this change now. I shall therefore confine myself to reviewing the highlights of the Government's activities over the past year bringing out our main achievements as well as any shortcomings. More detailed reports by each Government Department will be published in full as usual for those who are interested.

Pride of place must go to the successful launching of our first Oil Licensing Round for which the Joint Declaration with Argentina in September 1995 cleared the way. The Round closes on 2 July and we are optimistic about receiving bids from a number of consortia. These will be evaluated during August, all due attention will be paid to environmental protection. The Government is anxious too to ensure maximum benefit for the private sector from oil exploration activity and are working closely with the Chamber of Commerce to that end. I welcome Mrs Phyl Rendell's appointment as our first Director of Oil. Until oil is found our offshore fishery will remain the mainstay of our economy, thanks to income of approximately £20M a year from licence fees. We hope that the new Fisheries Policy will further promote the development of the private sector in fishing. Eleven large trawlers now fly the Falkland Islands flag. Scientific research and monitoring continues to ensure the proper conservation of our fish stocks and a rigorous fisheries protection effort continues in the face of an increase in incursions by unlicensed vessels. Several vessels have been prosecuted, I would like here to express gratitude for the assistance we receive from HM ships and aircraft both in fisheries protection and in search and rescue. Co-operation with Argentina over fisheries has continued through formal and informal meetings and joint research cruises. We hope for renewed progress towards a long term Fishing Agreement to ensure the long term viability of the illex squid. Our concern for our unique environment remains undiminished and FENTAG continues to make an invaluable contribution at the heart of Government, particularly in relation to oil. I hope work on a new environmental law will proceed with all due dispatch.

I am glad to report that fiscal prudence by the Treasury has resulted in another sizeable surplus of revenue over expenditure further bolstering the reserves. Details will be provided by the Financial Secretary in his Budget presentation. Other achievements for Treasury was the passage of a major piece of Legislation - the Taxes (Amendment) Ordinance 1996 which provides the authority to implement the corporate tax element of the approved oil fiscal regime, the approval of a new policy on old age pensions and agreement on a new Housing Mortgage Assistance Scheme. But the perennial problem of Government's inability due to the labour shortage to spend allocated funds remains unresolved.

It has been a year of major change or prospective change in the Civil Service, the centre piece being the Hay Management Review which is due to be presented to Executive Council at the end of August. This should get our Civil Service, to whom I would like to pay tribute for their industriousness and loyalty, into even finer shape for the next century. It has been accompanied by a major computer upgrade programme and ongoing training and re-training programmes.

One of the major aims of this Administration is to prepare a workable corporate plan for the Islands starting with the development of a clear policy on the future of Camp and agriculture in general. This excellent initiative has been delayed somewhat because of continuing uncertainties over the future of Falklands Landholdings. I hope that the current impasse will not continue indefinitely and that we can move forward.

The successful transfer of the National Stud Flock from Sea Lion Island to Saladero was completed safely thanks to the Agriculture Department. That Department has also been actively pursuing; the eradication of hydatid and no cysts have been recorded during the last twelve months; veterinary inspections of Falkland flagged vessels and their catches to meet EEC requirements; and trials to monitor grazing systems on white grass. The winding down of the EDF Grant Scheme is progressing steadily and a new assistance package for rural development was introduced recently in co-operation with the FIDC. An assistance scheme was developed and launched to compensate farmers for heavy losses last winter allied with the slump in wool prices it has been a difficult time for farmers. Mr Owen Summers' long experience will be retained in a new post of Agricultural Development Officer.

The Public Works Department have also had an extremely busy year including a change of Director with Mr Mike Forrest succeeding Mr Brian Hill on his retirement after five years of service. The Road Building Programme has made great strides with the completion of the road to Port San Carlos, the track to Fitzroy and the section from Port Howard to Fox Bay on West Falkland pushed through by White Rock Ltd. It would not be an exaggeration to say that the new roads are revolutionising our way of life. The road surfacing programme on the MPA Road has

suffered serious setbacks, proposals will be submitted shortly to Executive Council for completing the work. PWD has also continued to provide all the other services we've come to expect, if not take for granted, while the Building Control Office has processed 15% more applications for planning consent than the previous year, surely a testimony to the country's vibrancy. PWD's main challenges in the year to come will be in road construction on both East and West Falkland, repairing the roads in Stanley and making a start to the East Stanley Development, as well as pursuing a study of greater use of wind power.

The Falkland Islands Development Corporation continues to pursue strategic initiatives which will have a long-term impact on the economy of the Islands as well as supporting and advising new and established businesses. The accent continues to be on import substitution, exports and vocational training. The abattoir and an associated by-products plant is close to lift-off. This will be the key to the development of the beef industry and further diversification of the agricultural economy. Rural energy and fuel efficiency is another high priority for FIDC, I shall mention the new jet link to Chile shortly.

Mr John Fowler's appointment as Director of Tourism will give impetus to our tourism promotion effort but a new Editor of the Penguin News will have to be found. Let me take this opportunity to thank Mr Mike Summers for his outstanding contribution as General Manager of the FIDC and to welcome Mr Hugh Normand as his successor.

The news in Education is also encouraging, the extension to the Infant and Junior School should be ready for occupation in September and a pre-school class is planned to open in the school in September for rising four year olds thus helping to reduce waiting lists. An external inspection of schools last November found that the standards of pupils' work in the Islands are comparable overall to all those being achieved in the United Kingdom but made some recommendations which will be implemented over the coming year. The GCSE results from the November 1995 exams were good with many students qualifying for further training overseas and a number of others enrolled on apprenticeships. Twenty-three students are now studying at Peter Symonds and other colleges and thirteen on Government funded university courses. I note with pleasure the flourishing programme of exchanges between our Community School and the British school in Punta Arenas.

The Attorney General's Department has continued to carry an increasingly heavy workload only partly eased by the appointment of Miss Kate Tingey as Crown Counsel. A London firm of solicitors has been retained to provide legal advice in connection with the Oil Licensing Round but otherwise legal advice and assistance and legislative drafting is provided in-house on most core areas of Government business with little external assistance. Legislative reform in a few key areas including food certification, merchant shipping, road traffic and company law has inevitably been delayed by the pressure of other work. More land transaction and

work relating to the Companies Register have increased the workload of the Registry who have also been heavily involved in the Census carried out in April. I look forward to seeing the results.

Government still cannot function without paper and here I have got to pay tribute to Mr Tony Pettersson the Government's Head Printer who enters his thirty-seventh year of Government service. A colour printing capability will require new accommodation and the recruitment of qualified staff in printing remains a perennial problem.

I would like to welcome Mr David Jeremiah, our new Senior Magistrate in succession to Mr Andrew Jones. As far as law and order is concerned there has been a welcome reduction in crime, particularly burglaries which is a tribute to the professionalism of the Royal Falkland Islands Police for whom 1996 is a special year, the 150th anniversary. They now have new computer software, the next step should be the long overdue construction of a new police station. I hope ways can be found to stem the attrition from the force.

Customs and Immigration Department have five criminal investigations to their credit resulting in either criminal convictions or formal cautions being given to individuals attempting to import drugs or other illegal material. Revisions to customs and immigration procedures and the introduction of a small ships register to facilitate the registration of privately owned pleasure craft are objectives for them over the year ahead.

The Fire and Rescue Service responded to no less than 121 call-outs over the year. An ongoing training programme continues and current levels of fire safety and procedures were reviewed and validated by a senior fire safety officer from the UK in February. I salute the dedication of the fire-fighters and I hope that more younger members of the community will come forward to serve in the Fire Service.

The FIDF have continued to train for the task allotted to them in the event of any crisis. A successful training camp was held on the Murrell in April and the Force are to be congratulated for winning back the march and shoot trophy against fierce competition from Mount Pleasant. Commander British Forces has recently made recommendations designed to revitalise the FIDF and reverse the decline in recruitment.

The Medical Department has seen a 15% increase in workload across the whole range of its activities. The colonic cancer screening programme has continued successfully and computerisation of medical records is progressing well. The major accident plan was tested successfully and the Department also dealt with casualties from two major ship fires. Plans are afoot to make the hospital more patient friendly

and to build more sheltered housing. An effective Health and Safety at Work Policy is now in place, we remain indebted to the visiting specialist from the UK.

As far as Civil Aviation is concerned, FIGAS continues to provide the community with an efficient reliable air service throughout the Islands; despite the expansion of the road network, passenger number and freight have increased. FIGAS also continues to provide the fishery patrol service greatly extending our control of our fishery. The advent of the DAP jet flight from Punta must be regarded as a major step forward for tourism, business travel and airfreight. It will complement not jeopardise the Tristar service. The continuing professionalism of the Civil Aviation Department was attested to by Inspectors from the Civil Aviation Authority. Stanley Airport saw some increase in aircraft movements but a slight decrease in numbers of passengers. The new DAP service will clearly affect the pattern. We can take pride in the high standards maintained by both FIGAS and the Civil Aviation Department.

There are developments to report in communications too, the upgrading of the VHF telephone system in Camp has started which should make communication easier for Islanders outside Stanley. The launch of satellite television locally has also been a great success allowing us to enjoy live programmes from the UK provided by SSSC.

FIBS remains an essential part of Island life, a vital community service and an important source of entertainment both passive and interactive. The decision to buy equipment enabling listeners in the North Camp to hear FM transmissions while the AM split is operational is a good step forward. The radio more than holds its own despite the counter-attraction of TV.

As for the Post Office, the main event was the temporary move to the old Standard Chartered Bank building, it is due to move back into the renovated Post Office proper in the Town Hall in late July. Despite the renovations to the Philatelic Bureau, stamp sales are down I am afraid reflecting a down turn in the world's stamp market.

The Falkland Islands Museum and National Trust, an important tourist attraction and public service for research and information at home and abroad can take pride in the establishment of a second satellite museum at San Carlos, (I would like to just pay tribute to the help of the GAP student there), the successful removal of the Antarctic Refuge Hut from Portal Point to Stanley, a unique gift by the British Antarctic Survey, the near completion of the Port Louis Survey; and progress with plans to conduct the first leg of a similar survey at the former mission settlement at Keppel Island. My recent dedication of a plaque on Saunders Island commemorating the first formal possession of the Falklands by Britain was a memorable occasion.

The Falkland Islands Government Office has continued to promote our interests ably and energetically in London. Its activities embracing the Oil Licensing Round, the

Parliamentary contacts programme and two groups of MPs' paid highly successful visits to the Islands and Councillors also attended the Party Conferences in the UK. Close liaison with the various Falkland Islands Groups and maintaining and raising our profile in the UK. They also did much to promote trade and tourism, helped with recruitment to posts here and assist Islanders going to the UK for medical treatment.

I am sure Councillors would wish me to acknowledge the indispensable support we receive from the Legislature Department not just in servicing Executive Council and Legislative Council but in facilitating Councillors' attendance at meetings and conferences in the UK and other countries such as the CPA and the UN Committee of 24, also known as the De-Colonisation Committee where we will be lobbying as in previous years for recognition of our right to self-determination. The publication of the Elected Councillors' corporate document also attracted a good deal of attention.

I cannot end this Review without making special mention of the visit of Her Royal Highness the Princess Royal at the end of January shortly after my own arrival. This was a very special event for the Islands and I am sure this Council would wish me to record our gratitude to Her Royal Highness for coming here.

I would be remiss if I did not express our continuing debt of gratitude to the British Forces not just for assuring our defence but also for the contribution they make to the life of the Islands.

I would also like to pay warm tribute to Canon Stephen Palmer, our Chaplain, who departs the Islands shortly after a distinguished Ministry of five years.

This is without doubt an impressive record of activity and achievement particularly for a community of such small size. The Falkland Islands are clearly moving forward with a bright and prosperous future ahead of us, particularly if as we hope, oil is discovered.

At the last meeting of Legislative Council, Councillors announced that they would set themselves five main priorities for the coming and those were sheltered accommodation, roads and Camp tracks, housing, immigration policy and rural development strategy. Some other important objectives seem to me to be progress in oil development, a fisheries agreement to conserve illex squid stocks, an end to the long stalemate of Falklands Landholdings and the implementation of Constitutional changes, on which I understand Councillors have had further thoughts, pursuant to the Wallace Report of last year.

1997 will also be of course an election year both in the Islands and presumably in the UK.

Finally if I may be permitted one personal observation, it is that Government should please pay greater attention to prioritisation. There are any number of things that need doing and that we as a community want to do particularly over improving our infrastructure. We have the funds to pay for this but we self evidently, do not have either enough time or enough people to do everything at once. So we must make choices and set priorities rather more rigorously than we have done hitherto.

Honourable Councillors thank you for your attention, I commend this Report to you and I wish you well in your deliberations in Select Committee.

And now if I may announce the adjournment of Legislative Council for about half an hour.

MOTION OF THANKS

The Honourable Mrs S Halford

Mr President, Honourable Members. I would like to propose a Motion of Thanks to Your Excellency for your most welcome and concise Report of Government's activities over the past year. You mentioned Argentine co-operation over fish and oil and quite often we hear that we should have more co-operation with Argentina and we should talk to them on more issues, not sovereignty but other things. In a way it is quite hard to follow this route especially after their recent behaviour at a conference that our vet attended in Paris. I find it amazing, in fact I find it quite disturbing, that politics can be brought down to a professional body and not left out of it. If vets can't sit around the table and talk I just find it absolutely amazing.

You also talked about FIGAS which has provided us with a good service over the last year and surprisingly have carried more passengers and freight than in the past. What I think FIGAS has done recently and has been good is introducing the cheaper weekend return flights and hopefully if these are going to be successful then we might even see cheap day returns especially around Sports time.

The Medical Department is a department of course that has done well and some of us love and some of us hate. I think that people would be very pleased to hear that the telephones have now turned up, that is the telephones which have been ordered for the elderly and the disabled which will go into their homes around Stanley, these are the telephones of course which have the, I was going to call it a panic button, but I guess it's really a help button.

You also mentioned the Museum and National Trust and that they hope to undertake a survey of the Mission settlement at Keppel. I was very fortunate in going out to Keppel recently with yourself and various other people and I think that not only is a survey needed of Keppel, but it is in pretty good condition a lot of what's there, but I

think we really need to be looking at restoring what we have rather than letting it deteriorate further.

You also said that the Falklands are hopefully moving forward with a bright and prosperous future particularly if oil is discovered. I hope it will and I hope the future will be bright providing we don't allow ourselves to go down the road of what we have seen on SSSC TV the other week, a programme taken in Nigeria of what can happen when it goes wrong. You also said that we actually need a plan, I have often spoken about this wonderful four letter word in the past. And yes we do need to plan our activities but what we need to do more than anything is once we've planned them I believe we need to stick to that plan and not keep changing it.

And finally I would like to thank Canon Palmer for his words of wisdom prior to our meetings and wish both him and his wife all the best in the future. Sir, I support the Motion.

The Honourable R J Stevens

Your Excellency, Honourable Members. In rising to support the Motion I would like to just comment on a few of the subjects, I would also like to thank Canon Palmer for his words of wisdom and his prayers over the time that I have been a Councillor and wish him and his family well for the future.

Councillor Halford mentioned some of the things that I was going to. With Fisheries I think we should still strive towards a long-term agreement with Argentina over the straddling stocks of illex. Last month we discussed, and it was mentioned in the speeches of one Councillor at least, arming our protection vessels. We do have to show resolve in protecting what is ours but the people that decide to flaunt our laws are a small percentage of a ship's crew and it is unlikely that bullets will discriminate. I believe we should explore other arenas before we consider killing and maiming other human beings.

Camp was mentioned a number of times and I think we should give priority to formalising a Camp equalisation programme. A future policy for Camp is essential, formulated with our feet firmly on the ground. If we are seriously going to consider moving towards farming systems with a beef or fat lamb industry we have to be realistic enough to recognise the need for a change in farming methods. The basic rules like perpetual motion and getting something for nothing cannot be broken. I believe only significant investment will change what we have, without such investment development will be slow and disappointing. Part of any calculation should be whether such change is viable.

Moving on to Education, the new Infant and Junior School is a great asset to the Department, it is an impressive building built by local contractors which will be

finished on time or it's on schedule at the moment. I know parents and staff alike are always looking for improvements, we are however being successful so much so that there will come a time in the near future where we have trouble placing our highly educated adults into meaningful employment.

Moving onto the Stud Flock, indeed the progress at Saladero has surpassed my belief anyway, local contractors have built the house and the shed in tremendous time. People that have been prepared to go out and put their backs into it, have worked near miracles I believe.

The VHF upgrade of Cable and Wireless, I look forward to hearing from Cable and Wireless, some idea of a completion date of this upgrade. I believe the equipment is here, my only fear is that winter is also here but I'm sure we'll move on and I hope the progress is quick.

The Post Office is slightly amusing to me because when I first became a Councillor and got that portfolio I was discussing it with different members of the Post Office staff and they did not believe these renovations would ever happen. They said we've been waiting for seven years you must be joking if it's going to happen and here we are, we're looking at July for the Post Office renovations to be complete.

Finally Sir, you were talking about us prioritising and I think that one of the important issues and other important issues for Camp is the development of the road network and part of that development would be a deep water jetty on the West Falklands. I support the Motion of Thanks. Thank you.

The Honourable Mrs C W Teggart

Mr President, Honourable Members. I would like to join the Motion of Thanks for your speech Sir. I, like I am sure other Councillors welcome the new shorter version and look forward to reading the longer unedited version once it is distributed. I'm sure that it is a worthwhile thing to do to actually print it so that people can refer to it afterwards and certainly a couple of years ago when Councillor Luxton and I attended the United Nations, we found it a very useful tool to hand out to people there.

You mentioned PWD, I think we are entering some exciting new developments as far as PWD are concerned. I'm the Councillor with special responsibility for them which at times is a blessing and other times is a curse but I suppose everyone can say the same about their departments. I think the advent of the East Stanley Development will be a very positive move forward for everybody. It will provide ten new much needed houses in the Government housing pool. It will provide more housing plots for those who wish to build their own houses and in conjunction with the new Housing Assistance Scheme, I hope details of which will shortly be announced, I

think will go a long way down the road towards helping solve some of our housing problems.

The Infant and Junior School I noticed on my way down the hill is progressing at a really good rate. We had a letter from the headteacher (at lunch time) to say that there are 175 children now at that school and I think that the added space is going to be a much needed asset for them. I hope that in future we will have room to expand even more on that site but I really do doubt it somehow, we are going to have to watch that very, very carefully.

I would also like to extend my congratulations to the contractors who have been working out at Saladero, I think that the speed in which that house and some of the fencing has gone up is really to be commended.

You mentioned Sir, the five targets we have said that would be our priorities over the next year. I would like to say that there are many other things that were on that list, these were just the five that happened to come out on top but there are many other things that we will be giving our attention to, and I think we will be bearing these in mind as we enter Select Committee.

One of the departments I think that has an ever increasing workload that we do not always address is that of the Computer Department. We have just gone through a very hefty revamping of the whole computer system within Government. We are entering the days of modems and e-mail, and I believe that Councillor Stevens is going to get the chance to experiment with a modem very shortly out at Port Sussex which I hope that he will find really exciting. I think that that will be a great advantage to Councillors who are travelling over the world where they can instantly keep in touch with what is happening at home by the press of a button or a connection through a 'phone line.

One of the things that I must comment on because I was not terribly happy last Legislative Council about the prospect of not getting the FA Cup on satellite TV, happily enough that did happen and I know that many many people enjoyed watching the game. I must admit I went and dug potatoes in the garden because I found it rather boring but I know that a lot of people didn't, so our thanks to SSVC for making sure that happened for us.

One of the things that I am really happy about is that this morning in Standing Finance Committee we did agree to make a small contribution to Mario Zuvic-Bulic who is working wonders with his satellite system. I know that it is only for Stanley at the moment but I hope that eventually we will be able to look at getting this Islandwide and I hope that our small contribution will allow Mario to have his new sports channel up, a 24 hour a day sports channel up and working in time for the Olympics in July. Certainly Mario hopes to have that. I think that that is something

that a lot of us will really look forward to. I would also like to thank the other Councillors for supporting that, it was not all that easy going to get it through but we achieved it.

I would like to also mention the contribution that Canon Palmer and his wife Christine have made to the community over the last five years and I think that it is always more obvious what the husband does but I think that Christine's made a very worthwhile contribution to the special needs children in our community and I would like to mention that.

I would also like to take this opportunity to express my regret that John Cheek can't be with us today and hope that he has a rapid return to good health. Sir, I support the Motion of Thanks.

The Honourable J Birmingham

Mr President, Honourable Members. In rising to support the Motion of Thanks, there are several people who I would like to express my appreciation to. I would like to start by thanking everyone who gives something to our community without monetary reward, without the voluntary organisations the Falklands would be a much less caring society. This includes the military for all their fund raising for both local and overseas charities.

I too would like to bid farewell to Canon and Mrs Palmer and wish them very well for the future, I know the Canon has always found life here interesting and likes the place and hopefully when they get back to the Isle of Wight, they will remember us with fond memories.

The Fisheries Department is my main responsibility and although unfortunately I can't take any credit for it I consider the Department to be well run by a very able and committed team. If I had one wish it would be that their working conditions were better. At last year's Budget Session I spoke about working conditions and during the year I have been able to see for myself what they are like in most departments. There are very different standards of office accommodation within Government. We have got people working in falling apart portakabins such as Megabid at the bottom of the scale to well furnished, carpeted offices with everything that goes with it such as in the Chief Executive's office. I would like to see the same standard for all Government employees.

We are very fortunate to have had the services of Mr Chris Dowrick as Health and Safety Co-Ordinator even though it was only for a temporary post and a short time. We now have a Health and Safety Policy which means that progress has been made in this area. When Mr Dowrick leaves these Islands the responsibility of this falls I

believe with the Heads of Department. I am sure that they will cope admirably with making sure that their staff work in warm and safe environments.

I hope that we will be addressing the subject of employment over the next few days. At the last meeting of Legislative Council the Chief Executive said that we were lucky to have full employment here in the Falklands. It is very unfortunate that on the 22 May, two men on the asphalt gang were given a week's notice, these men were seasonal workers, we know this, but like all of the gang they had been assured previously that nobody would be laid off. The gang are now waiting to see if anybody else will be put into this position.

When we go into Select Committee I would like us to be considering the consequences of our actions when we discuss Capital Programme.

As Chairman of the Energy Advisory Committee, I welcome the appointment of an Energy Advisory Officer. Mr Cotter has taken on much of the work that could not be done by other committee members and we are now seeing some real progress being made.

I would like to thank my fellow Landholdings Board Members for keeping on going for what has been a difficult time. The temptation has been to get off our backsides and resign but that wouldn't have done much good for the already low morale of employees on the farms.

I know that the Welfare Department is not popular with everybody but we need this department if we can claim to live in a caring society and I would like to thank the staff for dealing with some difficult and pressing problems.

FIGO's a Government Department which could easily be forgotten because it is not located within the Islands. I am sure the staff are very well aware of how important it is to keep informed of what's happening here and also to inform us of what is happening up there.

I have many dealings with PWD and although I do not always agree with them I am fully appreciative of the difficult and hard tasks they have to perform.

FIBS, I also appreciate the hard work FIBS does but like many others in the community I look forward to going back to three weekly News Magazines. I regret that Councillor Cheek is not with us this session and hope for a speedy return. Mr President, I support the Motion.

The Honourable Mrs N Edwards

Your Excellency, Honourable Members. In rising to support the Motion of Thanks, there are just one or two things that I would like to mention.

You spoke about our oil environmental protection Sir, I am extremely pleased that we have set up a Baseline Survey but worried that what we are really doing is having a Baseline Study because a survey is an ongoing thing over a number of years over the period of the year. As far as I can see this Survey is only taking place in the summer months and I have not seen any activity during the winter. We must be sure that we know exactly what is in and around our waters at any time of the year for future reference should we need to do so. I would like assurance on that front from somebody that we are actually having a proper Survey, an ongoing thing and not just a study of the environment.

You also mentioned Fisheries Sir and I would endorse what Councillor Birmingham said. It is a very efficient well run department and Mr Barton is an excellent person to have in charge of it. I often feel sorry that we do not catch too many poachers and when we do, and the Fisheries Department come up with somebody to court to be fined, the fines are pitiful at times. I think we should, when we do catch an offender, be much more positive in the way we treat them. The only thing I think that they understand is to be hit in the pocket and the more we do that the better as far as I'm concerned.

Mention was made of Keppel Island, the Historic Buildings Committee of which I am a part, of course has a great interest in Keppel and we hope to spend some money this year on renovations if we can. Keppel Island concerns me anyway because it is left to its own devices now, Mr Fell is no longer there and there are over a hundred head of cattle running about wild and damaging these old buildings if they haven't damaged them already they shortly will I am sure. And I do feel that at least we should be looking at culling the cattle on that Island if it is to be left as it is with nobody in charge of it. What I would really like to see is that a caretaker of some kind be put on there to look after it properly.

You mentioned PWD and the hard work that PWD do, they are much maligned in many ways and they do a lot of good work and I pay tribute to that. Now PWD also are in charge of Fox Bay Village renovations and maintenance and the Jetty. At the risk of being thoroughly boring I would dearly like somebody in authority from PWD to come out and have a look at the mess of Fox Bay Jetty. All the summer this Jetty building has been undertaken, we have lost our men who normally work on the Camp link tracks to this project and whilst I am not a civil engineer I do not propose to argue the point about the civil engineering aspect of the thing. All I can see is a horrendous mess and no progress or very very little progress being made. The Jetty

has now been shortened yet again but I believe now that they're going to build it out again so I would like to see that cleared up before the season starts because bearing in mind Fox Bay is the second port of entry in the Falklands, it's a bit ridiculous to have a second port of entry with no jetty, in fact it is the only jetty I know, the ship usually comes into the jetty when it arrives, this jetty goes out to meet the ship, I see it floating away.

I hope will not be too long before we have the results of the census which we have all taken part in recently. I know it is a hard job and quite a long-winded job to get all the facts and figures together, but I hope that within the next few months we will have the results of that.

You mentioned also Mr Tony Pettersson at the Printing Office and I think that he does deserve all the thanks and praise that we can give him, he has given a long and hard service to Government, he cannot get beyond his position because of the way the Civil Service grades work and I think that is terrible too. He has got to the top of his tree but he works tremendously hard and puts in a lot of time for Government over the working day and beyond the working day.

FIDF: You mentioned we have had a review, that is an ongoing thing that will be coming to Councillors, unfortunately the time did not allow the Paper to go to Executive Council this time but next month. And I hope that when Councillors read this Paper they will support the suggestions that have been made and agreed by FIDF and that they will look to the future so that we have, if necessary a good and efficient force well equipped to fall back on. Heaven forbid that we do have to but you never know and one of the things they are sadly lacking is vehicles, I think it is terrible when your army have to go around and beg a vehicle to go on exercise, and then it's some old clapped out old thing that PWD doesn't have any use for. So they really do need some vehicles and I hope my colleagues will support this although it won't be going to this Budget Session, I hope in due course they will support the extra money that will be required to upgrade the FIDF. May I just pay tribute to the FIDF for all their hard work, they are always willing to turn out in all winds and weathers and for their contribution in the March and Shoots and so on, they do us proud quite often.

The Medical Department is going to become more patient friendly, well that's wonderful. I think that is much to be commended, I think we have an excellent Medical Department and people are sometimes scathing of it here but they have not tasted the National Health System in the UK. Our doctors and nurses are hard working and very good. However, having said that, when it comes to sending patients abroad when they are ill I wish we were more patient friendly then, it is not so long ago when a family lost a son, he had to go to Montevideo and he died in Montevideo. They had to beg and borrow money to be able to go to their son's bedside and it was only the Mother that was able to go and I really do think that

some funds should be set aside by Government for cases like that, when somebody in the family is desperately ill and perhaps then in Montevideo or somewhere other than UK, that we fund people properly to be with their loved ones when they are ill. The other problem was funding to get the body back to the Falkland Islands when this lad died. Now the Jaffrays have set up a fund called the Stephen Jaffray Memorial Fund and I would dearly like Government to match pound for pound the money that this fund raises for people in similar positions who need money desperately at a very stressful time of their lives, and they cannot turn to Government to be funded.

FIGAS, I have no complaints about FIGAS, they run a jolly good service, the only thing I would say, which is a small complaint I suppose, is that I wish that they had an office in Town for the old folks to leave and collect their parcels. They are down at the Airport there which is quite away from town, I am OK I can take my bits and pieces down there but it is not easy for old folks and likewise with the deliveries from Camp. If they have a parcel from Camp it sometimes goes into the Post Office, I know somebody had some mushrooms sent in one time, they went to the Post Office and they did not get them until the Monday by which time they opened them and they were a box of maggots. A small office or collection point somewhere for delivery of parcels and collection of parcels would be much appreciated, now I know we have had this fight with FIGAS before but perhaps we could bring it up again at Select Committee.

Telephone System in Camp, well the upgrading is going on, I do not know whether I have been upgraded or not, I know they have been out there doing work and since it's been done my telephone really is perhaps not worse but I am certainly not as clear as I used to be. Apparently people can't hear me so I am hoping they haven't completed the upgrading in my part of the world. I wish them well with their upgrading and I hope that at the end of the day we have a whole lot better system than we have at present.

The Philatelic Bureau was mentioned and the decrease in stamp sales, now for many years I have been of the opinion that we issue too many first day covers. I think that down grades our stamps, I know the Stamp Committee are not of this opinion but I do believe that that might help the sale of stamps if we limited the number of first day covers we produce.

Mention was made of the Museum and I would just endorse the good work that the Museum does. We pay an awful lot of money for our PR people in UK, I think we get for very little money excellent PR from our Museum and that goes all round the world because the number of visitors that come to the Falklands always spend a considerable time in the Museum and I have never heard anyone have anything detrimental to say about it, and a great deal of praise. They sell the Falklands very well at the Museum.

I too enjoyed Her Royal Highness the Princess Royal's visit and I hope that she will come back in the not too future and be able to complete her voyage to the Antarctic. It was a joy to meet her and a pleasure to take her around Fox Bay, she was a very, very nice person indeed.

Can I also pay tribute to the dear old British Forces. We still like to have you around and it is always a pleasure to see you out in Camp and you're always welcome and we much appreciate the protection and your presence here.

Canon Palmer, well farewell to you and your wife who has done sterling work for us, both of you have and I wish you both well in the future.

I was a little bit concerned with Councillor Stevens getting a modem and a computer to play with because I thought then we will not have a twenty minute spiel next Council meeting but probably close on an hour. I hope that is not going to happen.

Lastly may I just mention health and safety which is again one of my committees. It is good that we have got a Health and Safety Committee, it is a bit of a can of worms really because once you go into health and safety the price of health and safety goes up and up and up. We are just beginning to see the results of this first initial start to the Health and Safety Committee. A lot of our people at the Power Station suffer ear damage due to noise and we will have to address that urgently within the next year or two, and have it properly sound proofed.

Sir, I support the Motion of Thanks.

The Honourable E M Goss MBE

Your Excellency, Honourable Members. I would like to rise to say a few words, I will only comment on one or two things but before I do I would like to join my colleagues in welcoming the new and shortened address to this Council and I'm sure it was appreciated by everyone. It is the first time I have ever known one to be over in twenty-five minutes saying all the things that we wanted to hear and if we want to dig into a more verbose addition of it, I am sure that is available too, so I thank you for that.

On page three you mention the abattoir and the associated by-products plant. With the rethink on the location of the abattoir and all the bickering that is going on about whether we will put it at Sand Bay or in a peat bog or at Moody Brook, whether we will let bloody water come into Stanley Harbour or not, I think I could probably throw new light on this to give everybody time to rethink it and focus it where it should be and build the plant somewhere out in the vicinity of Goose Green. I know with EEC standards it's going to mean more expense, you've got water purification to do and

that's another plant and another job or two for a few people and added cost, so what? We are talking about rural development and bringing people back into Camp, this is a good vehicle to carry them back to Camp on. They need electric power so a good generator, somebody would make money toting diesel along the road to supply that generator power. There would be perhaps a family living out there where the chap would be employed as the maintenance officer of the power supply. You have water there, you have land there, you have space and at the moment it's owned by Government. So let us jump on the bandwagon now and shift our direction completely away from Megabid, Sand Bay, you name it. Move it out into Camp where we can then start building something in the heart of the farmland where you could encourage more people to go there and work in the area so I would hope that the Committee on siting the abattoir whatever they're called will take on board what I'm saying and be serious about it and have another look. I know we are talking about expenses and the initial funding of this, I think £1.2M or £1.4M is going to come from STABEX funds. We all know that we have a fairly large nest egg accumulating in reserves so we are not short of money, money can be made available to fund this additional cost of the plant. I think this is an opportunity we should not miss.

On page four of your address you made mention of the good service we are getting out of the Royal Falkland Islands Police. My root ancestor, Jacob Napoleon Goss, it is a name we have heard over the last few days and I hope it is a name we will hear for a long time in our history. Our family records show that he served as a gaoler for the FIG in 1842 and you are saying in your Report that they celebrate this year, 150 years of establishment so I do not know what they call the few years before that. Our records say that there was Police Force and a Gaol here in Stanley when Moody moved in, there must have been a few shady characters around but Goss was looking after some of them.

That is all I really have to say on your Address Sir but I will pick up on one or two other points that my colleagues have mentioned. And on the military side, it is nice to be reassured that the air defence is operational even if it causes disruption to our meetings from time to time, just as a reminder they're here. It is a good display to let us know they're about to protect us.

I join with my other Councillors in thanking Canon Palmer for all he has done in the Falklands, for all the wise words and blessings he's given this Council and I'm sure if they were honest which all Councillors are, they are better people for the blessings he has given them over the past five years. I wish to extend my good wishes to him and Christine for all well in the future.

Sir, I join my fellow Councillors with my support in the Motion of Thanks to your address earlier this afternoon. Thank you.

The Honourable W R Luxton

Mr President, Honourable Members. As usual we get to this stage and everybody has said more or less everything. I did also appreciate your short wheel base Address as it were, the previous model was becoming something of an endurance test.

I also am truly sorry that there is a face missing from this table today and I refer to Councillor Cheek of course. We have many important issues to deal with this next week but two of them, the future of Landholdings and the Constitution will see the Islands much poorer for his absence. He has strong views on both and will be bitterly disappointed not to be here. However, I am convinced that we have to go ahead as planned, we owe it to the people of Landholdings to give a clear direction there as we had promised for this date. And now we also have the Motion put down by Councillor Birmingham, following my remarks about the number of Councillors at our last meeting, which seemed to stimulate some debate. There will be other opportunities to speak on both of these matters so I will wait until that time comes. Meanwhile I join with other Councillors in wishing Councillor Cheek all the very best for a return to good health and I look forward to seeing him home soon.

I have one area of great concern to bring to the attention of this Council and the Administration and that is the very unsatisfactory manner in which the Public Works Department is handling the construction of the Fox Bay Jetty which Councillor Edwards has already mentioned, and the roads throughout the Islands. Where a project is already a shambles like the Jetty, it seems to be getting worse but where we have an astoundingly successful project, the building of roads on West Falkland by private enterprise, at a very attractive price. The Director of Public Works seems intent on fowling it up by reinventing the wheel as it were, we do not need to revisit areas where we have already had extensive debate and Executive Council has established a Policy which has worked very well and given us the results we want. We're being subjected to a barrage of expert advice which contradicts local proven expertise and experience. If you want to see a good example of external expert advice and technical knowledge I suggest a visit to Fox Bay Jetty might be in order. My Honourable friend has given us a description of that, if the Jetty saga doesn't convince you what about the tarmac roads? Every third world country I have ever visited seems to have mastered the art of laying tarmac, even Argentina seems to have managed it but oh no not the Falklands, even after tens of thousands of pounds of expert advice. Years ago people such as the well known Mr Barnes built long lasting and rugged jetties all over the Islands in record time. My own jetty was built by him some forty years ago and has had very little done to it since but still very sound. Neither did he see the need to take a vital machine from another project and dunk it in salt water with probable disastrous consequences. I refer to the use of a caterpillar excavator of course which belongs to the road machinery pool on West

Falkland and I have repeatedly asked the DPW for assurances from the manufacturers about this but so far to no avail. It is a vital and irreplaceable part of the road building programme on West Falkland and I predict that it will never be the same again, but time will tell. I shall be pursuing these matters during the next week and if there is no sensible and satisfactory outcome I will have more to say at the Adjournment.

Just as an aside I once heard the definition of an expert, I think it was along the lines of an "ex" is a has-been and a "spurt" is a drip under pressure.

I also want to mention another unsatisfactory situation, there is strong demand for a ferry trip across the Sound for Farmers Week and numerous representations have been made to Byron Marine. These have been met by a total stone wall refusal which smacks of the attitude of how FIC used to treat its victims, sorry customers thirty years ago. During the course of this week I hope to persuade my colleagues to try to remind Byron Marine of that old adage about the Piper and the tune and who pays etc. However, I would like to thank the military in this matter, that may solve the immediate problem so if that is true and that happens I would like to thank them very much again for coming to the assistance of the West Falkland.

So far I've talked about a few current problems but during the week I hope we will take a measured look at the long-term future of the rural community and follow up the sentiments expressed after my Motion earlier in the year, to try to improve the quality of life for Camp residents. An early attempt to achieve equal costs for essential items throughout the Islands would be a good start. This might go some way to counteract the iniquitous hike in oil prices by Stanley Services. How is this justified when oil prices today are less than 1% changed from a year ago and on a downward incline. It does not matter of course, the curse of these Islands is that we have to be subject to may arrogant monopolies who don't give a toss about anything except preserving their profits. It is no good slamming down your 'phone or walking out of the Bank or driving past the petrol station and saying you are going to go elsewhere is it? We have given these people the licence to print money for years to come so I suppose it serves us right. Sir, over the next few days we will be looking in detail at all the Budget proposals, in many ways we are very lucky, we have the funds to do the things that need doing in our Islands. What we are short of is people to do them and in the timescale that we want. I believe that we should not hesitate to put out external contracts if that's the only way we can get these things done in a reasonable time. If your sixty years old or thereabouts, it probably is not very exiting to be told it might be another twenty years before the road gets to you so I do hope we can speed up these projects. And the same applies to the East Stanley development, people are desperate to have homes and we should take whatever steps necessary to complete this project in the shortest possible time.

I have just got one final remark Sir, over the last few weeks I have had the misfortune to have to travel through Heathrow and Los Angeles Airports and be packed into an aeroplane like a sardine into a can. If we farmers treated our sheep in the wool shed like passengers are treated at Heathrow, the animal welfare people would jump on us from a great height. It was relief to return to the unhurried, spacious and quite relaxed atmosphere of the Royal Airforce and its Tristars and the smooth efficiency of Brize Norton Airport. I believe the Chief Executive may now share this sentiment as well after his recent experiences. We are very lucky to have this splendid link and long may it continue. I support the Motion.

The Commander British Forces

Your Excellency, Honourable Members. I did promise I would not speak but I feel I must rise both in support of the Motion but also to add my thanks to the work and times of Canon Palmer and Christine. I have only been here for a short time but I've not only received a most open and warm hearted reception when I arrived here from the couple but also I think we should remember what they have actually done, not just to this august body but also in the unflinching support, initiatives, dedication and numerous projects that they have taken to completion in their time in the Islands; not always with total support; I do hope that we can recognise that contribution before they depart.

In responding to some other items and following last year's disappointments over the inclement weather during Farmers' Week I am keen that we do support it as much as we possibly can because I do believe that Camp is fundamental to the future of these Islands. I believe there is sufficient interest and I must add that subject to availability and weather I am prepared to allow MV St Brandon to ship vehicles from the West to the East and return. I must stress that this is offered as a one-off due to the non availability of Tamar, it is not intended to set a precedent as I too consider that this service should be provided from internal resources. Secondly the Saunders Island Survey, I thought it would be appropriate to give a short update on that. After initial setbacks at the beginning of the season and having extended the extent of the Survey a great deal was achieved this season. The only outstanding work to be completed next season is the area around Elephant Point and the entrance to Port Egmont.

Finally, I am most grateful for the recognition of HM Forces around the Islands and the community we serve and also the support we receive from them. Your Excellency, I support the Motion.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. It will be my turn to address this House with my Budget presentation shortly so I will keep my comments brief. I do support your

concern for greater attention to be given to selecting priorities. Executive Council has agreed that Select Committee should prioritise the Capital Programme, hopefully we will be more successful this year in selecting an achievable programme. In response to a comment from Councillor Edwards I should confirm that it is Government Policy for the Chief Medical Officer to use discretion to authorise expenditure for sending a family member to accompany the patients in situations where a definite medical need has been identified.

I also thank Canon Palmer for his prayers and pay tribute to him for accepting our subventions to the Cathedral with so much gratitude. I support the Motion of Thanks Sir.

The Honourable the Chief Executive

Mr President, Honourable Members. Normally when the Governor makes his speech at this Legislative Council, it is rather like Beethoven's 9th Symphony, yours Sir was more like Beethoven's 8th Symphony if I may say so, a master stroke of compression and compaction and précis. However, normally whenever Beethoven's 8th is played other pieces are played as well and we have managed very well to fill the time which you so brilliantly saved for us.

There have been many points raised today which I think I need to answer but I am not going to now because I will use the Adjournment speech on Tuesday in order to do so. I would add my comment of good wishes to Canon Palmer and to Christine and thanks, he is getting many thanks now isn't he for what in many ways has been a thankless task over the time that he has been here. He has many talents but he is leaving the Islands with something maybe that can be said of very few clergymen, I understand he has had a cocktail named after him. With that Sir, I would support the Motion of Thanks.

His Excellency the Governor

You have just stolen my thunder for my farewell speech. The "Angry Canon" cocktail will be the piece de resistance.

If it is in order I would just like to respond very briefly to one or two points. The first is to correct an omission on my part though I did mention it in my broadcast following the Executive Council Meeting yesterday and that is to express regret that John Cheek is not here and I absolutely endorse the view that he is a man who has strong and important views on a number of key questions and I wish he were here but I also rather agree that we do need to get on.

If you do not mind I'd very much like to appropriate that delightful description of my Address as the shortwheel base version, that is particularly nice and I am glad that it

found favour, thank you for your support for that. But it is as at least one Councillor said extremely important to note that the full Report will be published of every Department's activities and I would like to say that although I have singled out Heads of Department who have come and gone, I could of course mention very many more members of the Civil Service by name for their contributions and hard work and so on. In that case the speech would go back up to an hour so I hope they will take it as read that I am grateful and we are as a community grateful to them. Only three other very small points, the first is that I note with interest and pleasure the support that has been expressed for the idea of concluding a long-term Fisheries Agreement because I have been saying repeatedly that I think this in our interest. I know that the British Government hopes that Argentina will be ready to renew progress on that before too much longer because we both have a common interest in such an agreement. Standards in Government offices which Councillor Birmingham mentioned, I take it that when he talked about us all on the same standard, he did not mean that we should all go back down to being in portakabins but in luxurious palaces such as the Chief Executive inhabits. And the last point on the abattoir, I'm sure it will be discussed as are all important projects in the community and in the Islands but I ought just to say that in response to Councillor Goss, if only because I want him to know that I have said it on my broadcast about yesterday's Executive Council meeting, that a decision was taken yesterday in favour of Moody Brook. Unless there's a major rethink, that I think is indeed where it would be, subject to environmental audit and so on.

