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**RECORD OF THE MEETING  
OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY  
ON 25 APRIL 1997**

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**PRESIDENT**

His Excellency the Governor  
(Mr Richard Peter Ralph CVO)

**MEMBERS**

Ex-Officio

The Honourable the Acting Chief Executive  
(Mr Peter Thomas King)

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 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  
(Brigadier Iain David Seumas Campbell)

**CLERK:** Claudette Anderson

**Prayers:** Father Cannack



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**RECORD OF THE MEETING OF THE  
LEGISLATIVE COUNCIL HELD ON  
25 APRIL 1997**

**His Excellency the Governor**

Ladies and gentlemen, Honourable Members, this meeting is now in session.

The Commander British Forces, Brigadier Iain Campbell swore the Oath of Allegiance.

**PAPERS TO BE LAID ON THE TABLE BY THE HONOURABLE THE  
ACTING 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 & General Clauses Ordinance 1977:

The Stanley (Various Roads) (One-Way Street) (Amendment) Order 1997  
The Fishing Licences (Applications and Fees) Regulations Order 1997  
The Land Charges Fees Rules 1997  
The Land Charges Rules 1997  
The Mis-use of Drugs Regulations Order 1997  
Fines: Increase in Standard Scale Order 1997

Copies of the Falkland Islands Government Special Funds Financial Statements and Audit Report and the Falkland Islands Government Financial Statement and Audit Report for the Year ended 30 June 1996 are laid on the Table pursuant to Section 57 of the Finance and Audit Order 1988.

**QUESTIONS FOR ORAL ANSWER**

**QUESTION No1/97 BY THE HONOURABLE W R LUXTON**

Mr President, there was only one tender for the current phase of the West Road contract and at the time the contract was agreed, the Chief Executive advised that the final agreement was the subject of negotiation between the contractor and the Director of Public Works. Will the Acting Chief Executive please list all variations agreed from the original tender document dated October 1996. Would he also list all items of materials and spares that are funded by FIG, and would he list any charges for labour costs incurred by the contractor which are a charge on FIG and list the cost of any labour provided directly by FIG. What is the total budget for this project, and is completion expected to be within this figure?

### **Reply by the Honourable the Acting Chief Executive**

Your Excellency, I am advised that the changes made to the original tender document and incorporated into the final contract are as follows:

The work camp is paid for under the contract and becomes a Government asset.

FIG is self-insuring the Government owned plant. The maximum retention percentage was reduced from 10% to 5%.

All materials and spares are ultimately funded by FIG. Materials and spares are either provided by FIG or by the contractor. Materials provided by the contractor are paid for in accordance with the terms of the contract. The list is too extensive to list in an oral answer but will be supplied to the Councillors' Office as soon as possible.

Labour charges incurred by the contractor are reimbursed in accordance with the contract. These figures will be supplied in confidence to the Councillors' Office. No labour has been provided directly by FIG.

The budget for the project is £455,000 and current projections indicate that this will be exceeded by a relatively small amount. Final figures will only be known upon completion.

### **The Honourable W R Luxton**

Your Excellency, could the Acting Chief Executive indicate what the cost was and who paid for the sand and shingle that was imported into West Falkland for this project all the way from the United Kingdom?

### **The Honourable the Acting Chief Executive**

I have no specific knowledge of that point.

### **His Excellency the Governor**

Does any other Member wish to ask a Supplementary?

### **The Honourable E M Goss MBE**

Mr President, Honourable Members. Could I ask the Acting Chief Executive how many kilometres does £455,000 plus a little bit more represent? How long is this phase of the contract?

**The Honourable the Acting Chief Executive**

I am sorry, I do not have that figure with me, but it can be provided. What I might advise, Your Excellency, is that the Director of Public Works is carrying out an analysis of the total costs of the various contracts to date and this will be reported in due course - it will look at all the current road contracts and those performed in the past.

**QUESTION No 2/97 BY THE HONOURABLE W R LUXTON**

Can the Acting Chief Executive please explain why the road towards Hill Cove has been built on a line through three valleys approximately six kilometres south of Hill Cove? Does he not agree that doing so has created exceedingly dangerous slopes, greatly exceeding the limit laid down in the contract document; would he agree that it is likely that one of these slopes will be impassable in the winter, and would the Acting Chief Executive not agree that it would have been possible to avoid all the problems I've mentioned by routing the road less than one kilometre to the south-west?

**The Honourable the Acting Chief Executive**

Your Excellency, I am advised that the route of the road was, in common with normal practice, selected, following such consultation and analysis as was possible in the time available. It may be that if time had permitted and more detailed evaluation, a different route may have been chosen. I am advised that the slopes of the road when finished will not exceed the maximum stated in the contract specification; a 15% incline, or approximately one in seven, and that this is not dangerous, or not considered to be dangerous. As with all roads, I imagine it may, depending on weather conditions and the vehicle in use, be impassable from time to time. I think it is impossible to say, without a survey of the alternative route being carried out, whether it would have been possible to avoid any risk of the road being impassable in winter.

**The Honourable W R Luxton**

Perhaps the Acting Chief Executive could explain, please, how it is intended to convert a slope which exceeds 20% for a distance of some 200 yards down a hill, into one of 15% or less, without creating a dangerous embankment or moving a small mountain?

**The Honourable the Acting Chief Executive**

Your Excellency, I am not familiar with the area and my advice has come from the Public Works Department and I am not aware of those inclines.

**His Excellency the Governor**

Again, I think if I may suggest, this is another case where if we could take that question on advisement and ask for further advice from the Public Works Department, since it is a highly technical one.

**The Honourable W R Luxton**

The Acting Chief Executive said that consultation had taken place; there is advice on record from local people as to the route which would, as I indicated in my question, have avoided all these problems with very little extra road building. Could he explain why this advice was ignored?

**The Honourable the Acting Chief Executive**

No, I cannot.

**His Excellency the Governor**

I am sorry, I think we have probably exhausted the possibilities without the relevant people being present.

**QUESTION No3/97 BY THE HONOURABLE W R LUXTON**

With reference to the next phase of the West Road, heading towards Roy Cove, would the Acting Chief Executive please explain why a potential contractor, along with the Public Works Department personnel, have recently made exploratory forays through and over farmers' land which will have the road built on it, without seeking to consult those farmers in any way whatever?

**The Honourable the Acting Chief Executive**

Your Excellency, the Public Works Department have advised me that they have not made exploratory forays with a potential contractor. With the current contractor, the PWD Clerk of Works has looked at possible future locations for the work camp. The Administration is unable to answer what the potential contractor, unidentified in the question, may or may not have done on his own. I can confirm that in accordance with established practice the programme for establishing the route towards Roy Cove includes provision for consultation with local landowners.

**QUESTION No4/97 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members. Can the Acting Chief Executive inform me on the Falkland Islands Government's stated obligation to provide



housing, how many applicants there are on the Housing List and the number of applications that have been on the list for more than two years? Can he also advise me as to whether a study of housing requirements in the Falklands has ever been conducted, taking into account the needs of those people who require accommodation but who are not in a position to buy, build or rent from the private sector?

**The Honourable the Acting Chief Executive**

Your Excellency, at Executive Council on 24 November 1994 it was agreed that the priorities for the allocation of Government housing would be:

- a) Contract personnel
- b) Residents with special needs; and
- c) Other residents

There are currently 56 outstanding applications for Government housing, of which 13 have been on the list for over two years. I am aware that some of the people on the list may not be currently resident in the Falkland Islands.

A housing needs study was carried out by the previous Planning Officer, Mr Andy Norrell, in 1991, the results of which were published in the Draft Town Plan for Stanley but no further detailed studies of that nature have been undertaken since.

**The Honourable J Birmingham**

I would thank the Honourable Acting Chief Executive for his answer.

**QUESTION No5/97 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members. In June 1996 the Falkland Islands Government committed themselves to carrying out the objective of ensuring that the smoke alarms were in place in 100% of domestic dwellings. Can the Acting Chief Executive inform me whether smoke alarms are fitted in all Government owned buildings in both Stanley and the Camp and if not, which buildings do not have such alarms installed? Can he also advise me of what steps are being taken to achieve the above mentioned objective, and the estimated cost of supplying one smoke alarm to each household in the Falkland Islands?

**The Honourable the Acting Chief Executive**

Your Excellency, smoke alarms are not presently fitted to all Government buildings either in Stanley or in Camp. There are some 14 Government buildings in Stanley other than dwellings which are believed not to be fitted with smoke alarms or detection systems and action is being taken to remedy that.

The list of buildings will be supplied to the Councillors' Office as soon as it is complete. There are a number of questions that need to be asked about some of the buildings and what plans there are already in hand for alarms to be put in.

It is known that some Government tenants have fitted one or more smoke alarms to their houses and the same is true of many occupiers of private accommodation. Domestic smoke alarms are on sale at local retailers' and have been for some time.

In Camp, except for the house at Saladero and all dwellings at Fox Bay Village, I understand that smoke alarms have not been installed in other Government owned buildings.

The Public Works Department plans to achieve 100% smoke alarm provision in all Government dwellings by the end of August this year. Approximately 50% of those dwellings currently have smoke alarms fitted. The cost of supplying one smoke alarm to each household in the Falkland Islands is not known; cost would be about £8 per single storey household, where there is more than one storey it is normal to install two inter-linked alarms, which would increase the cost to around £18 for two alarms plus materials. It is not known how many private households do not have smoke detectors fitted.

**The Honourable J Birmingham**

I would like to thank the Chief Executive for his answer. Would he agree with me that perhaps, after the recent fire up at FIDC, there might also be room for a study into the centralisation of a system whereby all major Government assets were linked into one masterboard, so as to enable in the event of a fire anywhere, to be able to call out the emergency services?

**The Honourable the Acting Chief Executive**

As part of the review of what is currently in place this was a subject discussed at a Heads of Departments meeting recently and we have asked that a survey be done of these buildings and what is to be recommended. I know that the Fire Department and the Public Works Department personnel are currently looking at the optimum systems which could be put in place. There's a view to standardisation there.

**The Honourable J Birmingham**

I thank the Honourable Chief Executive for his answer.

**QUESTION No6/97 BY THE HONOURABLE J BIRMINGHAM**

Mr Chairman, Honourable Members, can the Acting Chief Executive tell me how many Falkland Islands students will be going to Loughborough College this year for further education; can he also inform me of what the arrangements are for the accommodation and care of these students, and has the level of funding provided for them by the Falkland Islands Government kept up with that required to send a student to Peter Symonds' College? Can he also advise me of how many pre-paid places remain to be filled in Peter Symonds College and what the current position is regarding the new accommodation block which is to be partly funded by the FIG?

**The Honourable the Acting Chief Executive**

Your Excellency, there will be 10 pupils going to Loughborough College, three of whom will be taking vocational courses and seven of whom will be taking A-level or GNVQ courses, ie courses which would be available at Peter Symonds.

The arrangements for accommodation and care at Loughborough College - as to accommodation, this would be the students' choice of a hall of residence or lodging in a house with a family. Care: the Loughborough residential accommodation has an accommodation team who look after the welfare and well-being of students in halls and lodgings and, although they do not live in the halls, a member of the team is on call if any problems arise.

The funding for students at Loughborough taking A-level or GNVQ courses will be precisely the same as those at Peter Symonds' College, that's a total of £7,380. The level of funding for students at Loughborough taking vocational courses will be precisely the same as those who are currently taking vocational courses elsewhere, £9,000.

There remains 83.8 year/places to be filled at Peter Symonds' of the original 92.6. The new accommodation block has just received planning permission and the revised completion date is May or June 1998.

**The Honourable J Birmingham**

I thank the Honourable Acting Chief Executive for his answer. Presumably the 83.8 places, the .8 would be for somebody my size to go to that particular college.

I wonder if the Acting Chief Executive could tell me whether there is a time limit on when these places have to be used up by?

**The Honourable the Acting Chief Executive**

I am not aware that a time limit has ever been mentioned.

**QUESTION No7/97 BY THE HONOURABLE E M GOSS MBE**

Will the Acting Chief Executive tell me what the total cost has been to date of the preliminary work carried out in marking an surveying the route the road will take from Darwin Cemetery to North Arm, taking into account the cost of local labour, fuel, board and lodgings, overseas flights, and monies paid to overseas consultants to obtain knowledge of ground conditions to enable them to design and draw up the contract to let?

**The Honourable the Acting Chief Executive**

Your Excellency, the cost to date for the preliminary work referred to is £11,802.42.

**The Honourable E M Goss**

Your Excellency, I thank the Acting Chief Executive for that answer. I know at the end of the day, I don't know, but I hope at the end of the day this money spent is going to prove that we get a very good quality road to North Arm. But in the meantime, Bodie Creek Bridge has been welded up so that we can't use it. The residents of Walker Creek have to go across Cobbs Pass and some of this money might have been better spent in putting an all-weather crossing across Cobbs Pass so that we could get home when it's raining or the tide is high. The surveyors doing the job have actually been losing time waiting for the tide to drop or the rains to abate; they have been trapped behind the waters.

**The Attorney General**

Mr President, I feel bound to point out that the Member is strictly out of order in that he is making an argument rather than asking a question.

**The Honourable Member apologises to the President.**

**The Honourable W R Luxton**

Would the Acting Chief Executive please tell me if or when there are any plans to improve the crossing at Cobbs Pass and other bad places before the winter sets in?

**The Honourable the Acting Chief Executive**

I do not know of any plans specifically to deal with Cobbs Pass, although the Director of Public Works advised that the culverts for Cobbs Pass are contained within a contractor's programme for a contract that is yet to be let for that road. The start date for that is estimated to be early November or late October, that is my information at this point.

**QUESTION No8/97 BY THE HONOURABLE MRS N EDWARDS**

Can the Acting Chief Executive tell us when we can expect to see an equalisation of freight rates and fuel costs for the Camp population, and what progress has been made on this front to date?

**The Honourable the Acting Chief Executive**

Your Excellency, I am informed that the proposals for subsidies to enable the equalisation of freight and fuel costs in the new financial year will be included in the Draft Estimates.

**The Honourable Mrs N Edwards**

Thank you very much.

**The Honourable W R Luxton**

Can the Acting Chief Executive tell me whether those benefits will be extended back-dated to when the last benefits expired, which I think was end of December?

**The Honourable the Acting Chief Executive**

It is intended that they would be.

**QUESTION No9/97 BY THE HONOURABLE MRS N EDWARDS**

Can the Acting Chief Executive assure me that the "Flying Squad" employed to do Camp track repairs on West Falkland and borrowed to help build the jetty at Fox Bay Village and recently repair work on the Port Howard to Fox Bay road, will next season be returned to the work they were originally employed to undertake?

**The Honourable the Acting Chief Executive**

Your Excellency, as the Honourable Member says, the Flying Squad are employed to do Camp track repairs on West Falkland and they will be



assigned to do the repairs appearing to have the highest priority at the relevant time. These may be the works the Honourable Member mentions, but it is possible, I imagine, that other work will sometimes have higher priority and priorities can sometimes be adjusted by Executive Council.

**The Honourable Mrs N Edwards**

Yes, it was my understanding that they were employed to do forward works on Camp tracks and can I be assured that they will be able to undertake this work again in the next season? I have no objection to repair works being done during the winter months, but that was what they were originally employed to do and I think it is sad that we have mislaid them along the track. Thank you.

**His Excellency the Governor**

I think that was a statement rather than a question and it is noted as such. Will somebody find the misplaced road gang one of these days, please.

**Attorney General**

I hadn't been aware that there were missing persons which we should have been looking for!

**QUESTION No10/97 BY THE HONOURABLE MRS S HALFORD**

In view of the rather poor results of the present *loligo* squid season, would the Acting Chief Executive be prepared to consider a partial refund of licence fees paid by Falkland Islands flagged fishing vessels in which there is a genuine, substantial ownership by Falkland Islanders, and not simply a minimal paper ownership by Falkland Islands interests?

**The Honourable the Acting Chief Executive**

Your Excellency, there is no existing provision which would permit the refund of licence fees to any fishing vessels on the basis of a poor fishing season. The Director of Fisheries has advised me that whilst early closure of the *loligo* squid fishing season remains an option, no decision in this regard has yet been taken and that if a decision is taken to close the season early and offer refunds to licence holders, then there may be technical and legal difficulties in granting different levels of refunds in accordance with the ownership of licenced vessels.

**The Honourable Mrs S Halford**

I would like to thank the Acting Chief Executive for his reply. I asked the question because I don't think we should lose sight of the hand that feeds us.

### **The Honourable M V Summers OBE**

Does the Acting Chief Executive recall that in this House some months ago I asked for some study of the methodology of reducing licenced effort for those holders of long-term licences, and could he tell me whether anything has been done on this and if it is not, when it is planned for some action to take place?

### **His Excellency the Governor**

Does that technically constitute a new Question?

### **The Attorney General**

I think it is probably a Supplementary question, Sir. I think that the proper course would be, since it would clearly take the Acting Chief Executive unawares, is to undertake that a reply to the Honourable Member's Supplementary question will be forwarded as soon as possible to the Councillors' Office, and published.

### **QUESTION No11/97 BY THE HONOURABLE MRS S HALFORD**

Is the Financial Secretary confident that it will be possible to enact the Pensions legislation required to implement the Hay pensions proposals for the public service before the General Election in October?

### **The Honourable the Financial Secretary**

Your Excellency, Honourable Members. The short answer is no, I am not confident. The most ambitious timetable is for the legislation to be remitted to a meeting of Legislative Council in November.

### **The Honourable Mrs S Halford**

Could the Financial Secretary tell me when the new pension legislation will actually be effective from?

### **The Honourable the Financial Secretary**

Your Excellency, it is intended that the new pensions legislation will be effective from 1st January 1997.