On that note, thank you for all of your comments and I think we now move on to the next item of business.

CLERK OF COUNCILS

The confirmation of the Record of the meeting of Council held on 23 February 1996.

His Excellency the Governor

Are all Honourable Members content for me to sign the Record?

The Record was duly signed and confirmed.

Clerk of Councils

Papers to be laid on the table by the Honourable the Chief Executive. Copies of Subsidiary Legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Council and laid on the table pursuant to Section 34(1) of the Interpretation and General Clauses Ordinance 1977.

The Post Office (Amendment) Order 1996
The Prohibited Goods Ordinance 1992
Rectification of Clerical Errors Order 1996
The Merchant Shipping Act 1995
The Adoption Limitation of Liability to Maritime Claims Order 1996
The Coins 70th Birthday of Her Majesty the Queen Order 1996
The Coins 50th Anniversary of the End of the Second World War Order 1996
Annual Accounts and Auditors Report in Relation to the Media Trust for the year ended 30 June 1995 and laid on the table pursuant to Section 9(2) of the Media Trust Ordinance 1989

The Honourable the Chief Executive

Mr President, Honourable Members, I beg to lay on the table the papers named by the Clerk.

Clerk of Councils

Questions for Oral Answer.

QUESTION No.28/96 BY THE HONOURABLE J BIRMINGHAM

Mr President, Honourable Members. Can the Honourable Chief Executive inform me if he is aware of the public concern regarding the rat population at the Eliza Cove rubbish tip, and can he advise me as to what measures are being taken to control the number of rats and the progress that is being made concerning the introduction of a more hygienic and environmentally friendly rubbish collection and disposal system for Stanley?

The Honourable the Chief Executive

Mr President, Honourable Members. I am sure that you're all aware that Officers in the Civil Service very often prepare the replies that I give under these circumstances and I have been away and have only just returned. And this particular reply on the face of it looks rather nonsensical after a story that was told, a true story by a Councillor yesterday about the horrors of a rat in her home. However, I will give the reply as drafted and I will comment on the rat problem off the cuff at the end of the official answer. So the reply is thus: I am aware of public concern in relation to the numbers of rats at Eliza Cove Tip but there is no evidence to support this concern. Sightings are indeed made but only of small numbers certainly not of hordes. Measures taken to control rats at the tip are the compaction and covering as soon as possible of all food waste coupled with open incineration of any suitable material. The usual control measures of trapping and poison are used in areas where

sightings are made in Stanley (of which there are not many). But this is not currently done at the Tip, there has been advice sought and willingly given by the military EHO and some further contract and training is planned for PWD personnel who undertake control measures. The introduction of more hygienic and environmentally friendly rubbish collection is progressing. The award of a collection contract using wheely type bins will it is hoped be in the near future and is now subject to certain details and costs being agreed. The situation at the Tip can only be improved once the Tip is properly fenced and general access stopped, this is currently being investigated as are methods for separation of wastes. Now, as far as rat sightings in Stanley are concerned they must be of considerable concern to us and if there is an increase in such sightings then I believe we need to know about them, we need to know quite quickly. I've said in the answer that there isn't much evidence of rats in Stanley but there is certainly a lot of folklore and a lot of people talk about it. The only way I believe in fairness to PWD that we can get a grip on it is for people who do sight a rat to let us know, so we can compile exactly where they are and what they are doing. I have heard it said that if you see a rat it is just about to die but the one clearly in the Councillor's house didn't die in the hole into which it had gone because it was no longer there. Please report rat sightings and if there is a real problem and we get some idea of scale then I am quite certain that we will find an even more effective way of dealing with it.

The Honourable J Birmingham

I thank the Honourable Chief Executive for his answer, I have been told it has become quite a tourist attraction for people to drive down to Eliza Cove just at dusk to see the Tip moving, it is not the rubbish that is moving. The Butchery has this unfortunate habit of taking carcasses down to the Tip and at the moment this apparently means that we are feeding the rats and the cats down there, so perhaps we should carry on dumping edibles down there so they will not move up to Stanley. I wonder if you could tell me whether there is any truth in the yet another rumour that we are bringing down a consultant to look into this, I believe this one has come from a German town called Hamlyn so I have been told.

The Honourable the Chief Executive

Mr President, Honourable Members. I just think we ought to lock up the children while he is here.

The Honourable J Birmingham

Yes, Mr President, Honourable Members. To be serious there is public concern and that is very good advice, anybody that sees any rats to inform I take it that would be the Public Works Department.

The Honourable the Chief Executive

I think in this instance yes.

The Honourable Mrs N Edwards

Can I ask the Chief Executive when the public Works Department are on this rat catching trip, can they take note of whether they are our rats or Argentinean rats. When I lived in Stanley, after the Conflict a number of Argentinean rats had come ashore from the supply ships that used to come in and they were frightening rats. They were as big as small cats and they were brown and white so I would be interested to know whether they have increased in numbers when they start catching rats or indeed if any are here. I know that is not a rumour because I saw one and it was heading from the Co-Op to FIBS at the time but they certainly were about ten years ago and I can't believe that they will not still be about.

The Honourable the Chief Executive

Well Mr President. I think it would be very much in our interest to identify differences between rats of that type, I understand the Argentinean rats have been on a charm offensive recently here but are now having an argument about self-determination with our rats so it would be useful to see how many they have.

His Excellency the Governor

That is enough rats thank you.

QUESTION No.29/96 BY THE HONOURABLE J BIRMINGHAM

Mr President, Honourable Members. I would like to ask the Honourable the Chief Executive how many active committees we have, are there any plans to amalgamate or dissolve any of these committees and has any consideration been given to paying non-Government committee members for attending meetings?

The Honourable the Chief Executive

Mr President, Honourable Members. As usual the Honourable Member has devised a very interesting question and I am particularly intrigued by his use of the word active. I am assuming that he probably means meeting on a regular basis although there may be other connotations. It is also worth noting the words in the question "we have", presumably "we" refers to committees led and sponsored by Government and does not include those on which members of the Civil Service or Councillors are required to sit which are not Governmentally sponsored committees. Thus, the FLH,

the FIDC, the SSL Boards would not be included in the count. indeed there is both a legal and semantic difference between boards and committees so I have excluded such boards from the count. There is also an implication of a degree of permanence in the question so there seems little advantage in counting those ad hoc bodies set up to do a specific task, eg the Working Party on Nature Conservation, such committees arise, do their task and hopefully die. Committees within Government serve many different functions and are called by many different names, some being advisory, some being liaison, some being management. It is my view that the name is less important than the function so I would choose to classify by function. The three functions that I would identify are: Departmental Committees of which I count seven, sub-departmental committees of which I count twenty-one and statutory committees in addition to those two, there may be some statutory committees that are both departmental and sub-departmental and I have counted them in those figures. But additional statutory committees are six, that gives us a total of thirty four committees. Of the thirty four, those that are truly active ie by my definition having something like at least two meetings every three months number around seventeen, that is 50% of the total. This does not mean the others are dormant but merely that they do not need to be convened so regularly. If we add back in all the non-Government sponsored committees, all the working groups, all the boards and the user groups, we can get the total to as high as fifty-two. But it would be quite false to interpret that as a fair figure for active committees.

I now turn to the second part of the question regarding amalgamation. The ongoing report on pay and employment conditions in the Civil Service by Hay will be reviewing a structure of Government in organisation terms. If there are proposals for a reclassification of certain functions, there may well be scope for merger, indeed dissolution of some committees. However, I would rather wait until the Report is available before making detailed comment. We should remember that the widely held view that a committee is a waste of time and largely ineffective is not always substantiated by experience. Among a committee's functions are those of making decisions, of improving communications, of exchanging information, of stimulating involvement and participation, of broadening perspective, of increasing the amount of brain power being focused on particular question, of consultation and of even improving morale. And the success of any committee is dependent upon the Chairman and the members and if meetings are either a waste of time or unnecessary, then we should review urgently the terms and make-up of that particular committee. My personal view is that we should address our committee structure after the Hay Report with a view to reducing the number if possible without sacrificing the effectiveness either of decision making or of information gathering and exchange.

On the matter of possible payment of committee members, at the present time only one category of person is eligible to be paid for attendance at committees, they are as you will be aware Councillors. All other members are either attending as part of

their normal work or in an entirely voluntary capacity, in such cases legitimate expenses are paid. The co-operation between Government and private individuals is a very healthy and in many ways unique feature of the way the Islands are managed. It would be churlish of me when answering this question not to pay tribute to the many citizens who give freely of their own time and indeed to their employers who release them from such duties. It is truly appreciated by Government and I trust that it will long continue.

The Honourable J Birmingham

Mr President, Honourable Members. I find it very difficult to follow that one actually. All I shall say is thank you very much for your reply. I take it that by waiting for the Hay Management Report that was an actual decision taken there, was it? I am sure people will be pleased to hear that. I have nothing else to say as it seems the status of committees is being looked into. Thank you.

QUESTION No.30/96 BY THE HONOURABLE J BIRMINGHAM

Could the Honourable Acting Attorney General inform me of how many offences involving firearms have been committed each year since the introduction of the Firearms and Ammunition Ordinance 1987? And could he advise me whether he considers the laws controlling the acquisition, use and storage of firearms in the Falkland Islands to be adequate?

The Acting Attorney General

Mr President, Honourable Members. The Firearms and Ammunition Ordinance came into force on the 1 January 1988. I am informed that since the introduction of the Ordinance no more than twelve incidents involving firearms have been investigated by the Royal Falkland Islands Police. Criminal proceedings have been brought successfully in one case when an individual was convicted of discharging a firearm in the King Edward VII Memorial Hospital. In relation to other incidents investigated either no action was taken or action was taken by the Chief Police Officer through the exercise of his licensing powers. I believe that the laws currently in force in the Islands provide the framework for reasonable control of the purchase and use of firearms. The main Ordinance establishes a system of licensing, the importation, acquisition, sale and use of both firearms and ammunitions. The system is administered by the Chief Police Officer and I am satisfied from the information that I have that he exercises his licensing powers impartially and with appropriate consideration for the issues. The law relating to firearms is regularly reviewed by the Attorney General and indeed the main Ordinance has been amended on two occasions since its enactment as a result of reviews, firstly in 1993 when the law relating to the discharge of firearms in Stanley and on the Common was tightened and secondly in 1995 when provisions relating to the use of airguns were amended

so as to restrict their use. On balance the incidence of firearms related crime in these Islands since the Firearms and Ammunitions Ordinance came into force seems remarkably low and I am satisfied that the current law is more than adequate for our circumstances.

The Honourable J Birmingham

Mr President, Honourable Members. I thank the Acting Attorney General for his reply and wonder if he could, for the benefit of the public, tell me how many registered firearms there are presently in the Falkland Islands?

The Acting Attorney General

Mr President, Honourable Members. I am afraid I do not have that information available to me at the current time but can supply it to the Honourable Member after this meeting.

The Honourable J Birmingham

Mr President, Honourable Members. I was not trying to catch the Acting Attorney General out there but I think I have the answer to my own question here and I believe it is 1,114 registered firearms and I wonder if he would agree with me that this truly does make us Fortress Falklands.

The Acting Attorney General

Mr President, Honourable Members. I am not sure whether it makes us Fortress Falklands, I would have thought though statistically there are probably more firearms per head of population here than possibly any other part of the world. I am pleased to say as I mentioned in my answer that the incidents of firearms related crime is still remarkably low.

QUESTION No.31/96 BY THE HONOURABLE R J STEVENS

Your Excellency, Honourable Members. There is a growing concern within the farming community that it may be possible to bring diseases inadvertently into the Islands on shearing gear. Can the Chief Executive explain to councillors if there is any procedure such as sterilisation which will cancel out such possibilities, and what do nations like Australia and New Zealand do?

The Honourable the Chief Executive

Mr President, Honourable Members. I hope I can allay the farming community's fears with my answer. The Customs and Agricultural Departments for some time,

that is in excess of ten years had an arrangement for dealing with shearing gear which has been brought into the Islands in an unclean state. The procedure is that contract shearers are identified by Customs from the flight list supplied for immigration purposes, shearing gear is inspected at MPA by Customs and anything that is not clean is confiscated and brought to the Veterinary Surgery for cleaning and disinfecting. The main contractors in the Islands are very much aware of the requirement for equipment to be clean when entering the Islands. Also it is common knowledge with the contract shearers that clean gear is a requirement when working between countries. Most shearers coming to the Falklands these days are regulars, as a consequence there has not been the need to confiscate equipment for some time. Information from New Zealand reveals that shearing equipment may be taken into the country from anywhere in the world; like any other agricultural goods it must be declared on entry, where it is fumigated as a matter of course. No import permits or certification are required, shearing equipment may be transported from Australia to New Zealand and given bio-security clearance after inspection.

The Honourable R J Stevens

Your Excellency, Honourable Members. Thank you very much Chief Executive for that answer and I think it will reassure a number of farmers whose obvious fear is that if a disease came in where we had to reintroduce something like dipping, the financial and work effort of a gang would be so much it would probably destroy the Industry. So that is a thorough answer, thank you.

QUESTION No.32/96 BY THE HONOURABLE R J STEVENS

Your Excellency, Honourable Members. Can the Financial Secretary calculate and explain the total cost to FIG of someone employed from overseas on a Grade 5 salary? Can the answer include every cost from recruitment, allowances, passages, gratuity and housing, and can the answer also be calculated on the average family size?

The Honourable The Financial Secretary

Your Excellency, Honourable Members. The total cost to the Falkland Islands Government for the employment of a Grade 5 officer recruited from overseas, is dependent on a number of factors. The initial question is to establish where the officer is recruited from and the terms of employment acceptable to both parties. Most overseas officers are recruited from the United Kingdom and recently most Grade 5 officers have been engaged on terms which exclude the provision of mid-tour passages and a gratuity. A typical cost therefore of employing a married Grade 5 officer with two children of school age, over a two year contract period is around £23,000 per annum. This includes the average cost of advertising and interview, an appointment grant, the salary and passages at the start and end of the contract.

Housing has been excluded because contract officers are not entitled to a housing benefit and therefore there is no cost involved. Officers are required to pay the going rental for whichever property they are allocated, furnished or unfurnished. Where provided, white goods are charged in addition to the rent. The quoted cost is relevant if the officer was recruited from the United Kingdom, should an officer be recruited from any other country it is likely that extra travel costs would be incurred.

The Honourable R J Stevens

Mr President, Honourable Members. Thank you very much for that answer, I must say it is a lot less than I thought it would be. I have no further questions thank you.

MOTION No.4/96 BY THE HONOURABLE J BIRMINGHAM

It is moved that the Report of the Select Committee of the Legislative Council on the Review of the Constitution of 10 November 1995, as amended by Motion passed on 23 February 1996, be further amended.

1. By the replacement of paragraph 15 with the following paragraph:

"We do not support the proposal set out in paragraphs 4.5 and 4.6 of Mr Wallace's Report, and believe that the number of Elected Members of Executive Council should remain at 3, with at least one Elected Member representing the Camp Constituency and at least one representing Stanley. This is the position under the current Constitution and we believe that it should remain the same.

2. By the replacement of the amended paragraph 17 with the following paragraph:

"We do not endorse Mr Wallace's proposal paragraph 5.3, that the present reference to the number of constituencies should be removed from the Constitution and believe that on the contrary, the present provisions of the Constitution providing for the Camp and Stanley constituencies should remain. We do not agree that the number of Elected Members of the Legislative Council should be increased from eight to eleven, paragraph 5.4, and do not believe that provision to that effect should be made by the Constitution. We propose that the number of Elected Members of the Legislative Council should remain at eight, and the Constitution should provide that five Members shall be returned in respect of the Stanley Constituency and that three Members shall be returned in respect of the Camp Constituency. We support Mr Wallace's proposal, paragraph 5.8, that the Constitution should be amended so as to remove the requirement that a candidate who is otherwise qualified to stand for election, must be registered as a voter in the constituency in which he seeks election. We do not agree that the quorum of the Legislative Council should be raised to seven Members, including the person presiding if a Member of the Council, paragraph 5.9. We propose that the quorum should remain at five Members,

provided that there are present at least two Elected Members representing Camp and two representing Stanley as provided under the present Constitution. The quorum should include the person presiding if that person is a Member of the council. We agree that provision should be made for an Elected Speaker, paragraphs 5.11 and 5.12. It is further moved that the President is requested to forward details of this Motion to Her Majesty's Secretary of State for Foreign and Commonwealth affairs, with a request that a draft Order in Council is now prepared on the basis of the Report of 10 November 1995 as amended.

The Honourable J Birmingham

Mr President, Honourable Members. I would like to ask your permission to lay this Motion on the table today but to postpone debating it until the public session of the Legislative Council reconvenes after Select Committee. My reason for requesting this is because although I have absolute faith and confidence in the ability of the Honourable Acting Attorney General, I know that he would feel happier to have the debate conducted in the presence of the Attorney General, who I am told has requested that the Motion be dealt with in this way. Mr President, Honourable Members I would like to propose that the Motion be laid on the table.

The Honourable E M Goss MBE

I can speak to support the Motion but as I understand it Councillor Birmingham is asking that this be postponed until Tuesday, and I would then rise to second the Motion.

His Excellency the Governor

Thank you. Well we have a proposer and a seconder for the Motion that debate on the Amendment to the Amendment to the Constitutional Amendment, should be postponed until next week to allow for the Attorney General to be present. Again I too would echo that point, that there is absolutely no disrespect intended to the Acting Attorney General. Is there any objection to the proposed procedure? Well if there is no objection, then that Motion is carried and the Motion is on the Table for next week, thank you.

ORDERS OF THE DAY BILLS

The Appropriation Bill 1996

The Honourable the Financial Secretary

Your Excellency, Honourable Members. The purpose of this Bill is to appropriate and authorise the withdrawal of monies from the Consolidated Fund, to supply the

Expenditure Votes contained in the Draft Estimates, for the service of the Financial year beginning on 1 July 1996. The Draft Estimates have been issued to Honourable Members in plenty of time for them to examine the detail, the summaries and the explanatory notes. Additionally two Executive Council Papers on the subject have been issued to all Members. The amount of paper generated seems to increase each year but it appears to be necessary so that all information is at hand when examining the suggested level of activity, to be afforded by Government during the forthcoming year. To supplement this Budget presentation, a Public Information Paper has been prepared and is available for the media and for anyone else who would like a copy. As is customary before dealing with the 1996/97 Budget, I will briefly review the current financial year.

A budget surplus of £2.9M is forecast an improvement of £5.1M from that indicated in the approved estimates, this is after taking into account a proposed transfer of £2M to the Old Age Pensions Equalisation Fund in respect of advance funding of Contribution Credits for the new scheme. The authority for this transfer is sought by Supplementary Appropriation 1995/96 (No.3) Bill 1996. As a result of the increase in surplus it is forecast that the balance of the Consolidated Fund at the 30 June 1996 will reach £79M, this represents around 22 months of total expenditure and is an appropriate point to start the Report on the 1996/97 Budget. Total revenue for 1996/97 is forecast at £41.2M and the proposals for expenditure inserted in the Draft Estimates total £46.7M to produce an estimated deficit of £5.5M. It is proposed that at Select Committee the deficit is reduced to a more acceptable level of £1.7M by a reduction of £3.8M in Capital Expenditure. Please note that £1M of the deficit is due a proposed internal transfer from the Consolidated Fund to the Sinking Fund in respect of a further contribution towards the future costs of constructing a permanent port facility to replace FIPASS. Income from Fisheries is inserted at £20.2M which is £700,000 more than the revised estimate this year and represents 53% of operating revenue. Following recent scientific reports from the Fisheries Department concerning the low escapement levels of Illex squid, this represents an optimistic forecast of revenue which is unlikely to be sustained in the long-term. From the aggregate of budget surpluses of previous years it is expected that the Consolidated Fund will generate investment income of around £6.5M net. Despite declining interest rates this is the second largest source of revenue to the Falkland Islands Government. A point to be borne in mind is that the if the capital base is eroded by deficit budgets it is obvious that its ability to generate revenue will be weakened. Net income from direct taxation is estimated at only £3M but its percentage of total revenue is on the increase, this is mainly attributable to an anticipated increase in corporate tax receipts from the Fisheries sector. This can be regarded as a revenue effect of recent Fisheries Policies which promote greater local involvement particularly in the Loligo squid and fin fish areas. A new revenue source of £700,000 is estimated from sale of Seismic reports, oil licence application fees and acreage rents. This income is of course dependent on the outcome of the first Licensing Round, if the Round proves successful it will be many years before significant

revenues are received and the cost of the administration of oil is recovered. As indicated by the forecast of a deficit budget, all estimated revenues for the year are planned to be consumed. This includes £22.9M for operating expenditures in respect of departmental submissions to enable Government to continue to provide the full range of improved public services we have become accustomed to enjoy. £23.8M has been inserted for Capital Expenditure, due to limited human resources it is unlikely that Government can achieve a capital spend of this magnitude. For example from an approved Capital Budget this year of £17.1M it is anticipated that only £14.7M can be spent. As reported earlier it is proposed that Capital Expenditure be reduced by around £3.8M to £20M, this is still £5.3M more ambitious than this year but it will reduce the estimated deficit to a more acceptable level.

I will now deal with the revenue proposals, there are no proposals to increase any taxes, duties, fees or charges because we are in a fortunate position of having a healthy balance of Reserve funds. On the contrary the following reductions are recommended. Despite an increase in fuel prices and as a result in a substantial increase in sales a recent review of the electricity tariff shows that 12 pence per unit will cover the full economic cost of production at Stanley Power Station. It is proposed therefore that the tariff be reduced from 13.5 pence to 12 pence per unit with effect from 1 July 1996. It is proposed that Income Tax allowances are increased as follows with effect from the 1997 year of assessment, that is in respect of income from the 1 January 1996: Personal allowance from £5,000 to £5,500; wife's earnings relief from £5,000 to £5,500; married man's allowance from £2,250 to £2,450; dependent relative allowance from £1,300 to £1,500; and additional allowance in respect of children from £1,300 to £1,500. It is also proposed that the first band of chargeable income at 20% be increased from £20,000 to £22,000 with effect from the 1997 year of assessment. These measures will have the effect of removing more low income earners from the tax net and will provide a reduction in tax for all tax payers. With anticipated additional income, taxable income, as a result of an increase in earnings and economic activity, an overall net increase in revenue of £100,000 from Income Tax is estimated for 1996/97.

Turning now to the application of revenue, operating expenditure has been inserted in the 1996/97 Estimates at £22.9M and represents a £1.7M or 8% increase over the approved estimates for this year. This includes provision of £360,000 to fund the initial operation of the newly created Oil Department. A detailed analysis of the expenditure is provided in the Public Information Paper. No provision has been inserted in the Estimates for any cost implications which may arise from the comprehensive Employment Conditions Review currently in progress. It is not expected that the Review will be completed until the end of August and therefore it is regarded as premature to attempt to anticipate the financial consequences at this stage. In the event of the outcome of the Review has additional cost implications it is proposed that Supplementary Appropriation be considered. Please note that the following proposed increases in retirement benefits, family allowance benefits are

greater than just the application of the rate of inflation. It is proposed that Old Age Pensions be uprated as follows: non-contributory married pension from £92 to £103 per week; non-contributory single pension from £59 to £66 per week; Contributory married pension from £97 to £103 per week; contributory single pension from £62 to £66 per week. It will be noted that the proposed increase in non-contributory pensions will result in the same rate of benefits as proposed for contributory pensions. A non-contributory pension is not payable until the claimant is 70 years of age compared to 64 years of age for a contributory pension. A non-contributory pension is only payable to persons not entitled to claim a Contributory pension. There are only three single non-contributory pensions in payment, there does not appear to be any sound reason for maintaining a differential in the rates of benefit and it is not anticipated that there will ever be a significant cost as a result of the proposed equalisation. There is no proposal to increase Old Age Pensions Contributions with effect from 1 July 1996, it is expected that the Bill for a new Retirement Pensions Ordinance to replace both existing Old Age Pensions Ordinances will be submitted to Executive Council in time for it to be remitted to the next meeting of Legislative Council which is scheduled to be held in October 1996. It is also expected that the effective date for the new Ordinance to come into force will be 6 January 1997. It is considered appropriate therefore that rates of contribution and pension for the new scheme should be proposed at the same time the Bill is considered by Executive Council. Contributions are paid into and Contributory pensions are paid from the Old Age Pensions Equalisation Fund, non-contributory pensions are a charge on the Consolidated Fund. Public service pensions were increased last with effect from 1 July 1994, it is proposed that they be increased by 5% with effect from 1 July 1996. The increase would cost £14,000 on an existing pension bill of £280,000, provision for the increase has been made in the Estimates. Family Allowances were increased last with effect from 1 July 1995, it is proposed that Family Allowances be increased with effect from 1 January 1997 as follows: The Child Allowance from £43.50 to £46.00 per month; the Single Parent Allowance from £36.00 to £38.00 per month. At existing rates, the cost of family allowances is estimated at £295,000 per annum, provision of £304,000 is included in the Estimates to cover the cost of the increase for half the financial year, the cost of the increase for a full year is estimated at £18,000.

I will now report on Capital Expenditure inserted at £23.8M. Capital expenditure is funded from local revenues with the exception of £2M of EEC STABEX monies. At £5.3M greater than the current financial year the Capital Expenditure submissions for 1996/97 are worthy of further explanation. The provision for road construction, including the purchase of plant amounts to £5.7M, the proposed roads programme includes major repairs and new construction in Stanley, the resurfacing of the MPA Road and the continuation of the main Camp road network and link roads both on the East and West. The continuation of the telecommunications upgrade in Camp is allocated at £500,000, the cost of the upgrade is to be shared equally with Cable and Wireless Plc. Provision for Government housing, public buildings and municipal

services all in Stanley is inserted at £7.5M, this will allow a start on the East Stanley development, major renovations at Government House, modifications to the Town Hall, the construction of an archives building, a start on the construction of a new Police Station and the installation of services at Squid Row to name some of the major items. Major consultancies are estimated at £1.5M, £1M of which is in connection with oil, public relations are allocated £200,000 and £220,000 is inserted for the Employment Conditions Review. Transfer payments are allocated £5.7M, this category of expenditure is where the productive contribution to the economy does not occur in Government but in the hands of the private sector. The major item in this category is for the construction of an abattoir financed from EEC STABEX funds. The second largest item of expenditure is £1M to provide general funding for FIDC, this helps to support the FIDC expenditure budget for 1996/97 of £1.7M and allows a carry forward of £1.5M to 1997/98 to help finance projected operations. A contribution to defence of £140,000 is inserted in this category to enable the construction of married quarters at Mount Pleasant Airport to be continued for the benefit of both civil and military communities. Donations and subventions to such organisations as Falklands Conservation, the UK Falkland Islands Association and direct subsidies to the Media Trust, the Museum and National Trust, Byron Marine and the sheep farming community are allocated under transfer payments. I should report at this stage that Executive Council agreed that the Capital Programme should be referred to the Select Committee for a review of priorities with the aim of containing expenditure within a target of £19M excluding the fund transfer of £1M. It should be noted that no provision has been inserted in the Capital Estimates for any financial implications which may arise from the study currently being undertaken by the Sites and Buildings Working Group.

Your Excellency, I trust that a combination of low taxation and an expenditure budget in excess of £40M to provide enviable public services, major capital investment, generous social and development assistance will appeal to all our residents. I am grateful to Heads of Department for their co-operation in the production of this Budget and to Treasury staff for assisting me in the preparation in the Draft Estimates. I beg to move the first reading of the Bill.

His Excellency the Governor

Any objection to that Motion by the Financial Secretary?

The Bill was read a first time.

The Honourable the Financial Secretary

I beg to move that the Bill be read a second time.

His Excellency the Governor

The Motion is that the Bill be read a second time. Does any Honourable Member wish to speak to the Motion?

The Bill was read a second time.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill and the Draft Estimates be referred to a Select Committee of the House and that I be appointed Chairman.

The Honourable the Financial Secretary

I beg to second the Motion.

His Excellency the Governor

The Motion is that the Bill and the Draft Estimates be referred to a Select Committee of the House and that the Chief Executive be appointed Chairman. Is there any objection to the Motion which has also been seconded?

The Bill was referred to a Select Committee of the House.

Clerk of Councils

The Finance Bill 1996

This Bill is being presented under a Certificate of Urgency.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. The purpose of this Bill is to introduce the Statutory amendments that are necessary to implement recommended Budget Policy for the 1996/97 financial year which I proposed in my budget presentation as follows: An increase in both contributory and non-contributory Old Age Pension benefits; an increase in the Family Allowance benefits; an increase in the first chargeable Income Tax band; and in Income Tax allowances.

I beg to move that the Bill be read a first time.

His Excellency the Governor

The Motion is that the Bill be read a first time. Is there any objection to the Motion?

The Bill was read a first time.

The Honourable the Financial Secretary

I beg to move that the Bill be read a second time.

His Excellency the Governor

The Motion is that the Bill be read a second time. Does any Honourable Member wish to speak to the Motion?

The Bill was read a second time.

The Honourable the Chief Executive

Mr President, Honourable Members. I beg to move that the Bill be referred to the Select Committee on the Estimates.

The Honourable the Financial Secretary

I beg to second the Motion.

His Excellency the Governor

The Motion is that the Bill be referred to the Select Committee on the Estimates. Is there any objection to the Motion?

The Bill was referred to the Select Committee on the Estimates.

The Council was adjourned until 2pm on Tuesday 4 June 1996.

His Excellency the Governor

We shall now resume the session of the Legislative Council that started last Friday and was adjourned then for Select Committee. I would just like to announce that there are no prayers today apparently at the resumption and we will break for tea at 3.30pm for fifteen minutes. I do not know about other Honourable Members here but my own pious hope is that we might be able to conclude our business this afternoon. But that of course remains to be seen.

Clerk of Councils

ORDERS OF THE DAY BILLS

The Appropriation Bill 1996

His Excellency the Governor

Can I invite the Honourable the Financial Secretary to report on the proceedings of the Select Committee on the Estimates and the Appropriation Bill.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. This Report covers both the Appropriation Bill 1996 and the Finance Bill 1996, referred to the Select Committee on the Estimates last Friday. The Committee occupied three full days on Saturday, Sunday and Monday in examining the Draft Estimates of Revenue and Expenditure for the forthcoming financial year. All Heads of Department, and where appropriate Section Heads, attended the meeting to justify their budgets and answer questions put by Members of the Committee. Officers were given the opportunity to address the Committee on financial matters affecting their departments. In the adjustment to the Draft Estimates it was necessary to make changes to this year's figure and an improvement of £2.1M was made to the surplus, £2M of which is in respect of a further increase in Fisheries income. The surplus for this financial year is now revised at £5M. In summary the 1996/97 Estimates for total revenue was increased by £200,000 and the estimate for total expenditure was reduced by £200,000 to reduce the estimated deficit of £5.5M to £5.1M. It will be noted that the revised surplus for this year will almost cover the estimated deficit for next year. The Committee agreed that this financial position was acceptable. The Committee achieved a modest reduction in the deficit despite inserting extra provision under most Heads of Service. The most significant increase in operating expenditure occurs under Fisheries where additional funds of £900,000 were inserted for the provision of two patrol vessels all the year round. This extra resource will strengthen our protection capability for the benefit of the Industry which brings the bulk of revenue to the Islands. It is anticipated that this increased cost will be partly off-set by a sub-charter arrangement with the Government of South Georgia and the South Sandwich Islands. Another significant increase in operating expenditure occurs under Agriculture where additional provision of £150,000 was inserted to widen the research and development capability of the Department for the long-term benefit of this most important Industry and unique way of life in the Falkland Islands. Additional provision of around £230,000 in total was inserted under all Heads of Service where appropriate to allow an interim increase to be made to Civil Service salaries with effect from 1 July 1996 and to permit automatic awards to continue to

be paid to the hourly paid workers of Government. The Committee supported the commitment to implement the recommendations of the Employment Conditions Review with effect from 1 July 1996 and agreed that in the event of the outcome of the Review has additional cost implications, Supplementary Appropriation should be considered. The most significant decrease was made under Capital Expenditure, this amounted to £1.7M, £2M less than the £3.7M reduction that I proposed. I should report that provision for a start on a new Police Station was removed as priorities for all Government buildings are under review by the Sites and Buildings Working Group. Once the Review is complete it was agreed that Supplementary Appropriation should be considered in conjunction with the recommendations of the Group. The end result is a Budget which is attainable in revenue terms and hopefully achievable in terms of planned expenditure, the highest on record at £46.5M. A Report of the adjustments made at Select Committee was presented to Executive Council earlier this afternoon. As required under the provisions of the Constitution I can now report that Executive Council recommends to Legislative Council the amendments to the Appropriation Bill necessary to accommodate the increase in the charge on the Consolidated Fund which result from the adjustments made at Select Committee. The amendments will be made to the Bill at the Committee stage. The proposed decrease in the electricity tariff was approved, the proposed increase in Public Service Pensions was approved, the proposed increases in old Age Pension benefits both contributory and non-contributory, in Family Allowances and in Income Tax Allowances and in the first chargeable Income Band, as provided under the Finance Bill were all approved. The Select Committee supported a recommendation from the Education Board to introduce a family ticket priced at £3.00 for admittance to the swimming pool with immediate effect. This will reduce the cost to families larger than one adult plus one child for the use of the facility. The Select Committee also supported the Education Board recommendation for a modest increase of 5% to boarding fees at the School Hostel and tuition fees for non-resident families with effect from 1 January 1997. Executive Council approved those recommendations today. The perception in some quarters, that the amount of our Reserve Funds causes embarrassment, raised its ugly head again at the Select Committee. I am amazed that there is support for this view and do not accept it, having experienced the days of insufficient public funds to meet the demands of a modern society I can confirm that I am able to suffer the embarrassment gladly. I would like to thank all Officers and Honourable Members who took part in the Select Committee proceedings over what was a long weekend. In particular many thanks to Maria Strange for taking the minutes and to Mike Luxton and Richard Wagner for keeping an accurate record of the adjustments. With the help of his hammer and a bell, the Chairman was able to keep control most of the time. The Estimates are the result of a lot of hard work, started by Heads of Department and their staff and completed by Treasury staff, in other words a team effort. Your Excellency that concludes my Report on the Select Committee proceedings on the 1996/97 Draft Estimates.

The Honourable Mrs S Halford

Mr President, Honourable Members. I would like to move that the Report be accepted.

The Honourable R J Stevens

Mr President, Honourable Members. I would like to second the Motion.

His Excellency the Governor

Would Honourable Members care to open debate?

The Honourable E M Goss MBE

Can I stand and congratulate the Financial Secretary, not only on his presentation of the adjustments this afternoon, but of his control and behaviour over the weekend and he is to be congratulated for the good work, not only what he has mentioned that has happened over the last few days but from his staff and all Heads of Department over the last month or two. I support the Motion.

His Excellency the Governor

Thank you very much Councillor Goss for those kind words which I am sure are much appreciated.

The Honourable Mrs S Halford

Mr President, Honourable Members. I too would like to thank the Financial Secretary for all the hard work, I would also like to thank all the people within his Department who not only had to do a lot of work before the Select Committee but once we finished I am sure they had to do quite a lot more then. And with all that work it certainly makes our job a lot easier over the three days we spent. Reflecting upon the Budget Session I actually wondered if it could not be likened to a combination of card game, good gardening and on occasions a charity because in some instances we seem to be shuffling money around within departments, in others we did some pruning and with some I believe we were very generous. I was very pleased with the level of support the Agricultural Department received and hope now with the additional posts that they have they will be able to fulfil their objectives. Overall I believe it was a very generous budget and what we mustn't forget is that without the fishing we wouldn't be able to have this.

The Honourable Mrs N Edwards

Yes Sir, I would just like to endorse what my colleagues have said. Thank you to the Treasury in particular for all their hard work and a good budget. I know we have got a deficit this year for a change but considering our surplus last year was £5M, hopefully we will have even if it is a smaller surplus this year, it'll offset the deficit that we started off with. Thank you.

The Honourable W R Luxton

Mr President, Honourable Members. I would like to add my thanks to the Treasury and for their very efficient performance over the weekend, a lot of it of course was due to the dreaded computer although some of my colleagues might not agree with that. We had a fairly long session with the occasional moments of light relief but it was mostly conducted in good humour. I have a few comments to make which I'll save for the Motion for Adjournment.

The Honourable J Birmingham

Mr President, Honourable Members. I too would like to rise to thank the Financial Secretary and his staff for the exciting weekend which I thought reached just about the "peak" on Sunday. I have got a copy of the 1896 budget here and the budget amounted to £2,297 16s and 7p. I think we have come a long way since then.

The Honourable Mrs C W Teggart

Mr President, Honourable Members. I would just like to add my congratulations to the Treasury staff led ably by the Financial Secretary who did not really give us a lot of pruning to do, I think that most of the more interesting bits had probably been cut out long before they reached us. We have had a fairly busy few days, I do hope that it will result in the lower paid families in the Falklands being slightly better off. My thanks as well.

The Honourable R J Stevens

Mr President, Honourable Members. I have not got very much to say, I would also like to thank the Treasury but also the Heads of Department and everybody else that must have had some kind of input, and the commitment that everybody had during the weekend. Councillor Teggart mentioned the lower paid workers and one thing that I have noticed is the thresholds with taxes go up and more people do not have to pay tax, it doesn't help the lower paid people any more and perhaps we should consider this in the next Budget or in years to come. Thank you.

The Honourable the Chief Executive

Mr President, Honourable Members. I would like as Chairman of the Select Committee to give my thanks not only to the Treasury and to Mrs Strange and to all the others that worked but also to the Councillors for their really most excellent behaviour over the three days. Thank you Councillors.

On the one hand the Treasury had done all the detailed work, on the other hand because of that we had a sort of Session which I felt was a fruitful skim across the surface with an occasional selected diving into certain areas. Councillors I know found the discussions with the Heads of Department very useful but possibly we can find an even more useful format next year. We had long sessions of serious discussion, we had the odd laugh and my learned colleague on my left entertained us I think vigorously during his session. We are very fortunate here and I think this is worth emphasising that we are not in the backs to the wall situation on public funding that most nations are. We are extremely fortunate on that, this is a very generous Budget and we are positioned in the situation where we can afford that. Generally the Departmental Heads are getting what they've asked for and I can't think of any other country in the world where that is likely to be the case. But our aim is not just to spend money, our aim is to get value for that money and I would select two departments who have been very well treated in this Budget in particular. One is of course the Public Works Department, this is our largest department by many measures and it is one in which a great deal of change is currently taking place. It has suffered a great deal of criticism in the past and indeed it is an easy target for such criticism. Much of the criticism is ill-founded, PWD in the main is staffed by dedicated and hard working public servants, nevertheless I am sure they would agree with me that everyone is capable of improvement. Every organisation can be improved in its performance and I trust that in the coming year the Public Works Department will be organised better and will be more efficient and productive. And I hope that we have been able to provide the funding and the direction to the Director of Public Works to enable him to do that. The other department which has probably been even more favourably treated in this Budget is the Agriculture Department, the term research and development was used in relation to agriculture, I would place a heavy emphasis on the word development, because research without development is in the main wasted money. For over a century now in the Falkland Islands a breakthrough has been sought in such matters as the management of cattle, the growing of trees, the search for a nitrogen fixing clover that is capable of multiplying through the Camp. These things are issues which we will be tackling with this additional funding in the coming year and I hope that by this kind of enlightened and forward looking approach with which I am delighted, we will be able to achieve something for Camp as a whole, so that Camp becomes a place where people can live profitably and live with a long-term future. We will make sure within the Agriculture Department that delivery of results from the research are paramount.

There is also one other point I would like to raise, most Councillors will know that I'm particularly keen on bringing into Government a more commercial form of accounting which may be called accrual accounting or resource accounting. And this I believe will bring us better control, it is not just myself that believes this, there are many others who do and I note with some pleasure that the British Government is in fact moving towards this within the UK Civil Service. Now we do not have to follow them slavishly, far from it, on many things they can be wrong but I believe in bringing a more sophisticated and up to date form of accounting into that Civil Service and indeed eventually into this. It will be in the interests of good management and in the interests of clarifying responsibility with Departmental Heads. It will not be something that will happen overnight, the move towards it will be thoughtful and well managed but we will be beginning the pathway and beginning discussions on that in the year ahead. This then is, I would suggest a Budget for everyone, there are tax reductions in the allowances, there is the maintenance of a very high level and indeed an increased level of public expenditure, there is plenty of scope for further savings and for good management within the bounds of that expenditure. Last year I was foolish enough to say we would strive this year for a surplus even though we in fact were budgeting for a planned deficit overall of £1.1M because I'm adding the fund transfers back to the actual surplus deficit. So last year we were looking, (that is this current year which is ending) at £1.1M negative. We're actually going to be ending up, we are told today, with something like £8M positive and that is because I am adding back the fund transfers of £3M to the £5M which the Financial Secretary has just reported. That is in effect a £9.1M improvement on what we thought would happen this time last year or indeed what we budgeted for. That actually might be regarded as terrific news but it is bad budgeting because it shows a degree of lack of control in a budget of only forty something million, to be £9.1M out is really not something to be all that proud of. Nevertheless we're looking at a planned deficit for the coming year which I think will be more difficult to turn into a significant surplus because I hope we are getting more efficient at actually not only undertaking what we want to do but doing it and doing it efficiently. So the message I think coming from this Budget is that it is a Budget of generosity, it is a Budget for the future, it is a Budget from which we must deliver improved management and improved Government in these Islands. Not just for those who are here today, not just for those who have the loudest voices but for everybody in these Islands.

His Excellency the Governor

I declare the Council to be in Committee.

Clerk of Councils

Clauses 1 and 2.

The Honourable the Financial Secretary

I beg to move that Clause 1 stands part of the Bill but that consideration for Clause 2 be left until after the Schedule has been considered.

In the Committee stage Clause 1 was adopted as part of the Bill.