**The Honourable Mrs S Halford**

As this pensions legislation is relevant to the Hay proposals and they are, I believe, coming into effect on 1st May, should not this pensions legislation also come into force at the same time?

**The Honourable the Financial Secretary**

It is true that certain conditions of the Hay proposals are coming into effect from the 1st May, but the salaries came into effect on 1st January and it was agreed that the pensions should also be back-dated to 1st January.

**QUESTION No12/97 BY THE HONOURABLE MRS S HALFORD**

As sections of the Stanley to MPA road are currently being cleared of the tarmac top, can the Acting Chief Executive please tell me if it is planned to replace this tarmac and if so, when, and also when it is intended to commence the tarmac on the remainder of this road?

**The Honourable the Acting Chief Executive**

Your Excellency, the dense bituminous Macadam surface which is being removed will be replaced by a bituminised wearing course and the Director of Public Works, in conjunction with the consultant engineer appointed to the project, is currently investigating options for this wearing course. These options are a dense bituminous Macadam or a two-coat spray-and-chip surface. The commencement of the rehabilitation of the road is largely dependent on the availability of adequate quantities of crushed stone from Pony's Pass Quarry and the earliest work could likely commence is towards the end of the calendar year.

**QUESTION No13/97 BY THE HONOURABLE R J STEVENS**

Mr President, Honourable Members, could the Acting Chief Executive tell Councillors the cost of an acre of re-seed, give a breakdown of components, seed, fertiliser, labour, tractor, diesel, wear-and-tear, calculated on the machinery allocated during the five-year-plan. How long in hours would it take to complete a 10-acre plot and how many farms have this capability?

**The Honourable the Acting Chief Executive**

Your Excellency, the Director of Agriculture has advised me on this question. The total re-seed cost per acre amounts to £74.02. That's made up of seed, fertiliser, fuel, labour and freight, apparently. Depreciation, wear-and-tear on machinery is estimated at £5 per hour. For a 10-acre plot it is estimated that the machinery man/hours would total 30, which gives a total for a 10-acre re-

seed of £890.20. This figure is separate to fencing costs. I am told that more than 30 farms have a rotavating capability, although more seeders are required, and that this topic is under active consideration by the Agricultural Department. I can provide the full details of the figures and how these costs were arrived at separately.

**The Honourable R J Stevens**

I would like to thank the Acting Chief Executive for such an accurate answer that would break down to within a finite like 2p; it's tremendous. Thank you.

**The Acting Chief Executive**

The wisdom of the Agricultural Department.

**His Excellency the Governor**

Never let it be said we do not run a tight ship in this Administration!

**The Honourable J Birmingham**

Mr President and Acting Chief Executive, this question interested me so I got some information. I shall box this off into a question, and I work it out that Stanley Dairy, who I got some information from, worked it out that it actually costs £74.53 an acre. Was the Honourable Chief Executive aware of that?

**The Honourable the Acting Chief Executive**

No, I wasn't!

**The Attorney General**

I think they may have been milking the figures.

**QUESTION No14/97 BY THE HONOURABLE R J STEVENS**

Mr President, Honourable Members, can the Acting Chief Executive give Councillors an update on the Cable & Wireless UHF upgrade to microstation and the latest estimated finish date?

**The Honourable the Acting Chief Executive**

Your Excellency, I am grateful to the Manager of Cable & Wireless for the answer to this question. He has advised that 61% of the microstations included in the scope of works have been installed. New repeaters have been installed at five sites, with two further sites to be completed, these being Mount Maria (completion in early May) and Carcass Island (completion

in July). A further 18 microstations on West Falkland and eight microstations on East Falkland are outstanding. Twenty-one customer installations are pending on West Falkland due for completion in July, and nine on East Falkland due for completion in June. The project is scheduled to be completed by the end July 1997, although this is dependent of deliveries of equipment and logistics.

Actual costs to date and forecast costs to completion are within budget.

**The Honourable R J Stevens**

Sir, I would like to thank the Acting Chief Executive for his answer. Could you just tell me what the slippage is between the original time of completion and the time which is now given?

**The Honourable the Acting Chief Executive**

No, I have to undertake to provide this.

**His Excellency the Governor**

Answer to be provided as soon as we can.

**QUESTION No15/97 BY THE HONOURABLE R J STEVENS**

Mr President, Honourable Members, with the talk of equalisation, can the Acting Chief Executive say whether there is any current FIG initiatives to encourage the private sector into broadcasting the selection of TV channels which include live news, sport and documentaries, to people outside Stanley?

**The Honourable the Acting Chief Executive**

Your Excellency, there are currently no FIG initiatives to encourage the private sector to provide commercial television channels to Camp, although I understand FIDC and Mr Mario Zuvic have discussed in the past options for developing such a service.

**The Honourable R J Stevens**

I would like to thank the Acting Chief Executive for the answer and ask him, is he aware that there doesn't seem to be the same drive to bring live sport, like international football matches, as there was before, when there wasn't that facility, or that type of broadcast in Stanley? Before, SSSC used to bring important internationals on to the screen at the FA Cup and now there doesn't seem to be those initiatives coming forward, so people outside Stanley are losing out .



### **The Honourable the Acting Chief Executive**

I think we recently agreed funding for some live coverage coming up very soon.

### **His Excellency the Governor**

Yes, we did. Government did. I wonder, Brigadier, whether you have anything you can contribute on this subject?

### **The Commander British Forces**

Mr President, Honourable Councillors, if I can just add that within the military we are currently running an initiative with SSVc; it is still commercial-in-confidence and not finalised, to bring live SSVc television into MPA and thus available within the Falkland Islands. The actual time frame of which I am not sure but I have in my mind June/July, but I can certainly follow it up and provide information if I can. As I say, it is slightly caveated with a commercial-in-confidence tag at the moment.

### **The Honourable Mrs N Edwards**

Can I ask the Commander British Forces, is this sport we are talking about, something of real interest?

### **The Commander British Forces**

Mr President, Honourable Members, it is live SSVc; in other words, what we get now as the taped package, but live and time slipped, so it is the same product but contemporary.

## **ORDERS OF THE DAY: BILLS**

### **THE TAXES (AMENDMENT) BILL 1997**

This Bill has been published in the Gazette so therefore does not require a first reading.

### **The Honourable the Financial Secretary**

Your Excellency, Honourable Members. This Bill makes miscellaneous amendments to the Taxes Ordinance 1994. It introduces some new provisions along with various amendments to reinforce and clarify existing legislation. The Bill contains 14 clauses with detailed explanations and examples provided in the accompanying memorandum. The significant new policy areas covered include provision for the appointment of a Deputy

Commissioner of Taxation under clause 2; the introduction of a Small Companies' Rate under clause 5 and the extension of Group Relief Provisions under clause 10.

The 1994 Ordinance has already been substantially amended by the Taxes (Amendment) Ordinance 1996 and as soon as possible after this Ordinance has been enacted, a Bill to consolidate this and the earlier Ordinances on tax will be introduced.

I beg to move the second reading of the Bill.

**The Honourable the Acting Chief Executive**

Sir, I wish to second the Motion.

**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?

**In the Committee stage clauses 1 to 14 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 ELECTORAL (AMENDMENT) BILL 1997**

This is being presented under a Certificate of Urgency.

**The Honourable the Acting Chief Executive**

Your Excellency, I beg to move the first reading of this Bill, and would invite the Attorney General to explain its provisions.

**The Attorney General**

Mr President and Honourable Members. As Honourable Members will be aware, the amendments to the Constitution which have resulted from the Constitutional review and the examination of the Constitution by Members of a Select Committee of this House have been implemented by an Order in Council in London which comes into force on 1st September.

On a number of occasions Honourable Members have expressed the need to amend the electoral qualifications insofar as they disadvantage certain persons who are children of Falkland Islanders and were born outside the Falkland Islands, and they raised this matter in the Constitutional review but it is not a matter to be dealt with by the Constitution but by the Electoral Ordinance.

The new Constitutional amendments will come into force on 1st September and a General Election will follow some time after that date, probably early in October. The Electoral Register for that General Election will be prepared in relation to a qualifying date and under the Electoral Ordinance that date is 15th May. It follows then that if amendments are to have effect in relation to electoral qualifications for the young persons I have referred to, they must be made in the Electoral Ordinance before 15th May 1997. And for that reason, this Bill is being presented under a Certificate of Urgency so Councillors' wishes as to an amendment to the law, which is most important, can be implemented in time for them effectively to work for the forthcoming general election.

Honourable Members will find that that amendment to the qualifications of residence would be made by clauses 3 and 4 of the Bill, which represent a simplification of the qualifications set out in the present sections 3 and 4 of the Electoral Ordinance 1988. In particular, it will no longer be necessary for a young person who was born outside the Falkland Islands to be physically present in the Falkland Islands for a period of 12 months at least in aggregate following their eighteenth birthday. Honourable Members will be aware that this has caused difficulty in a number of cases, where such young persons have, although they have lived in the Falkland Islands for practically the whole of their lives, been away for educational purposes overseas.

Clause 4 of the Bill would bring about a number of minor amendments which it is desirable which should be made, all of which were ones which were raised by Mr Wallace and I think may have been mentioned to Councillors, in the terms of the general Constitutional review but they are not matters provided for by the Constitution, they are matters provided for by the Electoral Ordinance. In particular those matters deal with clarification of the voting system - not a change, but a clarification to make sure that it is stated in the law, that we have multi-member constituencies and it is the candidates who come first past the post who are elected. There are no changes in principle as far as that is concerned because Honourable Members will know that merely reflects what is our practice.

Honourable Members, these amendments are ones which are necessary, in my opinion they should be made to the Electoral Ordinance, and they have the effect I have mentioned.

## **His Excellency the Governor**

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

## **The Honourable J Birmingham**

Can I ask the Attorney General whether on section 2, sub section (3), whether it would be possible to insert in e) undergoing a course of education or training overseas, whether it would be possible to insert a course of approved education or training overseas, and also if somebody was overseas medically, it's quite possible that somebody was overseas for a period of time for a medical reason, they would lose the right to vote.

## **Attorney General**

Mr President, Honourable Members. At the Committee stage I propose to ask Honourable Members to make an amendment in relation to medical treatment overseas, which is an omission in clause 3 (2) of the Bill as it at present stands. However, in relation to the provision for people who are undergoing a course of education or training overseas, I think it may be undesirable to insert the word "approved". The reason is that it would create a number of possible difficulties: persons undergo a course of education or training overseas which they may choose to pay for themselves, or they may also go on a course of education or training overseas which is sponsored and paid for entirely by their employer. I would not think it appropriate, but it is of course a matter for Honourable Members, to insert wording which would require the course of education or training to be approved by the Government; that might be felt to be an interference with individual liberty. The persons concerned will of course in any event have to satisfy the Registrar General, or whoever else compiles the Electoral Register for the constituency in question, that during the period in question they were *bona fide* undergoing a course of education or training overseas, so there is that protective safeguard. But I would not wish to Honourable Members, to insert the word "approved."

## **The Honourable J Birmingham**

I do not hear anybody who would approve of the word "approved" so I'll withdraw that, Mr President.

## **His Excellency the Governor**

Unless there are any other comments at this stage the Bill will be read a first time.

**Clerk of Councils**

The Electoral (Amendment) Bill 1997.

**The Honourable the Acting Chief Executive**

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 Honourable Mrs N Edwards**

Just as a point of clarification from the Attorney General, please Mr President. He mentioned young people overseas being allowed to enrol in future. Is it necessary for them to do this themselves or may their parents put them on the Electoral Roll as they are out of the country? (with their approval, of course).

**The Attorney General**

It would be the intention of my Department to place on the Electoral Roll all persons we know about who are entitled to go on the Electoral Roll in accordance with law. However, it is possible that we may not have knowledge of a particular person and it would be perfectly in order for a person on their behalf to check whether their name appears on the preliminary list which will be published in the Gazette in due course, and to let us know if they think we have omitted somebody whose name should appear on the Roll. Equally, if anybody should think that any name appearing on the Roll is one that should not be appearing there, they have a right to make an objection which would be dealt with in the first instance by the Registrar General and if there were any disputes the matter would be referred to the Senior Magistrate to deal with within the judicial process.

**His Excellency the Governor**

Thank you very much. Any other members? Not at this stage? In that case the Bill will be read a second time.

**Clerk of Councils**

The Electoral (Amendment) Bill 1997



## **Attorney General**

Mr President, Honourable Members, I would like to take the opportunity at this stage to ask Honourable Members to consider the following amendments to the Bill:

In Clause 2, where it inserts the new Section 3 in the Electoral Ordinance, the new Clause 3, sub section (2) should please, if Honourable Members agree, be amended to include a new paragraph f) which would read: "undergoing a course of medical treatment overseas." The following paragraphs would be re-lettered to become paragraphs g) and h).

In Clause 4, the heading omits inverted commas round the phrase "resident for the qualifying period" and those should please be inserted.

In Clause 3 of the Bill, sub sections (1) and (2) of the Electoral Ordinance 1988 which are replaced by that clause, there should be the following amendments in the new sub section (2), paragraph 1) of section 53 of the 1988 Ordinance. In the ninth line of that paragraph the words "Deputy Director of Human Resources" should be inserted before the words "Director of Oil". In the tenth line of that paragraph, the words "Chief Police Officer" should be inserted before the words "Superintendent of Posts and Telegraphs", and in the twelfth line of that paragraph, before the semi colon, the words "and the Clerk of Councils" should please be inserted.

In the Schedule, paragraph one, the first line, the word "to" before the words "reference" should be replaced, please, by the word "as". In paragraph two of the Schedule there is a repetition in the definition of "institution" of the words "under this" and the repetition of the words "under this" in the definition should please be deleted.

## **His Excellency the Governor**

Thank you , Attorney General. Quite detailed points.

## **The Honourable Mrs S Halford**

Could I ask the Attorney General whether or not the Courts Administrator was included in that list?

## **The Attorney General**

I am obliged to the Honourable Member. The words "Courts Administrator" should please be inserted, Mr President, after the words "Senior Magistrate" in the sixth line of paragraph one of sub section (2) (that is the replacement sub section) in Section 53 of the Ordinance.

### **The Honourable Mrs S Halford**

Can I just ask one further question? I do not like to question the Attorney General's obviously better legal judgement than mine, but was it necessary to include the Chief Police Officer in that section, 2 (1), as all Police officers in the Police Force are actually mentioned in the next piece?

### **The Attorney General**

The Honourable Member is technically correct and I am obliged to her for pointing that out. Nevertheless, as a Head of Department I think he logically does appear with the other Heads of Department, but it is a matter of choice. He will be covered, as the Honourable Member mentions, under the next following paragraph but she will find that all Heads of Department are included in that paragraph and there might be a feeling that his status had not being recognised.

### **His Excellency the Governor**

Other interventions or questions by other Honourable Members?

### **The Honourable the Acting Chief Executive**

I propose that the amendments detailed by the Attorney General be accepted.

### **The Honourable the Financial Secretary**

I wish to second that.

### **His Excellency the Governor**

The motion which has been seconded is that all those amendments proposed by the Attorney General and other Members in this debate should stand part of the Bill. Any objections to that motion? No objection, so the amendments stand part of the Bill.

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

The Bill was read a third time and passed.

### **Clerk of Councils**

## **THE SUPPLEMENTARY APPROPRIATION (1996/97) BILL 1997**

This has not been published and requires a first reading.

### **The Honourable the Financial Secretary**

Your Excellency, Honourable Members. The purpose of this Bill is to authorise the withdrawal of the additional sum of £2,458,610 from the Consolidated Fund for the service of the current financial year, to provide for supplementary expenditure approved by the Standing Finance Committee. £492,490 of this additional sum has been authorised to be advanced from the Contingencies Fund. The Bill provides for the Contingencies Fund to be replenished to the extent of any advances so made.

There are two significant items of supplementary expenditure that ought to be mentioned, as follows: included under most Heads of service is additional provision approved to pay an increase in salaries and wages back-dated to 1st July 1996, amounting in total to £450,000. Under the Capital Head of service a provision of £1m is included for a subsidy to be transferred to the Pensions Equalisation Fund. It is calculated that this should cover the shortfall in income for an 18-month period ending on 30 June 1998 brought about by the reduction in rates of retirement pension contributions effective from 6 January 1997.

I beg to move the first reading of the Bill.

### **The Honourable the Acting Chief Executive**

I beg to second the motion.

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.**

### **MOTION FOR ADJOURNMENT**

### **The Honourable the Acting Chief Executive**

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

## **His Excellency the Governor**

Do any Honourable Members wish to speak to the Motion, or against? In accordance with normal procedure, let us start from the right: Councillor Edwards.

## **The Honourable Mrs N Edwards**

Sir, there are a few brief things I would like to mention in the Motion for Adjournment. First, may I welcome Brigadier Iain Campbell to our House and I hope that in the future sessions he will not find that he is too bored; we would like to welcome your wife as well of course to the Falklands, Sir. I know you have been here a little while but this is the first public occasion we have had to welcome you.

The Hay Review has caused quite a bit of comment and still does. I find that I get 'phoned by people with complaints. When I say "well, look, people are not happy with this, that or the other", I am told that is not true, everybody has signed it and everybody is happy. I do not believe this is so. The reason I do not think this is so is because it has been handled in such a way that people cannot appeal before they sign the deal and I think this is very wrong and I would urge Government that if there are people who wish to appeal in the future, they will not feel that they are not able to because their appeal will not be listened to because they have already signed it and that is how some people do feel, I know. We all know what the end result of a lot of hay is and I hope this is not the end result of this review.