The Honourable the Financial Secretary

I beg to move that the Schedule stands part of the Bill with the following amendments:

- 100. Aviation: Substitute £1,850,620 for £1,831,780
- 150. Posts & Telecommunications: Substitute £328,710 for £324,330
- 200. Health and Social Services: Substitute £2,833,890 for £2,775,140
- 250. Education & Training: Substitute £2,280,870 for £2,205,100
- 300. Customs & Immigration: Substitute £156,380 for £155,650
- 320. Fisheries: Substitute £5,140,810 for £4,250,020
- 350. Public Works Department: Substitute £5,560,750 for £5,405,220
- 390. Fox Bay Village: Substitute £74,140 for £73,870
- 400. Agriculture: Substitute £668,530 for £516,550
- 450. Justice: Substitute £548,610 for £526,100
- 500. FIDF: Substitute £222,680 for £221,400
- 551. Police & Prisons: Substitute £468,800 for £457,860
- 552. Fire & Rescue Service: Substitute £183,820 for £191,340
- 600. Central Administration: Substitute £2,621,260 for £2,603,050
- 620. Oil Department: Substitute £361,880 for £359,170
- 650. Pensions & Gratuities remains the same

750. The Governor: Substitute £132,750 for £131,820

800. Legislature: Substitute £243,720 for £235,300

850. FIGO, London: Substitute £325,390 for £320,670

Total Operating Budget: Substitute £24,363,940 for £22,909,710

Under part two Capital Budget 950 Expenditure: Substitute £22,129,400 for £23,780,639

Total Expenditure: Substitute £46,493,340 for £46,690,349

His Excellency the Governor

The Motion is that the Schedule as amended and Honourable Members will be relieved to hear that I do not propose to repeat what the Financial Secretary is just said, stands part of the bill, any objection?

The Schedule as amended was adopted as part of the Bill.

The Honourable the Financial Secretary

I beg to move that Clause 2 stands part of the Bill with the following amendment:

Delete the words and figures £46,690,349 and insert £46,493,340.

His Excellency the Governor

Honourable Members. The Motion is that Clause 2 as amended stands part of the Bill, is there any objection?

Clause 2 as amended was adopted as part of the Bill. Council resumed.

The Honourable the Financial Secretary

I beg to move that the Bill be read a third time and do pass.

The Bill was then read a third time and passed.

Clerk of Councils

The Finance Bill 1996

His Excellency the Governor

Would the Financial Secretary care to report on the proceedings of the Select Committee on the Finance Bill?

The Honourable the Financial Secretary

Your Excellency, Honourable Members. I covered the Report on the proceedings of the Select Committee on this Bill when I reported on the Appropriation Bill and the draft Estimates. It is confirmed that the Select Committee approved the provisions of the Finance Bill which in summary provides for increases in Old Age Pension and Family Allowance benefits, and for an increase in the first chargeable Income Tax Band and in Income Tax Allowances.

The Honourable Mrs S Halford

Mr President, Honourable Members. I move that the Report be accepted.

The Honourable R J Stevens

Mr President, Honourable Members. I would like to second the Motion.

In the Committee stage Clauses 1 and 2 and Schedule 1 were adopted as part of the Bill.

The Honourable the Financial Secretary

I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Supplementary Appropriation 1995/96 (No.3) Bill 1996

This is being presented under a Certificate of Urgency.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. The purpose of this Bill is to appropriate and authorise the withdrawal from the Consolidated Fund of additional sums totalling £2.136.250 for the current financial year. Clause 2A of the Bill provides for supplementary expenditure amounting in total to £84.850 approved by the Standing Finance Committee and authorised in the first instance to be advanced out of the Contingencies Fund. This appropriation will restore the balance of the Contingencies Fund to £500,000. Clause 2B of the Bill provides for less urgent supplementary expenditure amounting in total to £2,051,400, £2M of this is for a transfer to the Old Age Pensions Equalisation Fund in respect of advance funding of contribution credits for the new scheme. I proposed this transfer in my Budget Presentation as an allocation of part of the improved surplus for this year. £51,400 was approved by Standing Finance Committee on Friday last which includes a provision of £8,400 to pay KTV Ltd for one year's subscription to ESPN, a satellite TV sports channel. I beg to move the first reading of the Bill.

The Bill was read a first time.

The Honourable the Financial Secretary

I beg to move that the Bill be read a second time.

The Bill was read a second time.

In the Committee stage Clauses 1 and 2 and Schedules 1 and 2 were adopted as part of the Bill. Council resumed.

The Honourable the Financial Secretary

I beg to move that the Bill be read a third a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Family Allowances (Amendment) Bill 1996

The Honourable the Chief Executive

Mr President, the Family Allowances Bill 1996. I beg to move the second reading of the Bill.

The Attorney General

Your Excellency, Honourable Members. This Bill is a Bill intended to rectify a situation which arises by virtue of the Amendment of the Family Allowances Ordinance by the Finance Ordinance of last year. Section 3 sub-section 4 of the Family Allowances Ordinance as amended provides that Family Allowance shall not be payable in respect of any child who has not been ordinarily resident in the Falkland Islands for the preceding six months. Given its literal meaning that has the effect so far as I am concerned as the draftsman of the amendment last year I did not intend that, no allowance can ever be payable in respect of a baby of less than six months of age. The provision also has the effect that however long a child is resident in the Falkland Islands, no allowance will ever be payable in respect of the first six months of its residence. To remedy that situation, this Bill if enacted would make provision for deemed ordinary residence of new born babies which would overcome the first of the problems I have mentioned. In relation to the second of those problems it would have the effect that once the child had been ordinarily resident in the Falkland Islands for six months, Family Allowance would then be paid in respect of the first six months of its residence. Family Allowance would continue not to be paid in respect of children visiting the Falkland Islands for a period of less than six months, that is children temporarily resident for less than six months. The new section 3 sub-section 7 is intended to disqualify from payment of allowance under the Ordinance certain persons resident at MPA. In respect of those persons who are primarily servicemen who have their families living with them, it is believed that under the English legislation or rather the United Kingdom legislation, similar allowances are payable under the relevant Social Security Legislation of the United Kingdom. I am bound to add that my understanding is no Falkland Islands allowance had ever been claimed by any such persons until very recently when a family of a contractor claimed a Falkland Islands Family Allowance in respect of a child there, the provision is therefore, if it wasn't necessary before it is necessary now if it is desired to exclude eligibility from Family Allowance for persons who are not liable to Falkland Islands Tax. I believe that Honourable Members would wish that Clause 7 of the Bill should be amended in the Committee stage to provide that the Ordinance which it would become if enacted, shall be deemed to have come into force on 1 July 1995, that is instead 1 July 1996. The reason for doing that would be so that the persons who have been disqualified, by reason of the present provisions, from claiming Family Allowance in respect of children who have been resident now for more than six months may claim back to the date of arrival. Otherwise they will lose that six months Family Allowance forever and would be the reason for amending the commencement date of the Bill. That is a matter for Honourable Members at the Committee stage but I have been given to understand that Honourable Members may wish that to happen.

His Excellency the Governor

Thank you Mr Lang. Would any Honourable Members wish to debate this Bill?

The Honourable Mrs S Halford

Mr President, Honourable Members. The Attorney General was quite correct, we were wanting a change but it is my understanding that Executive Council actually agreed the date to be 1 January 1996 not 1 July 1995.

The Honourable J Birmingham

Mr President, Honourable Members. I personally do not have a problem with going back to 1995.

His Excellency the Governor

I declare the Council to be in Committee.

Clerk of Councils

Clauses 1 and 2.

The Attorney General

Your Excellency, Honourable Members. I invite Honourable Members to move and approve, I cannot move I am not a Member of this House, the following amendments to the Bill which are matters of detail:

In Clause 1 to amend the commencement date to 1 January 1996 because that is the effective date, I have been informed that Honourable Members wish it to be made into 1 July 1995 but in effect it came into force on 1 January 1996. And in Clause 2, to correct a couple of typographical errors. First in sub-clause 6, the first word in the second line should read "not" instead of "no" and that should be corrected to "not". And in sub-clause 7 of Clause 2 the second line, the words "by relation to" should be inserted after the words "other than". They have unfortunately dropped out and to make complete sense, the words "by relation to" should come in.

His Excellency the Governor

Attorney General, I am confused because the text I have of this Bill does not reflect the comments you have just made. In sub paragraph 6 of Clause 2, it is already in

my text "not" payable. And in sub-section 7 line 2 there's "no", I think we may be working from different texts.

Attorney General

Yes that does require "other than by relation to". I see that the typo has been corrected in your version, I have been handed an earlier version. In sub-clause 7 the words "by relation to" should come in and the reason for that is of course because for so long as a person is by reason of a provision of any law of the Falkland Islands, other than the amount of his income, sense requires other than "by relation to" the amount of his income.

The Honourable Mrs N Edwards

I move that the Amendments become part of the Bill.

The Honourable Mrs C W Teggart

I second the Motion that the Amendments become part of the Bill.

His Excellency the Governor

The Motion is that the aforementioned Amendments stand part of the Bill. Is there any objection to the Motion?

The Amendments were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Taxes Pension and Schemes Bill 1996

The Honourable the Financial Secretary

Your Excellency, Honourable Members. The Taxes Ordinance 1994 introduced major changes to the Tax treatment of pension contributions. Broadly the limits for contributions were increased but at the same time the conditions of approval of such schemes were tightened. However, following representations from interested parties it has been decided to considerably relax the conditions applying to personal

pension schemes. Formerly Section 74-78 set out detailed provisions to apply if contributions to a personal pension scheme were to be tax deductible. Not more than a quarter of the fund could be paid as a lump sum, Section 76, the balance being used to provide an annuity. The annuity must commence between the ages of 50 and 75. Following the death of a tax payer, detailed provisions allowed for a specified sum to be paid or for an annuity to be paid to a surviving spouse or dependent. All these detailed provisions are now swept away with sections 74, 1-3 and Sections 75-78 ceasing to have effect. It will be only necessary for approved personal pension arrangements to potentially provide for an annuity. In order to obtain tax relief for contributions under the new proposals, the scheme will have to make provision for an annuity or lump sum but will be able to be quite free as to when the benefits under the scheme are to be paid. The lump sum might even be paid before that date. In addition some changes have been made to the contributions that can be paid in a tax deductible manner to such schemes. Previously the tax payer himself could pay 35% of his relevant earnings to an approved personal pension scheme. In addition his employer if he had an employer, could pay further amounts into such a scheme for the employee's benefit as long as the combined employer/employee contribution did not exceed 50%. Given the relaxations in the definition of approved personal pension arrangements, the limit on deductible contributions in any year has been reduced to the lower of £10,000 or 20% of relevant earnings. This limit covers both the tax payer and his employer if he has one. The intention of these changes is to encourage investment in long-term savings and pension schemes. Although the conditions are now fairly loose it is hoped that the tax incentive will further encourage tax payers to make provision for their retirement. For the sake of simplicity these provisions are to take effect from the Income Tax years of assessment beginning on or after 1 January 1995, that is in respect of 1994 income. However, the lower rates of contributions are applicable from 1 January 1996. Your Excellency, I beg to move the second reading of the Bill.

The Bill was read a second time.

In the Committee stage Clauses 1 to 3 were adopted as part of the Bill. Council resumed.

The Honourable the Financial Secretary

I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Employers' Liability Compulsory Insurance Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of the Bill.

The Attorney General

This Bill is a Bill which if enacted would require employers to insure against their liability to employees in the event of injuries or death being caused to their employees during the course of their employment and as a result of the negligence of the employer or a fellow employee. It might be said to be interfering with the freedom of persons who are employers to do nothing and to impose a requirement which may be an irritant. However, the object of the Bill is to ensure that in the unhappy event of an employee being seriously injured or worse, suffering death in the course of employment, and as a result of the employers' negligence, that sufficient funds are available to meet the amount awarded by way of damages. In the absence of insurance many employers will be hard put indeed to pay awards which may be made for serious injuries. As a result the employers' business may go into bankruptcy or liquidation if the award of damage is to be enforced, or is sought to be enforced, and the employee in any event will not get the just amount awarded by the court for the injuries he has suffered. And the answer to the problem, and which has been adopted elsewhere, is to require the employer to effect insurance. The cost of effect of insurance will of course count as an expense of the business for tax purposes. It is a piece of legislation which I believe is socially and humanly just and I commend it to Honourable Members for their favourable consideration.

His Excellency the Governor

The Motion is that the Bill be read a second time. Is there any objection to the Motion? Would any Honourable Members wish to chime in?

The Honourable W R Luxton

Your Excellency I would just like to ask the Attorney General one question on this Bill, and that is how it affects a self-employed person.

The Attorney General

A self-employed person will not be employing anybody who will be regarded as not being an employee and will not be affected by the Bill. If he employs anybody of course then as well as being self-employed by his business and that he has somebody else employed then he will have to effect insurance in respect of his employee, but not in respect of himself.

The Bill was read a second time.

In the Committee stage Clauses 1 and 2 were adopted as part of the Bill.

The Attorney General

Your Excellency, I invite the Chief Executive to request the House to agree to the amendment of paragraph 3 of the Schedule, it is sub-paragraph A by the insertion of the word "the" at the beginning of the expression "Secretary of State" and the deletion of the word "the" in the expression "the Governor". And in sub-paragraph B of paragraph 3 of the Schedule by deleting the "s" at the end of "any such Statutory Instruments" in the second line of that paragraph.

The Honourable the Chief Executive

After considerable thought Sir, I so move.

The Schedule was adopted as part of the Bill. Council resumed.

The Attorney General

Your Excellency, if I may invite the House to insert an apostrophe after "Employers" in the long title.

His Excellency the Governor

Would the Chief Executive care to move that Amendment, I apologise for overlooking the Attorney General a moment ago.

The Honourable the Chief Executive

Mr President, I gladly move that Amendment.

His Excellency the Governor

If there's no objection that amendment is duly approved.

The Honourable the Chief Executive

And I Sir, beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Marriage Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of this Bill.

Attorney General

Your Excellency, I will be as brief as may be, this is most important, it is part of the Law Revision Programme. It would replace the Marriage Ordinance as at present existing, it would make a number of changes introducing an extraordinary licence by the Registrar General in certain cases of urgency and to avoid you Sir being troubled, and the applicants being troubled to an application for a special licence. It would correct some errors in the existing Ordinance and it would repatriate or patriate, whichever expression you like to use, certain provisions which are most important in relation to marriage which do not at present appear in the law of the Falkland Islands itself, but appear in the provisions of the Marriage 1949, which is at present applied as amended by the existing Marriage Ordinance. In particular the provisions in relation to kindred and affinity and the prohibited degrees of relationship. It is intended therefore to be self contained piece of legislation in relation to the solemnisation or celebration of marriage which the present Ordinance is not, because the present Ordinance limps on the crutch of the Marriage Act 1949.

The Honourable J Birmingham

Mr President, Honourable Members. On the last page which would be part three, degrees of affinity, do I take it that what this means is that I wouldn't be able to marry my Mother-in-law?

The Attorney General

I believe the Honourable Member is at present married.

The Honourable J Birmingham

Mr President, Honourable Members. Yes as usual the Attorney General is correct in what he says. Now I get on very well with my mother-in-law perhaps the 8,000 miles is something to do with that, I do not know. Let us say for instance, heaven forbid it doesn't, but if something happened to my wife, could I ask again, would this stop me from marrying my mother-in-law if she was a widow or divorced?

The Attorney General

The Honourable Member could if he was so minded look at the provisions of Clause 5.4 and 5.5 of the Ordinance. Read together with part three of the Schedule and he will find that there is provision in relation to marrying the Mother of a former wife at the stage at which your present wife is deceased or ceased to be your wife. I believe the lady in question her Mother would no longer be your mother-in-law. The situation which is this, that if you look at 5.5 the Ordinance would permit you to marry that lady subject to the conditions set out in Clause 5.5 of the Bill. If you were to wish to take that extraordinary course.

The Honourable J Birmingham

Mr President, Honourable Members. I know I never get there but I do like to keep trying, I would like to thank the Attorney General for his answer to that question.

The Honourable Mrs N Edwards

Yes, there is just one thing that I am not certain about. It is under 6 the beginning of the Bill. Valid marriages, sub-section 1 and 2, it says somewhere something about it has to be in the right building.

The Attorney General

Your Excellency, Honourable Members. The reasons for Clause 3.6 of the Bill are that unfortunately I believe that there may be some reason to question, I say deliberately and slowly there may be some reason to question the validity, because of the lack of compliance with the revisions of the existing Ordinance, of some marriages which have taken place. I believe that it is necessary therefore to include provisions in this Bill which if there are such marriages, and if it is right to question their validity, will put the validity of those marriages beyond doubt as I am sure the parties to those marriages will wish. I do not know, and I would not identify if I did know, any of the marriages which might be questioned but I am advised that there are reasons to suppose that certain marriages might possibly technically be questioned because of failure to comply with the provisions of the existing Ordinance and Section 3.6 or Clause 3.6 would rectify that.

The Honourable Mrs N Edwards

Well as I read it, it says that a marriage solemnised in the Falkland Islands before the commencement of this Ordinance would otherwise have been valid.

The Attorney General

Would otherwise have been valid shall not be questioned because a, b or c.

The Honourable Mrs N Edwards

So people who have for instance been married at a penguin rookery which has happened, that is still a valid marriage if we pass this law?

The Attorney General

Yes, that is one of the situations, the existing Ordinance seems to provide at least that a marriage by Registrar should have taken place in the past and this was before an amendment to the existing Ordinance in the Office of the Registrar. Now, certain marriages may have been performed by a registrar other than in the Registrar's Office, therefore a technicality arises in relation of such a marriage was such a marriage valid when the Ordinance said that such a marriage should have taken place in the Registrar's Office. I'm trying to cut through all of that and say right here we are, here are the possible situations which arise. Let there be no question those marriages once this Bill is enacted will be valid and they shouldn't be thought to be invalid on a pure technicality.

The Honourable Mrs N Edwards

Thank you.

His Excellency the Governor

Well may I take the liberty of just making two points here. One is for the sake of clarification then, this would for the sake of doubt and to reassure people who may be listening to this debate on the radio, they need not fear because they may have been married in an unusual setting, that will not necessarily invalidate their marriage.

The Attorney General

That is quite right Sir, that's what the Bill would do and it affects of course the rights of children, it affects the rights of inheritance if the situation were otherwise. It puts right that provision, mistakes which may have been made, made years ago and I can't identify and would not identify, I think it would be quite wrong for me to identify any of the individual marriages which may be involved. Those technicalities would be swept away and there would be no question which could possibly be raised as to the mistakes which were made in the past, years ago.

His Excellency the Governor

Well I am sure that will be a great reassurance to some people, the second point or question I would like to ask is I recently signed I think a licence for a marriage in an unusual place, to wit at the top of Mount Kent. Can you also assure me that there are provisions to wit me signing licences which legitimise marriages solemnised in such locations.

The Attorney General

Marriages in such locations, if under a Special Licence granted by you, Sir, or by your predecessors, have always been valid beyond question.

The Bill was then read a second time.

His Excellency the Governor

I declare the Council to be in Committee.

Clerk of Councils

Clauses 1 to 31.

The Honourable the Chief Executive

I beg to move that Clauses 1 to 31 stand part of the Bill.

His Excellency the Governor

The Motion is that Clauses 1 to 31 stand part of the Bill. Any objection to the Motion?

The Attorney General

Your Excellency, before the Honourable Members consider this Motion I would like to ask them or invite the Chief Executive to ask them or to move amendments in accordance with the text which has been circulated among Honourable Members. There is a revised text showing all of those amendments and to agree extraordinary because there's no change in the effect or purport of the Bill, these are merely corrective amendments to avoid having to go through each and every one of them in boring detail. They do not affect the purport and effect of the Bill, they correct mistakes that were made in the drafting process and for which I am responsible.

The Honourable the Chief Executive

Mr President, I beg to move that we accept the revised amendments as contained in the circulated text.

In the Committee stage Clauses 1 to 31 with the revised amendments and Schedules parts 1, 2 and 3 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Contempt of Court Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of this Bill.

His Excellency the Governor

The Motion is that the Bill be read a second time. Any objection to the Motion?

The Attorney General

Your Excellency, Honourable Members. Unless and to the extent that it is contrary to statute law locally made or statute law of the United Kingdom, in either case applying to the Falkland Islands, the common law of England applies here. The present law as to Contempt of Court in the Falkland Islands is the English Common Law. That law has been found to be contrary to human rights and the situation was rectified in England by the Contempt of Court Act 1981. Those provisions of human rights in respect of which the common law is defective are reflected in our Constitution. It is therefore the situation that the present law of the Falkland Islands in relation to Contempt of Court is unconstitutional. It is clearly necessary in the course of the law revision programme to put that right and I have therefore drafted the Contempt of Court Bill 1996 which would adopt, subject to the amendments, set out in the Bill, the provisions of the Contempt of Court Act 1981 of England which was itself enacted to correct the defects in human rights of the Common Law of contempt of court. There are modifications of course required in the Contempt of Court Act 1981 to fit the circumstances of the Falkland Islands and those

modifications are set out in the Schedule to the Bill. Honourable Members may be content that the Bill if enacted would eradicate the present unconstitutional situation in relation to law of Contempt of Court and would liberalise to some extent the present situation and make sensible and proper provision.

The Bill was read a second time.

In the Committee stage Clauses 1 and 2 and the Schedule were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Evidence (Amendment) Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of this Bill.

His Excellency the Governor

The Motion is that the Bill be read a second time. Any objection?

The Attorney General

Your Excellency, Honourable Members. The purpose of this Bill is to clear up any question of doubt as to whether sections 9 and 10 of the Criminal Justice Act 1967 apply as part of the law of the Falkland Islands, there is at present doubt. Those sections of the Criminal Justice Act 1967 allow provision for written evidence by a witness to be admitted to the same extent as oral evidence by the same witness would be admissible in court. Subject to important rights of the party affected by that, which will be the defendant to the prosecution. He will have a right to require that the evidence should be given orally and that in all criminal proceedings a formal admission of a fact by either party is to be conclusive evidence of that fact. That's another provision of the law. Unless we have provisions allowing for a written statement to be admitted in evidence it would be necessary in every case to call witnesses to prove matters on oath which nobody would wish to deny. This would cause a great deal of inconvenience to a number of people who give statements to the police relating to criminal offences, add to the length of trials and increase costs.

And in fact on occasions the witnesses concerned would simply not be available because they were away on holiday, left the Falkland Islands or were ill in hospital. It has always been assumed that the relevant provisions have applied in the Falkland Islands since 1967 and the unfortunate situation is that unless legislation is enacted, regularising the position, the validity of some completed criminal proceedings might be in doubt. So, for that reason the Bill if enacted would deem Sections 9 and 10 of the Criminal Justice Act 1967 always to have been in force in the Falkland Islands but subject to the modifications set out in the Schedule to the Bill.

The Attorney General

Thank you Attorney General for that lucid explanation. Would any Honourable Members care to comment?

The Bill was read a second time.

In the Committee stage Clauses 1 and 2 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Criminal Law (Amendment) Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of this Bill.

His Excellency the Governor

The Motion is that this Bill be read a second time. Is there any objection to that?

The Attorney General

Your Excellency, Honourable Members. I will try to deal with this very briefly indeed. The Bill would insert a new part 3(c) in the Criminal Justice Ordinance 1989 dealing with a number of miscellaneous subjects in relation to children and evidence by children in criminal proceedings. The Bill would also abolish rules called the

with a number of miscellaneous subjects in relation to children and evidence by children in criminal proceedings. The Bill would also abolish rules called the Corroboration Rules, and make a number of changes in the law relating to the grant of bail.

His Excellency the Governor

Thank you Attorney General. Would Honourable Councillors care to come in on that?

The Bill was read a second time.

His Excellency the Governor

Council is in Committee.

The Honourable the Chief Executive

I beg to move that Clauses 1 to 8 stand part of the Bill.

His Excellency the Governor

The Motion is that Clauses 1 to 8 stand part of the Bill. Any objection?

The Attorney General

It is my error Your Excellency, there are a number of typographical errors which I ought to ask the House to correct. If the Honourable Members will refer to Clause 3 that sets out part 3(c) of the Criminal Justice Ordinance 1989 which would be inserted by the Bill. If they will go to the new Section 70(Q) sub-section 2 and that will be found on the third page of the Bill. In the second line of that section, the words "sound or" should be inserted before "television broadcasting", there's no mystery about this, it would prevent the court asking Mr Watts or any other representative of the FIBS to leave court during consideration of a child's evidence or giving of a child's evidence. Unfortunately as the Bill stood he was discriminated against because he could be asked to leave while the television reporter could not, that was my error. Then in the new Section 70Z sub-paragraph 2 that should finish with a full stop. In the new Section 70ZD sub-Clause 1 paragraph B sub-paragraph 2 an "it" should be inserted. In Section 5 of the Bill the new Clause section 40E1A it should be "is intended". In Section 40E2B should read "in" rather than "into" after the word "assisted". In Section 40E4 there is an of too many and it should read "a person's property". And in Section 40 sub-section 11 the "subsisting" should be inserted. I invite the Honourable the Chief Executive to move that the provisions in question stand part of the Bill subject to the corrections I have mentioned.

The Honourable the Chief Executive

Mr President, without repeating all those I beg to move that those insertions and corrections are made.

The Honourable J Birmingham

Mr President, Honourable Members. Is that Section 2B or not 2B.

The Attorney General

The problem is I made an omelette out of it rather than a Hamlet of it.

His Excellency the Governor

I have to congratulate Honourable Members on the elevated level of wit and repartee on these otherwise serious sessions. I'm looking to the Clerk for guidance on what follows next. I think I am asking if a Motion to include the amendments moved by the Honourable the Chief Executive face any objection from the Honourable Members, since I don't the amendments are therefore approved and stand part of the Bill.

Council resumed.

The Honourable the Chief Executive

Mr President, Honourable Members. I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Council adjourned for tea.

Clerk of Councils

The Jury Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of the Bill.

The Attorney General

Your Excellency and Honourable Members. This Bill is an important one, it deals with a number of matters in relation to juries and jury trial. It alters the qualifications for jury service or would alter the qualifications for jury service. It would abolish jury trials in civil proceedings. It would confer a new right to trial before a judge alone on a criminal indictment, that is to say by judge alone if the defendant wanted instead of being tried by jury. It would make provision for majority verdicts in jury trials, dealing with those matters in a little more detail but not too great. The new liability for jury service would be being on the Electoral Roll and being between 16 and 65 years of age and resident in the Falkland Islands for a period of at least five years since attaining the age of thirteen. That provision corresponds to the English provision in relation to liability and eligibility for jury service. There would be various exceptions of course to liability or to eligibility for jury service and those would include exemptions for Members of the Legislative Council, the Clerk to the Council and Members of HM Armed Forces would be exempt, Officers of the Supreme Court, barristers, solicitors and attorneys, Ministers of Religion, Justices of the Peace, registered medical practitioners, police officers would all be exempt from service on a jury. The number of persons disqualified by reason of past convictions under the present law would be somewhat reduced. The reason for the provision in the Bill, for trial before a judge alone on a criminal indictment, is to implement a recommendation made by Sir John Spry, a member of our Court of Appeal in relation to jury trials in small jurisdictions such as ours where the members of the jury may be acquainted with the facts of the case, the defendant, the complainant, the witnesses, the lawyers and the defendant might feel that he could not obtain any possibility however the jury was constituted of a fair trial. In those circumstances, Sir John Spry, recommended the defendant should have a right, if he wished, not to be tried by jury but to be tried by a judge alone, if he was going to allege otherwise that he could not have an unprejudiced jury and the Bill would give fact to that important recommendation. It is not an abolition of the right to jury trial, it confers a new right, a right not to be tried by jury. It is sensible that we should have provision in our law for majority verdicts because otherwise if we had a jury which could not reach a unanimous decision, the result could be that we might otherwise have a re-trial, at a waste of time and expense. It is an important Bill, it is one which is part of the law revision process, I believe it to be a Bill which makes sensible and proper provision and fair provision in the interests of all who come before the Courts and I commend it to Honourable Members.

His Excellency the Governor

The Motion is that the Bill be read a second time, is there any objection to that Motion? Do any Honourable Members care to debate?

The Bill was read a second time.

In the Committee stage clauses 1 to 27 and the schedule were adopted as part of the Bill.

Council resumed.

The Honourable the Chief Executive

I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Consumer Contracts Unfair Terms Bill 1996

The Honourable the Chief Executive

Mr President, Honourable Members. I beg to move the second reading of the Bill.

The Attorney General

Your Excellency, Honourable Members. Honourable Members may recall at an earlier session of this Council this year I was asked a question by the Honourable William Luxton in relation to consumer protection legislation. I said that I would keep the matter under review, further legislation may follow but as part of the ongoing process of consideration of protection of the consumer in the Falkland Islands, I have drafted this Bill which is based on legislation elsewhere, to provide for further protection for the consumer. The point is that the bargaining position of a consumer, that's the ordinary man in the street dealing with the business in relation to goods he is going to buy from a business is a fairly weak one because he is not able to negotiate the terms and conditions of the sale. The seller may wish to foist upon the man in the street, who may have nowhere else to go to, particularly in the circumstances of the Falkland Islands to buy the goods in question, terms and conditions which would deprive him of rights which he might otherwise expect to have. The Bill seeks to even up the position by providing that certain terms and conditions if inserted in a contract by a seller dealing with the man in the street would be wholly void and unenforceable and written in air and of no validity whatever. In other words it helps the consumer, it stops the unscrupulous trader, particularly one who is in a monopoly position taking advantage of the weak situation of a consumer. I'm not saying that there is any evidence whatever that that position

at present applies in the Falkland Islands. That is not the point, the point is that it should not at any future time, and this Bill will prevent it happening, if enacted.

His Excellency the Governor

The Motion is that this Bill be read a second time. Is there any objection?

The Bill was read a second time.

In the Committee stage Clauses 1 to 8 and Schedules 1 to 3 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Administration of Justice (Amendment) Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of this Bill.

The Attorney General

Your Excellency, Honourable Members. This Bill seeks to clarify the law and to make it clear as has always assumed to be the case. The Magistrate's Court when trying a case in the Falkland Islands of a kind which would not be triable by a Magistrate's court in England but would be triable on indictment, has the same powers of sentencing as a judge sitting with a jury on indictment, would have in England in relation to the same offence. That has always been believed to be the position, a doubt has been expressed, this Bill, if enacted, would remove all possibility of doubt in that connection.

His Excellency the Governor

The Motion is that this Bill be read a second time any objection?

The Administration of Justice (Amendment) Bill 1996

In the Committee stage Clauses 1 and 2 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass

The Bill was read a third time and passed.

Clerk of Councils

The Trademarks Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of this Bill.

The Attorney General

Mr President, Honourable Members. This Bill seeks to close the Trademarks Registry in the Falkland Islands. The circumstances of which it does so, is that although we have maintained a Trademarks Registry in respect of trademarks which people have sought to register here and which have been previously registered in the United Kingdom, considerable changes to the law of some complexity would be required if we were to continue to do so. The present Registry would require considerable extra facilities to be able to provide a satisfactory service in relation to the Registration of Trademarks. There is little benefit, if any, to us in the registration of trademarks here and a great deal of work is created in the Registry Section of my Department for little monetary reward to the Falkland Islands. It is therefore proposed by this Bill that in effect the Trademarks Registry should be closed without in any way affecting the rights of those who are already registered with trademarks, or anybody who possesses a trademark which is in force in the United Kingdom, because what the Bill would provide is that if a trademark has effect in the United Kingdom it will have the same effect in the Falkland Islands, as if it had been registered in the Falkland Islands and the Falkland Islands was part of the United Kingdom, neither of which would be the case. But there will be full protection still for trademarks, all that would be happening is that we would be closing our Trademarks Registry and saving a great deal of work and losing nothing really by way of revenue.

His Excellency the Governor

The Motion is that the Bill be read a second time, any objection?

The Trademarks Bill 1996.

In the Committee stage Clauses 1 to 3 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Administration of Estates (Amendment) Bill 1996

This Bill is being presented under a Certificate of Urgency and therefore a first reading is required.

The Honourable the Chief Executive

Thank you Madam. Mr President, I beg to move the first reading of this Bill.

His Excellency the Governor

The Motion is that the Bill be read a first time, any objection?

The Bill was read a first time.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a second time.

The Attorney General

Mr President and Honourable Members. The intent of this Bill is to enable Letters of Administration to be issued without a bond being required by way of surety for the due administration of the estate of the deceased person. The situation has been that while the present Ordinance or the present terms of the Ordinance require a Bond, where a person dies intestate, to be taken out by the personal representative in twice the value of the declared estate, that requirement had not in practice been enforced for a good number of years in the Falkland Islands. And for the reason that it was believed to be unnecessary and was extremely inconvenient for people to obtain bonds and that it could well be dispensed with. The present Senior Magistrate as Acting Judge has correctly, and I emphasise correctly, pointed out that

the Ordinance absolutely requires and gives him no discretion about the matter that a Bond be posted when somebody takes out Letters of Administration. That is inconvenient and the Bill seeks to rectify that situation by conferring the discretion. And I venture to hope that it will be rare that Letters of Administration will require a bond by way of security, to be posted for the due administration of an estate, before they can be issued.

His Excellency the Governor

Does any Honourable Member wish to speak to the Motion?

The Honourable Mrs S Halford

Mr President, Honourable Members. I have just heard from the Honourable the Attorney General why this has been put forward. I had hoped that this also was going to apply to Grants of Probate not just Letters of Administration. Whilst I realise that the Judge is absolutely correct, you have also pointed that out, to actually delay estates, to make a point, I do not really feel is very good. We must have been going along under this legislation for quite some time, whether correctly or incorrectly, and I actually feel that we could have still put this forward without making a point at the expense of individuals.

The Attorney General

Your Excellency, the Honourable Member is correct in saying that the provision of the Bill, and if Honourable Members will look at Clause 2 of the Bill, would dispense with the requirement or at least allow the requirement to be dispensed with. It relates to Grants of Probate and Letters of Administration, that is both. I hear what the Honourable Member says in relation to the Senior Magistrate, I would say that as a matter of fact he, and of law, he was perfectly correct. It follows that in not insisting on the requirement his predecessors have in law technically been incorrect. I must confess that I was aware of the situation in relation to this provision and had intended in due course to bring in legislation which would have rectified the situation. The reason that the legislation has not so far appeared is because this is only a minor point in relation to the Administration of Estates Ordinance, and I regard it as being one which Honourable Members in the circumstances may regard as fairly insignificant because I thought the existing practice, however wrong it was, was going to continue. What is really necessary is a complete overhaul of the Administration of Estates Ordinance and its replacement and a complete revision of the Administration of Estates Rules. At some future time I will be making proposals to Honourable Members in relation to that but I repeat that as a matter of law, the Senior Magistrate is beyond criticism in the matter. He has taken the view that he cannot knowingly as a judicial officer, act in breach of law, and I do not think that any lawyer could condemn him for taking that view.

The Bill was read a second time.

In the Committee stage Clauses 1 and 2 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President. I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Supplementary Appropriation 1995/96 (No.4) Bill 1996

This Bill is being submitted under a Certificate of Urgency and a first reading is required.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. This Bill was remitted by Executive Council on 28 September 1995. It was the first Supplementary Appropriation Bill for the 1995/96 financial year. Inadvertently it was not put on the Order Paper for the November 1995 meeting nor for the April 1996 meeting of this Council. The purpose of this Bill is to appropriate and authorise withdrawal from the Consolidated Fund of additional sums totalling £1,430,710 for the current financial year. Clause 2(a) of the Bill provides for Supplementary expenditure amounting in total to £470,710 approved by Standing Finance Committee and authorised in the first instance to be advanced out of the Contingencies Fund. A report of the authorised advances has been made to Executive Council. This appropriation will restore the balance of the Contingencies Fund to £500,000. Clause 2(b) of the Bill provides for less urgent supplementary expenditure amounting to £960,000 approved by the Standing Finance Committee on 28 July and 31 August 1995. I beg to move the first reading of the Bill.

His Excellency the Governor

The Motion is that the Bill be read a first time. Is there any objection?

The Bill was read a first time.

The Honourable the Financial Secretary

I move that the Bill be read a second time.

His Excellency the Governor

The Motion is that the Bill be read a second time. does any Honourable Member wish to speak to the Motion?

The Bill was read a second time.

In the Committee stage clauses 1 and 2 and Schedules 1 and 2 were adopted as part of the Bill. Council resumed.

The Honourable the Financial Secretary

I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

DEBATE ON MOTION NO.4/96 BY THE HONOURABLE J BIRMINGHAM

The Honourable J Birmingham

Mr President, Honourable Members. I am not sure here as to the correct way but I believe the Attorney General will put me right. We propose an amendment to the amendment to increase the quorum from five Members to six. I wonder if the Attorney General could help me out here. We just want to increase the quorum of the Legislative Council from five Members as it is at the moment.

The Attorney General

Your Excellency, if that be Honourable Members' wish, I suggest that Honourable Member will wish to move an amendment that the passage in paragraph 17 of the report beginning "we do not agree that the quorum of the Legislative Council should be raised to seven members" would be replaced by a passage which reads as follows: "We propose that the quorum of the Legislative Council should be raised from five Members to six Members but that the present provision requiring that two Members at least from each of Stanley and the Camp Constituency, should be removed." And you would then conclude with the words at the end of the paragraph "the quorum should include the person presiding if that person is a Member of the Council, we agree that provision should be made for an Elected Speaker". I hope

I've dealt with the proposal in sufficiently clear language for people to understand what I think the Honourable Member wishes to suggest.

The Honourable J Birmingham

I propose that change.

The Honourable Mrs C W Teggart

I second the proposed change.

The Honourable J Birmingham

Mr President, Honourable Members. I have to say I am surprised I am proposing this Motion today. I was one of the three Councillors that voted against the changes to the Constitution, and when I heard it said publicly that some Councillors had had second thoughts about the increase in Councillors, I thought that one of them might have wanted to do something about it. I have heard some rumours these last few days that this Motion is being laid on the Table because Councillor Cheek is not in the Islands. Now, rumours abound we know this, some are distasteful, some are disgraceful and some are downright disgusting as we know. There is no truth in this rumour, this Motion was put in before it was known that Councillor Cheek would not be here for this Legislative Council, I would just like to make that plain Sir. The Constitution has been spoken about in this House by this Council as much as Falklands Landholdings and with a similar amount of passion. In November of last year I successfully tabled an amendment to put off for a further three months any decision to allow the electorate a chance to read and discuss the changes that were being proposed. With a new Chairman of the Select Committee we went into the February meeting and the vote was five three in favour of the changes. On the issue of eleven Councillors, three of the five who voted in favour expressed grave reservations as to the need for this number. On 26 April in this House Councillor Luxton said, "I would be reasonably content with a five three split between Stanley and Camp, and I wonder if it is too late to have that as an alternative".

At the same meeting Your Excellency, you had urged us to let you know if there had been a majority rethink about the number of Councillors, so that you could inform London. I believe that when the Constitution was debated in February, some of the Councillors who'd voted for the changes made their decision in favour because although they weren't particularly happy with raising the number of Councillors, they wanted to see all the other changes got through. I think this is why we have heard reluctance expressed by several Councillors. This Motion gives us all a chance to say what we feel about the rise in the number of Councillors and the opportunity to have our wishes carried out. I am against eleven Councillors because I feel that it is an over representation at Camp's expense with a seven four split. This is one of the

reasons why I voted against the changes, without trying to speak for them, I feel that some Camp Councillors so wanted to keep four for Camp that they may not have given enough thought to the implications of being outnumbered by three instead of two. I'd like to think that this shouldn't matter, Camp has always had the support of Stanley and always will. However, this is not guaranteed, we have an increasing number of people in Stanley who have only ever been out to Camp for a holiday and who have never lived and worked there. The workload of Stanley Councillors is given as justification for an increase, I cannot disagree with the fact that we have more work because we deal with more people and are available to attend more meetings. I can only speak for myself but I have never complained about my workload and although fairly new to the job, have found it as I imagined it. I would like to see this Motion supported today but if it is not I would be happy that the electorate are truly aware of where their Councillors stand on representation, and hopefully the subject of the Constitution will be put to bed for the life of this Council. Mr President, I would like to propose the Motion.

His Excellency the Governor

Thank you Councillor Birmingham. I am sure that other Honourable Members would wish to speak for and against.

The Honourable E M Goss MBE

Your Excellency, Honourable Members. It is with a measure of pleasure, that I stand as seconder to the Motion before us, that calls to further amend the amendment on the Report of the Select Committee on the Review of the Constitution. I am glad that common sense has prevailed in time for this adjustment to be made before our Constitution is carved in stone for another decade or more. This Motion is put forward as a compromise to keep the number of Elected Councillors at eight as opposed to eleven as was suggested. The ever increasing public opinion caused us to sway on the previous decision taken, so we have had another look at representation. It was generally agreed that a more fair share of Councillors to the electorate would be made provision for, for five to represent the Stanley Constituency and reduce the Camp Constituency to three Elected Members, as an acceptable level to give a more proportionate ratio of representation. There are some parts of the new model of the Constitution that I still disagree with, one in particular is the right to vote, it is not transparent, but because after residing for seven years one is to be vetted by an acceptance panel, I ask you, is this democratic? But the general consensus was for a tribunal to make the final judgement. However, more time has been spent on the subject of the Constitutional change than perhaps on any other issue coming before this Council. We all have had some reservations in differing areas, let us not waste any more time by going back over dead ground. I'm sorry that the Honourable Councillor John Cheek is not with us today to defend his beliefs, I wish him a speedy recovery. I urge my

colleagues to support this Motion to further amend the Report of the Select Committee on the Review of the Constitution, as proposed, taking in mind the further amendments as read out by the Attorney General a few moments ago. Sir, I second the Motion before us. Thank you.

His Excellency the Governor

Well thank you, Members of this Council, we now have a proposer and a seconder for the Motion. I invite other Honourable Members to speak if they wish.

The Honourable Mrs C W Teggart

Mr President, Honourable Members. Being one of the more verbal Councillors about the proposal to have eleven, I feel that I should defend my stance somewhat. I think that what we have done is we have come around full circle to where we began a couple of years ago with the need to raise the level for Stanley. We really started off from this position but it was the fact that the Honourable Members for Camp didn't want to alter their numbers that led us to come to the conclusion or agree with Mr Wallace's conclusion, that having eleven representatives was the right way to go. I am a little concerned that we're not looking far enough into the future, the Constitution of a country is not something you can change every day or would wish to change every day. I do think that it is important that we change ours and that we get it right. I am fairly happy with the idea of the five three, I think while that will look after our immediate needs for the next few years, I don't know how much further down the track it will take us. I certainly think that over the next two or three years, I would like to say that at sometime and I don't know how possible it is, but I would really like this number of Councillors and where they lived to be somehow removed and done in another forum, so it is not necessary to always go back to UK with our ideas for changes. I would like it somehow to become a more internal thing and easier to change because we do not know how the population of the Falklands will change in the next five, ten, twenty years. I think if somebody had said twenty years ago, Camp would be as de-populated as it is now, I think that certain of us really would have laughed, we wouldn't have seen it happening. I think that this is something that I would like to see us bear in mind for the future. I think that the five three is an effective compromise, I am really anxious to get this Constitution moving, the changes to it during the life of this Council and for this reason I will support it. One of the particular worries that I had about this was the quorum which my Honourable colleague has asked for the amendment to be made, because I think that having a quorum of at least two Elected Members from each Constituency would have put a great strain on the Camp community with just three Elected Representatives to always have to have two of them here. We know that because of the demands of farming in the Camp and that sort of thing, it is not always possible, there are overseas commitments to take into account and we might have reached the stage when we needed desperately to have a Legislative Council for some

reason but we could not raise the necessary quorum so I think it is very wise to actually have those figures removed. The idea of having six Members will mean that there has to be at least one Camp Member present, I think that it would be very very rare that there wouldn't in fact be six or seven, there's usually only perhaps one of us missing from these occasions. But I do think that it is important that there is Camp representation but I think that we have to look to the future and realise it is not always going to be easy to have two out of three. so that is why I seconded this amendment. I do not think there is anything I wish to add to that, I feel that this is something that we need to push on with in the life of this Council. I would be very unhappy to see it left for another 20 months and then another couple of years of the new Council haggling about what they were or were not going to do. And I do hope that this Motion will receive support from the Honourable Members here today.

The Honourable W R Luxton

Mr President, Honourable Members. As the person who perhaps triggered this off at the last meeting, perhaps I should explain why I was not a party to the Motion because I had been away for some time and although we had committed ourselves to discussing it at GPC and coming back to you with a recommendation, it emerged that the only way to alter the Report on the Constitution was by this method. So, I am glad that Councillor Birmingham and his colleagues took that advice and had this Motion before the Council within the time frame. I supported all the other aspects of that report but as my colleagues know I did express reservations when we first discussed it and it is not that public opinion has swayed me, but since it happened, every single 'phone call I have had has supported the retention of the eight Councillors rather than eleven. I do not think there was any public support for the number of eleven at all or very little. So, I am glad that this will go through, I hope it will go through, and the other amendments to the Constitution will take place as well. I think they are most important and I want to make it quite clear that I support all of those. And I will be very happy to retain eight Councillors, we would have liked to retain the four four split for Camp but I think that most of us realise that that was unrealistic. Sir, I support the Motion.

The Honourable Mrs N Edwards

Yes, I think we have talked about the Constitution a great deal so I will not waste too much time. Unlike Councillor Luxton there were other parts of the proposed changes to the Constitution which I do not agree with and I agree with Councillor Goss that a tribunal is very democratic anyway. However, to get the thing through and the other amendments I think are necessary so I would support the five three split, not happily but there we are. Thank you Sir.

The Honourable R J Stevens

Mr President, Honourable Members I have had many opportunities to say what I feel so I will not bore people today with my views. I think this is preferable, the five three split is preferable to eleven Councillors because as Councillor Eric Goss pointed out when I sat that side of the room a long time ago, 200 people to each Councillor is a bit extravagant representation. So I really support these changes.

The Honourable Mrs S Halford

Mr President, Honourable Members. As everyone knows I was always opposed to eleven, my only disappointment with this coming forward at this stage is that I was not able to persuade Honourable Members to see that this was the right number when I was chairing the Select Committee on the Constitution. I did try for a long time but as we know Councillors are not always the easiest people to change the minds of. The only thing that concerns me on this particular amendment that's proposed is the inflexibility in the numbers. In Mr Wallace's proposal and our last proposal, we actually asked for or suggested a minimum number of persons per constituency and that was able to change, when I say change I mean we had a minimum number of three per constituency in the first proposal and four in the second. Here the figures seem to be set in stone, I would have preferred to have seen it where the number was set at a minimum of three for either Constituency but never-the-less I do welcome the eight rather than eleven and I am prepared to accept this amendment.

His Excellency the Governor

I think in that case, every Elected Member of this Council has now had his or her say on this issue. And I think in that case it falls to me to call votes, first of all on the Amendment to the Amendment if you understand what I mean, that is relating to the minimum number for a quorum. Could I have a show of hands in favour of the amendment to the quorum that has been proposed and seconded. All Members in favours. In that case the Amended Amendment I would like to have a vote on that, I think I can predict what it will be in the light of your statements in this Council, but for the record, I would like to call for a show of hands too. Votes in favour of the Amendment proposed by Councillor Birmingham and seconded by Councillor Goss as subsequently amended. All Members in favour. The Amended Amendment therefore passes.

If I may I think I may speak. I was going to say before the vote that I hoped that I would be able to convey your views on this matter and indeed on the changes to the

Constitution as a whole to the Secretary of State for his approval, with an overwhelming body of support amongst Elected Councillors. I am therefore very pleased that you have all been able to reach agreement on what I know has been a difficult, controversial issue. I do not think there is any such thing as a perfect Constitution or perhaps a perfect number of Councillors. Constitutions are amendable and Constitutions are living documents, if you like, created by human beings rather than by Gods. I do not think we need to regard this as immutable for all time, however. I think these amendments will now bring our Constitution up to date to meet the changed requirements of the age for the Falkland Islands. And as for possible changes in the demography of the Islands or indeed a future increase in the population, that is also something that could be looked at in the fullness of time if necessary. So, without further ado, I thank you for that vote, thank you for the unanimity and I regret too that Councillor Cheek was not present for this important vote, I am sure he would have liked to have been and I would have liked him to have been, but it seems to me that the Elected Councillors have spoken clearly. And I shall convey your views and these amendments to London with full dispatch.

MOTION FOR ADJOURNMENT

The Honourable the Chief Executive

I beg to move that this House stands adjourned *sine die*.

The Honourable Mrs S Halford

Mr President, Honourable Members. I have probably said enough over the last few days, so I shan't be saying too much more. We have passed a lot of Bills today and I must say I was particularly pleased with the Jury Bill, as I feel with a community as small as ours, it is important to have this type of legislation in place. I did seem to pass up the opportunity to speak about the trademarks, I am sure if I was still working in the Registrar General's Office I would have whooped with delight at the thought of the trademarks being abolished. It certainly is a cumbersome and time consuming job. I just wonder now however, if with these out of the way, will there be a reduction in staff?

On the subject of Landholdings, I would hope that people have been pleased with the decision that did come out of Executive Council, and I hope that the Directors will now feel confident of support from Councillors in that they will be left to get on and do their jobs.

As a horse owner I have got to say I am not exactly over the moon or delighted with the thought of a military exercise down at Cape Pembroke this week. I never ceases to amaze me that the horses only spend four months each year down there, eight months of the year is clear. During that time, there is hardly ever an exercise, not in

that area anyway. Last year the FIDF exercised down there, it could argued they saved a horse, it could be argued they scared it into the hole we found it in.

Now that mid-winter is fast approaching, the nights are dark and for the life of me I cannot see why or how people can enjoy running in the dark, I often wonder how they can enjoy running anytime. What I do see that is particularly dangerous, is when I drive home of an evening is seeing people dressed in black running in the dark on the Bypass without any reflective bits and pieces on them at all. I sometimes wonder if they have got a bit of a suicide wish. I would really urge them to put something on that does warn motorists that they're there.

Whilst we were in Select Committee I am sure we had a lot of debate on various things but I have to say as the Agriculture Department is my Department as a Councillor, I really was pleased. I know I have said it before but I will reiterate that I was pleased with the support they got. On the other hand I seem to have some pretty awful committees as well and one of them I certainly got a very hard time for. It seems to me when you are Chairman of the Government Vehicle Working Group, it does not matter what you do or what decision you make, you certainly do not please very many people. On the one hand you might please the people who drive vehicles, on the other hand you certainly will not please the people who buy them. Nevertheless I am sure that is what we are put on these committees for, to try and sort things out. Sir, I support the Motion.

The Honourable R J Stevens

Mr President, Honourable Members. In rising to support the Motion for Adjournment, I have got a few things to say. I mentioned the National Stud Flock the other day and I mentioned that house and the shed but I forgot to highlight the hard work of the Agricultural Department who have made a large contribution to the success of this project. Another Herculean effort was from a local fencing contractor who without many of the conveniences of the other teams, erected many miles of fencing and of course without fencing there would be no National Stud Flock Farm.

We have made some large commitments in Stanley to projects like the East Stanley development and we have also shown a commitment to Camp by increasing the areas of expertise in the Agricultural Department.

In one of the Falklands Landholdings reports from the Chief Executive, he said it is time to cash in the chips on the knowledge amassed by the Agricultural Department and I think we should put money up front to break out of endless research, and give farmers the finances to put new ideas into practice. There are monies available in the FIDC budget but really if you consider the costs of things like reseeds, if we're really serious this is not enough. We can even develop new ideas that do not

depend on research but means farmers taking risks, and it would not take much money to support the concept of breeding units. The area of Port Stephens is one which demonstrates the need for breeding farms, standing on their own in the past this area ran less than 30,000 sheep. A policy decision was made by the old FIC where sheep were bred at other FIC farms and shipped to Port Stephens. Under this complementary farming system Port Stephens was the third biggest wool producer in the Islands.

I would like to thank the Commander British Forces for providing the resources for a ferry during Farmers' Week but I am really disappointed that we cannot be developing the ferry concept with our own resources. Not just at Farmers' Week but there must be other times like May week and other major events where people on the West would like to come and enjoy the amenities of Stanley.

Finally I would like to say a few things about my trip to the United Nations with Councillor Goss. I will be expanding on a number of things. There were many European nationals settling in Argentina when the British were settling the Falklands. And here in the Islands there was no indigenous population but there were a number of native tribes in the area which is now Argentina. In the same decade that our forefathers were starting to import sheep the Europeans under the leadership of Juan Manuel de Rosas was busily subduing the indigenous people of Argentina. Again in the late 1870s' and the 1880s' while the Falklands were selling £2M of wool under our own Falkland name, the European Argentines were pushing the last of the Indians out of all the best land of the Pampas as far as the Rio Negro. Argentina now builds up the significance of what happened in the 1820s' and I would like to say that the Battle of the Alamo was after this time and a huge area of land changed hands between the United States and Mexico in the war that followed. Russia sold Alaska to the United States in 1867, thirty years after Britain colonised the Falklands. The most meaningful point for us is the 160 years of stable rule with a bright future in front of us. Thank you.

The Honourable Mrs C W Teggart

Mr President, Honourable Members. We have had a fairly heavy week and I am sure that everyone is just looking forward to getting home today and putting their feet up and saying thank goodness I can go back to my day job tomorrow or whatever it happens to be. I feel slightly guilty possibly because of the week we have had, possibly because they get so well chewed over. We possibly do not seem to have spoken as much on the Bills we have had presented today as we probably would have in any other session of Legislative Council and I do apologise for that. I think I would just like to point out to people that we do chew these Bills over very thoroughly when we first come up with them in some cases, a number of months ago and we discuss them quite thoroughly in GPC, we discuss them again in Executive Council, and when they come here, we have probably hammered out all the questions we

have and there really is not a lot to be said. And sometimes in the interest of expediency it's better not to get into huge debates over things but I sometimes think that people might think that we are not giving them the attention they deserve. I assure them we have considered them very carefully by the time they reach this stage.

It was about this time last year when the then Governor accused us of wild spending because we had a deficit budget. I remember it well, at that time we did a little snigger to ourselves and said it will not be, it never is, and it will not be this time and time has proved us right. I am not nearly so confident this year, I believe we are going to have a deficit budget but I believe that that is something that sooner or later we need to face up to. I think that people in the Falklands expect more, a lot of people are not so happy with having a lot of money in the bank when they want to see roads built and everyone's road of course has priority. I think we have to look quite seriously at accommodation problems in the Falklands, we are a developing community and all of these things have to be taken into account. I certainly take on board the Financial Secretary's point about keeping enough money in reserves for the rainy day, I think we have to do that. We have to set ourselves a level that we will not go under but I am sure that with the Financial Secretary is well known asbestos pockets, he is not going to let it happen. I do think that we have to move on and we have to build and I would hope that this year will see a great improvement in services and amenities that are offered.

We have set ourselves some strong targets, I hope they are achievable, if we do not achieve them this year, I hope we will move on with the things that we can achieve and the ones we cannot, move them up in our priorities next year. Going back to some of the sessions we have had, I am delighted that through an initiative of Councillor Stevens that families will be able to use the swimming pool at a bit less than it costs them at the moment. It is quite a hefty chunk out of a family's money for the week if they go and have a session at the swimming pool, especially if you've got two or three children, it costs you a bit to get in. So £3.00 for a family ticket I think is an excellent suggestion and one that I was happy to support.

I was also pleased to support some of the new appointments in the Agricultural Department which were designed for diversification on Landholdings and I was particularly pleased to be able support a couple of those because I was told that it actually would make a lot of sense for them to be housed out on Landholdings. And I think this is great, my question last session did bear some fruit as I hoped it might.

As Chairman of Sites and Buildings I have perhaps to apologise to the Police Station or the new Police Station for being dropped off our list of priorities but I do think that it is something we have got to look at in context with other buildings. This Council decided a month or so ago that our priority is for more sheltered accommodation for our elderly people and we have to work our way around to achieving that and getting

that. If it means the new Police Station gets dropped a little further down the list then I do apologise for that. It is a long road that we are embarking on and it starts with a single step I am afraid and the Police Station has got slightly trodden on this week.

I am also pleased that the PWD are making moves in the rat catching exercise. Having had one deciding to disappear into my porch and then gnaw its way out a week or so ago, it was not a very nice experience, although it caused quite a traffic jam on the road outside when everyone stopped to admire the rat hole, and have a peek at the rat still sitting in it. It is not what you would recommend for 8 o'clock on a Saturday morning.

I am also grateful to the British Forces for stepping into the hole that has been left in our transport across the Sound for Farmers' week by the refusal of Byron Marine to undertake this task. I feel quite strongly about this I think that it's a service that is very heavily subsidised by the Falkland Islands Government, it is a necessary service but sooner or later the people who pay for the subsidy are in effect the taxpayer and I think that a lot of the time their wishes should be taken into account. I certainly hope that this will be given more consideration.

I am also not terribly happy about the military exercise which will take place on Cape Pembroke, I think that if this had been mentioned earlier, we only found out about it through the week, perhaps it would not have been a problem and perhaps some of the horse owners would have left their horses off the Cape for a further week. But the planning of the exercise coincided very badly with the horses being put out and I think a bit more planning needs to go into this sort of thing.

On another point, I do not know who is responsible for the hard standing between the Jersey Estate and the Bypass but there is a sign on there that indicates that no heavy plant should be parked there and it is gradually being taken over by a huge amount of plant and I find that that is something that isn't acceptable because this is a well travelled area of town and we are trying to keep this sort of thing out of Stanley. I would like to see that removed pretty sharpish if whoever is responsible is listening.

One of the things that I have got to have a quibble about I think is the morale of the Civil Servants at the moment, I spoke about it briefly last time, they are undergoing this Hay Management Review, we are expecting a report back in August. But this week the Civil Servants, through their Association put in for an increase to the pay which would take in the cost of living over the last year, eighteen months. We know for a fact that the cost of living went up to the end of December 1995, it went up by 5%. The Civil Servants have not had that cost of living, since then it has gone up 2.2%, and it will no doubt continue to go up because as everybody knows the cost of living has actually gone up more than that. It just seems to be the things that are in

the basket that the Cost of Living Committee can collect, and I do this once every three months. Everything else on the shelves seems to have gone up except the things you are actually collecting the price for, and I am sure the cost of living has probably gone up more. I was quite dismayed when my colleagues around this table decided a 3% award was enough for the Civil Servants and I do not think it is going to help their morale at all. I have also been accused of having an interest in this because of course my salary is based on the Civil Service salary but 200 other peoples' is as well and the farmers regularly debate on grants and things for the farms so I am sure I can take a full part in the Civil Servants' terms and conditions. Also the public service pensions were increased by 5% and obviously that is something I think that is also possibly going to be reviewed by Hay. I would like to think they are and in that case it makes it even more questionable as to why 3% is good enough for the people who are working and 5% for those who left and yet it is all under review. I understand it will be back-dated to 1 July but I am most unhappy about it.

I think my final comment, I happen to have taken part in one of the Industrial Society's training courses recently, one on team building believe it or not. I would just like to thank Peter Rose and the Industrial Society. It is surprising just what a difference something like that makes to the people who attend, not only from the Civil Service but also to the people in the private sector who go. I think that you not only enjoy the course, you learn a lot from it and certainly how to get on with other people. It is quite interesting, the two days that I was on my team building course along with about 22 other people, the number of times they said to me, your other Councillors could do with being on this you know, oh yes you lot could learn a bit from team building. And I would like to think that over this last week or so we have actually done that, we have actually come up with some worthwhile compromises, and at the end of the day I think that is what it is all about. We all feel very strongly about certain things and we will fight to the hilt but there comes a day if you really want to achieve something, you have to compromise and back down a little bit. I have certainly done that this week, I think to a certain extent other people have over planned projects but I do not think all is lost for this Council yet. Sir, I support the Motion for Adjournment.

His Excellency the Governor

We have a sort of time honoured tradition of going stolidly around the table right to left, I do not know whether on this occasion any Honourable Councillors to my left would like to break the mould?

The Honourable J Birmingham

Mr President, Honourable Members. I beg to differ in that, when I first came on here 18 months ago, Honourable Members were quite happy to leave me as "tail end Charlie", it seems to have changed now.

In rising to support the Adjournment Motion I would like to start again by thanking the Honourable Financial Secretary and Treasury staff for their hard work. From my house on Drury Street, I have seen the Secretariat lights burning on many a night past 4.30pm, I did wonder what was going on a few Fridays ago when the lights were still on at 10 o'clock but I put that down to the Acting Chief Executive working long and hard on my Questions for Oral Answer.

I cannot see too many complaints about this budget and like the Constitution, if we do not always get what we want, sometimes we get what we need other than perhaps the pensions which we would all like to put up if we could a little bit more, we generally get what we need.

How Camp Councillors do their job admirably by reminding us of the financial plight to farmers but we should forget, I would like to remind everybody that we do have people in Stanley on low incomes, pensioners, single parent families especially come to mind. And I am pleased that during this budget we have been able to make a small improvement to the incomes of these people. If we could get it together to review welfare payments and rid ourselves of means testing I would be a very happy man. I am sure there would be outrage if it was suggested that a farmer would not get financial help just because he had recently gone on holiday or bought a new vehicle. No one in the Falklands should be penalised for saving their money.

Having seen Councillor Halford today drive from Gilbert House to the Secretariat I can understand why she is against people keeping fit but I take on board her point about being seen.

I would like to say something about Argentina actually. Obviously initiatives from here are capable of upsetting them. Perhaps we should continue to come up with more. I wish Councillor Edwards a good trip to Papua New Guinea and hope for her safe return. I also wish Councillors Stevens and Goss well at their UN trip.

I would like to say something about Peter Symonds if I may, I know there are a few parents who are not too happy about the situation at Peter Symonds and I would like to reassure them that their fears are not falling on deaf ears. I am sure at some point in the future we can come to some understanding.

Thinking of understanding I can understand horse owners' fears and perhaps when a new abattoir is built there will be maybe some new paddocks around wherever it's going to be built which will be helpful to horse owners. But of course it still has to get planning permission.

I am reasonably happy with the Executive Council decision on Landholdings. we will have to wait and see the final details and I am sure that the Board will be able to make decisions, I think it will. I personally look forward to a brighter future. Certainly if a certain wool broker from Bradford will accept the decision that's been made and give the rain forest a chance.

Of course everybody has got a pet subject or a bird subject perhaps I should say, mine is Albemarle and I hope to see it go ahead. I personally am pleased with the proposed Town Hall improvements as we have heard this afternoon. You can hear anything while you are down here, you can hear anything that's going on upstairs. I hope the Bank wasn't built in that way.

Housing, I look forward to the census results because I think the census results and all the statistics which I know a lot of people in the Secretariat and certainly the Treasury are keen on. I hope these statistics will help us plan for the future especially for our housing needs.

I have become aware over the last couple of days of two cases of people who are having to pay for their medical treatment and I would like to assure those people that I will be looking into this.

I do not really have a great deal more to say Mr President. This weekend as we said earlier on was quite a stretch well of course as I said earlier the peak on Sunday, but my memory is of the term that was said to me and other Councillors that managers should be allowed to manage. Well I am thinking of the "asphalt two" here and the memory comes back to the Chief Executive talking at last Legislative Council of there being full employment in these Islands. Well long may that last.

The media criticise, the media love to criticise, it is their job but I notice that a lot of them don't like any criticism back. Legislative Councils have been accused of being boring, well to that I would say that on occasion they can be but Legislative Council is only maybe four or five times a year, two minutes silence comes round every week.

Today one of my constituents asked me about the radio that he had heard on Monday evening and he was surprised when I told him that what he heard on Monday evening, was what had happened on Friday. He then turned on the television and showed me what was happening in Parliament in the United Kingdom as we were watching it. Maybe sometime in the future we will have that ability here.

Best before dates was brought up sometime ago by myself and it is nice to see that some of the major stores have been responding and I thank them.

I also brought up the possibility of a Mission to Seaman, which is not a new idea, but I believe that something is starting to happen now and I look forward to that.

And to finish Sir, as the 14 June approaches I should think that we all have our own thoughts, my thought is "lest we forget, if we do it will be at our peril". Mr President I support the Motion.

The Honourable Mrs N Edwards

Your Excellency, Honourable Members. I am pleased to be able to rise to support the Motion for Adjournment this time which I have pre-empted. I haven't a lot to say, I think I have passed my best before date today and as I go out this evening or the middle of the night on the 'plane I would be pleased to finish this session and depart my way in peace.

There are one or two things that I would like to mention, the Agricultural Department, we were able to give them a considerable amount of money for research. Now there may be some practical applications come out of this because one of the people who are going to be employed is a tree specialist. I hope that they bear in mind that, we've been growing grass here or they have been watching grass grow here for the last thirty years and I cannot see a hell of a lot of difference. Really, not to the farms, we have a few odd re-seeds here and there so I hope that when we get this tree specialist he is not going to be doing just pure research again and that it is going to take another thirty years before they say well right this is what you should do with your trees. I hope that some practical application will go to the farms from this man.

Mr Birmingham mentioned the pensioners and how we all would like to give the pensioners a lot more. One of the things that I do think should be looked at when we look at our rent, I don't think there is going to be a rent review as such but we are going to compare rents of Government Housing. It should be borne in mind that the people who live on St Mary's Walk, which is really now an extension off sheltered accommodation, pay a lot more than the people who actually live in sheltered accommodation. By the time that you take into account that they have to pay their electricity and their oil bills, I would think their pension is eaten up completely by costs and they are living on their savings. As Councillor Birmingham says I do not think we should expect people at the end of their day who have given good service to these Islands over the years to have to live on what little money they've put away.

Sir, when I get to Papua New Guinea and meet the Argentine delegation that are there, I will pass on Mr Stevens' comments about who settled where first etc.. And I will don my modesty apron and do the very best I can. I support the Motion for Adjournment, Sir.

The Honourable E M Goss MBE

Your Excellency, Honourable Members. In rising to speak to the Motion of Adjournment, following the pattern that's been set for the last few meetings. Of course when you come down to about number six in the chain, a lot of what you intended to say has been said, but some of it I will brush on again, just to underly the importance of the facts or what it means to us.

As a first one I will say, as was reported by the Financial Secretary on the deliberation on the Select Committee, that the build for a new purpose built Police Station was shunted into the future, now I do hope that we do not lose sight of the safety to prisoners in the event of fire, because this is something that's always worried me about that building. I know we always have policemen on duty and his first requirement you think will be to unlock the cell and get out the prisoner but I reckon it will be to save his behind. I do hope the Buildings Committee will not lose sight of the importance of doing something to make it safer for us all.

Another point on the Budget Session as an observation of the work load in connection with the endurance we are required to have when exposed to the flood of Bills that come before us after such a busy Budget Session. And I would ask could some thought be put into the planning in having these bill presented at a less busy time. I took the opportunity during tea time to speak to the Attorney General on this matter and he said the reason behind the amount of Bills at this Budget Session is that it was not possible to present them at earlier sessions because we don't meet often enough. I understand that but I do hope he will or the people involved in presenting these Bills will take it on board to choose the timing or spread them out more evenly over the year. One of the reasons why there was very little debate from three of the Camp Councillors on this is that some of the Gazettes received in January and they lie in our offices in the Camp. I know we do get reminders but I didn't get back to the reminder page in time when I received it, I thought that is Budget business and I will put that in that suitcase so I take it to Stanley and that's where it stayed.

Now on a point I would like to talk about just to bring it back to the attention of the Transport Advisory Committee is Cobbs Pass. I would like to bring Cobbs Pass back into your sights because we are now less than three weeks away from mid-winter and as far as I know, not a stone has been put in or a culvert or any work been done towards it. I would like some action there.

I must apologise for my mirth earlier on this afternoon caused by the unruly sounds of Councillor Edwards' swivel chair, and while I was in the subject of Councillor Edwards going to Papua New Guinea. We have heard of the habits of the natives there, I do hope she will come back but she will not come back potted, because I understand that is what their favourite pastimes is cooking people up.

And now just as a wind up, there have been six words repeated in the Budget session that are ringing in my ears. One of them which comes from Councillor Teggart is Hay, Hay, Hay, and the other one that we have heard a lot from Councillor Halford was neigh, neigh, neigh. Sir, I support the Motion for Adjournment.

The Honourable W R Luxton

Mr President, Honourable Members. "Tail end Charlie" again despite Councillor Birmingham's half-hearted attempt to rearrange it but there we are. I did not mind the Tornados at the last session, the sound of freedom and all that but I am glad that our Clerk managed to prevent whoever it was demolishing the place on top of us before we managed to finish. I do not know whether there's a message to this Council in that or not. Well we are getting close to the end of what has been a marathon session and this Motion gives all a chance for a last word, well not quite me but the last of the Elected Members anyway, if there is anybody still listening. Personally I am overall very happy with the outcome of the Budget, and Heads of Department did not really have a rough time because I think the Treasury had done a fair bit of pruning of the Budget before it got to us.

The major increase I guess was with the Department of Agriculture and I am glad we were able to approve this investment in the future, the future of the Camp and agriculture and let us hope it all bears some fruit or whatever else it might bear, and it is good to know that the National Stud Flock is at last coming together, that is good news.

We are also spending a huge chunk of money on housing development and I hope that the East Stanley development plus the assistance programme will enable the present shortage of housing to be filled. It is really good to see the skill and professionalism of so many of our local construction businesses and typified at the moment by the new Junior School and that has got to be a great improvement.

I would like to congratulate the Director of Education on her very concise presentation of her last budget. I think she leaves the education system in good health and I wish her very good luck in her venture as "Oil Supremo", perhaps I should say wish her well or even lot of wells. Mrs Rendell's represented us Islanders for a long time at meetings with the Argentines. And she has demonstrated her skill and ability at such sessions. I have total confidence that she will continue to defend the Falklands interest in her usual robust way.

I must tell the House that I am not much happier about the West Road programme than I was last week. As requested by Executive Council, I have called another meeting of the Transport Advisory Committee for next week to discuss the techniques to be employed and I would like to hasten to assure Councillor Goss that I shall see that Cobbs Pass is also on the agenda. I have to say that the outcome of that I think will reflect the difference of opinion that exists between the practical and realistic local with experience, and the theoretical technician whose main objective is to protect his back and to hell with the cost. I urge the Chief Executive to make sure that the effort of PWD is directed to those areas where things are not right like the Fox Bay Jetty, the collapsing Stanley roads, the inability to lay tarmac and leave those areas where success is outstanding alone. In my view the present contractor at West Falkland is being treated very poorly, they tendered in good faith to continue with an accepted standard of road and that standard was accepted and paid for by the Government in the past both with that contractor and a previous contractor. Now they are being held to ransom, I believe that this is something of a vendetta against both those who are prevailed in the argument over techniques and this contractor. And I ask Councillors and the Administration to put a stop to it. There is always been a simmering suspicion in the Islands shared by many of us at times that you may need to have the right funny handshake to be immune to such discrimination, well I hope that is not the case here. The whole thing is most unsatisfactory, the contractor has not been paid and he has been landed with the demand to do something that has not been required before. The bottom line is that the West Road programme will come to a shuddering halt next year and my information is that if these techniques are enforced then in future the costs may well double and the time to take constructing is doubled as well.

I would like to second the remarks that Councillor Stevens made on the ferry and Byron Marine and add my thanks to the Commander for coming to the rescue in this situation for this winter so that those farmers on West Falkland who want to be able to get into Stanley with their vehicles will be able to do so.

Most of my colleagues said nice things about Canon Palmer at our first session, I had intended to leave it until the end as this will be his last meeting and I see he is here. I hadn't realised he would not be here in the official capacity but my thanks to him and wish he and Christine all the very best for the future, he has been a tower of strength to me while he has been here. So good luck Stephen and Christine.

I cannot close without mentioning our neighbours across the water. Good luck to Councillor Edwards, fighting on two fronts, one not to get eaten and the other to confront the gentleman in Papua New Guinea. I hope she manages to change the minds of PNG Government get them to support us at the UN as they promised previously. Also good luck to Councillors Goss and Stevens in their confrontation of the "heavy squad" at the UN which I know it will be from past experiences. I find it

really ironic when Menem frequently says that they are going to turn us into a real Argentine colony by the year 2000 and yet the Committee of 24 refuses to support our right to self-determination. So, good luck and I hope you manage to change the thing and we will be all supporting you. Sir, I support the Motion.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. Unlike most Members of this House I am not entirely happy with the outcome of the Budget. I would much prefer a surplus or at least a balanced budget. However, the democratic process has determined otherwise and it is my job now to implement the decisions and do my part to obtain value for money for the benefit of the tax payer. It appears that probably for health and safety reasons asbestos is a product that is no longer appropriate for lining the pockets of Financial Secretaries. I must try to find some other acceptable products soon before it is too late. The Chief Executive mentioned in the debate on the Select Committee Report that we should move to an accruals basis of accounting from the cash basis system we operate at present. This is a matter which the Treasury intends to investigate and pursue for the purpose of making improvements to the management and control of public finances. In response to a comment by Councillor Teggart I can report that provision has been inserted in the Estimates to finance a review of the retail price index for Stanley. This will include a household budget survey to be conducted over a twelve month period to determine expenditure patterns. It is hoped that the outcome of the review will produce a more representative basket of goods to measure movements in retail prices.

The thanks of Honourable Members to the efforts put in by officers to the production of the estimates and the budget process is much appreciated. I support the Motion for Adjournment.

The Commander British Forces

Your Excellency, Honourable Members. I am fully aware of the amount of time that has already gone on over the weekend and much hard work in this session of the budget. I still have my budget to tackle and my budget is much more likely to be something that the Honourable the Financial Secretary would enjoy, which consists of cuts at every corner.

I would just like to pick up on two points, first the point made by the Honourable Mr Birmingham who mentioned "lest we forget." I do not want to play on those words too much but that is one of the reasons that we have exercises. I can reassure the Honourable Member for Stanley that there is no military exercise at Cape Pembroke this week, there is a small detachment of military at the airfield which has been cleared, and unless the horses are of the Pegasus type and are using the runway, they should not be bothered at all. I support the Motion for Adjournment.

The Honourable the Chief Executive

Mr President, Honourable Members. There are one or two matters I would be remiss in not picking up both from the meeting last Friday and indeed from what has been said here, but I will be as brief as I possibly can.

Dare I mention the words Fox Bay and Jetty in the same sentence, I have said to Councillor Edwards (and this is one of her very favourite topics at the moment for understandable reasons) that I will look into that along with the Director of Public Works in the near future and I hope that will include a visit to Fox Bay to talk with the people who I know have very genuine concerns about that, so I would hope that within the next month I would be able to report back to Councillors on the situation.

The West Camp roads raised by Councillor Luxton, this was quite a similar question last year, a build up of pressure and we made some very clear decisions in Executive Council. We may have to make similarly clear decisions this year, my only comment would be that as far as I am concerned and to the extent of my knowledge funny handshakes have no part whatsoever to play in anything to do with the West Roads contract. And I mention the word contracts because it is a matter of a contract and performance to contract, and really if performance to contract, if we say well we never have performed to contract so why should we start doing it now, I do not think that is a very good argument because the whole rule of law, certainly contract law would seem to break down. And that's not a very healthy situation. Our job is to build a road that is adequate and fit for the task, we may debate how we do that and I hope we end up at a logical conclusion but I will undertake that whatever the conclusion is, it will be clear and we can progress for yet another year I hope, in a sensible way.

Councillor Edwards asked last week whether the Baseline Survey was ongoing, I have since in private assured her that it will be, money is set aside in the Estimates this year and in coming years to ensure that the analysis of our environment is ongoing, so that we will know what is happening should any alteration occur.

Councillor Luxton raised the point about Stanley Services and any increase in oil prices and I would also assure the Councillor and the citizens that the Stanley Services prices for privately consumed petroleum products are controlled by a formula and that formula was obviously set up in order to protect the population at the time the monopoly was conceived. Now the only potential weakness in that formula is in fact the allocation of costs to that formula to that part of the operation which is controlled by that formula. And I know that the Financial Secretary, who is as fellow Director of Stanley Services, very interested in that topic and is currently investigating it. So I think you will find that the idea that there is any profiteering

involved in this is actually quite far removed from the truth. However, we are looking into it and further details will be available.

Councillor Stevens raised a couple of points with which I agree so much that I really do have to mention it, the idea of complementary breeding systems within Camp which I think is a tremendously valid idea, in the way that we are trying to move. And also the concept as he said himself throughout the Budget session of more investment, of actually committing himself to a fund if you like to enable us to do what we are researching so that these things can be done very positively. I know most Councillors feel that much of the investment in Camp can be achieved through the good offices of FIDC and I would hope to ensure that that is expedited.

There has also been a mention of a ferry service and Councillor Stevens did that, now it does seem to me that we are evolving into a situation where we have a transport system that will require some kind of ferry service across the Sound at something like regular intervals. Certainly on holidays and high days and relevant days. And I will be having discussions with Byron Marine hopefully within the near future to see what their views are on that and why they appear to be a little bit obstructive towards that sort of concept at the present time. And again I would hope to be able to report back on that.

For Councillor Teggart's elucidation, the 3% of course she will realise is not the final settlement, it is an interim settlement in the current year, pending the Hay, Hay, Hay Report, the Report as she says will be back-dated. Now the reason why, and I think it only fair to explain why it is, that the full cost of living increase had not been given, is that we all know I hope the Hay Report will be re-grading and re-evaluating jobs and re-grading individuals. Some peoples' jobs will be upgraded and those people will quite rightly receive more remunerations, others may stay in the same position. There may be some functions that are in fact down-graded and we have given an undertaking to individuals that we will not take money away from them; however, it will be quite wrong to continue to increase their earnings when in fact they are doing a job which doesn't require that, or they have a level of skill which is not worth that. And that is one of the factors that there is a half downside to the whole equation, some people are going to benefit and some people are going to stay still. We have to accept that, not everybody can benefit. In the end those who stay still, the whole thing will balance out as inflation and the retail price index takes care of it, but that will take a long time, it will be a gradual process. Now because of that, it was felt that it would be quite unwise to give a total cost of living increase this year because we want some headway in the negotiations that will take place after the Hay Report, that is the rationale behind it. It is not an inherent meanness on the part of Executive Council or anything else, it is simply sensible management of resources at the present time. I am very pleased to hear Councillor Teggart's accolade on behalf of the Industrial Society and the team building course and I am glad that was so successful. When I said earlier that Councillors had behaved themselves terribly

well at the Select Committee I wasn't being patronising. I was met by stunned silence I know, but there really was a positive attitude in the meeting which I felt was quite refreshing. I am not comparing it with any recent meetings, I am actually comparing it with last year's three days and I felt this year, the whole thing was much more positively geared. And that was due solely to Councillors' very positive attitude and I think that was most helpful.

Councillor Edwards talked about trees and the practicality thereof, in fact Councillor, there are two components within the proposal, one is the expertise component and one is the action component and they are quite separate. And there will be a "leg" person involved here who is actually going to help farmers plant the trees practically and I hope again, there will be some kind of FIDC orientated financial package into the Agriculture sector to help with that.

Also a piece of information has been passed to me by the Broadcasting Officer saying that Council is not broadcast at weekends due to popular request. That is not that people actually want to listen to other things at weekends but that they don't have the time at weekends to listen to Legislative Council. They want to listen to Legislative Council on weekdays hence missing out the weekend and coming across on the Monday rather than the Friday.

The Governor was very upbeat and very positive and very good for morale in his speech last Friday and I would compliment him on that particular aspect of it. But it is also sensible for us not to forget our mistakes and to come up front with them. We have made a big mistake, when I say we I include myself the Administration and indeed the Councillors as led by the Administration, on the MPA Road; in the last year we did our best and we failed, we wasted some public money and I think we have to be honest about that. How much is not yet been determined, you cannot of course make an omelette or a Hamlet without breaking some eggs and we took something of a risk on what looked very sound advice and that risk did not pay off. There have been recriminations, we tried and we failed. We have succeeded in many areas but this particular one has not borne fruit. What I can hopefully assure everyone is of our best shot next time. I know the new Director of Public Works is extremely aware of the politics of the problem and of the amount of funding involved and is very keen to get it right. We are going to get it right next time, not a question of Hamlet, it will be a question of all's well that ends well but it will not end in the coming year nor I think is it likely that it will end as we promised in the following year. It will almost certainly now be delayed by a year while we get these things right.

I would also apologise for the lighting in this room, in my view it is totally inadequate, we came in here and it was sunny outside and we could hardly see. We must really illuminate these luminaries around the walls with more lumens in future so I will try to see that we get some better lighting in here.

In the year ahead we have another 365 financial days and we move inexorably towards Carlos Menem's word-eating extravaganza on the 31 December 1999. I am delighted at the Councillors' five priorities, I believe they dovetail very well with what I would consider my own for the coming year. Maintaining the Fisheries income, we must remember our dependence upon the Fisheries income at the moment and maintaining the security of that is vital. Secondly this major effort in the Agriculture sector to ensure the future of Camp must begin to bear some real fruits, some tangible results. Thirdly the oil exploration is going to start, we are going to have companies who are interested in prospecting in our waters, managing that process, we have done fine so far, the most complicated bit is yet to come, and the next year will see us through that complicated bit and the learning curve will be very steep. And the fourth thing is the application of the Hay Report, that too is very complicated, that is going to involve many many hours of discussion and debate with Councillors and with the Civil Servants and with everybody else. And that is going to be upon us from August onwards, there is a lot of work to be done there but I look forward to resolving those issues in the year ahead. These are very big tasks confronting us but we are moving now into a very promising new financial year and I look forward to achieving them. I beg to move.

His Excellency the Governor

The last week or certainly I would say the last few days have obviously been a serious marathon if not an ordeal for many of you here present. I was very encouraged to hear the upbeat comments that Members were making about the rather more positive mood which imbued your deliberations. They are tremendously important because a lot of Government is about money and allocating resources, I am sorry if the Financial Secretary feels a little bit hard done by or bruised. We do, as one Honourable Member made it clear, have to strike a balance between fiscal responsibility which you recalled, my predecessor had said something about a year ago on the one hand, and the need to invest in infrastructure in our people, in our education and so on. And I would like to think, it sounds to me from what has been said today as if we have struck a pretty good balance in that respect so I congratulate you all on the last few days and weeks in some cases, extremely well and profitably spent.

It has been an important week in other respects too. I am very pleased about the unanimity amongst Elected Councillors here present who voted today on the Constitution, I am very pleased that I will be able to forward those amendments to London and they will now get on with that. That is excellent.

I know that we have referred to Falklands Landholdings in Legislative Council even if we have not dealt with it in Legislative Council, we did however deal with it or take some decisions in Executive Council which I have referred to publicly but I think it would be strange if I were not to say again how pleased I am that we are now going

to move forward on that front after a very long period in the doldrums. I very much hope and pray that everybody involved in Landholdings will feel they are moving forward together in a productive direction. And lastly Argentina; Argentina always overshadows us, I would like to add my good wishes to those of us here present who are going off to either Papua New Guinea or to New York to defend our corner. to uphold our rights and to seek to persuade the UN to recognise our right to self-determination. Good luck to you.

On that note, thank you for an extremely interesting day, I think we have actually ended a little bit early than I feared we might. So I congratulate you on that too, maybe we can do even better next year. The House is Adjourned *sine die*. Thank you.

Confirmed 20th December 1996

RMM
Governor

awh Q13#13

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 30 OCTOBER 1996**

RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD IN STANLEY ON 30 OCTOBER 1996

PRESIDENT

His Excellency the Governor
(Mr Richard Peter Ralph CVO)

MEMBERS

Ex-Officio

The Honourable the Chief Executive
(Mr Andrew Murray Gurr)

The Honourable the Financial Secretary
(Mr Derek Frank Howatt)

Elected

The Honourable William Robert Luxton
(Elected Member for Camp Constituency)

The Honourable Eric Miller Goss MBE
(Elected Member for Camp Constituency)

The Honourable Mrs Norma Edwards
(Elected Member for Camp Constituency)

The Honourable Richard James Stevens
(Elected Member for Camp Constituency)

The Honourable John Birmingham
(Elected Member for Stanley Constituency)

The Honourable Mrs Carol Wendy Teggart
(Elected Member for Stanley Constituency)

The Honourable Mrs Sharon Halford
(Elected Member for Stanley Constituency)

The Honourable Michael Victor Summers OBE
(Elected Member for Stanley Constituency)

PERSONS ENTITLED TO ATTEND

The Attorney General
(Mr David Geoffrey Lang QC)

The Commander British Forces Falkland Islands
(Commodore Alexander Kirkwood Backus OBE RN)

CLERK: Claudette Anderson

Prayers: Monsignor A Agrieter

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RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD ON WEDNESDAY 30 OCTOBER 1996

His Excellency the Governor

Good morning Honourable Members, ladies and gentlemen. I have pleasure in opening this meeting formally.

Clerk of Councils

The Oath of Allegiance, the Honourable M V Summers.

The Honourable M V Summers OBE

I, Michael Victor Summers, do swear that I will faithfully bear true allegiance to Her Majesty Queen Elizabeth II, her Heirs and Successors according to law. So help me God.

Clerk of Councils

The election of Elected Members to Executive Council.

His Excellency the Governor

I would like to appoint the Attorney General and the Honourable the Financial Secretary as tellers for the purposes of this election.

The Honourable Mrs S Halford was elected as the Stanley representative on the Executive Council.

The Honourable Mrs N Edwards was elected as the Camp representative on the Executive Council.

Following the ballot for a representative for either Stanley and the Camp, a tie between the Honourable M V Summers OBE and the Honourable E M Goss MBE occurred.

The second ballot also produced a tie. Following a brief adjournment to discuss the situation, Council reconvened and a third ballot was held, the result of which also ended up as a tie.