Can I remind everybody around the table yet again, and the Administration, not to lose sight of the need for more sheltered accommodation. I know that we have to move the school hostels before we can even begin to start down this track of more housing for the elderly, but it is important that we get on and get everything in hand so that we can make a start as soon as the hostels are completed. I don't want there to be a delay while we then draw up plans and so on after the children have moved out of the hostels, I would like to see as much as possible those two projects going ahead together.

This brings me on to mention the Occupational Therapist that we had down recently to look at the needs of the people who are not as advantaged as we are in society and who may, probably will, at some time in their lives need some kind of sheltered accommodation, sheltered workshops. We are awaiting the report from this lady and again, I would ask that Council and the Administration do not put this on a back burner because the only place for these people to go if they do not have parents to look after them is the Hospital, and it is not the kind of place that you want to put people, nice as it is, it is not the place for people to live out their days.

Can I appeal to the general public, and the younger element of the public in particular, to think about joining the FIDF. At present the FIDF are having, well it is a perennial problem, of recruiting. Now of course there are so many more youth organisations, so much more to do in their spare time, that the FIDF comes very bottom of the list I think in some cases. But if you speak to the young people who have joined they will tell you that they enjoy it very much and it is a worthwhile way to pass some time. Even if it is only for a couple of years out of their lives, it would be nice to think that the younger generation are still interested in defending these Islands if necessary. They are an integral part of the whole Force picture of the Islands and would be used if and when the time came, so it is worth giving it a little bit of time to looking after your country if necessary.

We have heard quite a bit from Dr di Tella lately and I would just like to reiterate what I always say, I know that he somehow or other gets a report of what happens in this House in the Legislative Council, so just to tell him, for goodness' sake, when you've given up your claim to sovereignty, we will talk to you. I did not agree with the talks that went on in Chevening as you well know, I did not see any point in them. Other Councillors felt that there was a chance maybe the Argentinians would drop their claim to sovereignty: I didn't, and I still think that we need to tell them constantly that we are not about to bow down to Dr di Tella's constant overtures, which have nothing of substance in them.

I will just briefly mention TV for the Camp and say to the Honourable gentleman opposite, the Honourable Richard Stevens, that if he really wants an overdose of sport and all the rest of it, you can always buy a dish and you can have it all if you want to. I would like to see some more current programmes, I think we have plenty of sport broadcast round and about but I am not overly excited about lots of channels in Camp, but then that is my own opinion. I am sure a lot of other people will think differently. I appreciate what you are trying to do for the Camp population, I just hope we do not get bogged down in too much television. We seem to have lost the art of conversation somewhat since the absence of the old RT set and the 2-metre set. I believe the socialising that used to go on does not happen as much as it did and TV will kill it completely.

Sir, I support the Motion for Adjournment.

**The Honourable Mrs S Halford**

Mr President, Honourable Members. In rising to support the Motion I too would like to welcome Brigadier Campbell to this House and hope that both he and his wife Bibi have a good stay here in the Islands.

I know in rising to speak to this Motion I am certainly not going to put on a splendid performance as did some of the children in the school debate last night; they put on an absolutely superb performance. One speaker I did take

particular note of the content of his speech, which I found most enlightening I think: Whilst he was worried about the invasion of many things to the Islands and as he described them, "some oily men and many other things", he ended up with the "invasion of expatriates" which, if I were to make that statement would not go down well but I suspect in his instance it was perhaps aimed at his teachers. But of all the invasions he talked about he did not once mention Argentina, which made me wonder that if perhaps our youngsters were not quite confident and happy with the way we are at present.

Touching on Argentina, I was at the talks at Chevening earlier this year, and it amazes me now to see comments come out from Dr di Tella saying that the talks were on sovereignty, or he has mentioned the sovereignty talks that occurred there. I assume we must have been at different places or speaking different languages because there were certainly no talks on sovereignty where I was. And in that vein as well, it was also quite comforting to see the front page of *Penguin News* today and see the stance that Labour has taken over the Falklands. A lot of people had been concerned as to what would happen should Labour get in the next Elections.

As part of my remit is the Agricultural Department I would like to touch on a couple of points relevant to them. Recently we have approved the purchase of cobalt for those farms who need it and I know farmers are concerned because of the wool prices as to what may be forthcoming shortly. As most farmers will know, the new Director of Agriculture went around speaking to a lot of farmers with a member of the Farmers' Association, Rodney Lee, and from those talks hopefully we have got a lot of ideas and suggestions as to what farmers themselves think is best for them or how best they may be helped, and obviously these ideas are still being looked at.

Stanley Common comes under the Agricultural Department and in the past I have mentioned that I thought we should designate this area and this is still being looked at. But I mention it here today because recently, and also on the Lands Committee, one of my fellow Councillors said that the only way to get a piece of land is to have a horse. I do not necessarily agree with this. I believe the whole of Stanley Common is there for the benefit of everybody in Stanley and should be enjoyed by everybody, whether they are keeping horses, riding motorbikes or whatever. But there is a time and a place to undertake all these activities and I do not think it is necessary for any one group to wreck the pleasures of another. At the moment if you drive along the Bypass and on the weekends certainly just off the Bypass, you could see vehicles that I can only describe as being mud-soaked. If youngsters, or older people, wish to take up this kind of sport, fine; but I really think it would be nice if they could look at an area which they could designate for this, albeit on Stanley Common, but have an area which they dedicate to that and then can really enjoy the sport.

Recently the Agricultural Department put up a fence, a new fence, to the East of Stanley, where horses can now go and graze and I think it is rather sad

that as soon as this fence was put up it has been cut a number of times. I hope those people who have been responsible for cutting the fence will now leave it in place; if they do not, they will now have horses all over the area. As you know, horses are near and dear to my heart and they have today, I understand, been put in this area to graze before they go on to Cape Pembroke.

Also something that is Agricultural Department orientated in a sense is the result of the wheely-bins. Although the wheely-bins themselves have nothing to do with the Agricultural Department, since their introduction what has become evident is the number of cats in Stanley. There are far too many and unfortunately these cats are starving. You only have to drive around the streets at night time now to see little kittens out and about, and little kittens that you cannot catch because they are wild. I know that for some time several people have been trapping cats and taking them to the vet to have them put out of their misery. Obviously people will start catching more and more cats and I would therefore urge as many people as possible to take their pets along to the vet and to have them tagged - or micro-chipped, I guess is the word; this is done free of charge and it would then result that if your cat was caught by mistake there would be no fear of it being put down because it would first be checked for the chip.

One thing that has disappointed me lately is that it has taking quite a long time for the people in the North Camp area to actually know when they are going to get their roads. I am not on the Transport Advisory Committee now but before Christmas a sub-group of theirs did meet to prioritise these roads, and now I believe places like Bombilla, Brookfield, Greenfield, Johnson's Harbour, Long Island, Rincon Grande, Horseshoe Bay, Salvador, should all be able to be told when to expect a road. At least with this information they can then plan for the future and the Murrell also came under this, so hopefully everybody will at some stage shortly know when they are going to get their roads.

Finally, I would like to say that there is a possibility that the *Top Gear* programme may come down here and film a motorcross event, maybe some cross country Land Rover events and some other bits and pieces, so there may be an opportunity for all those mud loving persons with vehicles to participate in that.

Sir, I support the Motion.

### **The Honourable M V Summers OBE**

Mr President, Honourable Members, in rising to support the Motion for Adjournment, in addition to welcoming Brigadier Campbell to this House, I would like just to say a few words about the economy, oil revenues and foreign policy, but before I do that, just a few words on education.



I thank my Honourable Friend for raising the question about students going overseas in his question and rather than dress up my statement as a question, I would just like to assure the populace of the Falklands that the Board of Education and the Director of Education did everything in their power to ensure that parents and children, young adults, going overseas, had all the information that they should have had to be able to make the choice that ultimately is theirs, as to where they go to pursue their further education. This Government does have a preference for sixth form students to go to Peter Symonds but it also has a relatively liberal attitude in allowing people the freedom of choice and let me just assure folks that everybody who chose to go to somewhere other than Peter Symonds made that choice with their eyes open.

We continue to have a strong economy in the Falklands, and as in previous years will make further additions to the Consolidated Fund at the end of this financial year, principally due to under-spending on Capital projects. The Fund however is still not sufficiently sized to carry us through our planned Capital Programme should there be a major failure in the *lllex* fishery. And whilst therefore Councillors will continue to respond to the demands of the electorate for improved infrastructure, better services in education and welfare, more generous pensions and family allowances, better public buildings, etc. etc., this can only be done within the means available to us. Demand for more and higher standards of service at greater speed inevitably results in more people being required to carry them out, more pressure on housing and upward pressure on wages. All this results in higher costs in shops and from the providers of services and brings the unwelcome prospect of excessive inflation. We need therefore to tailor our demands to our means and to distinguish the desirable from the essential: we cannot have everything at once. It is to be hoped that the Economic Strategic Plan which is in preparation will help us to see the broader picture for the future and set out the basis of a plan for the new Council in October. A note of concern allied to this, in this process is the apparent lack of sociological focus in the recently commissioned Socio-Economic Survey. If our advisers are not sufficiently aware of the sociological background and baseline in the Falklands, how can they possibly advise us of the potential effects of economic change, whether it is through oil or changes in the fishery. This is a matter which I know is of concern to all Councillors and which must be addressed in the very short term.

On the question of oil revenues, I believe the position of all Councillors in relation to oil revenues is that we have offered to contribute in accordance with our means to the cost of defence in the future. Others have also mentioned the possibility of contributing if we are able and if we wish to do so for educational and medical services in the UK. But the basic position is that the revenue deriving from oil is ours to dispose of as we wish. I have no doubt that if the time comes, we will be generous. But let no one be in doubt that the choice is ours. I have no wish and no intention to pour money into a

black hole in the UK Treasury to fund matters of no relevance to the Falklands.

On the question of foreign policy, which has been mentioned by my two Honourable colleagues already, we will all have noticed that with the uncertainty created by the British General Election there has been increasing activity in the Argentine Ministry of Foreign Affairs, trying to create the impression of situations which simply do not exist. I refer particularly to Dr di Tella's recent remarks concerning discussions with the UK Government that had supposedly taken place on sovereignty over the Falkland Islands and that nobody had walked out. How much further can you get from the truth? Talks at Chevening were held under the sovereignty umbrella and on the clear and strict understanding that any change to the UK-Falklands position on sovereignty was not for discussion. What was for discussion was a change on the Argentine position on sovereignty. When the Argentine delegation made proposals which were intended to compromise our sovereignty position, Councillor Halford and I called a halt to the discussions and the talks ended. Goodness knows where Dr di Tella got his ideas from. If Dr di Tella wishes to mislead his own people, that is his and their concern; I would not wish any of us to be misled by his manoeuvrings and half truths. Be in no doubt that the only way forward from here is a written withdrawal of the claim to sovereignty and only then would I consider the type of normalisation process that they seem to be demanding. If Dr di Tella wishes to continue his war of attrition I may be tempted to join in by revealing to his people what he really offered.

Finally, I wish to pay public tribute to Captain Nick Barker, who died recently. He was known personally to many in the Islands and played a highly significant role in the Conflict of '82. He worked tirelessly after his retirement in the efforts to retain *Endurance* in the southern oceans and on behalf of the Falklands; he was a real friend of the sort we can scarcely afford to lose. We in the Falklands should be eternally grateful to Nick and those like him in the volunteer organisations who give of their time to the Falklands because they believe in the justice of our cause and the right to self-determination of peoples. Our condolences to Captain Barker's family and our grateful thanks to all those overseas who support us.

Sir, I support the Motion.

### **The Honourable J Birmingham**

Mr President, Honourable Members. In rising to support the Motion I shall be brief. I too would like to welcome the Commander British Forces to this House and also his wife to the Islands. My condolences to Councillor Teggart and I hope she is not finding life too hard on the settee at home.

I would like to say something about the military in the Islands, if I may. Last Saturday night I was invited to MPA, as was a certain Mr Nick Hadden (we

are both involved with the Blue Bus that runs around Stanley) and whilst there we picked up two cheques, one for £1,000 and one for £300. This money had been collected by both the military and civilian populations at MPA and also the £300 by some military chaps who rode bicycles from San Carlos to Stanley. These kind of events don't seem to be reported too well, certainly in overseas newspapers, and I would just like to publicly thank all those who were involved in it. As we have had the Seaman's Mission up and running for some time I would like to say thank you very much to the Hughes family; they are doing a splendid job and I know the Mission is used a fair bit and look forward to the new build.

At the moment the Agricultural Department have taken on a tree specialist who comes down twice a year, they have also got a local lad who is involved in trees. I wonder if we could see some kind of a programme for planting trees around Stanley. For instance, we have Jeremy Moore Avenue, we have the new builds up at the East Stanley Development - I would really like to see some kind of programme for the future.

I would also like to welcome Mr Colin Horton who arrived last week from New Zealand to run Falklands Landholdings. There was a Falklands Landholdings meeting yesterday and there has been some discussion of late about the Company and I would like to say that the way ahead is going to be very plain to everybody shortly and if I were an employee I would certainly be sleeping well at night. And to the people who have expressed an interest in Landholdings, they will be receiving a letter very shortly and an invite to a meeting soon.

I too was at the school debate last night and I would suggest that the ones they have every year are well worth attending. If nobody has been to one then I advise them to go.

Councillor Edwards brought up a question earlier on about equalisation to people in the Camp and I would just like to thank the Energy Advisory Committee and FIDC for their promotion of energy saving methods, which was in the centre spread of *Penguin News* last week, and this I consider to be a positive contribution to the way of life in Camp.

I fully agree with what has been said by two previous Councillors on the remarks that are coming out of Argentina at present. I sometimes wonder whether Argentine politicians don't have some kind of a fix, whether they go to some land of unreality on occasion. I would just say to Dr di Tella, if by sending us letters you recognise our loyalty to the Queen, would you please kindly recognise our right to self-determination. I am certainly not going to comment on the Argentine President's bad luck and what you are supposed to do to ward it off.

Air links with Montevideo is something that is on the boil at the moment and I have to say I am pretty wary of this. The country of Uruguay is a very small

country sandwiched between two very large ones. We have had an air link with Chile for some time and I have discovered that, on quite a few occasions, it is not so simple for an aircraft to fly over from Chile, even one that has been scheduled has sometimes had hiccups. I would suggest that it is a long way to Montevideo and you are under the air traffic controllers of a certain, at times not very friendly, neighbour and, before any progress on this, I would like to see some firm commitment from the Argentine that they would not get involved in holding up operations. Regarding buying major assets for the Falkland Islands perhaps we should remember some of the ships that have been bought for these Islands: the *Shackleton*, the *Challenger*, the *Southern Star*, the *Indiana* and do not forget the *Dornier* [aircraft]. We do not seem to have a very good track record at purchasing major assets. What may be commercially feasible at the beginning sometimes is not politically sensible and I would look deeply before we entered into that particular affair.

There was a paper before Executive Council in January on Standards in Public Life. I think with an Election coming up I would like to see this published. At the moment there is a Register of Councillors' interests available for inspection by any of the public and I hope that it is amended to reflect changing circumstances on occasion.

I would like to express my support for the Colony of St Helena and I hope that they get British citizenship as they rightly deserve.

Also, overseas education (I did have a Question here today), as far as I am concerned the choice is for the parents and the pupils and so it should remain.

There has been talk about problems at the Quarry and the lack of stone and I agree; there is a lack of stone coming out of the Quarry at the moment, but I would suggest this is through years and years of not being able to understand the workings of a Quarry, not by the men there, but perhaps by not having professional quarrymen coming down and telling us how it should be done and buying the correct machinery. This I believe has been organised and the new machinery is supposed to arrive in August/September and the Director of Public Works, who is not renowned for giving start dates, has assured me that all going well they should be in operation by November at the latest.

I would like to congratulate the Acting Chief Executive. I am glad to see he does not have the same problem as the Chief Executive which, looking up in the medical dictionary, seems to be a disease called logorrhoea.

Finally, if it is true that the squeaky hinge gets oiled, I am sure that this will apply to the flagpole on Victory Green.

Sir, I support the Motion.

## **The Honourable E M Goss MBE**

Your Excellency or Mr President seems to be the popular address these days - in rising to speak to the Motion for Adjournment I will begin with a welcome to the Commander British Forces Falkland Islands to these Chambers, and I am sure he will find the proceedings an interesting diversion from his military duties and like Councillor Edwards said, I hope he will not be bored by our company. I would like to also join Councillor Birmingham in extending my good wishes to our fallen colleague, Councillor Wendy Teggart and I wish her a speedy recovery for the injuries she suffered in the course of her public duties abroad.

I would also like to record my pleasure in learning that Sir Douglas Hurd has been elevated to the House of Lords. It is comforting to know we have a guardian in high office and I offer my personal congratulations.

Yesterday was a very busy day for all Councillors: seven still active and out and about were present at the public meeting last evening, and I understand a fair number attended the school debate but I had to leave school early because of a previous commitment. A wide range of questions were put and concerns expressed about the workload on part-time Councillors; the possible purchase of a jet aircraft for external operators; one member was concerned about the possible wealth oil might bring to the Falklands. I do not think we will show our good fortune if it comes by paving our streets with gold. When we gained control of the fishing in our waters I warned that fish would attract sharks and they did arrive, in many disguises, to strip away the flesh to the tune of £26 million or more. Around oil revenue will come the wide boys, the train robbers, the beggars will appear with outstretched hands; at this stage when we have so much infrastructure to put in place that we have done without for so many years, the megabucks might help us meet our own needs. Councillor Summers has already touched on the fact of our commitment to meet some of the expenses, or perhaps all the defence expenses, in the future. We do not know at this stage what we might have. As for individual wealth, I do not think it is going to be a big problem for me. One of the speakers there last night seemed to think he would feel a bit uncomfortable with great wealth spread around the people of the Falklands but I would not feel uncomfortable if I had equal wealth to the Arab Emirates, I could even consider changing my surname or adding to Goss, Maktoum and owning some of the best racehorses in the world has some appeal. Last night's speaker has recently enjoyed success on the race track and maybe when he hears this he will take a look at the possibilities of the future wealth through different spectacles.