Further discussion ensued and Honourable Members agreed that the names of the two Councillors involved in the deadlock should be put in the hat to resolve the matter. This was duly done and The Honourable M V Summers' name was drawn from the hat, making him the third Elected Member of the Executive Council.

Clerk of Councils

The confirmation of the record of the meeting of the Legislative Council held on the 26 April 1996.

The Honourable the Financial Secretary

Your Excellency, I have a matter to raise in relation to the meeting held on the 26 April 1996. On the introduction to the Supplementary Appropriation 1995/96 (No2) Bill 1996, I inadvertently overstated two amounts by £30,000. On the second line of that particular record I should have stated £821,400 instead of £851,400. And on the seventh line I should have stated £575,800 instead of £605,800. Unfortunately I was reading from a draft version of the Bill, the final and correct version of the Bill was issued and the Ordinance reflects that correct version.

His Excellency the Governor

Thank you Financial Secretary, it is duly noted.

Clerk of Councils

Sir, I've noticed an error only this morning on page 5, under the Honourable the Financial Secretary's speech, line 12, and this was just purely a misunderstanding from the tape. Instead of "framework of mutual obligation", we have typed "framework of neutral obligation".

The Honourable E M Goss MBE

I have not got the minutes with me but I do believe the front page was very untidy, little typographical errors, just from memory I think that is in the introduction of the minutes.

His Excellency the Governor

It is duly noted and we'll be as careful as we can in future to ensure that the papers are scrupulously correct. Does any other Honourable Member have any other comments on the confirmation of the record of the last meeting of the Legislative Council? If not I will hereby sign them as confirmed.

Clerk of Councils

Papers to be laid on the table by the Honourable the Chief Executive.

Copies of subsidiary legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Council and laid on the table pursuant to section 34.1 of the Interpretation and General Clauses Ordinance 1997.

The C and PH Chalmers (Tax Exemption) Order 1996
The Stanley Growers Ltd (Special Exemption) Order 1996
The Administration of Estates (Amendment) Rules 1996
The SSVC (Employees') Exemption Order 1996
The Bristow Helicopters Ltd (Employees') Exemption Order 1996
The Carriage by Air (Stirling Equivalents)(Falkland Islands) Order 1996
The Off-Licence (Court Fees) Regulations 1996
The Philomel Street Waiting Regulations (Amendment) Order 1996
The Stanley Street Parking (Prohibited Vehicles) Regulations Order 1996
The Moss Side Sanctuary Order 1996
The GEC Marconi Communications Ltd (Employees') Exemption Order 1996
The Fishing Licences (Applications and Fees) Regulations Order 1996
The General Development (Amendment) Order 1996
The Eliza Crescent (Plots 32-36) Direction 1996
The Employers' Liability (Compulsory Insurance) Exemption Regulations 1996
The Employers' Liability (Compulsory Insurance) General Regulations 1996
The Workmen's' Compensation (Compulsory Insurance) Order 1996

The Honourable the Chief Executive

Mr President, Honourable Members I beg to lay the aforementioned Papers on the table.

Clerk of Councils

Motion for Adjournment

The Honourable the Chief Executive

Mr President, Honourable Members, I beg to move that this House stands adjourned sine die.

His Excellency the Governor

Honourable Members now have the opportunity to speak to the Motion for the Adjournment if they so wish, bearing in mind that we need before too much longer to repair to a seminar on Hay. Can I invite any Honourable Member who wishes to speak to do so now,

The Honourable Mrs S Halford

Mr President, Honourable Members. I will keep this short as usual. As everybody knows this has been notable a week in Falklands history with the awarding of the oil licences. I find it is also pleasing to note that our Chamber of Commerce are actively seeking opportunities in this new area. We will also this week see a group of our youngsters finishing school in preparation for taking their GCSEs'. Whilst on the subject of youngsters, I would like to take this opportunity to say that I am particularly disappointed with the behaviour of some of them, and the trouble that we have been having emanating from discos and other activities of late. I had hoped that by the time these children, I call them children, are old enough to leave school that they would be young adults and would be an asset to our community. But the behaviour they have been showing of late, I can't class many of them as adults.

Recently I went over to the West and I have to say I had a guided tour around the West roads hopefully within the speed limit. Despite what we are told by the engineers, I really think the roads are excellent and I think there is actually a lot to be said for "Benny Tech" and common-sense. I think that the people who have built these roads should be congratulated. Sir, I support the Motion for Adjournment.

The Honourable Mrs C W Teggart

Your Excellency, Honourable Members, just a few brief comments. As people know I have just returned from overseas so I have got a lot of catching up to do on just what the current situation is in Stanley having been away for just over a month. I would very much like to extend a welcome to Councillor Mike Summers on this Council. I think that he will be a very worthy Member of it. I am just very saddened by the circumstances which led to the by-election taking place. I think that really was borne home on Monday when, along with the Chief Executive, we were in London for the announcement of the first round of the oil licences, and I think that his absence was very strongly felt at that time. I would, however, like to extend my congratulations to the Oil Management Team and the Licensing Team who did so much work, and I think have really carried that out very very successfully. I think that my day in London bore out the interest that has generated a very positive outlook for the Falklands. Sir, I support the Motion for Adjournment.

The Honourable R J Stevens

Your Excellency, Honourable Members. Just a few brief words. I would like to also welcome Councillor Mike Summers to our group and I believe he has got a lot of skills and knowledge which we can use to our advantage. I hope this helps us to achieve a lot in this last year.

I think that it is an appropriate time to mention Mrs Phyl Rendell's time in the Education Department. She has been the head for eight years at a very important time and I am sure that in the past a lot of Heads of the Education Department have had some great ideas for the way forward. But it is only since the fishing monies that we have been able to bring the ideas forward and make them reality. There has been such a transformation from the three departments, the Camp Education, the Infant and Junior and the Senior School which has developed into a community school. When I am in Town I always use the facilities of the recreation centre, specifically the swimming pool. And it is great to see the car park there full most evenings with people using these facilities. I think Phyl would be one of the first to say that she is just one of a team and it is the complete team that makes a success. I do not think the Education Department under Phyl or in the future can be complacent as there are still areas to be perfected. In the time that I have been on the Board, specific areas like special education, special needs and pre-school have all started to come to our attention and we have developed them. Hopefully we will develop them to a higher degree in the next few years. That is all I have, Thank you Sir.

The Honourable J Birmingham

Your Excellency, Honourable Members. In rising to support this Motion I do have a few things that I would like to say. I have also been away for some time and I would like to say I am sorry and regret that John Cheek is no longer with us, he was a very committed Councillor. I would like to welcome Councillor Summers to this table, I know from experience that it is not easy to take the place of a respected Councillor. I would also like to congratulate my three colleagues who have been elected to serve on Executive Council, as hard as that election might have been. There have been a few thoughts put around the Town and the Islands on open government in these last few weeks. I would like to point out that this particular Council has passed legislation to allow people more access to information within the Government, and that this particular Council has had more public meetings than any other previous Council.

I think that everyone around this table is more than accessible so if people wish to contact any Councillor, please do. It is strange that since I have been back I have found out that apparently we are going to put in some short term office accommodation. I find it strange that out of the blue we can find money where we have not found the money yet for office accommodation, when we are still struggling

to find somewhere to put some more sheltered accommodation. I am afraid I know which is more important. I have an apology to make to the youths who use the Shack. Sometime ago I was on the Planning and Building Committee which turned down their application to an extension to the Shack on Victory Green. A couple of weeks later I went to the Shack to have a look around on a Friday evening. I was very impressed by the amount of people who were there and their enthusiasm. I then wrote to the Planning Committee and asked if they would reconsider the decision, this is whilst I was away and unfortunately they declined to change their minds. What I would say to the Shack now is that you do have the right of appeal to Executive Council, feel free to use it if you wish.

I intend to say something about voluntary organisations, and I am going to say that today. On Saturday the Scouts went around Stanley collecting for Armistice Day and to my knowledge they collected over £500 in two hours, which is to my way of thinking pretty good going. I was told that whilst I was away that societies gained points by the amount of people who were involved in voluntary work and it is not always publicly voluntary work. So to the people who do do things without payment, I congratulate you. I am pleased that the Seaman's Mission is going ahead and I am sure that it really will be open to people of all persuasions and from all nationalities.

Generally speaking people do say something about Argentina at this table and as far as Birmingham is concerned, sovereignty is not and never will be up for any negotiations. I would just ask them to renounce their claim again so we can be friends.

The new Cable and Wireless satellite dish earth station is going up and I have been told that when this comes on stream such is the technical brilliance of the new dish, the ongoing costs to Cable and Wireless are going to be substantially less. I wonder if this will be reflected in lower overseas telephone calls. I also believe that on St Helena, the entire staff of Cable and Wireless is from St Helena and Ascension. I look forward to the day when all of the staff at Cable and Wireless are Falkland Islanders.

I would like to congratulate the Teaberry Express for their continued news gathering service and without any Government support the way they continue to pump out information week after week.

At Landholdings, something is beginning to happen, the giant is waking up and I hope that something does happen, but I would not like things to move ahead too quickly and get it wrong. Nobody could deny that sometimes in the past we have not exactly got it 100% right. I would sooner take a little bit more time and certainly we must consider all employees and not just the ones that have been taken on since the Government bought the farms.

I cannot finish up by not mentioning Albemarle but I am sure that something is going to happen soon.

Finally I would like to congratulate as others have, everybody concerned in the Oil Round. I know that they have worked very hard and now that it is over and we do have an Oil Department, I hope that this means that our senior administrators will have more time to administer the Government.

I wish the runners and the walkers well on Saturday in the half marathon. Sir, I support the Motion for Adjournment.

The Honourable Mrs N Edwards

Sir, in rising to support the Motion for Adjournment I will keep my comments brief. It was gratifying to hear Councillor Halford reiterate what I was saying about the West Road for a long time. I deeply regret the fact that although the contract is now drawn up for the next phase, it still seems to be going nowhere. I do not know when the tenders close for the next contract but it seems to me that we have missed one of the best seasons so far, by lack of activity by the Director of Public works and his team, and I find this very regrettable. Fox Bay Jetty which I always have something to say about is now virtually completed. It is a jetty, it is useable, it is nice but for the amount of money that has been spent on it, it really should be a Rolls Royce jetty and it is not, it is a pretty ordinary looking thing.

Again, Councillor Halford mentioned the youngsters fighting at the discos and so on and I think this is extremely regrettable. It is getting to the stage where it is shameful to us when we learn that the Infantry Regiment has been advised not to come to Stanley because it is dangerous. I think that is an awful slight on the youngster of our population. Unless they do start to behave in a better manner we will have to look at taking measures to make sure that they do, and by that I mean that they are warned if they continue to misbehave at these functions, and if they take no notice of that warning then we will have to look at a curfew for a certain period of time to keep them in order. I thought I would never ever have to say anything like this in the Falkland Islands but there we are, a sign of the times I suppose.

I agree entirely with Councillor Birmingham that we are talking about office accommodation when we have been asking for a long time that the priority be given to sheltered accommodation. Again, I would urge the Councillors to agree a sum of money to be set aside for the building of new hostels so that we can get the present hostel moved, and more sheltered accommodation arranged on that site.

Sir, I support the Motion for Adjournment.

The Honourable E M Goss MBE

Sir, in rising to support the Motion for Adjournment, I would like to touch on one or two points but before I do, I congratulate the new Members to the Executive Council and welcome the new Stanley Member, Councillor Summers to our Chambers. He

got off to a sticky start but at least he ended up in the place that half the Elected Members wanted, and it was nicely resolved by Commander Backus. Of course I feel a little bit relieved because we are moving up into gear with the close of our Oil Round and there will be a lot of work. This agenda is quite big for the Executive Council this month and there is a lot of reading to be done and I hope Councillor Summers has managed to turn all the pages on the file.

About a year ago I predicted the crumble and collapse of the tarmacadam on the MPA Road. I was looked upon as some sort of guru and I was probably wrong. In no time I proved that I was right and the tarmac broke up and collapsed. Coming in the other day I saw that the Public Works Department is still spending time and money filling in the broken down holes with crushed metal, clay and grit. When it rains the clay washes out and you get deep potholes, it makes driving and the wear and tear on your vehicle pretty horrendous. I was thinking if we still have this problem around the Community School, perhaps we should get the road repairers to bring some of their crushed metal and clay and dig some holes around the school because it has a definite effect on slowing down traffic. Rather than "sleeping policemen", maybe some of that clay could be put with metal in some holes around the Community School approaches, it would make it a lot safer.

I, like everyone who follows opportunities to financially support the Falkland Islands for our future and our prosperity of the inhabitants of the Islands, would publicly like to congratulate the Oil Management Team for their successful launch of the Round, and the recent close of our first Oil Round. I do believe their final choice that they deemed to put forward as the best bids was fair and just, and they deserve praise for the good job well done. I am glad that the Chief Executive has made it back and he can now pull together the final ends of the Launch. I would like to go on to say that I have no conscience about YPF or British Gas not being successful in their bid. I have no qualms or regrets to offer and I am resentful about inviting them to farm in, or to participate in our northern block. We owe them nothing and against my will and wish, we identified a substantial area to the south-west for joint exploration, exploitation and development, so how generous can we be? I think that we have gone far enough and they have got every opportunity to do their oil bit in an area we have set aside for them to do that.

The Padre who is no longer with us, in his prayers, mentioned help each other and love thy neighbour. I would like to follow that theme a little bit further and say a few words about the Argentine/British Conference. I am not taken in with the proclaimed value of the ABC wherever it is held, be it in Cambridge or Salta. Those who attend apart from the Councillors in other places than Argentina, are a group of self-appointed people airing their own private views. They do not represent the people they talk about, I cannot condone anyone or any groups taking liberties or assuming that they are the pathfinders for the general public. They have not got my support in going off. They are only small groups, about 30 Argentinians and 3 Falkland Islanders sitting around a table, finding the right way forward for us and I cannot support that. On that note I will sit down and I support the Motion for Adjournment.

The Honourable W R Luxton

Mr President. I would like to join my other colleagues in welcoming Councillor Summers to our midst. I am only sorry as well that it happened in very sad circumstances. John Cheek I think was a great Councillor, a great Falkland Islander and he served his country well, and he will be very badly missed in this forum.

I know that we are pushed for time but there are a number of issues that should not be passed over just because of that. I would also like to join my colleagues in saying how good it is to see the continued smooth progression of our plans to organise and control oil exploration, and maybe exploitation in due course. They deserve the continued direction and support of all Councillors. I think that some people fear that big oil will take over but I am quite confident that we have the ability to control it.

As for our garrulous neighbours across the water and the various wild stories that have been flying about. I would like to make a few things clear. On all the occasions that I have been involved in anything connected with oil, I have never suspected the slightest hint of anything such as a deal on arms between HMG and the Argentines in return for oil licences in the South Atlantic. I think it is absolute nonsense. As for the other matter, this Councillor nailed his colours to the mast years ago and they are still there. Unless and until the Argentines say that they are prepared to give up their spurious claim to the sovereignty of our Islands, we have got nothing to talk about. Nor will I ever agree to the admission of Argentine passport holders until that claim is dropped. It is the one sanction that we can impose on them and they do not like it, hence all the ballyhoo. Perhaps the two things they want most are first to get their own people in here again and second to get one or more Councillors to go to Argentina. I think the message to the Argentines is drop the claim and both are possible but keep up the aggression and you can forget it.

Now Sir, I should like to turn to what I think is a very serious local matter. A number of my colleagues have mentioned the quality of the west Road and I am very glad to hear that point being made. A year ago in these Islands, the construction of Camp roads was progressing very well and very fast. Road builders on both Islands were fired with enthusiasm with the challenge to reach their targets before the end of the summer, and they did. There was a great deal of celebration and enthusiasm for the future in which you yourself participated Mr President. Since then and despite the wish of Councillors to speed up the programme and allocating even more funds, one man and one man alone has turned the whole business sour, and brought the construction of roads to a shuddering halt. His petty nit-picking over the fine print of contracts has wrecked the prospect of progress this year and imposed a new style of contract that is quite inappropriate. I recently went along the West Road as well as my colleague Councillor Halford, and at the end of the road constructed by Gordon

Forbes, there are no gabions at the culverts, no complicated covering to ends of cross-road drains, no camber and no ridiculous lining positions. The point I want to make is it is a damn good road and incidentally has had no maintenance whatever since it was built. On the other hand the Director of Public Works has now forced White Rock to tear up half the road and pile it in the middle to form his wretched camber. I believe the net achievement will be to reduce the effective life of the road by many years as this material is what would have been there to be graded up and rolled in an ongoing maintenance programme. In other places they are having to construct something nearly as wide as the M25 over a hill. I think that the Director of Public Works should visit darkest Devonshire or somewhere like that for a look. Sometimes you are damn lucky if you can see 10 yards in front of you at a bend or a hill. As to the new West Road contract that has just been issued, if I was tendering I would build in the costs of a full time lawyer for a start I think. Just to give my colleagues a brief idea of what is involved. Last weekend I drove along a superb part of the last phase where I was able to travel at up to 70mph safely and comfortably because it is a very good surface and legally because there is no speed limit. When I got out with my 3 metre straight edge, as called for in the new contract and in numerous places I was able to fail that road because it was not smooth enough. That shows you what standard had been called for, and believe it or not a new tender document calls for and I quote, "a track on West Falkland to the settlement Hill Cove Point from the west of the recently constructed section of road". This is going to be a damned expensive track I can tell you, and do you think that all these nit-picking items will be interpreted in a sensible and reasonable manner? Don't you believe it, in the world according to Forrest every little dot and cross would have to be just so and the engineer has the right to change almost what he likes half way through the works. Mr President, the Director of Public Works treats locals with good practical knowledge and experience, and Councillors, with barely concealed contempt. He deliberately arranged another meeting at the same time as the recent Transport Advisory Committee meeting where we considered Mr Mike Summers' Transport Review. He now objects to some of the recommendations that came out of that meeting, Mr President if the director of Public Works cannot manage to organise a tender this year for the road south from Darwin then I believe we have two options. Either find a Director of Public Works who can or take the entire road building programme into a new Department of Highways with its own head. This suggestion was first made by a member of the Transport Advisory Committee, and the more I think about it the more attractive that concept becomes. I believe we have people here with enthusiasm and competence who could make it work and I urge Honourable Members to give that proposal some thought. Mr President we need to move quickly, the new tender document is full of contradictions, nonsense and impossible requirements. I would gladly go into detail with anyone over this who is interested but time does not permit this now. I believe in some ways the message from the long suffering Camp population is come back Brian all is forgiven. We did not know how well off we were. I am sick to death of having Councillors wishes thwarted at almost every turn by procrastination and delay and I urge my fellow Councillors to take control of this major capital programme again and ensure that it is done the way we want it done. Sir, I beg to support the Motion.

The Honourable M V Summers OBE

Mr President, in rising to support the Motion for Adjournment, I would first like to thank those of my colleagues who have welcomed me to this forum for the first time. I think you will find me a very active team player. I made some play in my manifesto about the need for proper economic planning in the Falklands and I will do so for the rest of my tenure in office. I think that some of the problems that we have got ourselves into with the roads, with the increased speed of construction, the question of the temporary office accommodation that was recently mentioned, are to do with the lack of a proper structured economic plan for the Falklands. Had we been thinking about these things a little earlier, we would not have got ourselves into this mess. On the same subject, unless we have a proper structured economic plan for the Falklands and a properly planned capital programme, the ability of the private sector to properly respond to Government expenditure will always be limited. I will be seeking urgent moves forward on this issues with my colleagues and with the Administration.

Like my Honourable colleagues, I would like to congratulate the Oil Management Team and indeed all those other folks who have been responsible for the launch of the oil round. I seem to recall some months ago that we had thought amongst ourselves that if we were able to issue three licences that would be success. Here we are in a position with perhaps twice that many, I think that is a fine result.

The expressions of concern for YPF and British Gas I do believe are misplaced, I think the people who are entitled to be concerned about their failure to get a licence are their shareholders. If I was a shareholder of either of those companies, I would be extremely cross at their failure to properly approach the issue. It serves them right for relying on a nod and a wink to their ministers.

On Argentina, I would like to thank those private citizens who have represented us robustly I believe in Salta, not that I necessarily disagree with what Councillor Goss was saying, but there clearly is always a value in explaining your position to others, who will otherwise make up their own minds. I think that is something we need to bear in mind constantly.

There is an issue that concerns me greatly in the fishery and that is how we are going to approach high seas fishing regulations. We must clearly think seriously about the moral highground and take the moral highground where we can. On the other hand we must be careful that we do not disadvantage those vessels that are flagged in the Falklands, and stop them from fishing when every other vessel in the world is fishing stocks that they otherwise would have taken, had they not chosen to

transfer to our flag and commit their futures to our fishery. I think this an issue that we will have to keep a very close eye on.

Finally in closing, I too would like to pay a very brief tribute to John Cheek. As the person who has been asked to fill his place I am aware from our contacts that go back to the unfortunate events of 1982. What a huge amount of work John Cheek has done in the politics of the Falklands. I think he will be sorely missed and I hope that I am able to achieve a small percentage of what John Cheek achieved in his lifetime as a Councillor. Sir, I beg to support the Motion for Adjournment.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. I also look forward to working with Councillor Summers, I was closely involved with working with Councillor Cheek on several matters, in particular on the Oil Management Team and also one of John's pet subjects was old age pensions, and he was very active in the Old Age Pensions Review Committee. Hopefully at the next meeting of this House, we will be enacting the new Retirement Pensions Bill which will replace the Old Age Pensions Ordinance. That was something that John Cheek strived for for many years.

Your Excellency, I support the Motion for Adjournment.

The Honourable the Chief Executive

Mr President, Honourable Members. It is normally my custom in the Adjournment debate to pick up any of the things that have been said by Honourable Members but as we all appreciate, we are up against a time constraint, and so not very much has been said. However, there are two things that I would refer to, one is what Councillor Birmingham raised with regard to the Shack and Planning. I had a brief discussion with my learned colleague on my left, the Attorney General, on this issue. The situation is that the Planning Committee cannot change decisions on planning applications on which they have already decided. They can only do so on a new planning application. Executive Council can change the Planning Committee's decision on appeal, so I think that what the Councillor said may well have misled Members of this House. On my learned friend's advice I hope I am just putting that right for the record.

The other matter that I think I must refer to albeit briefly is the issue that was raised by Councillor Luxton with regard to an individual. I think it is unfortunate that the privilege of this House does allow a very personalised attack on a named civil servant. It is my job to support my officers, now on this particular issue I am not up to speed because as everybody knows I have been out of the country for the last month, partly holiday and partly business. All I can say to the Honourable Member is that I will continue to address this matter to the best of my ability. I realise that it is important and as he well knows before I went away I was involved in discussions on which a great deal of progress was made. I do believe that the tender in question

will issue shortly, the time will have elapsed where the tenders come in and so movement can be made. Of course we all regret delay and of course we all want to see the very best road built in West Falkland and indeed everywhere else, and we will continue to do our best to do so. In many ways I do wish that individuals could be present to support themselves. I know that it is not possible in a forum like this but some kind of defence when someone is attacked I think is appropriate.

I would like to thank Councillor Teggart for her help in London. Being interviewed, it is not easy sometimes in a studio which is de-personalised and her voice comes out of the ether and you talk into a blank camera, hoping that somewhere somebody is watching. Of course there are probably millions of people watching but I am sure Councillor Teggart did extremely well in that.

The culmination of the Oil Round which happened this week was in fact a very substantial achievement by the Falkland Islands. Although the Oil Management Team has come in for praise, and I would echo that praise, it has been a very good team to work with, nevertheless this is an Island achievement. Over the next five years the oil exploration will mean that money is expended, not necessarily through our economy but in our interests of over \$200,000,000 on oil exploration alone. Within that first phase there has been a positive commitment to real wells being drilled. That in fact we never envisaged when we drafted the legislation, indeed when we drafted the scoring system, we never imagined that there would be such a positive and rapid interest in the first five years. But that is what we have got and that has got to be good news for the Islands. This is far better, Honourable Members, than that which has been achieved by most other countries in their first licensing round. And in that sense we have been truly internationally competitive and have been successful. Now all those are fine words and we all know that something is going to happen but I know that most people living here will be asking the inevitable question, what is in it for me? What does it mean for me? And I hope that we as an Oil Management Team and also of course the Oil Department, will be able over the next months and years to continue to keep people informed as to what is happening and what the opportunities are. There will be, I can assure you, a steady flow of information. Generally speaking I think we get complaints from people who say you have not told us something, it tends to be that they were not there when whatever it was was being told was told. But never the less we will try to make sure that people know what is going on, know when things are being broadcast and meetings are being held. Dr Nigel Fannin arrives here on the 13 November in a couple of weeks time and he will be here for a week. We will ensure that there is public exposition of what he knows about the future which I am sure is more than most of us do, as to the kind of things that will be happening here in the near future. So, make sure that if you want to know what is going on, ask Nigel a question. We will make sure that he is available for that, either over the radio or in a public meeting, but we will let people know very quickly.

I would like to, and nobody has done this yet, I am always at the end and I find myself copying what other people have done. But nobody actually thanked the

outgoing Executive Council as an outgoing Executive Council. I would like to thank Councillor Stevens and Councillor Teggart particularly for the work that they have put in and for the wisdom that they have shown throughout the year. It has been a very interesting year with a lot of interesting issues to discuss and debate and I would thank them for that. I would also like to welcome Councillor Summers as everyone else has done. We have worked together in the past over a wide range of issues - oil, fisheries, agriculture, transport and development in general. The list is as long as the economic activity in the Falkland Islands. You have considerable ability and experience and you are very welcome to this forum and to future debate. When I say future debate, I am well aware that your predecessor was renowned for his combative style and that I am sure you are well able to fill his particular shoes. So welcome.

I have not had the opportunity, and that is something I have regretted, to pay a public tribute to the late John Cheek. He has had so many tributes from so many people, I particularly remember Councillor Teggart's tribute on the radio and His Excellency's tribute as well. All these were more than deserved and these people knew him better than I did. I have known him now only for two and a bit years since I have been here, but he was as everybody has said, a big man in so many senses of the word. He had immense political skill which he used not only internally but externally to the benefit of the Islands. He was a man who was consistent in his policy understanding and he had clarity of thought on policy matters and that was of considerable value to the Civil Service and I know to his fellow Councillors. We all have personal memories of him, the two that I would just like to bring forward if you like in an affectionate tribute to him, are that he was a great man to eat with. Those of you who have been privileged to actually dine with John, he enjoyed eating, he relaxed when he was eating and I once had the honour of eating with him in a Chinese restaurant in London and it was a wonderful evening. He would discourse about the food with great knowledge and he would tuck it away and he thoroughly enjoyed it. Now some might say he was a great man to be in a tight corner with, well sometimes that was true. I was training him really how to drive a motor car on the wrong side of the road, that was not in the Falklands, that was in the USA and I was showing him how the cruise control worked on this particular hire vehicle. Now in order to do that and demonstrate the knobs and buttons, you do have to show how to increase the speed. The speed, not on his insistence but certainly on his connivance, went past the nominal level, some very small level they have there in the USA for the speed limit, and almost immediately there was a flashing and a siren and a noise that I could see something happening in the rear view mirror so I pulled into the side. I was asked by a gentleman in a uniform to get out of the car, not quite to assume the position but I thought John will be a tower of strength here, this is tremendous, I have got this big man sitting next to me. And as I was being interviewed by this policeman and rather unfortunately as it transpired, offering him my Falkland Islands driving licence, I looked for John's support and what I could see was the rear of John's head trying to get below the level of the seat and I knew he was laughing contentedly to himself, just by the profile of the back of his head. And of course when I returned to the car, John was beside himself with mirth at the

thought of what had happened, and he thoroughly enjoyed it. I will always remember that. he was a great man to be with in that kind of tight corner, as long as you were not looking for too much on line support at the time, but the discourse afterwards was most entertaining. We did have an affection for John and he was a big man, there is a blank within the politics of these Islands for a while which will be very difficult to fill. And so, with those things Mr President and with the assurance that I will pick up on the comments of Councillors once I have got up to speed with these matters, I do beg to move this Adjournment Motion.

His Excellency the Governor

Thank you very much Chief Executive. I was certainly going to thank outgoing Members of the Executive Council for their very valuable contributions, they are the only elected Members of the Executive Council that I have known in the relatively short time that I have been here, and I can only say that it has been, most of the time, a delight to work with you all. And I commend not only your diligence but also the good humour with which we have all shown in approaching sometimes quite difficult issues in the Executive Council. So, I would like to echo the thanks that have already been conveyed to Councillors Teggart and Stevens and of course it goes without saying, to the late Councillor John Cheek, who will indeed be very sorely missed as I have already had the opportunity to say. It would be remiss of me not, incidentally to thank also Councillors who stood in for Councillors and indeed for John Cheek after he died.

This has indeed been really quite a momentous even historic moment for the Falkland Islands, I am referring of course to oil. I do not think any of us can really know quite what lies in store for us. For a start we cannot be a hundred per cent certain that there is any oil or what quantities there will be if there is. I think that there is a real sense both here in the Islands and the United Kingdom that we are on the threshold of a big moment in our history. I hope that most people regard the future with optimism, expectation and hope, rather than too much apprehension, apprehension and apprehensiveness is right. We have got important things we need to protect like our very special way of life and our environment but I really dare to believe that we have got a very capable team managing this whole business on behalf of the Islands, that they are moving sharply up the learning curve. So I would like to add my very warm congratulations to all the members of our Oil Management Team, and our Oil Licensing Team, and to the Director of Oil for the work that they have done so far in this very very exiting adventure that lies ahead of us. Could I also say how much personal importance I attach to the point that one Member present here made. That is the importance of keeping the public and keeping the population of the Islands fully informed of what is going on, because a feeling of being in the dark is deeply damaging and corrosive and would be just plain wrong in this community. So, I will certainly bear that very much in mind in my time here. I would certainly like to pay tribute to Phyl Rendell, I have already sort of acknowledged her and the importance of her contribution in the oil field. She has certainly done a great deal in the educational field as the Director of Education and I

think it is a bit unchivalrous to say that she will have large shoes to fill, but I think you understand what I mean when I say that.

Councillor Edwards referred to the problem that we have experienced in the streets, pubs and discos of Stanley recently between our young bloods if you want to put it that way. and some members of the garrison from Mount Pleasant. I would like to hope that this is a passing phase and that it has passed because it does not reflect well on any of us frankly. It is the sort of thing that would be horrific if it gets into the British press or any press anywhere else for that matter, and it is just plain wrong and bad. So I do hope that we can find ways of putting a stop to that kind of nonsense. It is just something that we should not be doing. Government can adopt a heavy stick approach, I am not sure that that is always the right way to do it, I have had a discussion with those concerned about minor things we could do to try and prevent that sort of incident happening again. I very much would like to associate myself with the sentiments that Councillor Edwards and perhaps others here have expressed and feel that that will not happen again, and that we do not need to take any further measures to prevent it.

Thank you, we have all gone on a little bit longer than we intended to but there have been some important points raised here, and plenty of food for thought and points indeed to be followed up in the Executive Council and in bilateral meetings. Thank you all very much for your contributions. I welcome again the new Elected Members of the Executive Council. I do not want to single out anybody in particular but I am very glad to welcome Councillor Mike Summers as the new Member, since he has won this election recently. I look forward very much to working with the three of you and indeed with all Councillors here present for the good of the Falkland Islands. Thank you.

This house now stands *Adjourned sine die*.

Confirmed 20th December 1996

Ralph
Governor

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 29 NOVEMBER 1996**

RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD IN STANLEY ON 29 NOVEMBER 1996

PRESIDENT

His Excellency the Governor
(Mr Richard Peter Ralph CVO)

MEMBERS

Ex-Officio

The Honourable the Chief Executive
(Mr Andrew Murray Gurr)

The Honourable the Financial Secretary
(Mr Derek Frank Howatt)

Elected

The Honourable William Robert Luxton
(Elected Member for Camp Constituency)

The Honourable Eric Miller Goss MBE
(Elected Member for Camp Constituency)

The Honourable Mrs Norma Edwards
(Elected Member for Camp Constituency)

The Honourable Richard James Stevens
(Elected Member for Camp Constituency)

The Honourable John Birmingham
(Elected Member for Stanley Constituency)

The Honourable Mrs Carol Wendy Teggart
(Elected Member for Stanley Constituency)

The Honourable Mrs Sharon Halford
(Elected Member for Stanley Constituency)

The Honourable Michael Victor Summers OBE
(Elected Member for Stanley Constituency)

PERSONS ENTITLED TO ATTEND

The Attorney General
(Mr David Geoffrey Lang QC)

The Commander British Forces Falkland Islands
(Commodore Alexander Kirkwood Backus OBE RN)

CLERK: Claudette Anderson

Prayers: The Reverend David Gatt

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RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD ON 29 NOVEMBER 1996

His Excellency the Governor

I would like to formally open this session of the Legislative Council. We have rather a lot on our agenda today and I am sure Members will want to try and move through all these subjects as expeditiously as possible. That does not mean to say that I have the least intention of curtailing discussion and debate on what are a number of important issues. Before we start, may I just make one or two announcements about how we organise our time today, and perhaps also ask for a steer from Members about one other matter. I suggest that we have a tea break from 10.15 to 10.30am depending on how we are actually getting on, after questions that would normally be. We ought to try and finish this morning at 11.45am so that we can go up to Hillside for lunch which Commander Backus is very kindly giving us a farewell lunch for his last session here, I will say something about that in a moment. I understand and I am glad to hear that, Honourable Members would like to delay the resumption of business after lunch, in order to allow us all to attend the funeral of Angus Jaffray at the Tabernacle. I was very sorry incidentally to learn of Mr Jaffray's death, I know he had been ill but it is very sad none the less. I will extend my sympathies to his family.

Clerk of Councils

Questions for Oral Answer

QUESTION NO33/96 BY THE HONOURABLE M V SUMMERS OBE

Does the Honourable Chief Executive agree that some of our past and more recent difficulties in the execution of the capital programme are due to a significant extent to the lack of an overall co-ordinated strategic economic plan for the Falkland Islands? And that the creation and maintenance of such a plan should be a very high priority? Would he suggest an approach to this important matter which would result in a working document before the next Budget Select Committee?

The Honourable the Chief Executive

Mr President, Honourable Members. Although I appreciate the need to be brief, this is something of a blockbuster of a question and I shall be as brief as I think is appropriate in view of that. I thank the Honourable Member for his question, it is a most interesting question and it deals with a very important issue. It is in fact getting to the root of an ongoing problem.

Our total capital programme over the last five years has been spent by about 80.6%, that is we have actually spent about four fifths of what we intended to spend. However, that is the total picture, if one goes into the individual areas of that there are some quite significant shortfalls. There has been very significant growth in our aspirations, particularly over the last three years. For instance in 1993/94, we planned to spend £9.6M, we actually spent £7.5M. In 1994/95 we planned to spend 35.4% more - £13M, we actually spent £9M. In 1995/96 we planned to spend £17.1M, a growth again of 35.1%, we actually spent £13M. Our aspirations have risen by 35.4% and 35.1% over the last two years and our actual has risen by 20% and by 44%. So there is a sense in which we have been falling behind our aspirations, even though our aspirations have been increasing quite dramatically.

The question though, is do I agree that this lack of growth or lack of execution in the capital programme, is due to the lack of an overall co-ordinated strategic economic plan. I thought about that for some time, I do believe fervently in planning, I speak as an ex-corporate planner and I believe that it is a mechanism that is absolutely indispensable in any complex modern organisation. I do believe that we need exactly the kind of plan that the Honourable Member is talking about. For too long these Islands in my view have tended to be reactive rather than proactive, and one way that we can be sensibly proactive is to have just such a plan. However, the lack of such a plan in my view is only marginal in its impact upon the capital programme, there are other clearer and more easily defined reasons. The plan will provide a skeleton but we are concerned here with the flesh, why are things not happening that we want to happen. And so in a sense my answer is neither yes nor no, it is a kind of qualified maybe. Let me tell you what the other reasons are other than just the lack of a corporate plan. Firstly the first and prime reason must be the over optimistic forecasting. If we read the recently available Falkland Islands Government Management Report from the auditors, Panell Kerr Forster. In section 4.33 under Budget Setting and Control, a comment is made on exactly this issue. It reads "I am disappointed to report that PWD has yet again fallen significantly short of budget expenditure, this is because the estimates forecast were far in excess of physical and resource capabilities, as well as failing to take account of the time required to plan and execute major capital projects." So over optimistic forecasting is the first of six reasons I will give you, the second is the lack of management systems, this is true generally throughout Government. It is certainly true in the Public Works Department and it is true in other departments. We do not have a state of the art ability to forecast, to monitor and to control the business of government. The third reason why we fail to meet these targets is what I would refer to as the annualisation problem, approval in May to major projects is too late, it does not give us sufficient lead time to get the projects properly started during that particular year. The fourth reason is the lack of human resource, this is at management level, it is at operator level and it is at sub-contractor level. We do not have enough resource to tackle the ambitious programmes that we have set ourselves. The fifth is that we all seem to have a desire to change and adapt what we are doing during the actual process. We all know the problem, this must have

priority and then yes this actually has a higher priority. And then at the next meeting it is but this has the highest priority overall. Now that is not always a bad thing, I am not criticising that because I think that that can be very healthy, we end up probably doing the right thing, but it does lead to time delay in projects. And the sixth reason is our vulnerability to critical factors to do with where we are in the world. It has a far greater impact here than anywhere else in the world, and should some vital piece of equipment suddenly fail and we cannot find a spare, it takes time to get that piece of equipment in place. That is something that is almost impossible to plan for without massive back-up resources. In spite of all that, this slippage in capital programmes is not a problem unique to us, it is a world wide phenomenon. We all know about the Channel Tunnel, we all know about the slippage at the Barbican Centre and I was actually involved in that, not creating it but trying to alleviate it. Closer to home we have the very significant slippage that Cable and Wireless have suffered in the construction of the earth station due to factors beyond their control because of where they are in the world. What can we do about it? Well, I turn again to the auditors report because he actually covers some of these points under this section 4.33. He is saying that the new Director of Public Works, who is keen to improve the budgetary process, has these steps in hand; improve planning of resource availability to clarify the capability to undertake and control selected projects and their feasible timing. Now that deals with our lack of human resource point that I made (point 4); seeking to agree the capital works programme at a date sufficiently in advance of the main revenue estimates and budgetary timetable to allow preliminary planning processes to take place before projects are targetted to commence. That deals with my point 3 on annualisation; allocation of project responsibilities to individual Public Works Department team members so that they are accountable for and monitor project process against timetable and budgeted costs, and I would suggest that that deals with my second point, the lack of management systems; to achieve success in this proper objective it would be essential that the Director of Public Works has the support and backing of not only the Treasury but also the elected Members of Council who ultimately select and approve the capital projects incorporated in the estimates. I would suggest that that probably covers my point 5 about this desire to change and adapt the process which we must minimise. It also goes on that in due course it will be appropriate in a way which reflects charges for the use of plant etc, to provide full costings both for the record and to facilitate comparison with external contractors charges. That deals again I suggest with my second point about the management systems.

How does that relate to the question and the whole point of a strategic plan? What would the impact be of such a strategic plan? Would it identify priorities? I believe it would and I believe it would be very useful in so doing and in conjunction with dealing with those six problems which I have enumerated. I believe that it would be a very powerful tool in overcoming many of our problems. However, in outlining the way I think this should be approached which the Honourable Member has asked me to do, I believe that the co-ordinated strategic economic plan for the Islands is in fact a far wider concept than merely Public Works Department projects. We would

be dealing here with, the impact of oil and the socio-economic situation; with the impact on agriculture (and there is an existing paper on that); with the future of tourism (and we have a new director there who will be shortly coming up with new plans); we have the whole question of the strategic approach to the fishing industry which we will have to look at as time goes on; we have the situation with regard to education, vocational training and development of our youth; we have a housing problem; we have the whole situation with regard to the environment and planning which we are dealing with by the appointment of two officers; we have the health and safety legislation which will be appearing and which fits into this matrix; we have healthcare and social services and pensions, and all these issues which need to be dealt with under such a heading; transport - where major work has already been done; the structure of Government itself; the role of FIDC; external links; electronic communications; the relationship between the public sector and the private sector; our investment strategy as a government; and possibly even, Mr President, relationships with the military. This is a wall as you can see which has many bricks in it, some already exist. Co-ordination of these bricks is in fact the key to a secure wall of planning and I would recommend a modular approach. The key to success will be the compatibility of those modules and their inter-relationships. I have obviously as you will note already been working and thinking about this matter and will be delighted to present a working document before the next Budget Select Committee.

His Excellency the Governor

Thank you. Before I ask for supplementary questions, I quite see that this is a very important subject with a number of ramifications but in the interests of getting through our business quickly, I hope that we can keep both questions, answers and supplementaries as short as possible, rather than having another state of the union address in answer to them.

Would Honourable Members care to follow on with supplementaries to that answer?

QUESTION NO34/96 BY THE HONOURABLE M V SUMMERS OBE

Would the Chief Executive tell the House what has been the level of licensed effort in the loligo fishery for the last seven years and what have been the corresponding levels of catch, and what is the planned level of licensed effort for next season? Would he also advise the House what is the existing policy to be applied to reduce effort in any year when this becomes necessary for conservation reasons?

The Honourable the Chief Executive

Mr President, Honourable Members. I do take your point and I do apologise for the length of that answer. I trust this will be shorter but these are multi-pointed

questions and really I am trying to answer the question so that the Honourable Members get a feel for the depth of the reply.

The level of licensed effort in the loligo fishery was originally aimed at that level which achieves a 40% escapement, this was the traditional view of an appropriate conservation standard for squid fisheries. Escapement is defined as the proportion of the stocks surviving to breed compared to that if there was no fishery. As Honourable Members will be aware, the level of fishing mortality is determined by the level of fishing effort which itself depends on the efficiency of the vessel, the number of days fishing per month and the number of hours fished per day. The vessels in the fishery have been largely the same as a result of the long-term licence policy. Over time there has been some increases, in vessel efficiency which has required a reduction in licensed effort to achieve conservation targets. The Honourable Member has asked for the level of effort in terms of vessel numbers for the last seven years. I will attempt to summarise by relating to the total catch for both seasons if that is all right. In 1990 the total catch was 82,990, in 1991 it was 53,809, in 1992 it was 83,375, in 1993 it was 52,272, in 1994 it was 65,696, in 1995 it was 98,297 and in 1996 61,357. With regard to the second season of 1997 it is intended to set the level of licensed effort at a level which is compatible with a 30% escapement. Analysis is still being undertaken on the recently concluded 1996 second season. It is likely that there will be some reduction in second season licenses. There are several options for reducing effort if this proves necessary for conservation reasons. One option is to reduce the number of licences particularly when long-term licences expire and are up for renewal. Those applications that either score poorly in terms of points or which do not comply with revised policy are unlikely to be renewed. A second option which is communicated to those receiving long-term licence awards is that those who score the least points will lose licences only if this is necessary for conservation. A third option is to reduce the length of the fishing season. The first option mentioned is seen more as a mechanism for longer term adjustments, whereas the latter options are regarded as short term mechanisms which could be applied to a particular season. It does seem Mr President a truism that no policy can satisfy everyone but we do wish to have a policy that is consistent, fair and produces the results that we as the Government of the Islands believe is in the best interest of the Islands as a whole. I am by no means certain that we have yet reached that point and I can assure Honourable Members the Administration will seek to discuss policy issues on this matter in Executive Council in the near future.

His Excellency the Governor

Supplementary questions please.

The Honourable E M Goss MBE

Can I ask the Chief Executive if the point system in awarding licences is translucent.

The Honourable the Chief Executive

Mr President, Honourable Members. I am not quite sure how you define translucent. It is a system that the fishing companies know about because they have been consulted about it so they know what the aims and objectives of the points system are. That was not the case in the Oil Licensing Round that we carried out recently. In that sense, it is totally translucent.

The Honourable J Birmingham

Mr President, would the Chief Executive agree with me that there was not a great deal of warning given to fishing companies this season, that there would be a reduction in effort? And does he think that perhaps in future years there would be more warning given so as not to waste peoples' time?

The Honourable the Chief Executive

Mr President, Honourable Members. I would agree that there was not very much warning given, I myself did not have much warning of it. However, I am not absolutely sure as to what particular benefit there would have been to the system by giving more warning because I think it might well have increased the effort the fishing companies were putting in to the points process, because they would have had more fear of losing licences as in fact was the case.

The Honourable M V Summers OBE

Mr President. I thank the Chief Executive for his answer. It does concern me that the question of fishing effort is not a matter that is advised to the Executive Council on a regular basis. Whilst I accept that the needs for conservation are not a political matter, I do feel that they should be addressed to the Executive Council. Can I ask him therefore in future if this will happen and whether the Fisheries Advisory Committee will address the question of the reduction of effort as a matter of policy, and seek the advice of Executive Council on which policies are to be applied in this matter? And will they also deal with the other outstanding matters that were left over from the last policy document?

The Honourable the Chief Executive

Mr President, Honourable Members. I believe that in general terms I can give the Honourable Member those assurances he is seeking. However, as Members will be aware the process here is slightly different from the normal processes due to the legal situation, and we will have to look into that. I think the spirit of what we want to do is very much in line with what the Honourable Members said.

QUESTION NO35/96 BY THE HONOURABLE M V SUMMERS OBE

Would the Honourable the Chief Executive please advise what plans are in hand to re-address the long-term future of the illex fishery and particularly what policy initiatives are being considered to increase long-term commitment by foreign fleets and local involvement?

The Honourable the Chief Executive

Mr President, Honourable Members. FIG has been concerned for some time that the level of fishing effort directed at illex in the South West Atlantic is too high. Discussions with Argentina in the South Atlantic Fisheries Commission have focussed on the conservation of illex. Whilst some progress has been made, the fact remains that we feel that a longer term fisheries agreement with better conservation provisions is necessary. Progress on this has been slow, the 1995 United Nations agreement on straddling our migratory fish stocks may yet prove helpful. The Falklands has introduced the High Seas Fishing Ordinance which gives effect to the United Nations agreement although this only affects Falkland Islands registered vessels. The Honourable Member asks what initiatives are being considered to increase long-term commitment by foreign fleets and local involvement. This year the Fisheries Policy, which the Honourable Member had a significant role in producing re-introduces the option of long-term licensing arrangements with regard to illex. These are intended to both encourage long-term commitment for foreign fleets and to increase local involvement. In the 1997 licensing round unlike in some previous years, there has been a significant number of applications for long-term licences. Sixteen licences were offered on a long-term basis in the recent licence allocation in respect of jigging vessels. The level and nature of involvement of local companies in relation to these licences is encouraging although not as good as the activity in the loligo fishery. The progress of these long-term licences together with the companies involved will be monitored with a view to deciding whether the scheme should be extended or revised.

The Honourable M V Summers OBE

Since this is clearly the major source of funds to the Falkland Islands Government and is likely to remain so, is the Chief Executive satisfied that we dedicate sufficient time and effort to this particular subject, as opposed to some other matters which appear to dominate Government's business.

The Honourable the Chief Executive

Mr President, Honourable Members, no I am not satisfied on that. I do think that a lot more time and consideration should be given to these matters.

QUESTION NO36/96 BY THE HONOURABLE MRS N EDWARDS

Would the Honourable Chief Executive tell us the state of play regarding the baseline survey and when it is to continue this austral summer? Also is it to continue into the autumn and winter months and what arrangements have been made for the storage and collation of specimens?

The Honourable the Chief Executive

Mr President, Honourable Members. I welcome the Honourable Member's interest in this very important subject. The first phase of the baseline survey work is ongoing as indicated in my reply to question No12/96 by the Honourable Member. The work involved in the first phase included: 1) a desk study of the Falklands environment; 2.) a shallow marine survey of coastal waters to approved standards together with a littoral survey and; 3.) production of a database and Geographic Information System to store and display the data. As indicated the shallow marine survey was completed during last summer, the report has been received and circulated to FENTAG, further copies are awaited. The report on the littoral survey has also been received, delivery of the desk study is imminent and the GIS database system will be delivered in due course. It is likely that the contract will be concluded well within the allotted two year period, future work is being discussed within FENTAG. Oil companies themselves will be undertaking a number of environmental studies. Now that the operators are known, it is intended to have discussions early in December with a view to setting priorities for further work. Consequently work undertaken in the forthcoming months will represent a new survey work other than a continuation of the initial baseline survey work, although clearly it will build on the work already undertaken. The specimens collected in the initial baseline survey work are stored at the Fisheries Department, they have been collated and the following represents a summary of the main taxonomic groups, additional information is available in the survey report. Now I hesitate to read these main taxonomic groups Sir, it is a summary of 445 different species, only three of which are actually unidentified. It would give me some difficulty I think in reading them, and it will certainly give the Teaberry Express some difficulty in reproducing the words that I say. So unless the Honourable Member would wish me to go through them I will decline to do so. This has been a thoroughly satisfactory start to an ongoing process.

His Excellency the Governor

I am glad that you spared us that, actually I was quite looking forward to these tongue twisters. Would any Honourable Member like to follow on?

The Honourable Mrs N Edwards

Can I ask the Chief Executive is he satisfied that we are having a survey and not a study. A survey as I understand it goes on throughout different periods of the year, it

seems to me that this work is only happening in our summer months. You have no information gathered as yet and I wonder whether we will have in the future, of conditions around our coast in the winter months and so on. And are you also satisfied that the equipment that is being used is up to standard for studying the depths, and one further thing. Have the kelp beds been surveyed and are they going to be because that is the most important area I believe that has not been looked at yet.

The Honourable the Chief Executive

Mr President, Honourable Members. I really cannot answer those things in detail, what I do know is that the survey has been conducted as it was in fact outlined. This is a matter of contract and the contract was there, it was tendered for and the company who has done the work, Brown and Root, has performed as per the contract. If there are things that have been missed out, and I am not at all sure whether they have or whether they have not, but those were things that clearly were not in the contract. With regard to a year round survey, of course that is right. Any baseline survey should go on in perpetuity, this is a question of monitoring what is happening to our environment. All we have done is to start.

QUESTION NO37/96 BY THE HONOURABLE MRS N EDWARDS

Thank you Sir. I think this question has been rather pre-empted by the issuing of a contract but I will ask it anyway.

Are we satisfied that the West Road contract for this year will begin shortly? Is the contractor satisfied with the contract or will amendments to the contract have to be agreed before work can proceed?

The Honourable the Chief Executive

Mr President, Honourable Members. Yes we are in fact confident and satisfied that the West Road contract for this year will begin shortly. As I think most people will by now be aware, the contract has been awarded to Gordon Forbes, and we hope that they will be beginning work in fact as early as next week. Although thanks to the very good offices of West Track Ltd and the personal effort of the Director of Public Works, there will be I hope a smooth transition because West Track have agreed to keep working right up to the point that Gordon Forbes takes over. The Member asks about the contract itself which includes a standard form of contract, the Institute of Civil Engineers Minor Works form which has been chosen for its simplicity, and a risk sharing method of payment which goes a long way for ensuring value for money to tax payers. It is rather difficult to know whether a sub-contractor is actually satisfied with a contract, as an ex sub-contractor myself I do not think I could ever describe myself as satisfied. It is a working document, it is a basis for a business relationship which both parties have to understand. In its present form it requires no

amendments and it is for a completion of the work in 21 weeks and I make the closure date the 26 April 1997, and I am sure we all hope the road reaches Hill Cove on that date or before.

His Excellency the Governor

Any supplementaries by other Honourable Members?

The Honourable W R Luxton

Would the Chief Executive please tell us the contract rate per kilometre being paid under the new contract?

The Honourable the Chief Executive

Mr President, Honourable Members. As the Honourable Member asking the question knows that is quite a complex matter because of plusses and minuses on both sides, and I think it would be quite wrong of me to reach a kind of concerted figure. However, we did look at the calculations yesterday in Standing Finance Committee which the Director of Public Works attended. I believe the general conclusion of the debate that ensued then was that in comparative terms, I think apples with apples was the situation that was referred to, the actual cost to Government of the contract for this section of road is little different from the cost of the contract that is just being completed.

The Honourable W R Luxton

I think it would be helpful to Honourable Members if the Chief Executive could give a straight answer to that. Would he care to tell the House what is the rate being paid per kilometre for the extension to the existing contract for the work that is going on at the moment.

The Honourable the Chief Executive

Yes I am very happy to do that Mr President. The rate is £15,000 per kilometre.

The Honourable W R Luxton

Would the Chief Executive agree that the rate under the new contract is substantially more than that?

The Honourable the Chief Executive

Mr President, yes I would agree that the rate under the new contract does on first sight appear to be more than that, but that is actually a naive comparison. There are

extras like the terram which are in one contract which are £2,500 per kilometre and not in another. There is the question of the camp for workers which is in one contract and not the other. And so to get a like for like comparison quite a long calculation has to be gone through. I am sure Members will spare me the agony of actually doing that in this meeting.

QUESTION NO38/96 BY THE HONOURABLE MRS N EDWARDS

Can we have any idea when we will be able to proceed with the building of a new school hostel to enable further sheltered accommodation to be provided in Stanley House grounds. I know that this was not on last year's capital programme but we did have it on our list of priorities, and as you rightly say we do change from time to time but this was at one time a priority. It seems to have been pre-empted now by Government office buildings.

The Honourable the Chief Executive

Mr President, Honourable Members. The Honourable Member is quite right in fact it is the number one priority both for Councillors and for Government which was outlined as I recall at the April Legislative Council. However, in an Executive Council paper 198/96 in July, the minute states "the Sites and Building Working Group consider the decision on the concept of a new Administration building is key to the further development of recommendations for the usage of sites within Stanley. For example for sheltered accommodation, old peoples' home', tourist facilities." Subsequently the following Executive Council in August, the minute reads "Councillor Teggart informed Members that she had taken proposals from the last Sites and Buildings Working Group to the General Purposes Committee where it was considered that the three main buildings should form one large contract undertaken by an overseas contractor, but that perhaps the proposed new school hostel could be built by local contractors, the existing hostel might be converted to flats." Thus as the Honourable Member reminds us the construction of the new hostel is not yet an approved item in the capital budget, neither is the sheltered housing project, although I am fully aware that both of these items are seen as urgent by Members of Council. At a recent meeting of the Sites and Buildings Working Group on the 21 November, it was determined that the hostel should be given priority to enable the construction of sheltered housing to follow, but the likely timing of this was not available. As a start point however, it was also decided that the Education Department be asked to prepare a design brief of requirement in order that at least the parameters could be established. Once these have been established the sequence of events which must follow are: 1) Design of the buildings and planning approval; 2) preparation of contract documents; 3) the tender period; 4) mobilisation period for contractor and; 5) the construction phase. It is likely that the design of both these projects will have to be undertaken by an outside agency as projects of this size have a large impact on the small design section of the Public Works Department. A programme has been prepared by the Public Works

Department showing a possible timescale for the two projects which shows that if a decision were taken today for this to progress, then a period of 20 months would elapse before the hostel would be occupied, with a further 8 months being needed to complete the sheltered accommodation. This gives dates of August 1998 and April 1999 for these even if they are progressed in parallel.

The Honourable M V Summers OBE

Would the Chief Executive say whether as a result of the deliberations of the Sites and Buildings Working Group and the subsequent decisions to build the administration block, whether a new order of priorities has been issued and approved by Executive Council.

The Honourable the Chief Executive

Mr President, Honourable Members. I do not believe that it has, I think that the Sites and Buildings Working Group produced its report which was approved by Executive Council, which stands as the order of priority which in fact starts with the administration block. I believe that is the instruction under which the administration is working.

The Honourable Mrs C W Teggart

At the last meeting of the Sites and Buildings Working Group it was recommended that another paper be put to Executive Council establishing what we now believe is the priority in view of the decision made by Councillors in April. I would imagine that is going to happen within the next few weeks, it will possible be dependent on the availability of the Government Secretary to draft such a paper.

The Honourable the Chief Executive

Mr President, I do thank the Chairman of the Sites and Buildings Working Group for that information.

QUESTION NO39/96 BY THE HONOURABLE E M GOSS MBE

Mr President, Honourable Members. I feel that in view of the urgency you put on progress, I am perhaps wasting my time and your time on asking this question, because I was listening to News Magazine on Tuesday night. Both my questions were for oral reply were answered in full and I will be interested to see if the Chief Executive's reply today differs any. I feel that we are wasting time because if we have a deadline for oral questions and they are circulated and aired off in other places and the public already know the answers, then why bother. There must be some sort of breach in the system.

Anyway to go on with my question. Can the Chief Executive tell me what progress has been made in letting a contract for construction of the road to North Arm, and when is work likely to start?

The Honourable the Chief Executive

Mr President, Honourable Members. If indeed questions are to be confidential, then if some other member of government is asked a question, I find that very difficult to understand how we could operate that system but we could look into it for the Honourable Member. I too hope that my answer is the same as was given by someone elsewhere. On Wednesday of this week Executive Council confirmed a decision taken at the October Executive Council to proceed with the tendering process for the Lafonia spine road. That as I understand it is a three year contract to proceed from Darwin to North Arm. The Director of Public Works believes that this three year contract approach will prove to be attractive to contractors and he is currently working on the contract documentation. He is confident that the completion of the section to North Arm will be achieved in the times set out in the recent Transport Review.

The Honourable W R Luxton

Could the Chief Executive answer the second part of the question please?

The Honourable the Chief Executive

The question is If I can remind myself and Honourable Members, when is the work on construction anticipated to begin, it could well be as late as October of next year. It does depend entirely on the tendering process and how quickly plant and sub-contractors can be mobilised. Of course if it is physically possible to be done this year then it will be done this year. I would hesitate to give promises of a start this summer.

QUESTION NO40/96 BY THE HONOURABLE E M GOSS MBE

A year ago I tabled a question about the delayed start to the black topping of the MPA Road, and much to my surprise on my way to Stanley, to ask my question and hear the Chief Executive's reply, I found work had begun. I did comment on the dubious quality of the skimpy stretch predicting an early fail. When will we see remedial work on the surface get underway again?

The Honourable Chief Executive

Mr President, Honourable Members. This too is a well ploughed field, that may not be too bad an analogy. Remedial work here I think has two meanings, it could mean the surfacing project that ground to a halt last year or it could mean the

repairing of the already worsening surface. As far as the first definition is concerned, the project that ground to a halt last year, the re-commencement of that work is entirely dependent on the availability of suitable quantities of aggregates from Pony's Pass Quarry. One cause of the problems experienced with the sections surfaced last season was the lack of suitable quantities of aggregates and the Director of Public Works is adamant that this must not be repeated. The existing quarry equipment is old and prone to break-downs. New equipment is to be purchased and detailed specifications are being discussed with the manufacturers. It is unlikely that this equipment will be commissioned before May 1997, the objective is to ensure that sufficient stockpiles of aggregate are in place before the work commences. However, the Director of Public Works advises that quarry production in the winter months is much reduced, a start to the work therefore is unlikely before October 1997. On the second definition of remedial work, this is being done in an ad hoc manner and as soon as possible, we have been warned by the Director of Public Works that the cost of repair may reach a point where it exceeds the cost of the removal of the surface that was put down last year. I have instructed that signs be erected along the road warning everybody that they really must beware of potholes and drive thoughtfully.

The Honourable J Birmingham

Mr President, Honourable Members. Could I ask the Attorney General how liable to legal proceedings the Falkland Islands Government would be in the event of any accident, and it was proved that the accident was caused by the road surface?

The Attorney General

The question of course is hypothetical, it has not yet happened and I would not wish to prejudice the Government's legal position in relation to any proceedings which might be brought against Government. I would answer the Honourable Member's question therefore as saying it is possible that given a certain combination of circumstances, the Government could find itself liable by reason of the failure to satisfactorily repair the sections of the MPA Road, which are at present in disrepair. I said possible.

QUESTION NO41/96 BY THE HONOURABLE E M GOSS MBE & J BIRMINGHAM

The Honourable J Birmingham

Mr President, Honourable Members. It is now 21 months since Executive Council agreed in principle to the building of the new abattoir. Can the Honourable Chief Executive give me a progress report on this project and could he advise me whether there is anything that may further delay its start? Can he also inform me when the tenders will be called, for both the access road and the abattoir, whether any

materials have been ordered, and what the intended start dates are for the road and the abattoir?

The Honourable Chief Executive

Mr President, Honourable Members. I am well aware of Councillors views on this and I am cognisant of the urgency of unblocking any hindrance or perceived bureaucratic device to ensure that this abattoir is built with all speed. Planning permission for the access road and outline planning permission for the abattoir have been granted, the project manager from Carl Bro Food arrives on the Islands on the 4 December, and the design will be finalised. Based upon current information, the main tendering process will commence in March with contract award in May. It may be possible to commence site preparation work in May 1997, and either work through the winter or commence construction in the spring. This will depend upon whether the successful contractor already has a presence on the Islands and the nature of the winter, at worst the build will commence in September/October 1997. The Public Works Department will be issuing tender documents for the access road, the timing is being co-ordinated to meet the earliest start date for construction of the abattoir itself, and also adequate supplies of crushed stone from Pony's Pass Quarry. Alternative sources of road construction material are being investigated, however, there are none in the immediate vicinity and the cost of haulage may prove to be prohibitive. Based upon information supplied by FIDC, the Public Works Department will be providing estimates for the supply of power and potable water to build site. The estimates will specify material type and quantity for placement of orders, any other material orders will fall under the main contract. FIDC is not currently aware of any forthcoming events which might further delay the project.

The Honourable E M Goss MBE

I would like to ask the Chief Executive if the building of the road to the abattoir has got a priority move on some of the other projects like the stone for the MPA Road, or work to begin on the North Arm road? Has it slotted up the ladder?

The Honourable the Chief Executive

Mr President, Honourable Members. I cannot honestly answer that question, I do not know at this moment, I am very happy to look into that and answer that question to all Councillors as soon as possible.

QUESTION NO42/96 BY THE HONOURABLE J BIRMINGHAM

Mr President, Honourable Members. Can the Honourable Chief Executive explain why there is an urgent requirement for temporary government office accommodation in Stanley, where it is planned to site these offices, when it is intended that their temporary use would cease, and what use they would be put to after this time? Can

he also inform me if the amount agreed to fund this project and how this works out per square metre compared with the Infant and Junior School extension?

The Honourable the Chief Executive

Mr President, Honourable Members. The urgent requirement for temporary government office accommodation in Stanley was raised at the August Executive Council. It was done because of the successful closure of the oil round and the conservative projection of new government jobs, including the Oil Department, the Legal Department, the Treasury, and the Planning and Environmental Department. It was requested at the August Executive Council that a paper be put to the September Executive Council. I put that paper forward and it was agreed that the Director of Public Works should submit costs to the October Executive Council, the timing was constrained to March 1997 for the actual erection of the building. That paper was put and the costing showed two different options, one for a reuseable building and one for a building which could not be so readily reused, and Executive Council went for the more expensive option, the reuseable building. To answer the specifics of the question, the site, I think it has two names, it is either Malvina Paddock or St Mary's Paddock, but most people know where it is. The buildings are estimated to have initially four year occupancy, their future use thereafter is entirely flexible. One suggestion has been that they can be used as a construction workers camp, obviously not on St Mary's Paddock but elsewhere. The cost I am informed is commercially sensitive still at this stage and it would be unwise for me to give actual figures. However, what I can say is that the cost per square metre is 4.5% more than the total cost for the Junior School extension. Now that might seem illogical that what is a temporary, albeit a semi-permanent temporary relocateable building, costs more than what is a permanent building. However one of the reasons for that increase is of course the shipping because shipping is by volume because these buildings are pre-assembled.

The Honourable J Birmingham

Mr President, I thank the Honourable Chief Executive for his answer. I wonder whether the ground rent is also commercially sensitive information?

The Honourable the Chief Executive

Mr President, Honourable Members. I do not know whether it is or whether it isn't, I certainly do not have it to hand.

The Honourable Mrs N Edwards

Could I ask the Honourable Chief Executive if it would be possible to look into the possibility of these buildings coming as flat pack buildings rather than ready erected. Would that be feasible at this stage of the game or not?

The Honourable the Chief Executive

Mr President, Honourable Members. That was the very point that was debated in Executive Council and it was decided not. There are of course mechanisms for undoing that although I think it would cause delay at this stage, it is the sort of thing that I have already been talking about.

QUESTION NO43/96 BY THE HONOURABLE J BIRMINGHAM

Mr President, Honourable Members. Can the Honourable Chief Executive inform me of the approximate amounts of sheep dip containing organophosphates that are known to be in existence in the Falkland Islands, and where they are located? Is there any intended future use for this sheep dip and is it being stored in rust proof containers, if there are plans to dispose of it, could the Chief Executive advise me of the possible cost and method of disposal? Finally, could he explain the symptoms experienced by humans after exposure to organophosphates?

The Honourable the Chief Executive

Mr President, Honourable Members. Firstly an apology for really quite an unforgiveable administrative oversight by Government. In the last November Legislative Council minutes Councillor Birmingham is reported as putting a question on this topic, I answered it. Councillor Goss in fact indicated at that time that there were 119 gallons of gamatox at North Arm. His Excellency the Governor asked whether the Councillor would like an Executive Council paper on the subject, the Honourable Member replied "It's certainly my feeling." Nothing has happened, the reason for that is that the minutes were not actioned and the point was not picked up, and for that I apologise. I will however attempt to answer this question as clearly as I can.

There are no accurate figures for the amount of this type of thing on farms, in fact we believe that possibly over 50% of farms have got some of this historic sheep dip. It has no intended future use, it is not stored in rust proof containers and there are currently no plans to dispose of it. The symptoms of what can happen are absolutely horrendous. I read from a note that I have received from the Chief Medical Officer and these are the symptoms experienced by human beings if they I suppose drink it. To summarise them briefly, with acute exposure one gets runny eyes, severe pain in the eyes, difficulty in breathing with tightness of the chest, vomiting and diarrhoea, extreme sweating, salivation, incontinence of urine and faeces, muscles twitches, convulsions, paralysis and ultimately death. Death can take from as short as 5 minutes to nearly 24 hours depending on the dose, route and agent, so this is Mr President a very serious problem. We cannot transport this stuff abroad because we are prohibited as I understand from doing that, so we have three options; a) do nothing; b) store them in leak proof containers; or c) get rid of it by the best method

seems to be high temperature incineration, that appears to be our best option. Now we do have a high temperature incinerator arriving to deal with the Albemarle oil problem and it may well be as that is mobile, that that has the ability to deal with the problem. Our first information implies that if this sheep dip is in fact mixed with other agents then this particular incinerator can deal with it, but we do not know that for certain. I would like to seek the Honourable Members' indulgence in this very serious matter and indicate that when this incinerator does arrive, that tests are carried out to see if this method of disposal is possible. We could then produce a paper either indicating that we are recommending that or if not, what the next best solution might be.

The Honourable J Birmingham

I would just like to thank the Chief Executive for his full answer and hopefully we shall see some progress in the future.

The Honourable E M Goss MBE

Mr President, Honourable Members. Can I ask the Chief Executive, when he talks about leak proof containers, are there any thoughts in Government to provide them to farms. The 119 gallons of gamatox (113 at North Arm) is in rusting cans, rusting from the outside, becoming very fragile and some of them are leaking. If we could have perhaps plastic bins sent out to store them in, it would protect the environment somewhat.

The Honourable the Chief Executive

Clearly Mr President, this is matter that Government has to take very seriously and if there is a short term problem on that Councillor, I am quite sure that we will have to look into it and do something.

The Honourable W R Luxton

Would the Chief Executive agree that, actually putting this into perspective, the amount of this stuff laying around is probably substantially less than the amount that was annually dumped into the rivers and sea, as used dip for many many years, without any apparent drastic ill effects.

The Honourable the Chief Executive

Mr President, Honourable Members. I am quite prepared to believe that what Councillor Luxton said is in fact true but I do not think that we are in a position today to behave in that manner. That is the fact of the case.

The Honourable W R Luxton

Would the Chief Executive like to tell the Council, in view of the relatively small amount and the size of the environment, what the Chief Medical Officer's advice was at one stage?

The Honourable the Chief Executive

Mr President, I do not know what the Honourable Member means by "at one stage".

The Honourable W R Luxton

I believe the Chief Medical Officer advised that the best thing to do was to leave it where it was.

The Honourable the Chief Executive

Mr President, Honourable Members. If we do that, clearly we have leaking containers as another Councillor has indicated, if indeed that is the recommendation of the Chief Medical Officer is not his most recent recommendation. I hope Mr President, Honourable Members heard what the Attorney General whispered to me.

The Attorney General

Sir, I was present when that matter was discussed in Executive Council and I remember the advice of the Chief Medical Officer, which was, that until a satisfactory method of disposal could be found, and we knew of none at that time, that the safest and wisest course in his view was to leave the chemical where it was.

The Honourable J Birmingham

Thank you very much Attorney General, as usual you came up trumps. As a point of information Mr President is that just because it is over the hill, as with the Albemarle problem, I do not believe we can just ignore it because it is locked away in a shed. At some point in the future somebody, probably a child will, not knowing what it is, become suspicious and interested in such thing. The amount is by the by.

His Excellency the Governor

I think that we would all take that point very seriously.

QUESTION NO44/96 BY THE HONOURABLE MRS C W TEGGART

Can the Chief Executive advise what progress has been made regarding the rat problem in the Stanley area?

The Honourable the Chief Executive

Mr President, Honourable Members. This is another issue over which I believe we cannot be complacent. We probably all know people who have had rats in their homes or reported rats in the recent past, and the progress made regarding this rat problem is very difficult to quantify as there is no certainty as to either previous or current levels. There is still an ongoing programme by the Public Works Department of trapping and baiting in areas and buildings where sightings are reported. Since this matter was last raised, there have been five caught in one house on Ross Road. There have been a small number of reports from other areas in Stanley but no other trappings. Some positive moves have been made with the co-operation of two local businesses to reduce the available attractions at Eliza Cove tip, by spraying these with waste engine oil and then burning immediately on delivery to the tip. This is obviously still far from ideal but is a small step forward. With regard to the broader but related front of better waste disposal systems, this is being actively followed by Government. It is likely that a full and detailed investigation will be undertaken by a specialist with a view to producing clear proposals on how better to deal with the varied types of waste generated.

The Honourable the Chief Executive

I would like to thank the Chief Executive for his reply and I am sure that the residents of Stanley will be pleased to know that the problem is being given attention and it is ongoing. Thank you.

The Honourable J Birmingham

Mr President, Honourable Members. Is the Chief Executive aware that apparently a rat has been seen on occasion around Sullivan House, but I wonder whether he is aware that the new Civil Military Liaison Officer, Major Turner is actually an expert in rodent eradication, and perhaps his expertise could be called upon by the people who need it if necessary.

The Honourable the Chief Executive

Mr President, I am delighted on one aspect there and not so delighted on the other. I am not sure if this particular rat around Sullivan house was in the chicken run on April Fool's Day. I think I did hear a report of a sighting then but delighted that Major Turner has this expertise. I shall be talking to him shortly.

QUESTION NO45/96 BY THE HONOURABLE MRS C W TEGGART

Can the Chief Executive advise when the residents of Squid Row are likely to see their road surfaced to an acceptable standard?

The Honourable the Chief Executive

Mr President, Honourable Members. The works at Squid Row include the provision of footpaths, kerbing, surface water drainage and surfacing. With the exception of the road surfacing, this work will be put out to contract. Tender documents are programmed for issue in April 1997, it is envisaged that the contract period will be of the order of four months. If the contracted works are performed during the winter they would be completed by the end of September 1997, the road surfacing will be carried out by the Public Works Department and will follow on immediately thereafter.

The Honourable Mrs C W Teggart

I would like to thank the Chief Executive for his reply, I have previously asked a question about Squid Row in this Council I believe, and it was thought to be imminent at that time. I am really delighted and I am sure the residents of the area will be to note that it is actually going to happen.

QUESTION NO46/96 BY THE HONOURABLE MRS C W TEGGART

Can the Chief Executive advise when the wheely bin system will come into operation?

The Honourable the Chief Executive

Mr President, Honourable Members. The new wheely bin system for domestic waste collection is scheduled to come into operation on the 1st January 1997. The bins have already in part arrived, the rest are wheeling their way across the South Atlantic. The remainder and the collection and compactor truck will follow as well, there will obviously be a transition period but it is expected that this should not exceed two weeks. The system will operate on a regular collection day basis with each property being served once weekly rather than fortnightly as is the current practice. Two wheeled plastic bins for the immediate placement of cold waste and one metal bin for hot ashes or similar to be placed in until cold, will be provided to each household. A letter will be sent to all users in the near future giving more detailed information and the contractor will then undertake the supply of bins to properties.

The Honourable Mrs C W Teggart

I would like to thank the Chief Executive for his reply. I would like to ask him if he is aware that up until a couple of days ago, the commercial premises in Stanley have not been told officially that after the 31 December they will not receive any rubbish collection, and that they will have to make their own arrangements. Is he also aware

that under the contract the contractor has been asked if he should undertake refuse collection for any of these business premises, he first has to write a letter to the Government asking for their permission and detailing the arrangement he has with such a business. And is the Chief Executive also aware that the contractor has also been told that he will be responsible for ensuring that the householder replaces the wheely bins should they become damaged, for example by the introduction of slightly too warm ashes into them. My concern is that there seems to be a great deal of responsibility being put upon the contractor here to do things that perhaps should be Government's responsibility. I would appreciate the Chief Executive's comments.

The Honourable the Chief Executive

Mr President, Honourable Members. My only comment is that I was not aware of those three facts and I thank the Honourable Member for drawing them to my attention. I will clearly look into them because on the face of it, it seems that there is something there to look into.

Council adjourned for 20 minutes.

His Excellency the Governor

The House is now back in session after the adjournment and we proceed to the Motion.

MOTION NO5/96 BY THE HONOURABLE W R LUXTON

This House is concerned at the lack of progress with capital expenditure plans, delays to current projects and in particular to those relating to roads.

The Honourable W R Luxton

Mr President, Honourable Members. On introducing this Motion in order to follow up some of the points I made in my last address to this House, I have to say that I am not optimistic that it will have much effect on the Administration that seems bent on treating elected Members of Council like mushrooms and feeding them information in the appropriate form. I have never before encountered so much effort being put into avoiding answering the question and excuses, and so little into trying to get the job done. Councillors have just been presented with a list of current projects that the Public Works Department has in hand, and the progress is generally abysmal. Not obvious is the effort that we have had to make to have anything happen at all, for instance the mobile homes that are at last on their way, the road to North Arm where Executive Council's specific minuted instruction is being treated pretty lightly, and of course the saga of the West Road. At every turn we are presented with 100 excuses as to why something should not or cannot be done just yet but there seems to be an absence of positive effort to get things moving. Mr President, as mover of this

Motion I have the opportunity to wind up after Honourable Members have spoken to it. At this stage I will make way for Councillor Teggart who is going to second the Motion.

The Honourable Mrs C W Teggart

Mr President, Honourable Members. I rise to second the Motion. I also, like my colleague from the West, have great concern over our perceived inability to implement the smallest of the capital projects that have been planned for a number of years. I find it very annoying, I have attended three budget sessions now in this term of Council and looked at the proposed capital projects, some of them have appeared in every budget. Some of them have never had any money spent on them or there might be a minimal sum that has been spent in trying to get things underway. I had a question in earlier in this session on the Squid Row surfacing, that is just one of the items that has appeared in ever budget session. Somewhere along the line it seems to me that Councillors get blamed by the members of the public because it is perceived that we are not doing enough to push things along. That is most certainly not the case, we have at every twist and turn supported these things that we want done as much as everybody else does. We have said to the departments concerned, if you need more staff to bring these things into being, tell us, we will supply. And on the few occasions when that has happened and the paper has gone to Executive Council asking perhaps for a quantity surveyor or Clerk of Works, they have all been approved, regardless of our deficit of housing which we know exists. The movement on the East Stanley development and the building of ten houses there, those houses are going to be taken up basically by people who will be coming in to help us get the capital programmes implemented. It is very important with our economy at the moment, we have a good economy for such small Islands, we have the prospect of a much bigger source of revenue with our oil. But we are working in overcrowded office conditions, we are terribly short of houses, the ones on Squid Row in particular have reached the stage now where contract officers are not happy to move into them because of problems with drainage etc. And really I could stand here and go on for another half an hour at what I perceive are some of our difficulties. I would like to see something being done, I think the introduction of this Motion is the chance for Councillors to stand up and express their concern over the delay in capital projects or not indeed as the case may be. I think perhaps at least we have had the chance to air just how frustrated we are feeling, and I think it is very important that we should have the chance to do so. So I have pleasure in seconding this Motion.

His Excellency the Governor

I dare say that a number of Honourable Members, if not all Honourable Members will wish to speak to this Motion, so again without in any way wishing to curtail debate, and nor am I suggesting that the previous two speakers have spoken too long, but

may I just encourage or exhort all Members to keep their interventions fairly short so that everybody will have a fair crack of the whip.

The Honourable M V Summers OBE

Mr President, in rising to speak to this Motion I would like please to make an amendment to the Motion. I would wish to add the following sentence to the Motion as it currently stands. "This House also views with particular concern long term failure of the Administration to provide a proper management structure in the Public Works Department, and to provide the planning management support services and direction it requires to respond adequately to the demands placed upon it."

His Excellency the Governor

That Amendment is duly registered and I am advised that a seconder will be required.

The Honourable Mrs N Edwards

Yes Sir, I am rising to second the Amendment.

The Honourable R J Stevens

Mr President, Honourable Members. I am rising to support this Motion and obviously like all Councillors I am concerned with the lack of progress but I think just like Councillor Teggart was saying earlier on, this is not the first year, perhaps as a number of things have brought this concern to a head. We have under achieved for a number of years and I understand it, that is one of the reasons that we looked to Gordon Forbes to help us along with the East Stanley development. Really over the years there has not been any change, in fact the last Director of Public Works, with his greatest efforts I am sure, was unable to deliver. He would say that yes he could and unfortunately on some occasions he could not. Now we have a new Director of Public Works and he says it cannot be done and he is being very up front and we are having problems. The problem is still the same, we are not getting anywhere, we are told by this Director of Public Works that we need to give him more time to get a number of these management changes in place, so that he can give us the kind of commitment and forward movement that we need. If we think of the asphalt project last year, that is a good example of where we had everybody, gangs very willing and we had the money and we bought lots of expensive machinery, but we did not have the mechanism, it went wrong, we did not have the expertise. I look at the problem, it is like an engine, we have changed the component to try and get more control but the engine still is not going any better so I think the problem is elsewhere, it is somewhere else that we need to be looking at. I have said to Members and to others that what we have had is a complete change of direction at the top. There has been no tapering between the two leaders of the Public Works Department, the

new Director of Public Works has brought along a different set of rules and the change has been just abrupt, it has been like falling off a cliff. Anyway, if there had been more of a tapering effect between the two administrations of the Public Works Department I think perhaps we would not be standing here today and there would not be such a head on this problem. Another area perhaps in this weakness is our Chief Executive who has been flat out in a number of areas away from home, a whole month in the United Kingdom on this very important issue of oil. And then another month with leave that was due to him, perhaps if he had been here some of these problems could have been ironed out and sorted out. I think it would be easy politically to slag off Mike Forrest and his Department, I think it would be very popular but I am not going to. We all want progress, every single one of us and another analogy is we have got a car that can go 60 and we all want it to go 100mph, and I think that we should all after this debate work together to tune and rebuild for a faster model, perhaps we will get a greater performance. I am pleased to support this Motion.

The Honourable W R Luxton

Mr President, I am sure that the Attorney General will correct me if I am wrong, but an amendment to the Motion has been put, I think I am right in saying that we should debate the Amendment to the Motion before proceeding with the substantive Motion.

The Attorney General

The Amendment will have to be put before the substantive Motion is put, then if the amendment is adopted by the House, the Motion as amended will be put. Otherwise if the Amendment is not accepted then the Motion will be put. An amendment having been moved, any Member who had already spoken is permitted to speak again to the amendment. My belief is that those who have not spoken must speak both to the Motion and to the Amendment, they can speak at the same time, otherwise you would have the result that all Members would speak twice once an Amendment had been moved, and would not be allowed to address the Motion. I do not believe that to be correct, the rule is that somebody has already spoken, necessarily not spoken to the Amendment, and may speak again as the opportunity of speaking again to the Amendment. The Honourable Member who moved the amendment did not immediately speak to the Amendment and nor did the seconder, and they will therefore I assume want to speak at a later date, both to the Motion and to the amendment. The Amendment of course has to be put before the Motion.

His Excellency the Governor

Thank you for clarifying a complicated situation so lucidly, in practical terms clearly it makes sense for Honourable Members to address both the Motion and the Amendment at the same time when they speak. Councillor Goss may I with respect

just ask Councillor Summers to speak given that he has introduced the Amendment . Can this be regarded as your speaking to your Amendment?

The Honourable M V Summers OBE

Yes Mr President and to the Motion. The underspend on capital works in the Falkland Islands Government is not a new thing, it is not a problem this year as the Chief Executive mentioned earlier on, it has been a problem in previous years. I in fact have studied the Capital Estimates going back to 1989, and it has been a problem since then. What is happening right now in the capital programme is simply an exacerbated situation of an underlying structural problem. We have over the years failed to spend the capital programme by on average 20%, in municipal works that rises as high as 50%, in housing it rises as high as 30%. There is very clearly an imbalance between the works that we require to be carried out and our ability to carry them out. There can only be two reasons for this, either there are inadequate resources provided, and Councillor Teggart indicated that previous Councils have always agreed to the provision of those resources. Or there is a failure in the management system and by which I mean the global management system, not only the management system of the Public Works Department but of the Government as a whole. I am not necessarily blaming the current incumbents but I am blaming those incumbents who go right back as far as 1989 which is as far back as I looked. If there has been a management failure of this magnitude, why has it not been recognised and why haven't we done something about it? Is it in fact that we have tacitly said well if we just carry on with this rather inefficient little system, we will be able to restrict spending and increase the reserves year on year. I have heard this suggested from time to time in various places, and I very much hope it is not true.

The whole organisation of Government is responsible for this failure to carry out the capital programme and not only the Public Works Department, and whilst I like others will put some of the onus for the current failure to achieve the capital programme, I think that the Government as a whole should take responsibility for this failure over a number of years. The responsibility in all proper organisations passes upwards and it goes right to the top, and if we have failed over a number of years to carry out the works that we had planned, then it is the people at the top who are responsible. In proposing this amendment I would remind all my colleagues that the Government as a whole is responsible for this issue and not just the department concerned. Sir, I propose the Amendment and I support the Motion.

The Honourable E M Goss MBE

Mr President, Honourable Members. I rise to support this Motion and the Amendment as tabled to express my concern also. As we have heard this morning in answer to our questions how many target dates to start projects move to new dates, nine months to one year from previously chosen dates. We all need telescopes now to keep some jobs in sight, we are getting more like our neighbours

to the west, where "mañana" is the usual order of approach. Can we address this matter and come up with firm actions to give faster progress.

The Honourable N Edwards

Sir, I'm rising as seconder to the Amendment and to speak to the Amendment and the Motion. I agree with what has been said about our lack of managing to spend the allotted money for the capital programme year after year, and as probably the longest standing Member of Council, I have to say it has been a problem before 1989, which is as far back as Mr Summers looked. I find it absolutely amazing when after the Conflict when everything was in tatters, we managed to get a rebuild of the water filtration plant, the roads redone, countless things happened without any significant hang-up. Now we might have made mistakes and perhaps the first round of buildings that were put up, the Brewster buildings, did not have all the administrative ground work done that it should have done. But I find it amazing now that we have ground almost to a halt and in the past year we have spent nearly £2M on consultancy fees for advice. We seem to be knee deep in advice, or the administration is knee deep in advice on how to proceed, and we are still not getting anywhere. So I sincerely hope that we can in future have a good look at how we can proceed in an orderly and in a quicker fashion that we have in the past years. I do not think it is impossible and I do think that we get bogged down with administrative bureaucracy, where it takes three week to organise insurance for a contract. This kind of thing is just silly and unforgiveable I think and everything could go ahead I am sure at a faster rate if we were more efficient administratively. Sir, I support both the Motion and the Amendment

The Honourable J Birmingham

Mr President, Honourable Members. In rising to speak to this Motion and Amendment I feel I cannot support this Motion before us today because I cannot see that anything positive will be gained if it is successful. I see this as an attack upon the whole Falkland Islands Government workforce, from departmental heads to ordinary men driving JCBs', and I do not really see the point. I think we have all experienced the Honourable Member's frustration when our pet projects do not progress as quickly as we would like. We all use the forum of this House to try and move along but surely there has to be a limit to the political pressure that we can exert. I do not want to see a project halted halfway through because several Councillors have decided that they want something done instead. We are told to let the managers manage and this is fine by me provided that they are prepared to be accountable, just like Councillors have to be, with the decisions that they make and to take the responsibility, and trying to do something about it when things do go wrong. I would hope that no one who was incompetent would get to be a Head of Department, there are over 100 capital items in the financial year 1996/97 with roads accounting for 13% of the total expenditure. We are not even halfway through this financial year so I feel that it is premature to be complaining about lack of progress

in general. I doubt that there has ever been a year when all capital projects have all been completed and many other Members have already said this. We seem to have our own kind of road rage here in the Falklands, and whilst I appreciate the people in Camp want their roads, can I just remind this House, that there are people in Stanley wanting them too. I think that the residents of Squid Row in particular should be praised for their patience. Changes are about to happen but changes take time. In conclusion, although like everyone else I would like to see fast progress in all projects undertaken by FIG, I am afraid that I cannot go along with the over the top headline grabbing political pressure to achieve this. Sir, I do not support the Motion.