I would like to note the poor attendance from the general public. I do not know if this reflects on the day of the week, we have had these sessions on Saturdays and have had better attendance, or is it related to the unbearable heating on such a fine day. And I would like to suggest, Sir, that we have a

seating shuffle where the Executive Council and the Administration members take a turn by the radiators next time around!

The prominent subject in today's Questions revolved around roads and tracks, in actual fact, 15 Questions gave us 6 on that subject, which is 40%, so they are obviously a high profile topic. As I said earlier on, when I got my fingers rapped for extending the question into a statement, and I am going to sound a bit like the Chief Executive did not understand who I referred to at one other meeting, Willie Nelson on the road again - but the Acting Chief Executive has probably sung that song in the Trough. Bodie Creek Bridge had steel girders welded across both ends on 4th of March. The alternative route for the residents of Walker Creek and North Arm are at the mercy of tides or the amount of flood water coming down through Cobbs Pass. In the recent week the surveyors lost considerable time trapped behind the waters, but still no action has been taken to rectify this. So I urge the Government to begin work on constructing an all-weather crossing without further delay.

Mr President, Honourable Members, I support the Motion for Adjournment.

#### **The Honourable W R Luxton**

Mr President, Honourable Members. I would like to join my colleagues in welcoming the Brigadier to our House and of course he and his wife to the Islands; another keen fisherman, unfortunately the season comes to an end shortly but there is always next season, Sir. I hope you enjoy your stay with us.

I asked a number of questions about roads. I would like to make it clear that in that I am not aiming any criticism either at the contractor on West Falkland or the gang on the North Camp, on the contrary. I think both to be congratulated on having achieved what they have this season, particularly the lads on the North Camp road. They have not had a lot of publicity and thanks over that and they are doing an excellent job. There was a question from my colleague about the priorities on the North Camp link roads, as she knows, the recommendations of the sub-committee went to the Transport Committee and a paper to Executive Council. Those priorities are now established and I think Your Excellency, in your roundup of the Executive Council papers, may be able to make those priorities public and the sequence over the next four or five years.

My concern over road building at the moment is that the contracts and the way we are doing it is over the top. I am very disappointed in the lack of progress with the North Arm road and the lack of any construction or any assistance to those people at Cobbs Pass. I am also concerned that although we budgeted for it and it is Government policy, the second road gang on West Falkland may not start as early as Councillors have said they wished it to start. I think this is because we are losing sight of the fact that we are really aiming to build low cost Camp roads/tracks as fast as possible. I

think we may be getting sucked into a situation where they are going to be too expensive and take too long to build and require too many assets. I was absolutely appalled to find out that sand and shingle had been shipped into West Falkland which had originated in the UK, God only knows what that cost. It is the most ridiculous thing I have ever heard when there is sand on the beaches and shingle to be picked up. I have no doubt that somebody will say that it does not come up to specification, all I would say there is that people on West Falkland and East Falkland, I am sure, have been building things with concrete for probably well over one hundred years and some of the original concrete is still there. I certainly know it is around my farm, so there is nothing wrong with local materials and it just seems farcical to me. I know that in Stanley there may be a reason for that in the short term, but to ship that stuff into West Falkland is just preposterous.

And in Stanley, well, we just never seem to learn, the mistakes at East Stanley, those houses are simply awful. I was once told that up at the awful Jersey Estate, that if you pressed the control on your television set, it was likely to switch off the one in the house next door. Judging by the distance of some of those down there, if you flush the loo I should think the one on the next house would go. We just never seem to learn, it is incredible. I am glad that some alterations have belatedly been made and I hope they will look a bit better. And as for the excrescence that is being built up alongside Government House, I think that has totally ruined the whole view of Government House. It does annoy me that we were told it could not possibly have been built anywhere else, it had to be built where it is; and I have been there and checked and in fact it would have fitted where some people wanted to see it go, which is behind, further back, and it need not perhaps have been so big. I think that has totally ruined Government House and it is going to look absolutely awful.

So that is the end of my gripes, I think! In a week's time we shall know what the result of the UK election is. I regret that the Falklands has been made an issue in that Election and I would just like to say publicly that I am very relaxed about whoever the British people choose to lead their new Government. Many of us have spoken to members of the Opposition, in particular the man who will probably be their Foreign Secretary, Robin Cook. And I am very happy that they will be as vigorous in defending our right to self determination as the current government has. Then we follow with our own election, of course, not long afterwards, and it is good to know that the new Constitution will be ready for that and I think some members of the public at the meeting last night did not seem to be too sure of that. I hope we can give that a little publicity and let the public know just what will be in place and when.

And finally of course, I cannot close without mentioning our neighbours across the way. My colleague Mr Summers I think summed it up extremely ably and very well. I would reiterate everything he said and agree with it entirely. As I think I have been quoted in the Argentine press as saying that



di Tella I think lives in cloud cuckoo-land, he must have been at a different meeting. And as far as I am concerned I can assure the general public that I will never be a party to any more secret talks or secret negotiations if there is ever any other approach from them it will have to be over and above board. Another colleague expressed concerns about the flight to Montevideo, having to travel through Argentine-controlled air space. Well, of course the one to Chile is also subject to interference from the Argentines because by international agreement they control that as well, and have actually put difficulties in the way of the flights from time to time already. I don't think there would be any change, any difference in flying to Montevideo as opposed to Punta Arenas. I hope that the link will continue, I think it is very necessary, although I still have a preference to getting on to a nice big aeroplane at MPA and getting off at Brize Norton, and I hope we continue to have access to the Tristar flight for the foreseeable future.

Thank you, Your Excellency, I would like to support the Motion.

### **The Honourable R Stevens**

Mr President, Honourable Members. In rising to support the Motion for Adjournment I would like to say a few words. I would also like to welcome the Commander British Forces and his wife.

It is my experience that the private sector in Stanley have great drive and influence, and perceived problems or discrimination are tackled quickly; letters, phone calls, and Councillors and senior Administration are soon put in the picture. The Camp community can be a little more laid back, so it is nice to see different initiatives coming from individual farmers, like the Quality Wool Assurance Scheme, and also from their representative bodies. I think every farm at one time or another has questioned the value of the Farmers' Association against their subscription, and the Farmers' Association has shown great initiative by encouraging debate on the future agricultural policy, taking this topic to many areas so that farmers in their own environment can discuss and plot a positive way forward. I am sure that these debates have conjured up many possibilities, and from what you said, Councillor Edwards, about the TV, I am sure you in Sullivan Farm will be looking for a new set of hinges and paint for the gear shanty for your leisure time!

It will be up to Councillors to prioritise schemes and make money available so that we can move forward, not just looking to deal with each crisis but to help farms increase performance, with complementary schemes, re-seeds and financial guarantees to lessen risks. Some people frown at subsidies in the Falklands, but in European countries subsidies are commonplace. I have mentioned before the examples in the Scottish Highlands, where farms, which are intensive compared to our system, have many avenues of support. Sometimes support is little more than the power of an influential body, and I have shipped my wool by Hogg Robinson for a number of years, not due to anything other than the frequency of voyages fitting into my trips in our lorry.

We were told at the beginning of this season that we would have a special price for shipping wool which was based on loyalty. It is staggering now to see the difference for farms that do not have this concession, that they have an increase of 68%. I would like FIG to use all possible influence to reduce this difference that does not reflect loyalty but more the monopoly that farmers nearly had, as FIC were pulling out of freighting wool.

I am still pushing for a deep-water jetty on the West. This could save every West mainland farm substantial amounts of money - unlike the abattoir, which still relies a lot on speculation and which only the bigger, better farms have any great scope for until significant pasture improvement.

I think it is a couple of years ago now, we debated the Bodie Creek Bridge in this House and we decided at that time that we were not prepared to allocate the money. And after that debate we put the money that was going to be for the bridge towards a road to sort out the problem at Cobbs Pass. That is two years ago, and as I remember, machinery even went out to Goose Green to be used on that work and for some reason nothing ever happened. And now, two years later, we have the bridge out of action and we have got two communities which are virtually islands. And I would like to add my weight to the other Members who have spoken on this subject and ask that something can be done now, even if it is advance work, we do not have to wait for over the top planning. Let's get something now, even if it is makeshift so that these people have some kind of access to the rest of the Falklands overland.

I would also like to say something on the international front and I see it as worrying, like every other member, that di Tella is now making big out of nothing. He is trying to con us and the British and also the Argentines, that we are moving forward. We have still not got any long term agreement on fisheries, which is one of the most important issues and as I have said before, it is an issue that does not even concern just Argentina and the Falklands. It involves the other countries that rely on that resource and as a species it is something that is an issue for the rest of the world. We are being naive if we think it is 15 years since the Conflict and things have changed. Many things have internally, but Argentine claims are still being uttered by their leading politicians. The alterations to the Argentine Constitution concerning the Falklands only happened a few years ago and there is a list of others. We should never let the general comfort and improvement lead to complacency.

Sir, I support the Motion for Adjournment.

**The Honourable the Financial Secretary**

Your Excellency, Honourable Members.

Like Honourable Members, I also welcome Brigadier Campbell to this House. I also welcome Peter King, who has taken up the reins of Acting Chief Executive.

In response to a concern raised by Councillor Edwards, I can confirm that the requirement for further sheltered accommodation has not been ignored, nor has progress been delayed. However, because of the site chosen for sheltered accommodation, the lower priority of building a new school hostel has to be accomplished first. This cannot be accommodated overnight but it is in the planning process.

In response to a matter raised by Councillor Halford I believe that at this moment in time farm owners have a better knowledge of when they are getting a road than when they purchased their farms. Some already have roads. This must be regarded as progress.

I wholeheartedly endorse the statement Councillor Summers made on the economy and on the estimates of Government revenue and expenditure. I have no doubt that the forthcoming Budget will be considered carefully by Honourable Members so that we can continue to enjoy a healthy standard of living within our limited means.

In response to a concern raised by Councillor Stevens, Executive Council have agreed that the matter of the different freight rates for shipping wool should be taken up with the shippers.

The vision of wealth that is suggested by Councillor Goss would seem to suggest a change from the horse to the camel. Their large feet evolved for soft sand would probably help to keep him on the surface when travelling across the roadless white grass flats of Lafonia.

Sir, I support the Motion for Adjournment.

### **The Honourable Acting Chief Executive**

Your Excellency, Honourable Members, may I also join in the welcome to Brigadier Campbell to this House and to the Falkland Islands and I hope he enjoys his stay.

Just to say that I found today both a privilege and a little of an ordeal. We were discussing nervousness with the Clerk of Councils earlier in the meeting, and I found that 14 oral answer Questions was something bigger than I had expected, but there we go. I also found that no matter how much time and research you try and put into these things, you can always be tripped up. It was a great lesson.

Touching briefly on Hay, the Human Resources Department are keen to progress that matter to its conclusion and complete the project as soon as

possible. I would thank people on the receiving end of Hay for their patience, and I would also thank the Human Resources team for all the hard work they have put into it.

I would endorse Councillor Edwards' remarks about the FIDF, I think that is a good organisation and although I never joined it when I was very young, I did spend eight years in the Force; it is a great experience and you can learn a lot about yourself.

I would also endorse Councillor Summers' comments on the loss of friends such as Captain Nick Barker and I agree that there are friends that we cannot afford to lose.

I would also like to mention that in some of my dealings with Mr Mike Forrest of Public Works, I have found him very supportive of things that I am involved in and I would like to thank him for his efforts in trying to put some order into Public Works. I think there are areas, as was said by Councillor Birmingham, where there may have been some neglect and not enough resources put in; perhaps the Quarry is one, I know they have struggled for fresh water to be put in, basic matters like that. And for instance at Megabid Workshops and so on, the support is needed to allow them to get their jobs done.

To conclude I would just say that I will be talking to the Director of Public Works about Cobbs Pass following this meeting. Thank you.

### **Commander British Forces**

Mr President, Honourable Members. In rising to support the Motion, may I address two issues: the first is to extend my own thanks to Honourable Members, and indeed the community at large, for the warmth of welcome that both myself and my wife have received here in the Falkland Islands. In the short four and a half months that I have been here and in command of the British Forces thus far I have achieved, or received, rather, nothing but support in everything that we do and for that I am particularly grateful. That includes of course my civil duties as well.

The second issue is a sensitive one. Honourable Councillors will be aware of recent UK media coverage of an incident at MPA which took place last Christmas. Whilst I acknowledge that sensationalised news sells newspapers, I was very saddened to see that locally a newspaper had carried and repeated the UK and Argentinian coverage without seeking military advice concerning that incident. Allow me through this public forum to state unequivocally that the morale of the people under my command at MPA is high, extremely high. Professionally, the Forces under my command are trained to the highest level possible within Theatre and that they are fit to defend and provide the security to these Islands. In sum, I refute categorically that I am more concerned with maintaining morale than I am

with the military task placed upon me.

Sir, I support the Motion for Adjournment.

### **His Excellency the Governor**

Commander, thank you very much indeed.

I would like, if I may, just to raise one or two points arising from interventions in this debate which various Members have picked up.

The first is if I may add my formal and personal welcome to you, Commander, and Bibi, your wife to the Falkland Islands, and it is very nice now that you are here, your initial impressions seem to be extremely positive, which is obviously gratifying to all of us because we hope that you will not just find it a very interesting assignment but a very enjoyable one too. I certainly found very quickly that I was received with great hospitality, characteristic hospitality, by everybody in the Falkland Islands, and I am sure that you will be too, if you have not already been.

The second is also to echo the regret that a number of members have expressed at the mishap which befell Councillor Teggart in London in the line of duty. Thank heavens it was not worse than that, but it was obviously pretty nasty anyway and I wish her a very speedy recovery.

I would like also if I may to congratulate the Acting Chief Executive for facing up manfully to the ordeal to which he just referred. It did not sound that dreadful though I was not the one to answer the questions. I was going to say as a housekeeping point that we are going to have to do something about that - but thank you for standing in so manfully there.

I must admit if people or opinion leaders in the Falkland Islands are concerned about losing the traditional arts of conversation, my goodness, you must have been terrific conversationalists before, because I have not noticed that people cannot converse in a wonderful way here, with tremendous humour and interest. Which leads me naturally on to congratulating one Honourable Member here on the performance of her daughter in the school debate yesterday, which I thought was extremely good and thoroughly enjoyable and I would like to congratulate all the participants in that debate. It was splendid. I thought the result was wrong, actually, but that is by the by.

On the North Camp track building programme, one Member suggested that I would be saying something about this in my post-ExCo broadcast. I have said something, but I have not actually spelled out what the priorities are and it is probably too late now for me to insert a piece in that, but what I do say in my broadcast is that those concerned will be informed of the priorities and the timetable, but I would like to add to that that I think what we had better do is

to make a public announcement through the media of precisely what those are. So could I leave that to the Administration and the Transport Advisory Committee as appropriate.

The fact that I mention the lamented death of Captain Barker at this stage of my comments does not mean that it is an unimportant event. I am very clear, even after a year in the Falklands, that Captain Barker was always something of a folk hero in the Falkland Islands, and I am sure Members would like me to make a formal declaration on behalf of this House of our regret at his passing and to pass our condolences to his widow.

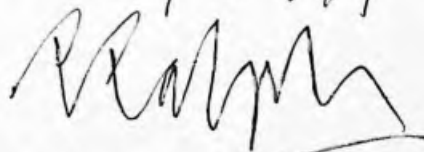
On Standards in Public Life which was mentioned, may I just say that an edited, a cleaned-up if you like, version of a long paper prepared on that subject, will indeed now be circulated to interested parties and will be available to the public too almost immediately. I hope that will provide the code of conduct and the guidance that I sense the people of the Falklands feel is probably needed now that our economic circumstances are changing so fast.

Two last points. I do not wish to comment on statements attributed to or made by the Foreign Minister of the neighbouring country, I think Members here have spoken very eloquently on the subject. The only thing I would like to say is that as far as the British Government's commitment is concerned, I have not the slightest shred of doubt, to coin a phrase, that the British Government's commitment to uphold the right to self-determination, free choice, of the people of the Falkland Islands will be maintained irrespective of complexion of the Government as a result of this Election.

That was rather a meaty meeting, a lot of points came out. It is not our last before the General Election, we have the Budget, the focus of that is very much on finance and of course I give my Governor's speech on really our sort of performance thing and I think if Members agree I will try to adopt the same formula as last time, which is to spare you a six-hour old Soviet style marathon that they used to do in those regimes. I will give you a very brief conspectus of how we seem to be doing as seen from my vantage point.

On that note, thank you very much indeed. This House stands adjourned accordingly.

Confirmed 27 May 1997



Governor



**RECORD OF THE MEETING  
OF THE LEGISLATIVE COUNCIL**

**HELD IN STANLEY**

*27 MAY*

**ON 30 MAY 1997**



**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL**

**HELD IN STANLEY ON FRIDAY 30 MAY 1997**

**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  
( Brigadier Iain David Seamus Campbell)

**CLERK:** Claudette Anderson

**Prayers:** Monsignor Agreiter

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# RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD ON FRIDAY 30 MAY 1997

## His Excellency the Governor

Honourable Members of this Legislative Council,

I come before you today to deliver the traditional Annual Report to Legislative Council, and to the people of the Islands as a whole, on the work of the Administration over the Falkland Islands financial year just ending. As with my previous report this time last year, my address will concentrate on the highlights of Government activity. Detailed reports by each Government department will be published in full in due course as a supplement to this address.