The Honourable Mrs S Halford

Mr President, Honourable Members. In rising to speak to the Motion, like other Councillors, I too am not happy with the progress that we have had over the years. Councillor Summers said that the Government as a whole should be responsible, I wonder did he mean the Administration or the Government as a whole because I quite agree that the Government as a whole should be responsible and that includes the Councillors. We actually set down what should be done and when and we have done that over the years, realising that the resources are not actually there to do it. So therefore I do not think that we can blame the Administration, we too are to blame. It is alright setting all these projects to be done and yes we would like them to be done. When we talk about getting contract staff in, we recently had a letter from a member of the Chamber of Commerce, complaining, and said that we should not be getting any staff in from outside, we should do it in house. Well if we are going to do some of these projects in house, then they are not going to be done for years and years. So I actually believe that when we set these projects we have to be realistic and we have not been in the past. With extra staff and resources just not readily available, they cannot just be picked off the Christmas tree whenever you want them. Sir I support the Motion.

The Honourable the Chief Executive

Mr President, Honourable Members. I suppose it is appropriate for me to speak to both of these issues at once, ie the main Motion and the Amendment. I am actually in agreement with both I have to say and I think that was clear from my answer to the very first question today which the Honourable Member who has proposed the Amendment raised. That I made the point about the lack of management systems and I made the point very clearly about the lack of human resource. Both of those things have been a limiting factor in certainly my time here, and one thing which does concern me is how Members' memories are incredibly short. I haven't been here more than two years and three months now, and certainly since I have been here, Councillors have in their wisdom refused applications from the Public Works

Department to expand their management structure, particularly in the area of planning and design. You may recall long before I arrived in these Islands that there were severe cutbacks I understand in 1993, and this created an amazing Venturi effect in the Public Works Department, and by Venturi effect I mean there was a constraint, there was a little hole through which all the administrative procedures had to pass and that was in the area of planning and design. And certainly in my first year here we were pleading with Councillors to increase that facility and increase that resource, and the previous Director of the Public Works Department is here in the Chamber and he will recall that occurring but that was not allowed. There was yet another resource that was not allowed and that is imported labour, how can we do all these things if we cannot increase our labour force, that is beyond the remit or ability of the Public Works Department to actually achieve that. So I certainly support what Councillor Halford said when she said it is Government as a whole that must shoulder the blame here. I welcome this because I would love to see additional resource and additional management and additional commitment to these programmes. We have got to deal with these infrastructure problems and we need to deal with them quickly. I believe there has been a sea change actually in Councillors attitudes if I may say so Sir over the last eighteen months. Prior to that there was a kind of lack of confidence about expenditure, fuelled quite rightly by a fear that the reserve funds that we have were really not adequate to tide us over a fishery downgrade in a particular year. In fact I can remember the year that I arrived there were real fears that that would happen, and so there was something of a reserve about spending. Now that clearly has not been characteristic over the last year, and the attitude has changed and virtually every project that we have put up I have to agree with what Councillor Teggart said, every project we put up has been approved and we welcome that. But that in itself, that expansionist attitude carries with it I believe the responsibility to put these proper management systems, these proper planning systems in place. It is in the auditor's report, the solutions that have already been proposed by the Director of Public Works. We now have mile posts with which to measure performance, we have real dates that have actually been set down on when tenders are going to be issued and when works are going to be started. And where we have not got a date, an example is the road to North Arm, then we say so and I hope that we are now being transparently honest and accountable in what this Administration is saying with regard to the public works. If we need more resources then I am delighted with the assurance that I think I have already in principle that if we come and ask for more resources and prove that those resources are necessary, then Councillors will vote us those resources. Given that caveat I am sure we can go from strength to strength, and let us hope that in another year's time we will be even more confident and that we are getting this done and getting the infrastructure in place, that these Islands can afford and that these Islands deserve. Thank you Sir.

The Honourable Mrs C W Teggart

Mr President, Honourable Members thank you very much for giving me this opportunity. A few things I wanted to say, I listened with interest to what Councillor Halford had to say in the debate and obviously to what the Chief Executive had to say about the blame being shared by Councillors. Yes to a great extent that is true but I also feel that it has to be accepted that we are not full time Councillors. We have other responsibilities, we cannot be chasing up every project that is happening to make sure it is on course. We have also been under considerable pressure to have things in the Falklands completed in house, one of the other Honourable Members mentioned pressure from the Chamber of Commerce that we receive quite regularly and the Public Works Department themselves. An instance I think is the MPA Road when we were told "yes we can do it" and we went along with that, we had great faith in that, but unfortunately it did not happen. That is all I really wanted to say, I do support the Amendment as tabled by Councillor Summers. Thank you.

The Honourable W R Luxton

Mr President, Honourable Members. Obviously I have listened to my colleagues with great interest with one obvious exception. The House supports the Motion and the supports the Amendment to the Motion and I also support the amended Motion. I trust that as a result of this we will have some improvement, the Honourable Members for Stanley referred to my pet project, I am Chairman of the Transport Advisory Committee and roads are certainly my greatest interest, they always have been. Although things are now progressing on West Falkland even if they are not on the East at the moment, I consider that the previous contractor over there has been treated absolutely disgracefully. They have effectively withdrawn from the business now and I think the accusation which was levelled originally by the Administration and not by Councillors, of making excess profits was the final straw. It is a preposterous allegation made about a company that originally reduced the cost of road building by half, I think the interview on FIBS with Rodney Lee which I commend to anyone who did not hear it was a damning indictment of this Administration, and the way it works. The audit review to which the Chief Executive referred to recently was also a pretty damning indictment, I think anywhere else in the world such a review would have led to heads rolling, but I doubt if that will happen here. On the question of the West Road we now have a contract awarded at substantially more than the rate that was paid to White Rock Ltd.

The Honourable J Birmingham

A point of order here Mr President. I wonder if the Honourable Member is actually speaking to the Motion and the Amendment or is he speaking about contracts on the West Falkland?

The Attorney General

Mr President, I believe that the Motion is a wide one and it includes the whole of the capital programme and that the Honourable Member is speaking within the four corners of the Motion.

The Honourable J Birmingham

Thank you.

The Honourable W R Luxton

Thank you Attorney General. I haven't got a lot more to say actually but I believe that the Directors of the previous contractor are due an apology from this Government for that accusation of making excess profits. I thank my colleagues for supporting the Motion and to Councillor Summers for introducing the Amendment which was also supported by the majority of this House. Thank you Your Excellency.

His Excellency the Governor

Thank you Councillor Luxton. I am now required to call for a formal vote even though I think the sense is pretty clear from the statements by all those Members who have spoken in the debate.

The Amendment to the original Motion was carried as was the Motion as amended.

Clerk of Councils

ORDERS of THE DAY: BILLS

The Mortgages and Property Bill 1996

The Honourable the Chief Executive

Your Excellency. This Bill which is the Bill mentioned by the Clerk, I beg to move the second reading of the Bill.

His Excellency the Governor

The Motion is that the Bill be read a second time. Is there any objection to that Motion?

The Bill was read a second time.

His Excellency the Governor

I now declare this Council to be in Committee.

The Attorney General

I believe Mr President that the Honourable Mrs Halford has spotted some errors in the Bill which we want to draw to the attention of the House.

The Honourable Mrs S Halford

Mr President I have found a couple of amendments that need to be made I believe to this Bill. On page 21, section 18, sub-section 1(e) on the fourth line "or reservation" needs to be deleted.

The Attorney General

An unfortunate repetition there Mr President.

The Honourable Mrs S Halford

On page 30, section 30, sub-section 3, on the first line "nothing in this section confers a right on a mortgage" is fine but the next "a right" needs to be deleted.

The Attorney General

Another unfortunate repetition and I do apologise for those.

The Honourable Mrs S Halford

The final one I found is on page 37, section 42, sub-section 2(c) on the first line it currently reads "applies on if and as far a" I believe an "as" should be inserted in between "far" and "a".

His Excellency the Governor

Thank you Councillor Halford, doe any other Member wish to speak?

The Honourable W R Luxton

Mr President, Honourable Members. This is a hugely complicated piece of legislation and I wonder for the benefit of those who will be listening on the radio, whether the Attorney General will be able to give us, in accordance with your instructions for brevity Sir, a very quick run down for the benefit of the general public, as to what the aims and objectives of this Bill are.

The Attorney General

Yes Mr President, I will try to keep it brief and untechnical. It is Government policy to encourage and facilitate the purchase of houses by Falkland Islanders. Discussions with the Standard Chartered Bank have led to the conclusion that it would be necessary to introduce a more satisfactory system of mortgaging property in the Falkland Islands, and to modernise the law in that respect, and in particular to enable second mortgages to be effected. Our present law in relation to mortgages stems from the Real Property Act of 1843 slightly amended in the 1880s', it has not been brought into the twentieth century. This Bill attempts to modernise the law in that respect and will enable the Government policy as to assistance with the co-operation of the Standard Chartered Bank to be facilitated. Also it makes a number of other necessary provisions which deal with gaps in the Lands Ordinance, again by way of modernisation of the law. A more technical explanation of the Bill will be found in the explanatory memorandum which has been circulated to Councillors. Any member of the public who wants a copy of that memorandum may have one, my office will supply it with the greatest of pleasure to anybody. It is a technical Bill, the Honourable Member is quite right, it is not a Bill which contains any dirty tricks, in fact as far as members of the public who are mortgaging their property are concerned, they will be more protected under this legislation than they would be under the equivalent one section in the Lands Ordinance which presently exists.

His Excellency the Governor

Attorney General, thank you very much for that characteristically lucid and admirable brief exposition.

The Honourable E M Goss MBE

Mr President, Honourable Members. For my personal education perhaps, but on page 43 there is a word there that I am not familiar with at 3(a), perhaps the Attorney General can give me a definition of what a "settlor" is.

The Attorney General

A settlor is a person who decides that he wants to give away his property on trust to somebody else to benefit under a trust. In some circumstances he can be called a donor but if you regard him as a person who disposes of his property on trust of one kind or another, that is what a settlor is. It is a legal and technical phrase for a person who is in that situation.

The Honourable M V Summers OBE

Mr President, I will be very brief, I do commend this Bill to the House and to the public. It will be a particularly valuable Bill for the private sector who have been struggling for several years under the old Plans Ordinance to raise funds for their businesses on the basis of the assets they have. And where there is an existing mortgage, they are unable to very often raise the true value of their assets from those assets. So I do commend this Bill to the House and look forward to its being of great value to the private sector.

In the Committee stage clauses 1 to 54 as amended and Schedules 1 to 3 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Welfare of Animals (Code of Practice) Bill 1996

The Honourable the Chief Executive

Mr President, the Welfare of Animals Code of Practice Bill 1996, I beg to move the second reading of the Bill.

His Excellency the Governor

The Motion is that the Welfare of Animals Code of Practice Bill 1996 be read a second time. Any objection to that Motion.

The Bill was read a second time.

In the Committee stage Clauses 1 and 2 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Administration of Justice Miscellaneous Provisions Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of this Bill.

The Bill was read a second time.

In the Committee stage Clauses 1 to 11 and Schedules 1 to 3 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Road Traffic (Amendment) Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of the Bill.

His Excellency the Governor

The Motion is that the Bill be read a second time, any objection to the Motion?

The Bill was read a second time.

In the Committee stage Clauses 1 and 2 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third and passed.

Clerk of Councils

The Land Charges Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of the Bill.

His Excellency the Governor

The Motion is that the Bill will be read a second time, any objection?

The Honourable W R Luxton

Mr President, the same request I think from the Attorney General as I made in the previous piece of legislation.

The Attorney General

This is really very much associated with the Mortgages Bill, one of the things which is necessary if we are going to get into a system of second mortgages and for people to be able to lend satisfactorily on second mortgages, is that we must have a workable system where people can find out whether a previous mortgage which would have effects before theirs has been taken out and has not been redeemed. To do that one needs to set up a register of previous mortgages, charges and interests in the Registrar General's office, and this Bill is intended to do just that, and to facilitate, and very necessary in association with the previous Bill, the Register of the Mortgages. It is another technical Bill but the purposes are as I have explained.

The Bill was read a second time.

In the Committee stage Clauses 1 to 19 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Banking (Amendment) Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of the Bill.

The Bill was read a second time.

In the Committee stage Clauses 1 and 2 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Falkland Islands Defence Force (Amendment) Bill 1996

The Honourable the Chief Executive

Mr President, I beg to move the second reading of the Bill.

His Excellency the Governor

The Motion is that the Bill be read a second time, is there any objection to this Motion?

The Honourable W R Luxton

Mr President, I think the same request would apply with this one. We have altered the procedure and as I understand this legislation first of all debated and talked about with Councillors, it then goes to Executive Council. We seemed to have dispensed with the presentation of any of these Bills in public and so unless the general public purchase the Gazette, they do not know that these Bills are being presented to Council. We have no introductory explanation in Legislative Council and if there is no debate or no disagreement it goes through. I do not object to the procedure but I think we should look at this and try to introduce some method of explaining these Ordinances to the general public in this forum.

The Attorney General

Mr President, Honourable Members. Unless I am mistaken the Standing Orders of this House provide that at the second reading of the Bill, I should give a brief explanation to the House of the objects and purposes of the Bill. I have today,

dispensed with that in relation to a number of Bills unless asked for by Honourable Members, but only in the interests of speed of proceedings. I entirely agree with what the Honourable has said but provision is already made as far as I recall in the Standing Orders of the House for me to speak at the second reading and to explain the purposes of the Bill. The reason I have not done so today, and I stood at one occasion to do so but his Excellency put the Motion for the reading, is that of the speed of proceedings of the House. I personally entirely agree with you Honourable Member, I do agree that it is important that the public should have an explanation and I am always prepared to give one.

His Excellency the Governor

Thank you, I thoroughly endorse those views and sentiments provided we can keep it short. It is certainly true that after Executive Council I usually refer in my broadcast to any significant legislation which has been approved by Executive Council. But that might have been sometime before Legislative Council and it is certainly not fair to expect members of the public who have got their own lives to get on with, to remember those points. I think a very short exposition would be very helpful and I apologise for not catching your eye earlier on as I was cantering past you.

The Attorney General

Mr President, Honourable Members. The purpose of this Bill is quite simple, it is to enable the Governor to grant Honorary Commissions in the Falkland Islands Defence Force. There is no power under the existing Ordinance, His Excellency wishes to be in the position of being able to grant Honorary Commissions and the Bill has been prepared for that purpose.

His Excellency the Governor

Thank you Attorney General.

The Bill was read a second time.

In the Committee stage Clauses 1 and 2 were adopted as part of the Bill. Council resumed.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Supplementary Appropriation (1996/97) Bill 1996

The Honourable the Financial Secretary

Your Excellency, for the next three Bills I intend to revert to the previous procedure and give an explanation of the aims and objectives of the Bill. One of them is rather lengthy but I think it is important that I should do so.

Your Excellency, Honourable Members. The purpose of this Bill is to appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £760,010 for the service of the current financial year, to provide for supplementary expenditure approved by the Standing Finance Committee, at meetings held on the 28 June, 26 July, 30 August and the 27 September 1996. The Bill also provides for the Contingencies Fund to be replenished to the extent sums have been advanced on the authority of Contingency Fund Warrant Numbers 1, 2 and of 1996/97. I beg to move the second reading of the Bill.

The Bill was read a second time.

In the Committee stage Clauses 1 to 3 and Schedules 1 and 2 were adopted as part of the Bill. Council resumed.

The Honourable the Financial Secretary

I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

Clerk of Councils

The Retirement Pensions Bill 1996

The Honourable the Financial Secretary

Your Excellency, Honourable Members. The purpose of this Bill is to make fresh provision relating to pensions payable on retirement, or to widows and widowers and for connected matters. It gives me great satisfaction to introduce this Bill and to look forward to a new age of retirement pensions to replace the existing old age pensions. The provisions of the Old Age Pensions Ordinance 1952 and the Non-Contributory Pensions Ordinance 1961 as amended by numerous subsequent Ordinances have served the community well but the 1952 Ordinance in particular contains discriminatory aspects which conflict with the provisions of the Constitution. It also contains what are considered to be unfair provisions, both Ordinances are

repealed by the Bill. The discriminatory and unfair results caused by the provisions of the 1952 Ordinance include: special provisions relating to female contributors which exclude married women, who are therefore unable to qualify for the receipt of a pension in their own right; a provision which enables a person to qualify for a full pension after contributing for only 14 years compared to a lifetime contribution record of 47 years for the same value of pension; provisions which provide for an early pension to be paid to widows and not to widowers. It was decided as long ago as 1990 to review the old age pension scheme and I regret the length of time it has taken to get to this ultimate stage. During this period, a review committee under the Chairmanship of the late Councillor Cheek was set up to advise Executive Council on what aspects needed to be reformed. A public discussion paper was issued and consultations were held with interested parties. Executive Council has considered a total of eleven policy papers on the reform exercise. The Bill was drafted by Miss Lesley Furlonger, a legal draughtsperson in the United Kingdom, who also drafted our recent Tax legislation. She has also produced a very detailed explanatory memorandum, I do not therefore intend to explain the provisions of each and every clause.

In general terms the Bill incorporates changes so that married women are not discriminated, partial pensions are payable based on individual contribution record. As many persons as possible are entitled to a pension in their own right and there is no detriment to existing contributors and pensioners. Entitlement to receive a pension will be based on contributions and every resident over the age of 17 years will be entitled to make contributions except those in receipt of a pension under the Bill, or those who are 64 years of age or over. For persons earning in excess of an amount to be prescribed by regulations, contributions will be compulsory. For persons earning less, provision is made for government to assist with the payment of contributions in certain circumstances. For example, where a parent chooses not work for the purpose of raising a family or where a person is unable to work due to ill health, or is unable to obtain work, or where a person is a student. In other cases a contribution record can be maintained by the payment of voluntary contributions, contributions to be payable by employees, employers, self-employed persons and voluntary contributors. The rates of contribution have been approved in principle by Executive Council but are not yet fixed as the Bill provides for contributions to be prescribed by regulations. It is intended that the regulations will be considered by Executive Council on the 19 December and if agreed, remitted to this House the next day for approval. For information, the rates of weekly contribution approved in principle by Executive Council are as follows: For an employee £3.50; employer £3.50; self-employed £7.00; voluntary resident £7.00 and; voluntary overseas £14.00. This represents a considerable reduction in cost for employers and all contributors other than for voluntary contributors overseas. It has been agreed that government will pay to the pensions equalisation fund the amount of any assisted contributions, and will make up the loss of income brought about by the reduction in contributions by paying an annual subsidy to the fund, so as to maintain its value. The precise additional cost of the subsidy has not yet been calculated but is roughly

estimated at around £200,000 per annum. Deemed contributions will be available for married women for their period of residence in the Falkland Islands, deemed contributions will also be available for persons prevented from contributing on account of age under the provisions of the existing Ordinance. A lump sum transfer of £2M was made last year from the consolidated fund to the pensions equalisation fund to cover the estimated cost of deemed contributions. The Bill maintains a common retirement age of 64 for both men and women, and brings in equality so as to enable an early benefit at age 60 to be claimed by both widow and widowers. Regulations are also required to prescribe the rates of pension, the Bill provides for a standard weekly rate which it is intended, should be the equivalent to the current single rate of pension of £66.00 per week. The standard weekly rate will be payable in respect of the contribution record of 2,200 weeks. Entitlement to a pro rata partial pension will be achievable from a minimum of 250 weekly contributions. As a consequence, no refunds of contributions are permitted under the Bill. For those who have contributed under the existing Ordinance, a married couple supplement equivalent to the difference between the existing single married pension will continue to be payable in the event, the aggregate weekly rates of their individual pension entitlement provide less benefit. This will ensure that married couples are at least as well off under the new legislation as they are under the existing Ordinance. The Bill makes provision for the payment of two standard rate pensions to existing married pensioners both of whom are over the age of 64. At the current rates of pension, it is anticipated that this will represent an improvement in joint benefit of £29.00 per week. It is estimated that this additional benefit will cost £116,000 per annum at current rates of pension, and the pensions equalisation fund will need to be paid an equivalent amount in the form of a government subsidy to maintain its value. Provision is made in the Bill for the payment of discretionary pensions in certain circumstances, unlike the existing provisions for ex-gratia and non-contributory old age pensions, there is no age limit for the receipt of a discretionary pension. Contributions will continue to be paid to the pensions equalisation fund and the cost of retirement pensions will be met from that fund. Discretionary pensions are a charge on the consolidated fund. It is proposed that the Bill should come into force on the 6 January 1997. The generous measures provided by this retirement pensions scheme reflects the current healthy state of public finances and was considered by Executive Council to be a fair way to distribute some of our enhanced wealth. It is intended that this retirement pension scheme and the Island-wide occupational pension scheme proposed as part of the Hay Management review of government employment terms and conditions should be complementary so as to ensure as far as possible that every resident in the Falkland Islands has the opportunity to make adequate financial provision for retirement. Since the Bill was published in the Gazette on the 28 September 1996, it has been considered further by Executive Council which decided to make several alterations to its provisions. The amendments circulated bring into this Bill these changes, in addition to these amendments the opportunity has been taken to give the Bill a more vigorous check than could have been done earlier. And some other amendments have been made for clarity in drafting. Notes explaining the amendments have also

been circulated, unfortunately there are two minor errors in these amendments. These are Amendment one should refer to clause two and not clause one. And also Amendment two should read in clause two after sub-section six insert sub-section seven, and then the text of that Amendment should follow. Finally the Bill contains one further error that has not been corrected by the amendments, and this is in the final line of the final clause 27.3b, which should read "the Non Contributory Old Age Pensions Ordinance 1961". "Old age" had been omitted from there. I do not intend to speak further on these amendments and trust that honourable Members will agree to the Bill being amended accordingly at committee stage. The 1952 Ordinance has been in force now for 44 years and full credit must go to those persons responsible for the introduction of what was then a tremendous improvement in social benefits. We can only hope that the proposed 1996 Ordinance can stand a similar test of time. I would like to take this opportunity of thanking all those people who have contributed to the reform exercise and legislative drafting which has led to the production of this Bill. I beg to move the second reading of the Bill.

His Excellency the Governor

The motion is that the Bill be read a second time. Is there any objection?

The Bill was read a second time.

His Excellency the Governor

May I seek the permission of the House for Councillor Halford to speak at this stage, and I apologise for not catching her eye earlier.

The Honourable Mrs S Halford

Yes Mr President, Honourable Members. I would just like to say that I am pleased that this legislation has come this far. I think it is a welcome change, it now means that people like my parents do not have to get divorced, they can actually live together and have an equal pension, whereas at the moment I find they are discriminated against. I just wonder if two points could be clarified for the public at large and that is although we are not discriminating in this now, I understand that people all get a pension in their own right, which is wonderful. They get this at the age of 64, I wonder therefore why we are introducing pensions at 60 for widows or widowers, I believe I know the answer but nevertheless I think this could be explained a little bit better for the public. And the other point I would like clarification on is where we have a married couple, presumably as people get the pension in their own right, when one person becomes 64 they get that pension and then the other person will also get a pension when they reach that age.

The Honourable the Financial Secretary

Your Excellency. Yes, the question of paying an early benefit was considered by the Review Committee and some members of that Review Committee considered that there should be no early benefit paid in respect of widowhood. The majority of the Committee supported an early benefit and some would have even liked to have had a lower age limit, a statutory lower age limit. I think then the discriminatory aspect was eliminated and it was agreed that it should also be available for widowers. And I think the reason for that is obvious that the married couple losing their partner and in some cases where that partner has been the main breadwinner, hence the reason for an early benefit. In relation to the second point that when one of the partners reaches the age of 64 will receive a pension in their own right, in the case of a married man, that married man will continue to, if they're an existing contributor, to receive the married supplement. And then when his partner reaches the age of 64, the married supplement will cease and a pension will be paid to the wife in her own right. In the even that the spouse's record does not provide a pension greater than the supplement then the supplement will continue to be paid.

The Honourable Mrs N Edwards

Can I have permission of the House to just comment on this. When this was discussed and as it has been over a period of time, I was disappointed and still am, that the age set for widows and widowers to receive a pension is 60. I would just like to make this point, I think that is a little bit mean if you become a widow or a widower and perhaps the main breadwinner has gone from your life and you have got a couple of kids to bring up perhaps, then I do not think there should be an age limit set on when people should receive a pension on widowhood.

The Honourable the Financial Secretary

Your Excellency, I would just like to explain that there is provision there for a discretionary pension to be paid in certain circumstances, and for that type of pension there is no age limit. So where there are particular financial circumstances, then it would be possible to award a discretionary pension.

His Excellency the Governor

Thank you very much for that clarification. Would any other Honourable Member like to speak?

In the Committee stage clauses 1 to 27 as amended were adopted as part of the Bill. Council resumed.

The Honourable the Financial Secretary

I beg to move that the Bill be read a third time and do pass.

The Bill was read a third time and passed.

The Supplementary Appropriation 1996/97 (No2 Bill) 1996

This Bill was not published in the Gazette and therefore required a first reading.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. The purpose of this Bill is to appropriate and authorise the withdrawal from the consolidated fund of the additional sum of £329,330 for the service of the current financial year, and to provide for supplementary expenditure approved by the Standing Finance Committee at a meeting held on the 1 November 1996. In the case of this Supplementary Appropriation Bill it should be noted that there is no provision to replenish the contingencies fund as no further contingencies fund warrants have been issued. I beg to move the first reading of the Bill.

His Excellency the Governor

The Motion is that this Bill be read a first time, any objection?

The Bill was read a first time.

The Honourable the Financial Secretary

I beg to move that the Bill be read a second time.

His Excellency the Governor

The Motion is that the Bill be read a second time, does any Honourable Member wish to speak to the Motion?

The Bill was read a second time.

In the Committee stage clauses one and two and the schedule were adopted as part of the Bill.

Council resumed.

The Honourable the Financial Secretary

I beg to move that the Bill be read a third time and do pass.

His Excellency the Governor

The Motion is that the Bill be read a third time and do pass. Any objection?

The Bill was read a third time and passed.

His Excellency the Governor

Honourable Members please do not misinterpret this question, but since we are about to adjourn for the Commander British Forces farewell lunch, and since we have only a procedure for Motion for Adjournment to deal with for the rest of our day. If no Members wish to avail themselves of the opportunity to speak to the Motion for the Adjournment we do not have to come back, on the other hand if Members do wish to then clearly that is what we will do after lunch. What I would really like to know is whether Members do wish to speak. They do, in that case we will adjourn for lunch and reconvene at 2.45pm which will enable those Members who wish to do so to attend Mr Angus Jaffray's funeral after lunch. This House is now adjourned until after lunch.

Clerk of Councils

Motion for Adjournment.

The Honourable the Chief Executive

Mr President, Honourable Members, I beg to move that this House stands adjourned *sine die*.

His Excellency the Governor

Well as I think at least one Member indicated when I asked a question before we adjourned for lunch that Members will wish to speak to the Motion for Adjournment, in that case Councillor Edwards.

The Honourable Mrs N Edwards

Yes, in rising to speak to the Motion for Adjournment, I would just like to mention one or two things. The west roads, we heard today that Mr Forbes has the contract for the next phase and I am delighted that it will be going ahead this year. I had thought at one point that perhaps we were not going to get any more road built this year, and I wish him well with the contract. And I look forward to 21 weeks time when we will

have an opening of that part of the road hopefully, and hopefully too we will not have repetition of what happened on the last phase of the road where it was opened and rejoiced about and then all kinds of problems arose. I am sure that will not happen again.

I would like just to say at this point and I think I speak for all the people on the West and probably a lot on the East too, that we are grateful to the Lee brothers for the work they have done and the road that they have built for us. It is greatly appreciated, it has made a great deal of difference to our way of life socially most certainly, and in some little ways commercially too. And we look forward very much to being able to travel to Hill Cove and Port Stephens in due course.

Yesterday we met briefly with the new Director of Education and we look forward to welcoming him in January. He gave a pretty good first impression so hopefully he will enjoy his time here when he does arrive. We recently went round the Junior school and I must again congratulate Paul Chapman and his team for the work they have done there. I was very impressed and it is a whole lot better than the rabbit warren it used to be. I do not believe that it is a rabbit warren now in the old part, I think there is quite a lot of room in the old part and the new part of the school is a credit to Mr Chapman and his workmen.

I would just like to touch on longline licences and recently we had the Island Queen as she is now called in here, and I visited that ship, a very palatial fishing vessel. I would just like to reiterate what I have said in this House before, these toothfish take a very long time to mature, we may in the future not have too much fish about, our revenue may be decreased, we do not know, we never know from one year to another. I would just like to bring to the attention of my colleagues and the administration that I believe that two longline licences within the Falklands zone is about all that that type of fish would probably be able to stand. They take a long time to grow up, 10 years, and to wipe them out would be very easy. Now I am not a scientist, I have no way of qualifying what I say but it is just a gut feeling that I think we must be sure in future as we have been in the past that we look very carefully at what longline licences we issue.

It is nice to know that the pensions review will be enforced before too much longer. I know people will welcome the fact that the self employed will only have to pay £7.00 per week as opposed to £14.00. If you are self employed and you are paying two contributions, it is quite a whack of money every month, so I look forward to that coming to this House to be in due course ratified.

We have at present at Fox Bay a small water problem, I think this summer will probably be drier than some of the summers in the past. In dry summers Fox Bay East has a water problem, they are not alone in the Islands, lots of places have to deal with a water shortage whenever the summer is dry and I do think it is time we looked at ways of addressing this problem. Perhaps getting some advice on what is

happening to the water table or whether the Islands are just drying up, how we can perhaps find better water sources in places that need it, and put down bore holes if necessary. This is something that I would like addressed before too much longer and I think probably FIDC would be the body to pursue this idea.

I mentioned at the last Legislative Council about youth problems and I would like to qualify that, there was a letter written in the Penguin News. I was in no way condemning discos or anything else but there is I believe a problem where some people are not just youths let me say that. They go out looking for trouble and I think if that continues then we should look at ways and means of trying to curb them. This does not exclude the military either but the military will come to come justice in the civil courts and the military courts so they get punished doubly if you like if they misbehave. I am not saying that they are all innocent either but I do think that we do have a smallish problem that we should nip in the bud now and not let it get worse. And this is something that we should be addressing as a Council and with the youth organisations in the Islands.

Commander Backus is about to leave us shortly and I would just like to say Sir that you will be sadly missed, both you and your wife. We have enjoyed very much your wise advice over the year, no doubt you will think hopefully fondly of this House and being incarcerated here for a day now and then and once a month at Government House. But we have appreciated all you have done, not just for Council but in lots of little ways around and about the Islands. You have been well liked and well received I hope everywhere you have been and we will miss you. Of course I am prejudiced because I have got a soft spot for the Navy but we look forward to your successor arriving and we wish you and Margaret well in the future. And we hope one day perhaps you will come down to visit for a rest perhaps instead of all the hard work that you have had to do over the past year. May I just give you this, they are pretty rare, we do not give them out to too many people, so I hope you will wear it and think of us occasionally.

Sir, I support the Motion for Adjournment.

(Councillor Edwards presented Commander Backus with a CPA (Falkland Islands Branch) tie)

The Honourable Mrs S Halford

Yes Mr President, I do not think by the comments that we receive that most people agree. In rising to speak to this Motion, this morning we seemed to give the administration somewhat of an ear bashing. Whether or not this was wholly justifiable is I believe questionable as I said earlier as Councillors cannot be totally blameless either. Having said that though I would like to highlight a couple of areas which with hindsight, I feel have been handled badly. The first is the award of the fishing licences recently, whenever the effort is to be cut back, then I believe the

fishing companies should be notified in advance of submitting their applications. This information would in some cases save the companies time, money and effort. The second also sensitive issue is Hay. In trying to keep people informed of what was happening or what they were to be offered has resulted I believe in a little information being worse than none. This has led to speculation and unrest, fortunately many people are waiting to see exactly what they are to be offered before making judgement. One point I ponder is this, as I understand the situation, all jobs were to be assessed and the end result was to be that all posts would be evaluated equally. I wonder how this is actually going to happen, as some sectors of the civil service will be expected to work longer hours. Others, I am sure their hours will not change, unless we are going to increase the hours of school children for the sake of argument. I think the teachers do a wonderful job but I cannot see their hours increasing. Therefore, with this difference in hours if everybody is to get the same percentage increase, then surely some are going to benefit more than others. But I am sure this is one of many hiccups that the system may have. Anyway, I am sure you like my horses, have had more than enough hay recently. And I have not been able to exercise them as much as I would like either.

Since being elected I pushed for, and was successful, in getting the General Orders in place for the civil service, I was concerned therefore after reading the latest Penguin News. It makes me wonder whether or not these General Orders are in fact being adhered to, or in fact have even been read. Of course I am referring to the article which was entitled "Grading Review or Grading Review". And I have been asking myself did this civil servant ask permission before publishing the article, was permission sought for the additional photographic occupation advertised on the back page. It seems to me that if the author could spare the amount of time that was being suggested, and I would have to question the necessity of the current post that is held, it is also my belief that any change of job description has to have a Executive Council approval, but no doubt the Chief Executive will be able to answer this point.

On the Constitutional Review, we have had word back that this is progressing along the lines that we hoped for, and I know a lot of people have been concerned with the qualifying date which was set sometime ago. And we have agreed as well that the qualifying date will be the date that the amendments actually come into force, I am sure that people will be glad to hear that.

The capital works, we have had an information paper from the Director of Public Works on this and probably I am not in the majority here but I was actually quite pleased to receive this. I thought it was pleasing to see that things are meant to happen on certain days. And rather than keep bashing away at this department, I think the time to bash will be if and when these works are not carried out as they stated they will be. I think after setting the policy, there are times when we should actually sit back and let people get on and manage. I mean I was actually quite horrified when I came back from the UK after I had been to Kuala Lumpur in September to drive along the MPA Road, I was actually quite pleased to see the

sides had all been levelled off. I came in and read correspondence in our office and discovered that Councillors were absolutely shock horror, why had this been done. I just think that perhaps we should not interfere to the extent we do at times.

A little bird told me this morning that the price of alcohol in the Falklands is normally comparable to that in the UK, in other words when the price goes up in the UK it tends to follow suit here. And we were given to understand that it has actually gone down in the UK, so I was wondering if perhaps the Financial Secretary is going to be generous and reduce the price here? I am sure he will tell us he will not.

And I too would like to say a farewell to Commander British Forces Falkland Islands, and I am sure we have had some interesting discussions and he has had some good input over the year he has been here. And I would like to endorse what Councillor Edwards said, and I would like to wish you and Margaret well in your next posting.

Sir, I support the Motion for Adjournment.

The Honourable M V Summers OBE

Mr President, more beauty before age. I will speak relatively briefly to the Motion for Adjournment, there are one or two items I would like to raise. I am very pleased as I am sure many of my Camp colleagues will be that the abattoir appears as though it is about to start moving. It is a project that is critical to many of the plans of the people in Camp. And it is very important that we get it started on its programme and it keeps to its programme because a lot of people's plans and aspirations depend very much of the construction of that project on time.

I am very much less happy at being able to persuade my colleagues that we should have put up a port at New Haven which I think would have been a critical part of that infrastructural development. I hope perhaps that I am wrong, that this lack of longsightedness will affect many peoples activities. I think they will find it much more difficult to use that facility in the way that they had planned, particularly those people on the West. I hope I am wrong about that, if I am not I shall be here to tell you I told you so.

I was disturbed yesterday by the report produced by the Principal Auditor that dealt particularly with the matter of the management of government assets and I know that some people in the administration who were present at the time were also disturbed by an apparent failure to properly manage the assets of the government. It is a critical item of government expenditure and fiscal responsibility that assets are properly recorded, properly depreciated and properly managed. And the waste that can result from not doing so is very substantial and is likely to be a much greater burden on the public purse than perhaps it ought to be. I commend the Chief Executive and the Financial Secretary to the prompt action to ensure that all departments have their assets properly registered, and properly managed.

I was saddened by some comments made to me by the members of the Aberdeen Chamber of Commerce that I spoke to, I came in very late in the visit and spoke to only a few of them but all of them said to me without exception that they were disappointed by the negative approach that had been put to them by the government presentation and the FIDC presentation. I am sure this was not deliberate but clearly they took a message away from here that is not going to be awfully helpful. And perhaps the Director of Oil with the support of the Oil Management Team could come up with a statement of strategic approach to the oil industry as far as servicing is concerned, that perhaps could be used to assure people who are interested in participating in the oil industry here, that we do actually want them here. We do not want them going to the other side to provide support services.

Councillor Edwards mentioned the youth problems, I have a concern too about this issue, not in exactly the same way that she does. Some folks may remember that when I made my election address, I said that I thought we must beware of institutions interfering too much in the family unit and the family way of life. I was disappointed therefore to attend a portion of the excellent youth awareness day and see a large number of parents sitting around discussing why the government should pay for somebody to look after their kids in their spare time. It was my impression of family life and having families that one of the ideas was that if one of your children needed adult supervision/adult assistance in their spare time, then parents gave up their time to do that sort of thing. It was never my impression that we should go to the government and ask somebody to do it, and I hope folks will give that some thought.

I would like to congratulate publicly Mario Zuvic for bringing BBC World to the Falklands, I think this a splendid achievement by a man who has done some excellent work over the last few years, much of it off his own back but with some financial assistance from FIDC. I wish him good luck with his future ventures.

Finally, I too would like to say thank you and goodbye to Sandy and Margaret and may I also in winding up express a note of appreciation for the work that Dudley Ells has done in the Falklands over the last two years as OC Logistics. I think we have greatly appreciated the work that he has done here too, and thanks very much to him.

Sir, I support the Motion for Adjournment.

The Honourable J Birmingham

Mr President, Honourable Members. I would like to support the Motion for Adjournment by saying a few words, and I am pleased that there will be more time to speak than the last time we met.

We are privileged to be able to speak in this House but along with the privilege goes responsibility and I have to question whether it is responsible to make verbal attacks upon individuals who cannot defend themselves. I would like to question whether this kind of public humiliation is the way to get things done, and if so then I am not really surprised that so little seems to be achieved.

On the subject of youth, now that the Planning and Building Committee has kindly allowed an extension to the Shack, and I did not mean to mislead in the last meeting of this House about planning procedures. I am one Councillor who would look favourably on some financial assistance for the building of the extension, perhaps this could be termed putting your money where your mouth is.

Care of the elderly is constantly spoken of and what I would like to see is a booklet of services, not only for the elderly but to our government so that the ordinary person in the street knows what is available even down to whether you can get your OAP paid into your bank account or whether you can get it over the post office counter. It is a question of choice for the public.

Hay, 8% seems to be floating around and it would be nice to see the pensions going up by this. I am sure the Financial Secretary will not spend sleepless nights worrying now.

There seems to be some confusion or there certainly was at the last public meeting about the so called sheltered accommodation on St Mary's Walk. I am sure the Chief Executive would be able to inform the public as to whether the buildings, the houses on St Mary's Walk are sheltered. And if they are sheltered accommodation, presumably that means they get all the benefits of properly constituted sheltered accommodation.

We have not heard anything about the Town Council this week, or at least not today. I was going to speak at the last Legislative Council but as I said there was not enough time. Stanley's Town Council was abolished 23 years ago, the fact that it has not been successfully resurrected must say something. At Legislative Council on the 21 May 1973, the then Chief Secretary of the day said "We have a very small capital city here, only 1,100 and the administrative burden of looking after three councils, Town Council, Executive Council and a Legislative Council, for only 1,100 people is really becoming excessive". He went on to say that Stanley was in danger of becoming so tied up with red tape that we simply would not move. During the life of this Council, people have suggested that the Town Council be resurrected again. There is a report on the 16 November 1973 to see reasons why it was defeated. Executive Council one day a month should be able to deal with the business of the Falklands and if it did come to a Town Council then maybe we would move along the road to a Stanley Council and a Camp Council, and maybe an Island Council, who knows for individual islands. I do wonder what is mundane, mundane seems to be

the word floating around Executive Councillors should not deal with these minor matters. I just wonder who would decide what was a minor matter.

Conservation is always in the news, and there is a word going around that Beauchene Island should be made into a world heritage site. I will suggest that if Beauchene Island was made into a world heritage site, we would have to make laws to stop all the scientists going there because as soon as it becomes an heritage site people want to visit it. I would very much like it to be left alone and to just carry on as nature intended.

I would like to say something about the Aberdeen Chamber of Commerce visit, Councillor Summers has also brought this up and they were not impressed with the administration's presentation on oil. They also asked me what was the way ahead, speaking to quite a few of them, I hope that they send back an honest and frank report that we might learn from the visit.

On the Hay report and proposals I would just like to say to people who are really worried, please be patient, there have been plenty of problems and there still are problems but it will eventually sort itself out. I only hope that the appeals procedure will be both understood, trusted and used.

The Fisheries Department is a department that does not really come into the headlines too often unless something is wrong. The Director of Fisheries is in Buenos Aires at the moment. I hope that when he comes back, he has got something to tell us about the long term fisheries agreement with Argentina which we hope we could get going. I too would like to see that in any future years any reduction in fishing effort would be planned and publicised well in advance, so as to save fishing companies a great deal of money and effort.

I would like to wish Commodore Backus and his wife well for the future along with others, I would like to thank him for his support with my pet project, the removal of the oil at Albemarle, on which progress is being made.

I would like to applaud the "Pigs" going to Chile and wish them well with their tour. And I would also like to wish James Peck well for exhibiting his pictures in Argentina, anybody who can go abroad and spread the good word surely deserves credit. This of course shows that the Falklands is not a cultural desert.

Sir, I support the Motion for Adjournment.

The Honourable E M Goss MBE

Mr President, Honourable Members. I too stand to support the Motion for Adjournment. When I received my papers the other day on Sunday last to catch up with what was going on, I thought that they had been caught up in a time warp. The

first page I pulled out had the date of Friday 28 April 1996 on so I checked the postmark on the envelope and that was quite alright. But other papers did refer to today's date so that was only a small hiccup.

I would like to pick up on one or two points that fellow Councillors have made a few minutes ago. I will hope to go along with Councillor Summers that he is wrong about the road to New Haven, at this stage of the planning I think a road to somewhere makes more sense to me than a road to nowhere.

Councillor Birmingham touched on an old thorny chestnut, a Stanley Town Council. There are four Councillors in Stanley, each time I come to Stanley I get badgered by various members of the community, on subjects that niggle them. I said well why can't you talk to your own Councillors, oh they are either too busy or they will not listen. Anyway I always take on board what they have to say and one of these subjects that was raised with me the other day was the removal of the hardstanding from Cape Pembroke. We had all of this under control but what the quibble now is that the pressed metal sheeting that was under this hardstanding is left in disorder and what they are asking is, are there any plans for landscaping and when will it all be tidied up. They hope this removal work soon stops but it would be quite easy I would think to have a truck pick up the steel sheet and take it along to Mary Hill Quarry and bury it once and forever.

Now I am going to start sounding a bit like Willie Nelson and on the road again because the other person or two people mentioned to me the state of the Stanley roads. If we have had all these men held up from road developing, the people who were going to be on the two or three months we had spare before they went off to the North Camp track, and the reduced activity from Megabid, why couldn't they have spent some time repairing some of the Stanley roads. So perhaps somebody could answer that question for the people concerned, why is there no repair work going on in Stanley. I know there might have been problems laying tarmac and there might be hiccups there but I do not see why we cannot still lay a bit of concrete in some of the worse places.

The other day as I was coming in I was pleased to meet up with a road party on North Arm ground, they were marking out the route to North Arm, putting in pegs, digging up various pieces of ground to identify where the best shale for borrow pits were so that was an encouraging chance meeting. I reckon road building must be very similar to sheep shearing, if you never start you never finish and before I start my sheep shearing I plan a start date. And I think that start date is more important than the finish date but I do plan both dates of course. And today North Arm will be finishing its first session of shearing with about 30,000 sheep.

I would like to join my colleagues and say my farewell to Commander Backus and his wife Margaret. I wish them a safe passage on calm seas for their calm voyage into the future and it is always nice when the turn comes around for a "Jack Tar" to come

to the Falklands to be a Commander British Forces Falkland Islands. Because we are surrounded by water I suppose you have a special place in our hearts. Anyway I thank you for all you have done for the Falklands, we have enjoyed your company and thank you very much for the excellent lunch we all enjoyed today. I wish you well for the future.

Councillor Birmingham did pick up one other point that I wanted to add a little on. He brought the attention to the possibility of making Beauchene Island a world heritage site, now I believe this would have some effect on the fishing because it would require a 12 mile boundary free from fishing. So I think you would have to take that into consideration if you were going to push this one any further. If Councillor Birmingham is waiting to meet up with the Director of Fisheries to find out how he got on in his recent overseas trip, he will not have to go very far because I brushed shoulders with him a few minutes ago before this meeting reconvened. I have nothing more to say, these meetings Motions for Adjournment of course are developing into a tradition when we all draw our guns and shoot the administration or ourselves or each other in the foot. So before I start pulling the trigger, I will sit down.

Sir, I support the Motion for Adjournment.

The Honourable W R Luxton

Mr President, Honourable Members. One subject which has created a certain amount of furore lately and at the last meeting is the Argentine/British Conference. I really do not think that was a terribly important event and it was really attended by a lot of not terribly important people. I do not think we should get too excited, by all means I think individuals in these Islands are welcome to go overseas and spread the message, but I think they should go as individuals. I find it slightly irritating that they come back and tell elected Councillors that they are wrong, perhaps they would be better preparing to invest their deposit at the next election, and test their views with the electorate. In the meantime, I am sure this Council will maintain its robust attitude of no concession whatever over sovereignty. Some people seem obsessed with the idea that we have pressure being applied to us, we have always had pressure applied. All we need to do is stand as solid as Mount Usborne and remain as about unmovable as it is over the vital principles. I find it also slightly irritating that the Calling the Falklands programme was presenting a very one sided view of this issue at the moment, BBC has a reputation for being fair and presenting both sides, I hope it can return to that.

Another subject which no one has mentioned yet is the question of support for the farming industry. The price of wool seems to continue downwards and the price of everything that the industry needs goes up, not least of all the freight rate charged by Hogg Robinson Shipping, which the moment the Falkland Islands Company withdrew from the scene they doubled their freight rate to the farmer shipping wool to

the UK. I am glad that the Falkland Islands Company has returned to the fray with a considerably lower rate, albeit not as attractive as the rate we were given for a number of years by both companies. I do hope that the government and by that I mean the Councillors and the administration will continue to take into account the state of the farming industry. I have made one or two suggestions lately and I'd like to keep it under review.

I do agree with my colleague Councillor Summers on the subject of New Haven but that will not be a surprise. I think all members of the Transport Committee feel this way and they always have done. All the many reports that have been published over the last fifteen years I guess have come to the conclusion that this would be the best option. I hope in the end that we shall be able to persuade the others that this is so.

Constitution has also been mentioned. I think Mr President it would be helpful and may allay some fears if we could have some assurance from the other end that these moves to introduce a change to the Constitution is under way and that it will be in place by the next election. I think the majority of people really do want to see this in place.

And finally, I would like to add my best wishes and thanks to the Commander and his wife Margaret, and wish you well and hope we shall see you back one day as a visitor.

Sir, I support the Motion for Adjournment.

The Honourable R J Stevens

Mr President, Honourable Members. In rising to speak to the Motion for Adjournment, I would firstly also like to say farewell to Sandy and Margaret and whatever is said at these times always sounds slightly inadequate. So it has been very nice to meet you both, I wish you well in the future and may you take fond memories of the Islands and its people away with you.

It has been decided that the period for discussing the recommendations of the National Agricultural Policy should be extended so everybody will have enough time when things are not quite as busy to chew the many topics over. I would like to comment on a few of these issues under one of the headings of capital structure. The document fails to recognise the financial realities of that time when it grandly mentions little forecasting and under capitalisation. In the late seventies and early eighties most farm workers' basic pay was around £1,000 per annum, hardly a wage to live on and certainly not one where you could save a significant sum. Most of the people with the skills were not flush with money. I have often heard people outside farming speaking about their first vacation and I have also tried and seen others try a number of schemes, but the gulf between saying and doing is a big one. I saw the first sub-divisions struggling with diversification in 1980, there were pigs on one farm

at least. But the economics if labour and effort are quantified is minimal, the problems then and now with this type of enterprise is a cheap, reliable food source.

Wool has little value at present but few if any of us have discovered anything better. Another sweeping statement that is made in this document is the fragmentation of settlements and this is blamed on sub-division to an extent. But this was started many years ago, I can give examples of Councillor Luxton's farm, even in the context where a proportion of that farm has gone. At Port San Carlos, a farm that had outside houses full, the cookhouse full in 1977/78 when I was there, and the same farm when it was sub-divided when there were four shepherds, two of those made up of the manager and his wife. Loss of Camp population is also connected to sub-division but really the culprit is economics. Specialists left labour for greener pastures in Stanley before and during sub-division but they do not believe it is linked. The first shearing gangs specialist labour were operating eight or nine years before the first sub-division. It irritates me to read in this report that the success of smaller units is contested by many and the jury is still out. I would suggest that this enlightened group is not qualified to make such assumptions or they think financial wealth is the only quality worth mentioning. I believe the sub-division process has stabilised the Camp population for the moment and there is proof that it has brought people back to Camp from Stanley. What other group in the Islands have had such a torrid time recently as income has halved as other professions have rocketed in a positive direction. And what force has kept them in Camp when a lot easier pay and conditions and opportunities abound in Stanley. In the developing world, farmers with better ground and established markets enjoy subsidies in many ways, set asides, areas with special scientific interest. Hill farms in Scotland get very generous annual grants. Here, farmers are in for yet another year of miserable wool prices. If as is stated in this agricultural policy, there is a political and moral necessity to inhabit this land for generations, we have to put some money in some way into keeping people in Camp, before that strength that keeps them there wears through. I have somewhere here a couple of bits that have come out of Falkland Islands monthly reviews of the 1960s and the trees are one of the great things of today but in the Falkland Islands monthly review of 1969, I cannot remember the month and I have not written it down here, tree seeds were imported from Alaska. And there was a tree corner in the Falkland Islands monthly review at that time, I think Sturdy Betts was one of the contributors from Keppel. And lastly I would just like to read out from October 1968, "the Development Committee of the Legislature has been paying considerable attention to the raising of beef cattle for export. And it is undeniable that with the present conditions of the wool market the time has come to look into the problem very closely. To this effect the Legislative Council has sent a questionnaire to all farmers. Any beef venture into beef production is naturally long term." And I have missed out just a little bit there. Well I have to say there is in 1968 there would have been a reasonable amount of cattle but at least now we have some money to do something.

Sir, I support the Motion for Adjournment.

The Honourable Mrs C W Teggart

Yes Mr President, Honourable Members. I have been sitting here most of the day frantically thinking what I was going to talk about in this Motion for Adjournment, but I am sure that as I get underway I will think of something, something will spring to mind. The most obvious thing of course is to say goodbye to the Commander British Forces, I am sure that he has had a very exciting year here in the Falklands and he will go away with fond and not so fond memories of us a times. But we have certainly enjoyed the contribution that he has made to Legislative Council and Executive Council during his time here, and indeed the social occasions when we have met his wife.

I think one of the things that has thoroughly annoyed me over the last couple of weeks and I have actually reached the stage of having stand up rows in the office about it, is the Hay Management, and the reaction of the Civil Servants Association to that. It is often said that a little knowledge is a dangerous thing and I can think of no case when this has happened as much as this is. We were I believe as a government under great pressure to keep people informed of what was going on, and I believe this was done with the greatest of faith and the greatest trust that people would take it as it was. And that just has not happened and it absolutely amazes me how it could be rejected when people do not know what they are rejecting, I find that thoroughly frustrating. I like to think that as elected representatives of the Falklands we are fairly switched on, I mean a lot of people would argue about that and say no we are wrong a lot of the time and yes there are times when we are wrong. But I do not think that we are so gullible that we could try and sell something that we did not believe could work to such a huge percentage of our population. And all I would ask of people really is please please wait and see, I have seen and heard so much hot air and rubbish being stirred up over the Hay Management review in the last couple of weeks that I really could sometimes bash peoples heads together, and that is putting it really mildly. I suppose that I do try and keep a rein on a fairly bad temper that I do have but I have come so close to losing it, the last couple of weeks it has been unreal. I do sincerely believe that when civil servants and the unestablished employees, who I think are probably fairly happy with their lot, actually get to see their individual packages, I believe that they will be pleasantly surprised. I do hope that when that day comes they will turn round to all the people who they have been stirring up over the last few weeks, and say sorry chaps I was wrong. I do believe that will be the case, I do not believe that people are going to be done down, I believe everyone will be just a little bit better off. If it does not show in their actual wage packets, it is going to show in their potential for improving their job and their job prospects. And I think that that is so important, we live in a very small place, we have a lot of people who have reached the top of their grades and they have got nowhere to go. There is no incentive for those

people to do a bit of extra work, to move on, to add a little bit more to their job because they are stuck exactly where they are. And I sincerely believe that this Hay Management review will give them the little boost that they need to just give that little bit more. And I believe that is what we would like to see.

I was also quite dismayed at the article which appeared in the Penguin News which Councillor Halford has commented on. I also have grave doubts about civil servants writing such articles in the papers and offering their services. I do think that if we employ somebody to do a job then they should be doing that job and basically not interfering in other things.

Councillor Summers mentioned the road and the decision that Executive Council made, that it should not go to New Haven but go to North Arm. I believe the policy of this Council and it has been for some years is to link up the population centres as quickly as possible. I believe that that is the right thing to do at this stage. There is nothing at New Haven, there will be nothing at New Haven at least in the next couple of years. If we reach the stage where there is a jetty there, when we have a realistic prospect of a regular ferry link, when all this is going to happen I do not think it will be within the life of this Council. But we can try and get a road down at least through the Cobbs Pass area into Lafonia to make a lot of the people down there a bit better.

I agree with the comments that Councillor Edwards made about the new Director of Education, I believe from a very brief meeting that we had with him yesterday afternoon that he could be very good news for us. I believe that we have reached the stage where we need some discipline brought back into our schools and I would like to think that it is going to happen.

Councillor Halford also commented on the chart that has been produced by Public Works Department with a capital programme on. I am probably hallucinating, I am sure I do from time to time but I am sure that I have seen these things floating round for a couple of years now. Perhaps even back as far as the last Director of Public Works I can remember seeing bar charts when things were going to be designed, when they were going out for tender and when it was all going to happen. This is probably a more open one with the most of the actual programmes in, but apart from sort of having dates to hang on and then blame somebody for when it does not happen, I am not really sure of the usefulness. But we will watch this space and see what happens, I certainly think that we have to prioritise things and get things done. I think that things are tending to happen at the moment as resources are available for them to happen, not in any particular order of priority.

Also on the comments that have been made about Stanley roads, I think that one of the things that was mentioned was the landscaping of the Sappers Hill area and Councillor Halford again expressed some disquiet because it had been criticised by Councillors. I think landscaping work is lovely if you have got nothing else to do but

sooner or later there are just so many things that need doing and you have got a couple of spare months and some spare machinery. There are a great number of other things that I can think of in and around Stanley which would improve things far more than landscaping areas that have probably grown over.

Also comments have been made about the visit of the Aberdeen Chamber of Commerce. I was rather in the position when I was seeing this visit from a couple of different angles because not only was I ushering people into FIDC in different directions throughout the day but I also had the chance of meeting people socially. And I was rather taken aback to put it mildly when I got slated by one of my colleagues the other day because of the three social functions I had been invited to within a 24 hour period, I had actually gone to one of them. This was considered not acceptable, as far as I was concerned it was perfectly acceptable because I will go and meet people when I feel it will do some good and I have a point of view to put across, and I think that is very important. The criticism of me was coupled with a desire to attend an overseas conference next year when it was actually suggested that I would rather travel overseas than do things at home. You know as I have said I would rather go to places where I feel I can do a bit of good, and I know that there is sometimes some heavy competition for a place overseas. I thought it might be interesting actually to get some figures together and who had represented or how many times different Members of Council had actually represented Legislative Council overseas at different meetings and conferences. And it was actually quite interesting because I had discovered that Councillor Birmingham had represented us on two occasions, Councillors Cheek, Luxton and Goss on three, Councillor Stevens and I on four, Councillor Halford on five and Councillor Edwards on six. Now some of those were two different meetings which might have been pulled in when people were overseas. I suppose then I have been away more than some and less than some, but I certainly do not feel that I am overpushing myself for overseas trips.

Just to end with a little story which I feel that I must share with you, having travelled with three other Councillors up to a very excellent lunch at Hillside, courtesy of Commodore Backus today, was to have the driver of the car tell us that last time we had four Councillors in a car, he had run over an Argentine, which was really quite exciting when you think about it. And this apparently goes back sometime when we were belting down the road at some stage, run over an Argentine's foot. One of the Councillors in the car at the time says go round and do it again. So he duly went round the square and had another go at this poor Argentine tourist who saw them coming, and backed up against the wall rapidly. I think as far as Argentine tourists go in the Falklands it might be safer to stay away otherwise they might be run over by Members of Council.

Sir, I support the Motion for Adjournment.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. I feel I must respond to some of the comments made by Honourable Members. Up to fairly recently the government willingly or unwillingly has accepted the slow progress on what is an ambitious capital programme, on the basis of protecting full employment for the resident labour force of the Falkland Islands. On this basis as far ahead in the future as one can predict, the Islands has guaranteed full employment, what other countries can boast this? In most cases there is little economic justification for moving faster, certainly the majority of capital projects do not provide any economic return. And most lead to a faster drain on public finances due to increased operating expenditure requirements as a consequence. Due to improvements in our financial position, I do support importing additional resources to accomplish particular objectives and priorities despite the negative financial effects that I mentioned. I can advise Councillor Halford and this House that rates of Customs Import Duty will be reviewed at the time of our budget as is customary, unless Council direct otherwise. Our financial year is not the same as the United Kingdom's and therefore we cannot immediately react to match their budget proposals, I am not sure whether we would want to either in all cases.

In response to recommendations in the audit management report, improvements in the control of government assets will be made. An action plan to cover this aspect and other recommendations will be put to Executive Council as soon as possible.

In response to a matter raised by Councillor Birmingham, I can report that Executive Council has already agreed to an increase in government service pensions in line with the recent salary increases. Rates of old age pension will be reviewed again at the time of the budget, as is customary. I have no doubt that due to the continuing depressed state of the wool industry, the government will continue to support our farming community. There is budgetary provision for assistance this year and provision will be inserted for approval in subsequent years if necessary.

I would also like to wish Sandy and Margaret all the best for the future.

I support the Motion for Adjournment.

The Honourable the Chief Executive

Mr President, Honourable Members. I appear to have been on my feet even more than usual today and I must confess that even I am getting bored with the sound of my own voice, so I am not at all sure about how the rest of you will feel.

I too would like to begin by thanking Sandy and Margaret for their year in the Islands and the contribution they have made. A year does seem to go terribly quickly doesn't it, it seems only yesterday Sir when you arrived with Margaret and in fact I had the responsibility of greeting you then on behalf of the Islands. That was a very welcome thing for me to do and now it seems you are going and it has flashed by. But you follow as you are aware in a long line of distinguished Commander British Forces Falkland Islands here. I would congratulate you on always being helpful and never actually looking bored in all your time with us and I would wish you every success in your future career, maybe an upward path swathing through the upper echelon of the Admiralty until you become the First Sea Lord Sir.

It is incumbent upon me to make one or two comments as Councillors have in fact asked for that.

Councillor Edwards, I particularly note the comment about the water supply problem, I was involved a little bit in the problems at North Arm last year and indeed talking about Fox Bay problems potentially this year. And I do agree we need hydrological advice on the whole future of our water supply especially in the Camp and I will be discussing this with officers in the near future so that something can be done about that, and I hope a report brought forward to Executive Council.

Councillor Halford raised the issue that was also raised elsewhere of fishing effort cutback and I would repeat what I said earlier, that we will try to advise in advance of any cutback, or indeed increase in fishing effort that may be appropriate during forthcoming licence allocations, and I will talk to the Director of Fisheries about that in the short term.

The Councillor also raised the matter of the article entitled "Grading Review" and I can confirm that permission was not sought by the author of this article to publish this article. That is in the public arena, however what happens from now on is in fact a disciplinary matter and must be a matter of following the normal pattern in these things, and I reserve the position, obviously Councillors will be informed as to what happens.

Councillor Summers raised the very valid point of the comments in the auditors report, and I think we were all impressed with that report. I think it was a punchy report and it was a report that contains detail and some very good analysis as well as some suggestions for how things could be improved. We totally agree on the need for the proper management of our assets and as the Financial Secretary has already said, moves will be started to ensure that that happens in the short term. I would also stress that the report mentions not just that but the need for proper systems, the need for a move towards resource accounting, the need for a move towards networking and all these things. And all these things are matters of applying resource and applying cost to solving some of these problems, but we have got to look at that seriously in the months ahead.

The comments about the Aberdeen Chamber I find very interesting because what we actually did was to give the Aberdeen Chamber the normal government presentation which all distinguished visitors get in these Islands. And it is a matter of fielding those senior officers who are the most relevant, and we felt obviously with the Aberdeen Chamber that happened to be the Director of Oil, the Attorney General, the Financial Secretary and myself, and giving just an idea of what goes on in the Islands and what it is all about. Now, I think that that particular presentation, and I mean on the geological side, it was essentially similar to the public meeting that was held in the same time frame. In fact Nigel Fannin was present at the Aberdeen Chamber meeting, indeed he made the presentation at the public meeting. I cannot really understand why they were so disappointed, unless it was they had an expectation of something quite different. And it seems to me that they expected government to have some kind of suite of packages of financial support that they would be given information about. Now, we were not aware, certainly as government, that that was what they were looking for although talking with them subsequently I expect it was. So we were left in the position of giving what I think was a very full and very adequate briefing to them but no more than a briefing. Certainly I apologise if they were disappointed. I would however emphasise that we do not want servicing to be provided anywhere else by anyone else to what is essentially our oil servicing industry. We do not wish to appear negative in this and if we appear to be negative then there is something wrong. We wish to appear to be positive and I will be speaking with the General Manager of FIDC and the Director of Oil and in fact I have started those conversations recently with regard to how we can have at least a higher public profile internationally with regard to this matter.

Councillor Birmingham quite rightly raised the issue of the booklet of government services which I believe was discussed at the recent public meeting with Councillors. I think it was a good idea then and it is a good idea now. We will look into that Councillor. With regard to the St Mary's Walk sheltered accommodation, my understanding at the moment is that there is a plan to make the whole of the St Mary's Walk accommodation sheltered. It is the definition of the term sheltered where we run into some difficulty because I think, I do not know where the decision was made, I am looking into that, that the decision was actually to make it kind of semi-sheltered. Now, what that means I do not know but I can assure you that we will try to come up with a proper definition of where we are.

Also, to Councillor Goss I would say the steel sheet in Cape Pembroke we will look into. And as far as the Stanley roads repair is concerned, it is a matter of concern to everybody who looks at it, it is an absolute disgrace to see that metal strengthening sticking out of the road. This is of course a capital project, it is in the programme and the situation is that apart from urgent remedial repairs, and they have been done by the Public Works Department, we have just received a consultant's report on this issue. It is a complicated issue because repairing concrete is not an easy matter, as Members will know it requires aggregate from the quarry and the next step

in this process is to issue tender documents and I am advised that it will be unlikely to commence in this financial year.

I applaud Councillor Luxton's comments with regard to the government, the administration, the Councillors and the farming industry. And I also am delighted that Councillor Stevens saw fit to open the debate on the agricultural policy document. Now I got the impression as he looked at me across the Chamber that he was blaming me for the comments in the document. I would make it absolutely clear that this document is an amalgam of views that have been passed on to me by a wide range of people over about a two year period. I have had endless meetings with all sorts of people and tried to make a cohesive policy out of those discussions. That is what this document represents and it is now in the public arena for anybody else to say what they want about it. Criticise it please, harangue it, do what you like but this is a logical debate and I believe we need to look at the facts and if there are disputes, we need to look at the facts on both sides. And if somebody says well this is what sub-division has caused, let's look at what's happened, let's look at the statistics and let's be honest and open about it. Because frankly I have no axe to grind other than putting a sensible document in place which matches the needs and the aspirations of the agricultural community, as well as what I think should be a prosperous future for Camp as a whole. In fact, the failures of the past to which the Councillor referred with regard to trees and beef cattle, I think go to prove the very point we started with this morning with question one, by Councillor Summers that we desperately need some form of strategic planning. All those projects were put in place without a proper framework of strategic planning, and proper markers down the road as to how we would achieve certain things and when we would achieve them. And too many projects in the past I think have been just allowed to rot when it does not get through the first hurdle, that certainly happened on the tree front, and I know it has happened on the beef front. When we get a proper policy in place then that should be the case.

I thank Councillor Teggart for her most helpful comments on Hay, it would be wrong of me to go on about Hay but I regard it as a very uncomfortable journey. This is like one of those holiday excursions that one goes on and it is absolutely awful on the journey, you know the children are sick in the back of the car and the road is bumpy, and the service station is closed, or if you are in the Falklands there isn't one. So life goes on and one is cursing the progress and yet when you actually get to the destination, you think well the journey wasn't so bad after all and we are really delighted to be here. And I hope and I actually have some faith in the fact that the whole Hay issue, although giving out information has caused us some pain and it is a bumpy ride, I believe we will get to the destination at the end of the day and the vast majority of civil servants will be pleased that we took the journey.

Last April in Legislative Council Councillors set government and themselves five objectives for the year, I am not sure whether that year was the financial year to come or whether it was the calendar year but it certainly related, and Councillor

Teggart at the time related it too, the fact that I had asked each head of department to set themselves five objectives for the calendar year. And I will be reviewing that in fact with the head of departments in the very near future to see if they have achieved their five objectives, and if they are listening to this, I can see a lot of scrambling to achieve objectives in the last month of the year which would be quite good fun. However, those five objectives in order were: Sheltered accommodation; roads and Camp tracks; housing; immigration and; rural development. How have we scored? Sheltered accommodation has come up today several times, we decided it was admin building dependent at one time but we subsequently have decided that maybe it is not and we can begin to get a move on that front. So it has not been left to stagnate and I would suggest that there is real movement there, there is progress, we are moving towards that. Councillors have a will to do it without any doubt and I believe any obstacles to progress can be unlocked. The second point, roads and Camp tracks, this year there are eleven capital projects related to roads and Camp tracks. Eight of them are actually on schedule, the three that are not are obviously the MPA Road, the North Arm road and the Stanley repairs situation. I think they have been fully explained today but even on roads and Camp tracks the score of eight out of eleven, and some explanation on the other three does not seem to be altogether bad. On housing, we are at the moment at the very beginning of what is the second biggest project of all time on these Islands. And that is also running on time. Immigration, we have in our possession an immigration paper with clear recommendations in it which albeit delayed, nevertheless is now there for people to discuss and will be discussed by Councillors probably in December and also in January. So progress has been made on the immigration policy. And on rural development we have a substantial paper which is the result of quite a lot of work, which is now in the public domain for people to discuss. If we actually look, I was going to score this but I think that could be either regarded as paternalistic or something but I have not bothered. But I think if we look at this we can see that on all five of these objectives there is either considerable achievement or considerable movement. Nevertheless we will not be complacent, there is still room for more improvement.

I would also like to congratulate the Lee brothers and West Track, I really must do this, I do not want to come back to that debate and I think it is wise that we have not said many of the things here today that might have been said. But I do congratulate the Lee brothers because they have in effect reduced the cost of road building on the West substantially. And I would like to be on public record saying I hope they made a good profit on the work that they did because private business in these Islands needs to improve its capital base. And the best way to improve capital base is not to take a grant from the government or to even, may I say, get grants from elsewhere, but to make a good profit and to reinvest that capital in the business. And I hope in fact West Track do that and I hope they come back into the frame next year or in the future. I would like to see them even building roads on the East if they feel so inclined. If they feel they have been badly treated by the administration, it is not something that they have ever mentioned to me directly and all my involvement

with them, I have to say has been on a very friendly and business like basis. And I hope they do well.

Well, this has been quite a bruising Legislative Council in some ways but I believe that there are indications that we have cleared a lot of ground. We have determined to have a corporate plan which is a major step forward, we have a very clear and helpful auditors report which will also enable us to make a major step forward in controls. And we have this Motion which was amended by Councillor Summers which now means that the Director of Public Works and myself will get together again in the short term and will come up with a model for a Public Works Department which is capable of meeting the aspirations of the Councillors in the Public works capital programme that is ahead. If we feel that is not possible with the present management structure then we will say so. And we will be up front about that and in the very near future I am sure we will be able to make decisions on exactly what it is we want to do and how we want to plan things. And if nothing else comes out of today's meeting I think that is a very major step forward. I would like to finish by saying to all the civil servants who may be listening that this may be a bit of a low morale time, with the uncertainties of Hay and with the bashing of the senior officers in Legislative Council. Nevertheless we have many many dedicated workers in the civil service, not least of all in the Public Works Department. I have all the criticisms of them and I have also spoken with them, and most of them want to do a good day's work and get a good day's pay, and go home satisfied with it at night, and feel they are doing some good as a community as a whole. And we will be working for that and I know from today's meeting and I hope the outcome of it long term, that Councillors and the administration will be working together as a government to ensure that that happens.

His Excellency the Governor

It seems unduly formal to refer to you as Commodore Backus or even the Commander British Forces, but I suppose in the circumstances I probably ought to do that oughtn't I Sandy. Anyway over to you.

The Commander British Forces

Mr President, Honourable Members. I have been referred to as many things in my seventeen months in the Islands, Commander, Commodore, Commodoro all sorts of things, so I really do not mind.

In rising to support the Motion for Adjournment I would ask your forbearance while I make a slightly longer statement than usual, this being my last opportunity. I do not however intend to follow the precedent set by a well known minister of religion but there are some things that I would like to say.

First of all many thanks indeed for your very kind words and not least for the lovely tie which I am pleased to note is principally dark blue with a few little bits around the edges just to remind me that I am a purple officer. In my first speech to Legislative Council I promised that I would hone the British Forces in the Falkland Islands during my stay. This I believe I have done through the continued process of full integration to produce what is now an entirely joint theatre of operations where best practice can prevail. I have sought to generate greater teamwork, amongst what has hitherto been disparate units. And I believe we can claim some success although of course there remains still plenty more to be done.

I would like to express my sincere gratitude to Legislative Council for their support in what we do down here, particularly for the provision of funding for two family's quarters. I look forward to an early start on that construction, I would also ask for your continued generosity and funding further quarters at Mount Pleasant Airport. Increasing the numbers of accommodated personnel in the Islands remains a high priority since it provides for greater stability, greater efficiency and of course less repetition of mistakes.

As a very strong supporter of the FIDF, I have tried to bolster this excellent organisation by making recommendations for its future structure and organisation. Many of you have served in this proud unit and I hope will agree that our task is to ensure that tomorrow's recruits, and that is the young of today, are attracted to it through seeing it as both a worthwhile and an enjoyable experience. Membership provides not only important military capability but equally it provides training in leadership and management skills that are needed in every walk of life.

I would particularly like to express my own gratitude to the Falkland Islanders and those in Camp in special for the support they give to the RIC patrols that visit them. I hope that the patrols have provided some mutual benefit and I can assure you all that time spent in Camp is the firm favourite of all our infantry. In return for your kindness and on occasion patience I believe that the Services have contributed widely to both the social and economic fabric of the Islands. Indeed I was delighted to see some months ago the award of the Airforce Cross to Flt Sgt de la Bouchardier 78 Squadron, as a result of a commendation we gave after his heroic part in the rescue of a crew of a stricken yacht to the north of the Islands. It was all the more poignant since I believe he was the first non commissioned officer to receive this most prestigious award.

Margaret and I will leave the Islands with considerable sadness, we have experienced nothing but kindness, generosity and good old common sense during our stay. We have met more good people and made more friends on these Islands than during the past 30 years of my career. It is your generosity of spirit that makes you special but this is also what you will have to fight hard to retain in the rough and tumble of the commercial world. I ask that you seek to preserve your wonderful wildlife, enhance you environment but always remember that it is the people that

make a place, just as it the people that make a ship. At a little under 2,000 you the Falkland Islanders are probably the most endangered species in the South Atlantic. Not I would add from the dangers of military action but from the commercial progress. All I ask is that you guard against the dangers of avarice and envy which have destroyed so much of value in our so called advanced, industrialised societies. You have the opportunity to protect your traditions, your language, your dance, your horse racing and all the things that make you what you are. Of course you should embrace the benefits of the developing world but without the benefits of history we merely become a faceless amalgam. Because you are in such short supply I have heard a rumour, and we know about rumours in the Falkland Islands, that the newly formed Human Resources Department is going to start a stud flock, I believe it will be calling for volunteers.

I promised not to give a sermon, we shall leave with the most wonderful memories, not to mention hundreds of photographs. I hope most sincerely that we will be able to return someday, in the meantime I ask that you provide the same support to our successors, Brigadier Iain and Bibi Campbell as you have to us. And please come and see us when you visit the United Kingdom, there will always be a bed in Devon.

Finally and probably unconstitutionally I would like to thank you Mr President or is it Your Excellency for all your help, friendship and openness which has gone to make my job as the Commander British Forces much easier. Please take care of these wonderful Islands but most important take care of yourselves. Margaret and I wish you every success in the exciting years ahead.

Your Excellency, I support the Motion for Adjournment.

His Excellency the Governor

Thank you very much, Sandy the words were greatly appreciated, I think I am going to allow myself the indulgence of saying a few words. The first thing I must say in answer to your words is, I would like to reciprocate the sentiments. I know everybody around this table has already said it and more than amply on behalf of the people and the government of the Falkland Islands, but I would like to say it on behalf of myself as a colleague of yours because in one sense, we are co-equals really, you are the Commander-in-Chief while I am only the Governor. I have greatly appreciated our working relationship and I have greatly appreciated and enjoyed your company socially and otherwise. Just to be very formal for a moment may I just say that your command of the Forces here has been at an interesting time. I note what you say about honing the Forces and getting as much defence and deterrents out of a little less in terms of men and material. And that is right as it should be with advances in technology and so on. We, the people of the Falkland Islands, and I believe I can say this on behalf of the people of the Falkland Islands even though I am not myself a Falkland Islander, continue to be deeply grateful for the defence and support that we receive from the British Forces here, however many different

branches there are of them represented in the Falkland Islands. And I do feel it is only right to mention our gratitude for the, as it were, extra curricular contributions and support that the Forces make to the life of the Falkland Islands in so many different ways. We appreciate that, so I too would like to add my thanks and my best wishes to both of you because Margaret has made a significant contribution in her own right too, and as you all, support her. I wish you both all the best in the future and rest assured we will come and sponge off you, I am sure, in Devon.

There are two particular points that I would like to mention, picking up on points that Councillors raised today. One is on the long term fisheries agreement, indeed our Director of Fisheries, John Barton, was part of the British/Falkland Islands delegation at the recent talks in Buenos Aires. And he has returned and has certainly rendered me a full report and more will obviously come out. In connection with the idea the long term fisheries agreement, I regret to report that no significant progress was registered at this meeting, though we continue to entertain hopes that we will be able to move ahead in this area. As I have said before, and as the British Government keep saying, it just seems sensible, only sensible, that we should co-operate on preserving and conserving stocks in the waters of the south Atlantic.

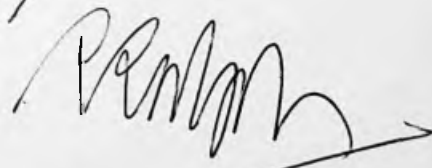
On the Constitution I am happy to give an assurance on behalf of the British Government that the processing of the Select Committee's report as amended and so on is on track. It is all in hand and I am confident that the amendments will have gone through all the necessary hoops in the United Kingdom and here in the Falklands Islands, well in time for the elections which are due to take place here in the Falkland Islands about this time next year.

Finally the word or the adjective "bruising" was used of some of the atmosphere of this Legislative Council, maybe I think there has been a lot of plain speaking. Although I must admit I am grateful for Members' restraint in dealing with what I know has become at times a rather emotive subject, this whole business of capital projects and roads and expenditure and so on. I would like simply to say that I hope this has cleared the air to some extent, this session, that everybody is now clear about what is expected and wanted and desired. That the problems on both sides and the attitudes are perhaps better understood now and certainly I hope that the public who may have been listening to the debates today may feel that it has been a good thing to get this out and to talk it out, as one does in the Falkland Islands to talk it out pretty openly and frankly.

Let us now, we have got our marching orders, let us now move ahead as quickly, efficiently and purposefully as possible in this area as in all the other areas of endeavour that we are engaged in here in the Falkland Islands. On that note I now adjourn the House *sine die*.

Confirmed 27 May 1997

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Governor.

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 20 DECEMBER 1996**

RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD IN STANLEY ON 20 DECEMBER 1996

PRESIDENT

His Excellency the Governor
(Mr Richard Peter Ralph CVO)

MEMBERS

Ex-Officio

The Honourable the Chief Executive
(Mr Andrew Murray Gurr)

The Honourable the Financial Secretary
(Mr Derek Frank Howatt)

Elected

The Honourable William Robert Luxton
(Elected Member for Camp Constituency)

The Honourable Eric Miller Goss MBE
(Elected Member for Camp Constituency)

The Honourable Mrs Norma Edwards
(Elected Member for Camp Constituency)

The Honourable Richard James Stevens
(Elected Member for Camp Constituency)

The Honourable John Birmingham
(Elected Member for Stanley Constituency)

The Honourable Mrs Carol Wendy Teggart
(Elected Member for Stanley Constituency)

The Honourable Mrs Sharon Halford
(Elected Member for Stanley Constituency)

The Honourable Michael Victor Summers OBE
(Elected Member for Stanley Constituency)

PERSONS ENTITLED TO ATTEND

The Attorney General
(Mr David Geoffrey Lang QC)

CLERK: Claudette Anderson

Prayers: Father Cannack

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RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD ON FRIDAY 20 DECEMBER 1996

His Excellency the Governor

Good morning Honourable Members. The hope is that we are going to have rather a short Legislative Council this morning which has been convened principally to pass one Ordinance and some Regulations.

Clerk of Councils

The confirmation of the records of the meetings of Legislative Council held on 31 May, 4 June and 30 October 1996.

His Excellency the Governor

Do any Honourable Members have any editorial or other comments that they would like to offer on the minutes or the records, which incidentally will now be going automatically to the House of Lords (Lord Beaumont) by agreement. Since there is interest in having them from all the Legislative Councils of the various dependent territories.

If there are no comments than I will sign.

Clerk of Councils

Papers to be laid on the Table by the Honourable the Chief Executive. Copies of subsidiary legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Council and laid on the Table pursuant to section 34(1) of the Interpretation and General Clauses Ordinance 1977.

The Pedestrian Crossings Regulations 1996

The Merchant Shipping Adoption of Legislation (Amendment) Order 1996

The Deductions Employees (Amendment) Regulations 1996

The Honourable the Chief Executive

Mr President, Honourable Members. I beg to lay these papers on the table.

MOTION NO6/96 PROPOSED BY THE HONOURABLE THE FINANCIAL SECRETARY

Your Excellency. The Motion is that the Retirement Pensions General Provisions Regulations 1996 be approved. The Retirement Pensions Ordinance 1996 which was passed at the last meeting of this House on 29 November includes provision for making regulations which need to be approved by Legislative Council. These Retirement Pensions General Provisions Regulations make provision with respect to the payment collection and accounting for contributions, and the payment of pensions. It is proposed that these Regulations should come into force on the same day as the Ordinance, that is 6 January 1997. I beg to move that the Retirement Pensions General Provisions Regulations 1996 be approved.

His Excellency the Governor

Thank you very much Financial Secretary.

The Honourable the Chief Executive

I beg to second the Motion, Mr President.

His Excellency the Governor

I believe there is now an opportunity for debate to the Motion if any Honourable Members would care to avail themselves. Apparently we do not so in that case I assume the Motion is carried. May I take it that Honourable Members are content and that no Member wishes to comment or vote against.

The Motion was passed.

MOTION NO7/96 BY THE HONOURABLE THE FINANCIAL SECRETARY

The Honourable the Financial Secretary

Your Excellency, Honourable Members. The Motion is that the Retirement Pensions Prescribed Rates Regulations 1996 be approved. The Retirement Pensions Prescribed Rates Regulations set the rates for the contributions and the standard weekly rates of pensions payable under the Ordinance, as approved by the Executive Council and reported at the introduction stage of the Bill, at the last meeting of this House. Like the General Provisions Regulations, it is proposed that these Regulations should come into force on 6 January 1997 also. I beg to move that the Retirement Prescribed Rates Regulations 1996 be approved.

The Honourable the Chief Executive

I beg to second the Motion, Mr President.

His Excellency the Governor

Would any Member wish to speak to this Motion? Does any Member wish to vote against this Motion?

The Motion was passed.

Clerk of Councils

ORDER OF THE DAY BILLS

The Supplementary Appropriation 1996/97 (No 3 Bill) 1996

This Bill has not been published in the Gazette so it will require a first reading.

The Honourable the Financial Secretary

Your Excellency, Honourable Members. The purpose of this Bill is to appropriate and authorise the withdrawal from the consolidated fund of the additional sum £172,230 for the service of the current financial year, to provide for supplementary expenditure, approved by the Standing Finance Committee at its last meeting which was held on 28 November 1996.

I beg to move the first reading of the Bill.

His Excellency the Governor

The Motion is that the Bill will be read for a first time, is there any objection to that Motion?

The Bill was read a first time.

The Honourable the Financial Secretary

I beg to move that the Bill be read a second time.

His Excellency the Governor

The Motion is that the Bill be read a second time, does any Honourable Member wish to speak to the Motion?

The Bill was read a second time.

In the Committee stage Clauses 1 and 2 and the Schedule were adopted as part of the Bill.

Council resumed.

The Honourable the Financial Secretary

I beg to move that the Bill be read a third time and do pass.

His Excellency the Governor

The Motion is that the Bill be read a third time and do pass, is there any objection?

The Bill was read a third time and passed.

Clerk of Councils

MOTION FOR ADJOURNMENT

The Honourable the Chief Executive

Mr President, I beg to move that this House stands adjourned rapidly *sine die*.

His Excellency the Governor

Well, would any Honourable Member care to speak or have you taken a self denying oath of silence.

The Honourable W R Luxton

Mr President, Honourable Members. I will be brief, in any case Standing Orders only restricts me to 45 minutes I think.

As we get to the close of this year, we have a very healthy fisheries industry with a great deal of local participation, it has taken us a long time to get there. I think that we are on the verge of moving into the oil age and I hope that this government will have learnt the lessons of their experience of the last few years with the fisheries. And that we can give every encouragement to local companies, local participants to take part in the development of the oil industry. And not have a situation that we had with the fisheries where there was a sort of uphill battle for this. Mr President, that is the only point I want to make but I do hope that we as a government can take that on board as we look forward to 1997, and the development of our new industry we hope. Thank you.

The Honourable J Birmingham

Mr President, Honourable Members. In rising also briefly to speak to the Motion I would like to thank all those involved with the Berkeley Sound fire on Wednesday

and Thursday, military as well as civilian, FIG personnel as well as the private sector. I think we could call it a warning to what may happen and I know from his answer to my written question some time ago that the Chief Executive is keen to put together the facilities and the equipment to deal with oil spills, I look forward to that. "Merry Christmas from the Treasury" the Penguin News said this week concerning the pensions. I would like to congratulate the Financial Secretary and his team for all the work they have put into it, and in particular the booklet outlining what it was all about. As we turn the year I would like to say that this particular Council will be on its way out, but I hope because there is an election within a year this will not stop us making any decisions. Finally, I would like to wish season's greetings to one and all even the Chief Executive. Sir, I support the Motion for Adjournment.

His Excellency the Governor

Would any other Honourable Member wish to speak, Chief Executive you have the floor.

The Honourable the Chief Executive


Mr President, I would like to thank the Honourable Member for his kind wishes. Just to respond very briefly to what Councillor Luxton said. I believe that the attitude of the administration towards local involvement in the oil industry has been consistent from day one. I mean the actual debate on the Bill which laid down some principles which I believe we have adhered to as far as hydrocarbons is concerned. And I think that is exemplified in many ways of the seven tranches that have been awarded five of those tranches in fact have some local involvement in the actual exploration, and I hope exploitation of the tranche. And I think that is of considerable benefit locally and something which the Islands can be proud of. We are aware of uncertainty and we are aware of pressure and we do intend to issue a very clear statement as to what the position is with regard to local industry. Sometime I trust in January, it will not be at the beginning of January but it could well be towards the end, but we are working on that right now. I believe that we can look forward to coming up with some positive ideas and some positive thinking at that time.

His Excellency the Governor

Are there any more statements to Motion for Adjournment? In that case I would just simply like to wish all Members of this Council and indeed all people in the Falkland Islands a very happy Christmas and a very peaceful, prosperous and happy new year. This House now stands adjourned *sine die*.

Confirmed 27 May 1997

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Governor