In a year full of activity and achievement, the holding of the first Falkland Islands oil licensing round must surely stand out. This was even more successful than we had dared to hope, with 5 consortia, including some of the world's biggest oil companies, being awarded production licences. The failure of a consortium of which an Argentine oil company was a member to obtain a licence was the result of the application of purely commercial criteria, as was explained at the time. Work is advancing on the preparation of what will be an entirely novel regime for the so-called special co-operation area to the south west of the Islands, with a view to the opening of a licensing round as soon as practicable.

Our new Department of Oil was established in October 1996, with Mrs Phyl Rendell at its head, and is moving steeply up the learning curve. Its role at this stage is primarily to administer and regulate the activities of the oil companies during their search for hydrocarbons in Falklands waters.

A feature of oil activity in the Falklands context is the perhaps unprecedented degree of co-operation between the oil companies themselves through the medium of a Joint Operators group which held its first meeting in February at which representatives of all the consortia expanded on their proposals for an exploration drilling programme in 1998. This has greatly facilitated communication between the Government and the industry. BGS continue to play an extremely helpful advisory role. The people of the Falkland Islands will continue to be kept fully informed, as they are entitled to be, about offshore activities and possible future impacts the industry may have on the Islands. The establishment of an environmental forum to facilitate dialogue between conservation groups, the oil industry, and Government, was another welcome innovation. Further wildlife monitoring programmes will be conducted as a consequence.

Environmental protection remains a major concern for the Falkland Islands Government. The initial phase of the environmental base line survey work was completed successfully, and a desk study on the assessment of the effect of seismic operations on squid commissioned on advice from FENTAG.

The Falkland Islands Geological Mapping Project progresses apace. Our geologists have spent the summer months in camp mapping and gathering rock samples with much helpful local assistance.

Until oil is discovered in our waters, if indeed it is, our offshore fishery will remain far and away the main source of revenue - and prosperity - for the Falkland Islands. Its importance for us, and the corresponding importance of high quality fishery management, cannot be overestimated.

February 1997 saw the 10th anniversary of the implementation of the fisheries licensing regime. We now operate two very significant squid fisheries in world terms. The Fisheries Department published an impressive volume of fisheries statistics to coincide with the anniversary. To extract just a few salient facts, in the past 10 years Falkland Islands fisheries patrol vessels have steamed 825,000 nautical miles - equivalent to 2 voyages to the moon and back; fishery observers have measured 1,197,664 squid at sea to help assess stocks; and £245 million has been collected in licence revenue - impressive figures by any standards.

Fisheries data continues to be exchanged with Argentina, but progress on a longer term fisheries agreement with that country has, alas, been negligible, though Britain and Argentina have continued to make some progress on vital fishery issues in the South Atlantic Fisheries Commission and its scientific sub committee. Joint research cruises have also been undertaken. We hope to conduct more fisheries science here in the Islands.

The private sector's involvement in the fishery has also continued to develop, though the poor catches of loligo this year provide a reminder of the difficulties that can face the fishing industry. A number of longer term licensing commitments were made in respect of the illex fishery, in which we want to see more local involvement.

Let me here formally thank the British Forces in the Falkland Islands, the helicopter crews of 78 squadron in particular, for the invaluable assistance they provide to fishermen.

Agriculture, for a century and a half the only economic activity of any importance in the Falkland Islands, may no longer be as important as it once was, but remains a high priority. A new agricultural policy for the Falkland Islands, now in the consultation phase, should provide a much needed new sense of purpose and direction for Islanders whose livelihood depends on the land.

The Department of Agriculture is being strengthened with this aim in mind. Besides a new Director, Mr Bob Reid, to whom I extend a warm welcome, professional officers have also been recruited with experience in beef, sheep nutrition, legumes and wool, which will allow the Department to strengthen its research and development programmes, and undertake new initiatives in pasture improvement and use.

The 4th sale of the national stud flock in March was generally judged a success, rams now being well distributed throughout the Islands. 70% all East Falkland farm boundaries outside settlements were surveyed using a GPS positioning system. The DoA's economics section have been heavily involved implementing assistance programmes introduced following the bad winter of 1995. The deterioration of the wool market through 1996, following a period of recovery in 1995, impelled us to introduce a package of measures to compensate farmers for loss of earnings.

Looking ahead, the Agriculture Department plan to establish a national beef herd and beef research and development programme, an initial evaluation of a collection of pasture legumes, and to examine the current wool marketing procedures, and initiatives to improve production and presentation of Falkland Islands wool.

This leads logically to economic development, and the work of the Falkland Islands Development Corporation in stimulating the establishment of new businesses, and supporting and advising existing ones, to further our strategic aim of building up and diversifying our economy. In this context, the socio-economic study which we have commissioned into the likely impact of oil on the economy and way of life here in the Islands should greatly facilitate coherent strategic economic and social planning.

The roll-call of activities in which the FIDC is involved is too long to recite in full. Let me just pick out, by way of illustration, the Falkland Mill, and the Falklander sweater, both demonstrating improved viability. The extension of the rural energy grant scheme providing 24 hour power to more and more farms, plus a safety improvement grant scheme to update domestic electrical wiring - and not before time, given the fire risks involved. The assistance towards a private housing development at Dairy Paddock will help alleviate the shortage of housing in Stanley. Work on the STABEX-funded abattoir should commence shortly, with an anticipated completion date of mid-1998.

The demise of the DAP 727 aircraft service on the Santiago-MPA route was undeniably a setback. The FIDC are actively pursuing alternatives, in parallel with a proposed new regular air service between the Falklands and Sao Paulo via Montevideo. Such links are essential to our future progress.

The establishment of a new Tourist Board, under Mr John Fowler, has given new impetus to tourism promotion in the Falkland Islands. In this context, the



new all-weather air strip on Sea Lion Island, for which we are grateful to the British Forces, will greatly increase its accessibility.

The fire which destroyed the FIDC offices was a severe blow, but only a temporary setback. Discussion between the Government and the Chamber of Commerce has intensified over the past year and become more systematic.

On the fiscal side, the Treasury's strategic aim remains, as ever, to assure long-term financial stability for the Falkland Islands. We have registered another surplus of revenue over expenditure during the past year, albeit smaller than in the previous year, thus further bolstering the reserves. Full details will be provided the Financial Secretary in his budget presentation.

Other noteworthy achievements by Treasury during the past year were the introduction of a new retirement pension scheme in January to replace the old age pension scheme dating from 1952, the implementation of an approved assistance programme to encourage an increase in private investment and ownership of housing, and an improvement in the bulk purchasing and supply function of the Central Store, which should achieve greater economies of scale. The appointment of Mr Frank Jackson as Internal Auditor will provide welcome additional audit and quality assurance expertise.

We are on the point of approving the appointment of 2 investment managers to optimise the return on our considerable portfolio of funds, though our investment guidelines remain to be revised. Treasury also aim to bring in new occupational pension arrangements, to introduce oil taxation administrative arrangements to ensure that revenues from the approved oil fiscal regime do not go by default, and to make an important contribution to consideration of the possible economic impact of potential oil revenue.

A quiet - or not so quiet- revolution has been taking place in the civil service though the Hay review, now nearing completion. Among the major changes which this will bring will be a flexible and fully funded pension scheme, clear linkage with a selected sector of the UK economy, cessation of the unestablished status of hourly paid workers, and a performance related dimension. One of the spin-offs will be an Island-wide passage scheme enabling entitled people to travel to the UK, or elsewhere, every 3 years.

The establishment of a new Human Resources Department responsible for all personnel matters was an essential requirement of the Hay process. Mrs Kathleen Clarke and her staff have been at full stretch implementing the new employment package, which is now all but complete. I salute their dedication.

I can also report progress on a corporate plan for the Islands, especially in terms of the agriculture policy paper and the Coopers and Lybrand consultancy, otherwise known as the socio-economic study. This should achieve greater momentum during the coming financial year.

We intend to move forward towards a resource accounting system in Government, have made a start on a computer network within administration, and continue to give priority to training.

I am glad to report further improvements in the camp telephone system, a vital life line for people living out in camp, particularly in the remoter places.

The last point I would mention in this section of my report is the work of the Sites and Buildings Working Group, which has managed the difficult task of prioritising a programme of much needed public building in Stanley - not just Government buildings, but sheltered accommodation for the elderly, and a new hostel for school children. A new police station and prison are long overdue.

The Public Works Department remains at full stretch, and under considerable pressure, as it confronts ever-increasing demands and expectations. I have to say that I regret the tone of some of the criticism which has been raised about the Public Works Department staff and projects at times over the past year. I suspect too that insufficient allowance is made for the difficulties under which the Public Works Department labour, as well as their accountability for large amounts of public money. Perhaps I think it is time we laid off them.

Some essential restructuring of the Public Works Department has taken place in the past year to enable the Department to respond to fluctuations in its workload, particularly in capital projects. This has already facilitated a significant increase in capital expenditure compared with previous years.

Major ongoing activities are the East Stanley housing development - the second largest construction contract Government has ever let, and is on course for completion at the end of April 1998, - and the road building programme - roads successfully completed in the north camp, and the road to Hill Cove nearing completion. The jetty at Fox Bay was also successfully completed.

Competing demands on Pony's Pass Quarry have unfortunately prevented continuation of the rehabilitation of the Stanley/MPA road, which has actually deteriorated, increasing the pressure on the already stretched highway maintenance team. Discussions on the way forward are under way with a view to placing the work out to contract.

The Quarry produced more than 75,000 tons of stone, the bulk for the East Stanley development project. A review of the Quarry operation was carried out early in the year, and action will ensue. New crushing equipment is due for installation and commissioning by October. Future management of the operation is under review. A weekly waste collection was initiated in Stanley - a significant improvement in terms of public health and the environment.

The Public Works Department now has clear objectives for the coming year which include implementation of a long overdue pre-planned maintenance system for Government buildings and plant, and production of an achievable capital works programme. I emphasise achievable. Strengthening middle management, and training, are other important priorities.

The Attorney General's Department has faced an ever increasing workload, and urgently needs to recruit an extra lawyer. The Attorney General himself has been heavily preoccupied with oil related matters, including the licensing round in London in August, and meetings of the South West Atlantic Hydrocarbons Commission or its subcommittee, but other members of the Department have also been at full stretch. The output in terms of ordinances and other legislation is impressive. Major projects for the forthcoming year include health and safety legislation for the offshore waters, nature conservation legislation following Mr Standing's report, waste management legislation, a review of the companies legislation, and a start on a land registration system.

For the Royal Falkland Islands Police 1996 was a special year - their 150th anniversary, duly commemorated. Preliminary statistics for 1996 show a small increase in crime over the previous year, and a slightly less good detection rate, but the crime rate is still low, recruiting is up, and more training and exercises are being undertaken. The lack of a new police station, and the state of the prison, remain cause for concern, but as I said earlier, the construction of a new building is now a firm part of the Government's major buildings programme.

The Fire and Rescue Service - who celebrate their centenary in 1998 - have also had a busy year, including dealing with the major fires on board the tanker Baltic Prosperity, and at the FIDC offices. We have cause to be grateful to our retained fire fighters for their dedication and commitment. A review of the Fire Department just completed will enable us to make any necessary changes to meet future requirements, including a possible oil industry.

The Falklands Islands Defence Force is being reorganised and, I hope, revitalised, following a study by the headquarters British Forces Falkland Islands. I would like to think that more young Falkland Islanders will come forward to serve the community in this way. The FIDF victory in this year's march and shoot competition will have been a great boost to morale.

Turning now to education, let me pay tribute to the late John Cheek for the immense contribution he made to the cause of education, and thence to the future of the Falkland Islands, as Chairman of the Education Board. Above all, he stood for high quality education for Falkland Islanders. His untimely death was a tragic loss.

I should also thank Mrs Phyl Rendell, lately Director of Education, for her long and distinguished leadership of the Education Department, and welcome Dr David Langridge as her successor.

1996 was the centenary of the start of Falkland Islands Government schooling provision in camp, and was duly marked by a series of happy events in Stanley for all Camp Education pupils.

The splendid new extension to the infant and junior school was completed, and, fittingly, dedicated to the memory of John Cheek. The pre-school section of the infant junior school also opened during the year to general acclaim.

I am glad to report that academic standards in the Community School continue to improve, as exemplified in 1996 by an excellent set of GCSE results. No less than 16 pupils qualified to go to the UK for further education, boosting the large number of Islanders already following further and higher education courses.

The Medical Department increased the range of services it offers to the community, notably through the initiation of cervical smear, stop smoking and dietary clinics. Civilian and military specialists continue to provide the Islands with a high standard of expertise in many specialities, the opticians particularly distinguishing themselves this year. The colonic cancer screening programme - the only one of its type in the world - also continues very successfully. The Dental Department has reduced waiting times and increased level of care, and the Welfare Department now has two full-time staff, and expanding reach within the community. In short, we are enviably well served over health care.

In aviation, the quantity of passengers and freight carried by the Falkland Islands Government Air Service continues to increase, despite the growing road network. FIGAS also continues to provide a thoroughly professional fishery patrol aircraft service - an important weapon in the fight against illegal fishing. Safety remains a high priority, as always. This is the right point at which to mention the introduction of new arrangements to make it easier for residents living on the outer Islands to travel to and from their homes at the beginning and end of the season. I am grateful for the British Forces' co-operation in resolving this long-standing problem.

The Civil Aviation Department report a further increase in aircraft movements at Stanley Airport in 1996/97 - 72 movements on one day alone in November 1996. Many of the camp air strips remain heavily used. As I mentioned earlier, the new air strip at Sea Lion Island is all but complete, and should be ready for regular operations in the next tourist season.

Another highlight of the aviation year was a meet by all 15 aircraft on the Falkland Islands register at Stanley Airport.

Customs and Immigration had to contend with increasing numbers of cruise vessels and passenger exchanges, the number of people entering the Islands being 25% up on the same period last year. 5 fishing vessels were registered on the Falkland Islands Register of Ships, and one deleted, bringing the net total number of locally owned and registered fishing vessels to 14, with 3 more expected in the year to come. Legal complications prevented the introduction of a small ships register, but alternative arrangements have been made which will hold the line for the time being.

The Post Office moved back into its renovated and greatly improved quarters in the Town Hall in July 1996. A welcome new regular in-bound airmail parcel post service through Chile unfortunately died with the demise of the DAP jet service. The normal airmail small packet service is the largest growth area for the Post Office, boosted by mail order business. Post Office revenues from the sale of stamps remain static while revenue from sale of stamps through the Philatelic Bureau is still in the doldrums, apart from the fillip provided by the handing back of Hong Kong.

In broadcasting, a good innovation has been the introduction of a midday news broadcast, complementing the 2 half hourly news magazine programmes each week. A Media Trust survey showed that these continue to attract a sizeable listening audience around the Islands, helped by the installation of an extra FM transmitter on Mount Kent. FIBS and BFBS continue to work in harmony, while SSVC are actively exploring the possibility of bringing live TV news and sports to the Falklands.

The Falkland Islands Museum remains a gem, admired by every visitor, and this year marks its 10th anniversary. I pay tribute to those, including notably Mrs Joan Spruce, who have made it what it is. This year the Museum and National Trust takes on responsibility for camp cemetery care and refurbishment. It is good that the Royal Air Force's 1435 flight are to display the Museum's pucara aircraft from 1982 at their headquarters at MPA. Another highlight was the laying up of Lord Shackleton's garter banner in Christ Church Cathedral. Attention is now focussed on developing the National Trust's responsibilities, and preparing a programme of heritage management - important for the Falkland Islands' peoples' sense of identity.

As ever, the Legislature Department did sterling work servicing Executive Council and Legislative Council, and assisting Councillors over their visits to the British Political Party Conferences, the Commonwealth Parliamentary Conference, the UN Committee of 24, and other similar events. All these help to maintain our profile abroad, and build support for our cause in the wider international community.

In terms of internal politics, the tragic death of John Cheek necessitated a by-election in October, resulting in the election of Councillor Mike Summers. We are of course on track for a general election in October, with a different ratio

of seats between the Stanley and camp constituencies as a result of the constitutional changes.

Last, but by no means least, there is the work which the Falkland Islands Government Office in London does to promote our interests in the UK, including the political contact programme, smoothing the way for Councillors at Party Conferences, assistance with the oil licensing round, highlighting the 15th anniversary of the war, briefing journalists and others, trade promotion, and so on. Miss Sukey Cameron is an active player in the Dependent Territories Association.

The launching of the South Atlantic Medal Association at Falkland House on 2 April was an event of unusual importance. May I also take this opportunity to pay tribute to Major General Nigel Gribbon, outgoing Chairman of the United Kingdom Falkland Islands Trust, and Mr Keoghane, retiring Chairman of the Falkland Families Association. We thank them for what they have done in their different ways, and wish them well for the future.

As ever, I would like also to take this opportunity to express our continuing debt of gratitude to the British Forces, both for providing our security, and for the valuable contribution they make to the texture and quality of life in the Islands. At the risk of making invidious distinctions, it has been a particular pleasure to have the Gurkhas here.

This is neither the time nor the place for a major statement about relations with Argentina. Nor need I rehearse the saga of the talks between the then British Foreign Secretary and the Argentine Foreign Minister at Chevening in January, in which two of our Councillors participated.

However a new Government has taken office in Britain, and some may wonder if this presages a change of policy. It does not. As Mr Cook made clear before the election, the British commitment to uphold the right of self determination, and the security, of the people of the Falkland Islands will remain unchanged. Sovereignty will not be a matter for negotiation.

Nevertheless, the new British Government, like the previous one, sees value in increasing co-operation with Argentina. It intends to fulfil the Joint Declaration on Hydrocarbons of September 1995 in letter and spirit, and hopes for progress over agreements on fishing in the interests of conservation. It welcomes our acceptance of further visits to the Islands by Argentine next of kin and would like gradually to see more contact over time.

Thus concludes my review of the year. As I said at the outset, this is, unavoidably, somewhat impressionistic, highlighting only major developments. The fact that I have not mentioned some particular programme or individual does not mean that they are any the less appreciated. But I would like thank every member of the public service for their loyalty and dedication in what I know has been for many, because of the

Hay review, an unsettling period. The purpose of Hay was always to produce more rational and fairer conditions and terms of service . We are nearly there.

We can, I believe, claim, without undue immodesty, that this constitutes an impressive record of progress and achievement. I am sure most Islanders would agree that this is progress for the better. That is not to say that there are no problems or challenges. But many of the problems we face are the sort of problems which many another community could only envy - problems of success.

However, let us not lose the distinctive way of life which makes the Falkland Islands the unique place that they are. It must be the responsibility of Government, and above all of future generations of elected Councillors, to bring all their wisdom, vision and experience to bear in pursuit of that goal - to seize the new, whilst preserving the best of the old.

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

### **Motion of Thanks to His Excellency the Governor on his Address**

#### **The Honourable Mrs N Edwards**

Your Excellency, in rising to thank you for your annual report on the work of Government over the past financial year, I would like to comment on one or two things.

I too would like to congratulate the Department of Oil and the Licensing Team for their hard work on the run up to the successful licensing round which was achieved. I will note with interest what happened to the so called Special Co-operation Area to the south-west of the Islands, I did not agree with the setting up of this joint area because I felt it was created and agreed to purely to ensure a successful licensing round for us in the area to the north of the Islands. And I always felt that if the oil companies were interested, they would come anyway, whether an agreement was signed with Argentina or not. However, I wish both Argentina and Britain well with their plans for the exploration and exploitation of this area, and I hope both the negotiations and the end results are fruitful. I am pleased that the Baseline Survey work to date has been completed successfully and look forward to seeing reports on this work in due course.

You mentioned Sir, the tenth anniversary of the Fisheries Licensing Regime, it has indeed been a financial success and we have only seen the tip of that financial iceberg, an awful lot more money has gone to the fishing companies around the world far more than we have been able to accrue here. If I may I would like to remind this House that when the legislation for the fisheries zone was submitted to the Legislative Council ten years ago, Councillor

Charles Keenleyside and I made very sure that the legislation entitled a conservation and fisheries zone for the Falkland Islands. So far, we have managed to conserve our fish stocks, thanks I believe mainly due to our Director of Fisheries and his team. But fishing is a dicey business and we have to be more and more conscious of the conservation side of it with every year that passes. I hope, that if the time ever comes, and I sincerely hope it does not, when we have to say that we are resting our fishing grounds to allow fish stocks to recover, that the taste of the filthy lucre we have enjoyed over the past ten years, will not mask our high ideals of conservation. If that ever happens it will be interesting to see whether principles or money come to the fore.

It is nice to feel there is a fresh wind of change wafting out of the Department of Agriculture, when one listens to Mr Reid, one cannot help being caught up in his enthusiasm for legumes in particular. Hopefully the lupins etc will rise quickly and the wool prices along with them, it has been a long and hard depression for sheep farmers, and unfortunately the end is not yet in sight. If it had not been for the assistance programmes the Government has been able to provide, thanks to fishing revenue, many of the smaller farms would have gone under long ago. We are very grateful for the help we have received and hope that with the new research and development programme to diversify as much as possible, there will come a time in the not too distant future, hopefully, farms will be financially viable once more.

I note with interest your comments on the proposed new airlink between the Falklands and Sao Paulo. We are also pursuing a regular airlink with Chile, both these routes would be subsidised to some extent, particularly in the winter months. We give subsidised fares on the tristar so I will give fair warning now that as far as I am concerned, two subsidised routes out of the Islands is enough. I could not support three; whether it goes to Sao Paulo or Chile, fine, but not three.

To comment just a little on Hay, the rather painful process of reviewing the Civil Service has just about been pushed through, still, I think it is still rather back to front in some respects. I do not think that some of the gradings reflect the length of service or responsibility of jobs and I still think it is morally wrong of this government to expect civil servants to accept the terms offered to them before they can appeal, if they have any concerns about the new deal they are offered. We are told that none will be worse off under Hay, some I know are going to be considerably better off, I just hope that the private sector can afford Hay too, and it does not create inflation for the rest of us. Still, we will all be able to go off for our cultural ventilation every three years, and hopefully live happily ever after. It all sounds just a little bit like a fairy tale.

I will not say anything about the Public Works Department at this point in time but I may have some comments in the Motion for Adjournment. There is just one small thing I would correct you on, Sir. Fox Bay Jetty is not yet



completed, unless someone has been beavering away in my absence which I doubt. There are still one or two finishing off jobs to be done but no doubt it will be completed by the end of the next financial year.

I was pleased to hear your comments on the Medical Department and FIGAS Sir, I do not think some people realise what a good medical service we have, and we are very lucky to have it. The Dental Department too has improved dramatically in my opinion now that we have more staff there. Hopefully before too much longer all the people who have been waiting patiently for their denture for ages, years in some cases, will be satisfied customers too. We are hoping to provide a dental technician in the not too distant future. FIGAS sometimes take some knocks and not too much praise but we have a very good reliable air service, excellent pilots and very well maintained planes. I am one of their most frequent passengers I suppose and I have no complaints.

I would also like to add my thanks to all the military who are here, away from all their families and friends, to protect us. We do appreciate it and with all this talk of new airlinks, let me also say thank you to the Tristar crews and the Movers. As far as I am concerned, they are still the best airlink with the outside world and my guess is that they always will be. Thank you Sir.

#### **The Honourable Mrs S Halford**

Mr President, Honourable Members. In rising to support the Motion of Thanks I would like to say that it is pleasing to hear of the unprecedented degree of co-operation between the oil companies in the Falklands arena and long may it continue. As for the Special Co-operation Area, we may be moving towards a novel regime but let us ensure that the players in this area do not lose sight of who any revenue belongs to should oil be found. Whilst I accept that the fisheries industry is important and admire those who had the foresight to dedicate themselves to this line of business, I do not tend to agree that agriculture may no longer be as important as it once was. As we all know the fish could disappear and there may be no oil, hopefully neither of these things will happen. If they did we would still be left with the land, therefore I believe that it is extremely important for the Agricultural Department to pursue research and development programmes and to try and improve the land and what we do upon it.

Sir, you mentioned FIDC and some of their activities, I feel the staff of FIDC deserve a special mention and should be congratulated in carrying on their work and various projects despite the huge disruption when they lost their offices. Not everyone is complimentary of this organisation or some of the schemes that emanate from it. However, I do believe that the grant scheme to update domestic electric wiring is good news and will be taken up by many.

As ever the Medical Department serves us well and it is hoped that the Dental Department will have an even better service now that a dental technician has been appointed.

I was delighted to hear that one of the Public Works Department's clear objectives for the coming year is to implement a pre-planned maintenance system for plant. Much of the plant is extremely expensive and deserves proper maintenance to ensure it has a longer life rather than be used for a short period and sold on for little return. Most of the plant that has followed this latter route is still in use years later in the private sector, begging the question that why it was sold and not maintained in the first instance.

The Attorney General's Department was mentioned as having been at full stretch with an impressive output of Ordinances and other legislation, with yet much more to follow. A frightening thought if you are a tree bearing in mind that the Printing Office used up four and quarter miles of paper in printing the Taxes Bill. A mere drop in the ocean compared to the newly printed telephone directories which use 19.9 miles of paper and at the end of the day, will only be of benefit to many Camp subscribers when their telephones are actually in working mode. All too often we tend to overlook the dedication of the printers and of the enormous work load they have to contend with. There is no doubt they do sterling work.

I am pleased to hear that the British commitment to uphold the right of self-determination of the people of the Falklands will remain unchanged. If our neighbours would also take this view, it would be unnecessary for us to traipse off to the United Nations each year to belabour the point. However, I do not like the undertones that there should be closer ties.

And finally I would like to comment upon Hay, I would certainly agree with what Councillor Edwards said but I always thought the harvesting was meant to be enjoyable although hard work. Our Hay does not seem to have been such and I believe all civil servants should be commended for their tolerance during this somewhat lengthy and painful process. Sir I support the Motion.

### **The Honourable M V Summers OBE**

Mr President in rising to support the Motion of Thanks I have a very few comments I would like to make. There seems to be a deal of confusion about who is running the Special Area, we know that some of our officers attend and spend a great deal of time. We are not all convinced that the outcome is quite what we would have wished and I would like to see a little more clarity in this issue in the near future. I think there are also some very serious environmental concerns in respect of the Special Area because of its location, because of the way the prevailing winds and tides run. It is of far more danger to us environmentally than our own area to the north. And I hope that early consideration will be given to some environmental impact assessments of that Special Area. Perhaps the Foreign and Commonwealth

Office could be invited to commission such a survey in short order if they are to continue running the programme for us.

You mentioned Sir the failure to achieve in this financial year a long term fisheries agreement. You also mentioned Chevening and I recall directly after the talks had finished at Chevening we were assured by the Argentine delegation that at the very least we can now get on and negotiate a long term fisheries agreement. They have now reneged on that promise at that time and I think that is an act of very bad faith on their part. We do need a long term fisheries agreement to protect our *lllex* stock.

Councillor Halford disagreed with you that agriculture may not be as important as it once was and I am afraid I too must disagree. Clearly economically it does not have the same place in the Falklands as it used to have but it has my very strong support as the sociological heart of the Falklands.

I was a little disappointed to learn recently the Shackleton Fund turned down a proposal to undertake a sociological survey of the Falklands because they thought it might be a little controversial. I very much regret that since it seems to me that it is the sociological study of the Falklands that we are missing in the current socio-economic survey which has been commissioned by the Government. We have been assured yesterday that we will have an opportunity to pause in the socio-economic survey process and to review the direction of it and to make sure that what we are doing is indeed assessing the impact of environmental change on our society, and not simply assessing the possible economic scenarios.

Councillor Halford also mentioned the FIDC fire and I too had intended to praise the fortitude of the staff at FIDC in dealing with their continuing work load in stoic circumstances and I congratulate them for it.

The whole Hay Management process, I think I should remind folks that it was not about restructuring the Government, but it was about restructuring public sector wages largely. I think there is still a substantial amount of work to do in restructuring other parts of the Government. I think if you walked down the street today and asked anybody who actually runs the country, some will tell you it is the Councillors, undoubtedly some will tell you it is the Governor, some will even say the Chief Secretary, and others might even suggest it is the Attorney General. This is a very odd state of affairs indeed and I think it is something we need to concentrate on seriously in the next few months, to ensure that we do know who is running the Government, and to ensure that we do clarify for everybody's benefit the relationship between Elected Members and the Administration of the Falklands.

There has been talk of the Public Works Department and there will continue to be talk of the Public Works Department, indeed I have a question later on the subject. I do support the work of that organisation and will give them

every assistance in their reconstruction to ensure that they can carry out the work that we want them to do.

And finally, almost finally, I think it is quite right that at this time of the year the Governor should review the work of the Administration. I wonder whether in future years he might not also consider broadening his review a little bit and mention some of the work that is carried out by the private sector and the other people who do not work for the Government. They are not just a collection of rabble who could not get work in FIG.

Finally, I would like to thank the members of the public who do not work for the Government for their forbearance in helping us to prioritise and achieve our aspirations for the benefit of the whole community. Sir I support the Motion.

### **The Honourable J Birmingham**

Mr President, Honourable Members. In rising to support the Motion of Thanks I shall be brief. I would just like to thank the areas in which I have been concerned. I sit on the Planning and Building Committee which is the only committee to sit in public. And this Committee does its best to work within the framework of regulations set up some years ago. Occasionally there are mistakes and I can only apologise for that.

The Public Works Department as was recognised by the Penguin News does a lot more good work than they are sometimes given the credit for and I support them.

The Energy Advisory Committee which is my only committee that I Chair has done more work in the last 18 months than in the previous five years and the benefits are just starting to show in the Camp, and over the next year will start to show in Stanley.

The Fisheries Department is running and has been running in a very professional manner and long may that continue.

The teaching profession does not get the recognition it deserves and I suggest that those who knock the teaching profession should visit the schools and Camp Education, there is an open door policy.

Enough is going to be said at the end of the week Sir, I support the Motion.

### **The Honourable E M Goss MBE**

Mr President, Honourable Members, it is now my turn to speak to the Motion of Thanks to Your Excellency for your Address to Council this morning. My first observation of your Address falls on the second paragraph where you quite rightly give praise for the successful launch of oil licensing in the

northern tranches of our maritime zone. The focus I draw is to the fourth line where I would suggest that the word "production" should be replaced by "exploration". My second comment is about the final sentence in this paragraph where you say, quote, "work is advancing on the preparation on what will be an entirely novel regime for the so called Special Co-operation Area to the south-west of the Islands, with a view to opening of a licensing round as soon as practical." I have expressed my reservations in public places and in private session of the Legislative Assemblies. My worries increase as the time approaches for us to swim in what I always regarded as forbidden waters. In my sincere opinion the door should not have been opened in what is recognised as a disputed area until a clear, definite boundary was established and accepted by international authority. This fear will remain with me for a long time yet. Yes I too join you to congratulate ourselves on what looks like a smooth introduction into a new realm of activity for the Falkland Islands. But I am disappointed that we have not tied down all individuals by contract to prevent them using knowledge gained in our launch for the benefit of themselves or others.

I share your gratitude for the revenue from our first decade in our Fisheries. I am concerned about the human sacrifices made by the people who work on our seas in this industry. The long term fisheries agreement is becoming a joke but I cannot offer any solution as to how we might achieve agreement.

The protection we all get from the British Forces in security, rescue and medical along with many other spin-off benefits, too many to mention, is much appreciated. Long may they be part of our community.

On the subject of agriculture, the life blood of all farmers, I also welcome Bob Reid to lead us into a new phase of development. I would like to add to your appraisal of the agricultural front by the recent appointment of Mr Colin Horton, who I hope will lead the largest farms forward making them a model for small farmers to follow. He has already got a firm grip of the company, first by caulking the planks to stop all leaks, the ship is now water tight and set on course for a happier voyage that it will have endured over the past five years. I believe the old crew are all on board lending their weight to the paddles. I do hope your anticipated completion date of the abattoir for mid 1998 is a winner.

The all weather strip on Sea Lion Island is when measured in terms of aid or investment to the Tourist Industry, one of envy and contention. I do not think this is the last we will hear of it.

I could go on to comment on each and every subject you raised but as time is important to us all I will join you in saying the state of the prison remains a cause for concern. It is not a safe house by any standards, I worry about the safety of prisoners in the event of a serious fire. One of the goals that I hoped to score during my term in office was to see a build of a new police station with a safe prison block. May I associate myself with you and express

an appreciation and the qualities the Gurkhas bring to the Falklands. My first contact with the Gurkhas goes back to 1982 when the first set of Gurkha Rifles came to Goose Green at the end of May. Sir, I support the Motion of Thanks to your report.

### **The Honourable W R Luxton**

Mr President, I too would like to support the Motion of Thanks to your Address which was a comprehensive review of Government services and departments, and in most case I agree with you that we get a very good deal from these departments. Our medical service is superb and the education of our children is second to none I believe.

It was also good to hear two Stanley Councillors supporting the agricultural community. Many of the budgetary proposals that we are dealing with will be aimed at the Town section of the community.

I think it should be remembered that the Hay proposals have resulted in massive increase to some government officers, really huge, whereas the Camp community has seen its income fall in the last complete year that we have by 20% from the previous year. It would be interesting to see how many of the private sector and government employees would react to a 20% cut in income, and this year with current wool prices does not look like being much better. It is therefore very depressing to me to look in the budget proposals that we are about to deal with and two of the major projects we hoped would be going ahead, mainly the second gang on West Falkland building roads towards Port Stephens, and the Lafonia Road, are apparently being cancelled for this year, or the proposal is that they be cancelled. I shall certainly be asking my colleagues that that proposal be reversed and those two projects do go ahead in the next financial year.

I do not have anything else Sir to comment on in your speech except I am a little worried at the throw away line almost on the last page but one over "the British Government would like gradually to see more contact over time with the Argentines." As far as I am concerned there is only one way that is going to happen and that is when they drop their claim. We have a bit of jumping up and down by Argentines at the moment over their proposed visit of Senators. As far as I am concerned there is no way that is going to happen. However, in the next couple of weeks Councillor Halford and myself will be going to the United Nations for the Committee of 24. I think both of us will be adopting the usual fairly robust line but on the way I hope that we will have an opportunity to meet with members of the new British Government, certainly with the Minister of State, Tony Lloyd and perhaps some others if we are fortunate enough. And I think we will get an opportunity to sound out Ministers then as to their real attitude and of course I am sure we will be reporting back very fully in due course. Sir, I support the Motion.

### **The Honourable R J Stevens**

Mr President, Honourable Members. In rising to support the Motion of Thanks I would like to say a few things. I would like to comment on the statement about the Post Office revenue and the so called fillip provided by the hand over of Hong Kong. Phillip means to me to strike something with the nail of a finger first placed against the ball of the thumb. Anyway this opportunist initiative was a financial success with the potential of earning a gross of £100,000, and sales have been strong. Local sales I am told are around £2,500, in three weeks time we will have the opportunity to make another £100,000, of course they will be sales costs. But our strategy has been so successful that another territory is copying our lead. We are told that the Far East has great potential for sales. There is a possibility that we can move away from the doldrums and this inference of static despair. I think these efforts in a new market should be recognised for the economic success that they are.

One of the optimistic parts of your report concerns the Island-wide Passage Scheme which is a strong demonstration in distributing our country's wealth throughout the population.

I know agriculture has been mentioned by a number of other Councillors but I would also like to add some words to the debate. In agriculture we have been going through hard times since 1989. There are great possibilities for the future but the problem is that we need some remedies now. I will quote from the report resulting from an in-depth discussion throughout Camp undertaken by Rodney Lee, the Chairman of the Farmers' Association and Bob Reid, the Director of Agriculture, I quote: "It is not the hard physical work of farming that is getting people down in a lot of case, it is the sheer isolation with no money to do any improvements, that is already moving people to Stanley in the winters. And I am not convinced it will be just the winters, if nothing is done to stop it." I am not sure I agree with the isolation, I certainly do not feel that, maybe that there are others but I think there is a very important point made in that quote.

Sir, I begin to detect the subtle change in the British stance towards Argentina on what is best for us. We have always been told what is best for us, it amuses me how destructive the concept of European Union has been in British politics, where politicians have fought against the welcoming arms of friendly European neighbours. However, in great contrast we are told that is in our best interest to move towards an aggressive neighbour who wants to take us over. It takes more than a "Pingu" tape and a fairytale to amount to anything of substance in most people's minds. In important meaningful progress there is the intent to fulfil the obligations of the Joint Declaration on hydrocarbons. It is also clear that the long term fishing agreement is linked to Argentina's direct communications with the Islands. This is not the time to be weak, we are the ones that know what is good for us and what is not and we have to politely but resolutely stand our ground. Sir, I support the Motion of Thanks.

## **The Honourable Mrs C W Teggart**

Mr President, Honourable Members. In rising to support the Motion of Thanks, I am not going to speak for very long but there were a few things that struck me about your Address Sir and I think one of the most important things is how many new people we have in the Falklands doing very important jobs. We have I think over the last couple of years made quite a commitment to actually recruiting new people to come in and undertake tasks for us, and I am sure that as time goes by they will all meet the challenges that are in front of them helping us develop the Islands. Not only in fact in the fields of development, the education of our children, medical, all these sorts of things are so very important to us all.

I think that one of the most outstanding contributions, a lot of my colleagues have actually said, is that made by Bob Reid at the Agricultural Department. I think that he has got a great depth of vision which is certainly coming across in the things he is saying and doing with that department. And I think we have got some very exciting times and developments there to look forward to.

One of the smaller departments which was not particularly mentioned which I have some dealings with is the Computer Department and I think that they have actually done a great deal over the last year. We have had a lot of expenditure on computers in the Islands, a lot of updating, upgrading, a lot more work has gone in there to that department and I certainly congratulate them on the way that they have handled and made it a fairly painless process for all the people who are involved with the new technology. I think that they have got a lot more work coming up in the future and that is something that I think is to the good of the Islands in the long run.

The Dental Department as well I think has made some giant strides recently and it is nice to see that you can ring up for an appointment now and not be put off for a couple of months. I think that is a good thing too.

Having worked on and off at FIBS for ten years, I have always got a bit of a soft spot for whatever they are doing and I am really pleased about the introduction of the daily news programme which I think is a big step forward for them. I know it is something that Patrick has been wanting to do for a long time and I think it is really good now that they have got the staff and the capability to manage that.

With Councillor Birmingham I sit on the Public Works Department Liaison Group and I think that possible because of that, we are probably more aware of the great pressure that the Public Works Department struggles under. They actually have a great work load which possible is not appreciated by a lot of people and whereas I think with most departments, constructive criticism is sometimes appropriate. Sometimes the criticism that has been levelled at the Public Works Department by this Council has been



destructive rather than constructive and I do not think that that really helps anybody. We should be supporting them and helping them as much as we possible can.

As far as the Hay Review is concerned, I have always been a supporter of that as everybody knows. And I have been quite outspoken on the subject at times. You Sir, said that it introduces fairer conditions and terms of service for people, that to me was the whole purpose of the review. Why should I be working under a set of terms that were beneficial to me while I was working alongside somebody who was not entitled to the same benefits of service that I was. I think that the Hay Review has gone a long way to sort things out, I still think that there are possibly a few things to be done there but it will be an ongoing process. I think that we have made giant strides in sorting out the conditions and terms of service for people in the Islands who are working in the government service. And also I am delighted about the forthcoming introduction for the Island-wide passage scheme because once again we had a hefty proportion of the community who were benefiting from free passages every three, two, two and a half years whatever. And a lot of people who did not qualify should, they are entitled to holidays as much as anybody else.

I would also like to mention the contribution that the British Forces make to our way of life. I have got particular cause to be thankful to them recently as they managed to get me home a lot quicker than I would have otherwise managed to get here. Certainly I was not aware until having made the trip just how many people are actually involved in medi-vacs. The firemen, the medical teams and certainly I would like to extend my thanks to them. Sir, I support the Motion.

### **The Commander British Forces**

Mr President, Honourable Members. May I briefly thank His Excellency and subsequently Honourable Members for their kind and complimentary remarks concerning the Forces under my command. We shall continue to play a full part in the security and life of the Falkland Islands and I remain indebted and particularly grateful for the support and assistance we receive throughout the Islands. Sir, I support the Motion.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. I will not attempt a sweep up of the comments that have been made. I wish to support quite clearly the Motion of the vote of thanks for the Address. I was glad Sir that you said you felt that the last year had been an impressive record of progress and achievement. I think it is very good for us occasionally to stand above the humdrum and the routine and the detail, and take a global view of actually what is happening here. And I also believe it is particularly healthy occasionally to indulge in a bit of praise of our fellow men and their achievements. It is something that we do not do very often in this Chamber. I would like to comment by thanking

Councillors, Councillors have had a large input into everything that has been achieved and it would be wrong of them to smite their breasts and criticise the Administration when in fact they have been responsible for much of the positive activity that has occurred. Obviously, the Constitution is such, it is a complicated document, the way the Administration is run is complicated, as Councillor Summers has rightly said. And the relationships are not always easy but they do work and Councillors have been an interesting group to work with and I would compliment them and thank them for that. They give a lot of hard work and they do give policy direction, that is often not appreciated. But most of all I would like to confirm Sir what you said in thanking members of the Civil Service, all of them. From the asphalt gang to the Attorney General's Chambers; from auxiliary nurses to fisheries scientists; from the filing clerks to the FIGAS fitters; from the Print shop to the police constables. I see so much of the dedication and hard work that these people put in for the good of the Islands. It is after all the task of the Civil Service to serve and service the community within clear political and policy guidelines. I believe Sir that that has happened over the past year and that this Council is grateful for that. I know it will continue into 1997/98. I beg to support the Motion.

#### **His Excellency the Governor**

Thank you very much indeed, that completes this part of our proceedings. I am grateful for the passage of the Motion of Thanks and I took careful note of the comments which Honourable Members made on the various points I made in my Address. We will now recess for 15 minutes which is until 10.30am and will then reconvene for the confirmation of the records of previous meetings and other business.

#### **Council Adjourned for 15 minutes**

**The records of the meetings of 29 November 1996, 20 December 1996 and 25 April 1997 were confirmed. An amendment to the title cover of 25 April record was made. It should have read "The Honourable the Acting Chief Executive" and not the "Honourable the Chief Executive".**

#### **The Honourable E M Goss MBE**

I would also like to bring attention to the fact that the Attorney General does not have a CBE in any of these records.

#### **Attorney General**

I do not think Her Majesty has removed it and I am not going to take objection to it not going on the front page.

#### **His Excellency the Governor**

I am very relieved to hear that. However thank you very much for your eye for detail Councillor Goss.

Do other Honourable Members have any other points that they have noted, points of fact or punctuation or anything else?

**Statement by the Honourable the Chief Executive as to the background of waste of money on works to the MPA Road**

**The Honourable the Chief Executive**

Mr President, Honourable Members. I have been asked by the Executive Council to make a statement to this House as to the causes of problems in relation to the black-topping of the Stanley to Mount Pleasant road. This is that statement and I am afraid that it discloses a far from happy state of affairs and a considerable waste of public money.

Works of resurfacing 17kms of the road with 50mm thickness of dense bitumen macadam had been attempted by 1990 and the end of 1994. It was apparent by the end of 1994 that the work had been unsatisfactorily carried out and advice as to the causes of that was sought from Scott Wilson Kirkpatrick, the Government's consulting engineers. They visited for the purpose in February 1995, I have passed to the Clerk a copy of their report so that it may be available to Honourable Members. In non-technical terms, what they said were the causes of the problems up until then experienced were:

- a) that the deliveries of the dense bitumen macadam surfacing material had been unable to keep up with the optimum laying speed of the paving operation. And as a result a uniform surface level had not been achieved and the problems had been accentuated by using some un-insulated trucks, leading to variations in temperature of delivered material;
- b) wet mixed material produced from fresh quarried rock contained fine material and this resulted in the stone having little cohesion between individual particles. And this was the main cause of the surface undulations and surface failures which had been noted to that date. It was necessary to replace the worn surface dressing before dense bitumen macadam could be successfully laid on top of it.

Scott Wilson Kirkpatrick made three important recommendations;

- 1) the surface of the road base should be re-profiled to correspond with the original design levels and surface tolerances and the final compacted surface should have a tight closed finish to which a bitumen emulsion tack coat could be applied before the dense bitumen macadam was laid on it;

- 2) further equipment should be acquired at an estimated cost of £890,000; and
- 3) further advice should be obtained in relation to the proper operation of the Botelli BB630 pavers which should involve two or three Public Works Department staff receiving training while undertaking paving work.

On consideration of that report the Executive Council agreed to those recommendations, they also asked that Mr Neil Robinson, the member of Scott Wilson Kirkpatrick's staff who had prepared the report, should return when the work recommenced to ensure the works were properly done. Mr Robinson returned in October 1995 and probably supervised preparation of some of the wet mix base material. He had left the Islands before laying of the dense bitumen macadam material recommenced in November 1995. During the period November 1995 to February 1996, approximately 9.2kms of the road was surfaced with that material. It now appears reasonable to proceed on the basis that much not if not all of that work was so defective that it will have to be replaced in addition to some of the remainder of the 17kms which had previously been black-topped and which was not redone in the 1995/96 road building season. In a further report relating to the works done between November 1995 and February 1996, the Robinson report said, and I quote, "the consistency of the asphalt mixture is variable, this is particularly noticeable each side of the day joints with restart mix tending to be coarse. Further, the most recent asphalt paving extending from kilometre 12 has a generally more open texture, directional control of the paver has been inconsistent in parts with considerable deviation from string line control. The surfacing has been laid to less than the specified 50mm thickness in places." He went on to point out that the rolling had not been competently done, that the asphalt had been rolled at differing surface temperatures, and that loose uncoated stones displaced from the adjacent trafficked lane had rolled into the surface and had subsequently become detached, leaving indentations in the finished surface. In places structural failure of the asphalt and underlying base were apparent. This was the direct result of laying and compacting the dense bitumen macadam over areas of saturated, unstable base material. Extensive lengths of the dense bitumen macadam had been laid during heavy rain when this ought not to have been done. Mr Robinson reported that the Public Works Department had provided only periodic site supervision resulting in poor construction techniques and work being done in unsuitable weather. The tack coat mentioned earlier appeared to have been omitted. The material cost alone for the 9.2 kms of road laid paved in the 1995/96 season is estimated by the present Director of Public Works at £627,928. There are no reliable figures presently available in relation to the work inadequately done in previous years. The total loss therefore to the Falkland Islands Government is likely to exceed £1M. The causes of this loss have been reported by the Attorney General who was asked by the Executive Council to look into the matter, as being in his view due to:

- a) inadequate supervision of the work by the immediate supervisor;
- b) a failure by the then management of the Public Works Department properly to manage the project;
- c) failure to train the immediate supervisor as recommended on his appointment in June 1990, that failure being attributable to oversights in the Secretariat and the Public Works Department when the interview board had identified his training as being essential, as otherwise the immediate supervisor was in its view incompetent to supervise roadworks; and
- d) failure of the then management of the Public Works Department after the earlier report of Scott Wilson Kirkpatrick to implement the consultant's recommendations, including training of the asphalt gang.

The Attorney General believes that a formal enquiry, were it to be established, would come to similar conclusions.

### **His Excellency the Governor**

Thank you very much Chief Executive. No debate is allowed on that statement now but if Members wish to comment on that statement, they may do so on Friday, giving proper notice of their intention to do so.

### **Clerk of Councils**

### **Questions for Oral Answer**

#### **Question No16/97 by the Honourable E M Goss MBE**

Will the Chief Executive indicate when work is likely to begin on building a dry path over Orqueta Arroyo, be it at Cobbs Pass or the creek head?

### **The Honourable the Chief Executive**

Mr President, Honourable Members. The work referred to is part of the contract to be let for the road from Darwin to North Arm. The tender documents for this contract are currently being prepared, the successful contractor's programme will dictate when the work at Cobbs Pass will be carried out, and therefore a precise date cannot be given at this time. A start date of late October/early November 1997 was envisaged for this contract, although I note that following the directions from the Executive Council to reduce the expenditure in the budget, that the Treasury has in fact taken the bulk of this contract out of next year's expenditure. Therefore that date may or may not be correct depending upon the deliberations of the Select Committee. However, in next year's budget I understand there is £50,000 set

aside specifically to deal with the problem at Cobbs Pass or wherever this particular river is crossed. In my role as Chairman of Falklands Landholdings Limited, following the closure of Bodie Creek Bridge and the obvious inconvenience and downright inefficiency of the present Cobbs Pass crossing, the Orqueta Arroyo, I can say that at its meeting on the 16 May the Board instructed the new Managing Director to investigate all possible means of ensuring a more viable route as soon as possible.

**The Honourable E M Goss MBE**

I thank you for that reply, it is just like mulling over old ground. In the record of the Legislative Council meeting held in Stanley on the 25 April 1997, you gave assurances in answer to a question by the Honourable W R Luxton, that the start date of this is estimated to be early November or late October. And that was my information at that point, it would appear that I have seen nothing written in the Executive Council minutes to say that Lafonia spine road should be taken out to balance the budget. But we will be looking at it later on and I do have a Motion about this subject and looking for support. Thank you.

**The Honourable W R Luxton**

Is the Chief Executive aware that a contract was on the point of being let to do this project out with the Lafonia spine road some considerable time ago. My understanding is that the execution of that contract fell through because of some nit-picking formalities which were introduced at a late date. And could he explain why a contract was not proceeded with?

**The Honourable the Chief Executive**

Mr President, Honourable Members. I am aware indeed that that is the case, that the contract did fall through. I have not got the information to hand to know whether that was nit-picking or not but I am very happy to look into to that and produce a separate summary for what in fact happened at that time.

**The Honourable M V Summers OBE**

Could the Chief Executive please for the sake of clarity confirm that the Executive Council at no time gave an instruction that this particular project should be removed from the capital estimates?

**The Honourable the Chief Executive**

Mr President, I am happy to confirm that there was indeed no specific request that that should be the case, it was merely as I understand a general instruction to the Financial Secretary. He, in his wisdom, and I must say without consultation, as indeed he did not need to with either myself or the Director of Public Works, took this particular project out, but clearly it is in

Councillors hands over the next few days to balance the Public Works Department's programme for the coming year.

**The Honourable W R Luxton**

Mr President, could I just reiterate the answer that the Chief Executive gave in April of this year when the contract was due to be started in late October early November. Does he not think it is extremely unsatisfactory that having given Councillors that assurance there is still no prospect of anything being done.

**Attorney General**

Mr President, on a point of order and to assist the Honourable the Chief Executive, the answer was given by the Acting Chief Executive at the previous meeting of the Legislative Council. And I believe in fairness was given accurately on the basis of the information available to the Acting Chief Executive and at that stage there had not been removed from the draft estimates, the capital provision. And it is of course as the Honourable Chief Executive has mentioned for Members of the Select Committee to restore the amount to the estimates.

**The Honourable W R Luxton**

Mr President, the Attorney General tackled me on a point of order but I would point out that I am referring to the minutes of the meeting of the 25 April at which the Chief Executive himself was there and the Chief Executive gave that answer.

**Attorney General**

With the greatest respect the Honourable the Chief Executive was not present at that meeting. The Clerk pointed out that there was an error on the front page and the Honourable Member has clearly been misled by the fact that there is an error on the front page. The questions were answered by the Acting Chief Executive at this meeting.

**His Excellency the Governor**

I am sorry - the Clerk of Councils did explicitly state that that was an error or one of the errors on the front page of that particular Legislative Council record. I can only apologise that Members have been misled.

**The Honourable the Chief Executive**

If I can clarify this Mr President. I did in fact say in my answer when I began the answer that the start date of late October early November 1997 was envisaged for this contract. Because I read in fact the identical answer given

by the Acting Chief Executive at the last meeting with the exception of saying "was" instead of "is". And the only reason for that is the instruction given to the Financial Secretary by the Executive Council to subtract £9M from the total vote. Now he may have been somewhat arbitrary in doing that and the balance of that subtraction is up to Councillors to determine. It is as simple as that.

### **The Honourable the Financial Secretary**

Just for a point of clarity can I just say that the provision was removed with the consultation of the Head of Department, the Director of Public Works and has not been removed completely. It has just been removed from next year and put into the following year.

### **His Excellency the Governor**

I think this goes to prove if I can just say something on my own account here, that we are faced, as all governments are, with problems of prioritisation. I remember saying this time last year that this was something Councillors really have to address. We cannot always do everything we want immediately and we have to schedule things to fit our capabilities. In this case however, it is clearly open to Honourable Members in Select Committee to re-order their priorities if the majority of Members of this body believe that this particular project must take priority over other projects, that is entirely fine. I think we have probably said as much as we can usefully say on this particular issue at this particular juncture, but I am sure that you will revert to it in Select Committee, and we will hear further about it when the Honourable Member Goss' Motion is taken. Thank you.

### **Question No17/97 by the Honourable E M Goss MBE**

Can the Chief Executive tell me how many men have lost their lives on our offshore fishing industry since the Bill was passed to establish the FICZ in this House on the 12 November 1986, expressed as a number lost at sea, the number of corpses recovered and other fatal accidents excluding those who died from natural causes.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. I am very glad that the Honourable Member has in fact raised this question because I believe it is a very relevant, current issue in these Islands, and has become something of a matter of national conscience over the last few weeks. I can only report, and I would stress this, on known facts. We do not know what we do not know. Those things we know, over the past 11 seasons, or nearly 11 seasons now, because it does not include the tail end of this season, there have been 80 deaths recorded in our zone. The split of those is 30 missing at sea, 30 accidental, 2 murders and 18 through natural causes. On first hearing that



particular statistic I was quite shocked, it sounds very bad but I believe we must put it in some kind of perspective. My learned friend the Attorney General assures me that this kind of statistic is equivalent to the sort of death rates one would expect to see in the North Sea, and he has data that confirm that conclusion. And we are talking about 11 seasons with 4,000 fishermen per season, a total population if you like of 44,000 over the 11 years. That gives us an unnatural death rate of about 0.14% or 14 in 100,000. However, on the broader issue we are very concerned about health and safety in the fishery and this Administration is at the moment advancing along all available fronts to see if there is anything at all we can do to improve the lot of those who fish in our waters.

#### **The Honourable E M Goss MBE**

Thank you Chief Executive for that reply, it is quite remarkable although you have put it into percentages, and I guess when you were talking about the North Sea, we are talking about the North Sea fishing and not the oil exploration. I just wanted to know how many bodies there were for our industry.

#### **The Honourable Mrs N Edwards**

Would the Chief Executive agree with me that these numbers pertain just to our waters or what we are aware of, and our difficulty is it not that these people within our zone when it comes to other matters such as the one reported in the Penguin News recently can only act if it is within our territorial waters. Would he also agree that we have a lot of accidents brought into our hospital here, frost bitten fingers etc. which are concerning and I have spoken with the Chief Medical Officer about this in the past and there is not a great deal we can do about it. We are frightened that if we try to enforce laws upon these people they then will not bring their men in at all.

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. I will ask my learned friend to reply on the legal front immediately but I can assure the Councillor that there is no lack of will on the part of the Administration to do something about this if it is at all possible. It is a disgrace the way some of these fishermen have been treated, presumably by the Masters of these vessels. We all feel conscience stricken that here we are taking licence money and this is happening and we appear to have no control. But I will ask my learned friend with your permission Sir to answer that point.

#### **The Attorney General**

Very briefly Mr President. In relation to health and safety at work on ships, the formal legal responsibility is with the flag state of the vessel. Nevertheless, when deaths have been investigated in inquests in the

Falkland Islands, we do conduct inquests when the bodies are brought within our jurisdiction or if the person dies having been brought here, various coroners have expressed concern about the health and safety matters on some foreign vessels. And those have been brought to the attention of the shipping administrations involved. I think I should add that it is not certain to me that those figures represent deaths necessarily within our fishing waters but in the neighbourhood of fishing waters and which have been brought to the attention and have come to the attention of Falkland Islands authorities. Sometimes, I know from personal experiences sitting as coroner, it is not absolutely possible to determine whether the death has taken place within our zone or not, but we have conducted the inquest.

### **The Honourable W R Luxton**

Mr President, could I ask the Attorney General to comment. I take his point that there are legal restrictions as to what we can do but is a simpler approach not for us to set standards and insist that those standards are met, otherwise we do not give those people licences. Is that not an easier approach?

### **The Attorney General**

I think that there would be difficulties with that particular approach in the context of the proper powers under the Law of the Sea Conventions of Fishing Licensing Administration. That is not to say that I do not share personally the views of the Honourable Member and I suspect most Honourable Members in this House that the health and safety and the accident levels on fishing vessels in our waters is a profound cause for concern. I know that as a government we are looking at what ways and means we can properly do anything to combat that situations and this is an ongoing matter for consideration by officers and will be discussed with Members.

### **The Honourable J Birmingham**

Mr President, Honourable Members. Would the Chief Executive agree with me that perhaps if we cannot penalise foreign flagged vessels, perhaps we could reward Falkland Islands flagged vessels in some way if they do look after their crews and follow the correct health and safety procedures.

### **The Honourable Chief Executive**

Mr President, I find that quite an interesting idea, a sort of bonus for good behaviour. It does raise the problem of reporting incidents and we do know that there have been incidents, and the Director of Fisheries has confirmed that with me. They just have not been reported, if we give prizes for no incidents then there are going to be less reported presumably but we are looking I can assure the Honourable Member, at all ideas. And any more

ideas that anybody has, please bring them to myself or the Attorney General or the Director of Fisheries and we will look into them.

### **His Excellency the Governor**

Thank you, I would simply like to add that I too am very concerned about the reports I have been hearing about that have been brought to my attention. I think the British Government would be too and I would simply like to echo what the Chief Executive and the Attorney General have said, which is the Administration will seize this nettle and see what can be done within the realms of the practicable. I share the concern.

### **QUESTION NO18/97 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members. Would the Chief Executive explain what, if anything, is being done to protect the buildings of historic importance on Keppel Island from the elements, and the livestock roaming free. Also are there plans to use the cattle left on the Island for the National Beef Herd?

### **The Honourable the Chief Executive**

Mr President, Honourable Members. I am pleased to answer this question especially as it comes from the Honourable Member who made public the shattering news of my chronic loghorrea at the last Legislative Council. I have of course been undergoing, Sir, intense therapy for this condition, the details of which I should be happy to supply, and I hope you notice the brevity of this and other answers.

A visit was carried out to Keppel Island on the 2 April of this year by the Senior Veterinary Officer and Mr Robin Thompson, the beef specialist. They were assisted by David Pole-Evans and Robert Maddox of Saunders Island. I would like to quote from a very brief sentence from the report. "Damage to the buildings and farm infrastructure also appears minimal, the animals have not entered either the ruins, shanty, workshop or shearing shed." However, these are important historic buildings, I saw them myself some two years ago and I do believe that something should be done to ensure their preservation. I am informed by my learned friend the Attorney General that we cannot force the owner to repair these buildings as the law stands, and that there is no suitable compulsory purchase legislation at present in force, enabling us to buy them and do something ourselves. However, what I will undertake to do is to arrange as soon as possible for a full inspection of the house and any other historic buildings that are there, and provide Councillors with the options regarding the preservation of those buildings as we see them. With regard to the question over cattle, yes, there are plans to use the cattle for the National Beef Herd and these are being followed through. On Monday 19 May, 38 adult bulls were shot on the Island, the Director of Agriculture has informed me that he is very pleased with the condition of the remaining cattle. In fact, he was very pleased with the condition of the bulls but it would have

been impossible I am told to do anything other than shoot them humanely because they were just not capable of being transported subsequently. The remaining animals are to be part tamed and transported to Saladero/Brenton Loch to join the National Herd, and I am informed that there are 82 such cattle. The cost of actually dealing with them in this way will be equivalent to the purchase of 28 cattle from the existing camp. So we are in fact getting 82 into the herd for the price of 28.

#### **The Honourable J Birmingham**

Mr President, Honourable Members. I would like to thank the Chief Executive for his answer. I wonder if there has been any correspondence between the Falkland Islands Government and the owner I believe a certain Mr Fell over the condition of the buildings and if there is, is he agreeable to perhaps the Historic Buildings Committee funding repairs to the buildings?

#### **The Honourable Chief Executive**

Mr President, Honourable Members. There has been quite a lot of correspondence with Mr Fell in one way or another. I think Mr Fell, and others may correct me on this, is fairly ambivalent about it and is quite co-operative should we wish to do anything but doesn't show too much enthusiasm for repairing the buildings himself.

#### **The Honourable Mrs N Edwards**

Are the Chief Executive and my Honourable friend Councillor Birmingham aware that the Historic Buildings Committee have got this well in hand? You will be pleased to know that we have been in correspondence both with the Director of Agriculture and David Pole-Evans who has taken photographs recently of the buildings on Keppel Island, some of which are in a bad state of repair and his opinion will probably after this winter be a whole lot worse. There is one particular building which is bowing and we hope that within this next financial year to put in place some work to conserve these buildings and hopefully I will get the support of this House when it comes to Select Committee for money for the Historic Buildings fund.

#### **QUESTION NO19/7 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members. Dr Graham Robertson visited Beauchene Island in mid-November 1996 on the understanding that the Falkland Islands Government would receive a report. Could the Chief Executive tell me when he expects to get a copy?

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. The report has been promised to His Excellency the Governor and he expects to receive a copy very shortly.

**The Honourable J Birmingham**

Mr President I thank the Chief Executive for his very short answer there. Could he explain what he means by "shortly"?

**The Honourable the Chief Executive**

I understand Mr President but you may correct me if I am wrong that that is indeed shortly within days or weeks rather than months.

**His Excellency the Governor**

Yes. A mono-syllabic exchange of views. Thank you very much.

**QUESTION NO20/97 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members. If a member of the public writes to any sector of the Falkland Islands Government, what would the Chief Executive consider to be a reasonable time for receiving a reply?

**The Honourable the Chief Executive**

Mr President, Honourable Members, one week.

**The Honourable J Birmingham**

Mr President, Honourable Members. I am sure I am not the only one who is impressed by the shortness of the answers by the Honourable the Chief Executive, and long may it continue. Could I take it then in future if a member of the public does not receive at least an acknowledgement within presumably five working days, then they have a right to complain to somebody.

**The Honourable the Chief Executive**

Mr President, Honourable Members. I would be happy personally to field such complaints and that may well help to deal with the problem, if there is such a problem. I am against these pre-printed replies just saying "we've got your letter and we are doing something about it", because I really think a proper considered reply should be given within a week. If that is impossible then a letter giving some indication of when the considered reply will be received should be sent, but if that is not the case then I will deal with that personally, and the complainant should contact me.

## **The Honourable J Birmingham**

Mr President, I would like to thank the Chief Executive for his answer to that one, getting back to normal there. Would he agree with me, [although he was not here in April physically I am sure he was here in spirit], that sometimes days stretch into weeks and I would just like him to know that the longest I have ever had to wait is six weeks and only received a reply after numerous 'phone calls.

## **QUESTION NO21/97 BY THE HONOURABLE M V SUMMERS OBE**

Could the Chief Executive please list the principal issues identified by the Director of Public Works when he took up post which required attention. What progress has been made on each of these and what further assistance from the Falkland Islands Government will he require in terms of support and resources to ensure that next year's capital programme is carried out fully and effectively?

## **The Honourable the Chief Executive**

Mr President, Honourable Members. I shall be as brief as I can on this but I do feel a slight attack of the old problem re-occurring here.

The principal issues identified by the Director of Public Works after taking up his position are detailed and specific and in order to save time and be precise I am laying copies on the table of a memorandum from the Director of Public Works dated 21st May 1997. This memo sets out the thirteen specific deficiencies identified in his earlier memos to me of the 3rd and 10th December 1996. The problems as you will see are complicated. The Public Works Department may not in global terms be large but it does cover a very large area of activity. A successful business of this size must have certain characteristics and both the Director of Public Works and myself are agreed on what these characteristics should be. They are as follows: sound and clear planning; an adequate information and controlled system; proper asset management; a workable infrastructure including office facilities and yards; a clear division of responsibilities; good and skilful middle management; other internal skills; an applied training programme; a progressive culture and a good morale within the organisation. Clearly you will see from the list of problems that were evident to the new Director of Public Works on taking up his position, these particular characteristics were not there in the Public Works Department at that time. At the time we discussed it, and there were two approaches from the management point of view. One could be called the "Blockbuster" approach, that is OK there is so much wrong here let's clear it all out and start again. Now I would consider that that is simply not an option for us in these Islands, I am not even sure if it will be a sensible option for us were we in a densely inhabited part of the world. The other approach would be to adopt a gradual process of improvement along a planned path, it is

what the Japanese would call "Kizen". It is a well known management approach to this kind of complex multi-faceted problems. And in terms of progress as the Honourable Member asked in his question, we are on the way. Although this kind of fundamental change will take time, the following has been achieved: we have a new and much clearer definition of responsibilities; we have improvement in procedures and record keeping, although that is an ongoing process and there is much more to be done; we have a lot more attention to programming and planning; we now have a proper consideration of contract documentation and a proper enforcement of legal contracts; we now have proper procedures for identifying training needs. You will see that this is a hard slog both for the Public Works Director and for the workforce. New posts have been created, maintenance manager, contracts engineer, there are three clerks of works, a quantity surveyor, an assistant design engineer, a design draughtsman and newly asked for, a construction planner/programmer. The culture is also changing. One of the major benefits of the Hay Review was the removal of the unestablished status of many lowly paid workers. That has happened and I believe that will help considerably in improving the morale and the culture within the Public Works Department. I would quote to you the final paragraph in the memo from the Director of Public Works which is in front of you. "I am confident that there is an excellent team throughout the Department who are keen to respond to the challenges ahead. In those few areas where there are weaknesses, changes will be made an assistance given. Some support, encouragement and recognition of the good work the Department does would further motivate the staff and in my opinion is well overdue. It was never going to be easy or popular to tackle these problems, I for one am pleased to have a Director of Public Works in post who has the guts to get down to it. We have provided tangible support in boosting middle management as I have related to you. And we are confident that next year's capital programme will be carried out as fully as possible within the constraints of available resources both internal and external.

#### **The Honourable M V Summers OBE**

I thank the Chief Executive and the Director of Public Works for that response. Would the Chief Executive not agree that it might have been a good deal more helpful, if this sort of information which was apparently available towards the end of last year, had been made available to Councillors, who could then have provided proper explanations to members of the public as to why certain projects had not been progressed as quickly as they might have thought that they should have been?

#### **The Honourable the Chief Executive**

Well there is Mr President a mechanism for that occurring through the Public Works Department Liaison Committee, and I believe the two Councillors on that committee in fact had this information to hand last December.

## **The Honourable J Birmingham**

Mr President, Honourable Members. I do not know how I will put this as a supplementary question. There has been general discussion over the last year of the lack of resources within the Public Works Department and I would like the House to know that both myself and Councillor Teggart have been feeding information through to the remaining Councillors.

## **MOTION NO1/97 BY THE HONOURABLE E M GOSS MBE**

This House supports the funding of an all weather crossing over Orqueta Arroyo in this financial year 1996/97, and requests the Executive Council to instruct the department responsible for roadworks to commence work immediately.

## **The Honourable E M Goss MBE**

Mr President, Honourable Members. By way of introducing this Motion I will say that the reason I bring this to the attention of the House is because on 4 March 1997 access to Bodie Creek Bridge was denied to the residents and other travellers to Walker Creek and North Arm, by the welding of steel girders at both ends of the bridge. I understand that the decision was taken by the Board of Falklands Landholdings Ltd following a lapse in the insurance cover for the people using the bridge to cross over Bodie Creek. From the time of closing the bridge I have asked for work to begin in making an alternative all weather route to serve the community, now cut off by high tides, flood water after heavy rain or melt water when snow thaws. I have repeatedly identified the most crucial point as a gateway to be opened by culverting a bridge over Orqueta Arroyo, perhaps not as part of a road contract, but as a remedy to the problem that exists today. The work can come under the heading of advanced roadworks doing a proper job that will form part of the contract for the build of the road into South Lafonia. Which can be adjusted in the contract one for the total work or it can be done to rectify the problem created by closing of Bodie Creek Bridge. Is the cost that important, why are we paying the men anyway and most of the machinery is standing idle now other roadworks have wound down for the winter? I regard this and so do the people of Lafonia as a very serious matter and I have never put a Motion in these Chambers before and I hope I am doing it right. So I am asking my colleagues to give me support in putting forward this Motion to direct the relevant department to get on with the work now. That is all I ask.

## **The Honourable W R Luxton**



Mr President I would like to second this Motion, I do not think that I need to speak at length as I indicated in the question earlier on, not so very long ago this project was on the point of being done by a local contractor and I see no reason why if there is the will and the instruction from this House that it should not be done before the end of this financial year to relieve the isolation which has been created for the people in the southern half of Lafonia. And so I would echo my colleague's request to this House to support this and have the Executive Council instruct the department concerned to get on with the job immediately.

### **The Honourable R J Stevens**

Your Excellency, Honourable Members, I would like to speak on this Motion. Last Legislative Council I put my weight behind Councillor Goss and Councillor Luxton in wanting something done. However, I have a feeling that we have missed that window of opportunity and the best time has passed us by, we are well into winter. Possibly this job could still be done but the conditions from now on until probably August are going to be horrendous for the amount of effort it will take to sort Cobbs Pass out. It will be not cost effective by a long way and also the damage to the environment with big lumps of sticky clay that would have to be pushed down. I have worked at this time of the year on the tracks around our area and I can just tell other Honourable Members all this sticky glue-like clay that sticks to the tipping trucks and has to be removed physically by another machine at times. It would be possible to do but I think it would be very difficult. There are areas in Lafonia that are hard ridges like the work that was done in the winter by the Sound House and that type of work could possibly still be done. I think that we have got to look for a compromise, I think it would be the most cost effective way forward, I think that we have got three months to wait until conditions dry up. We have got to consider the amount of traffic that uses this route at the moment and has historically over a few years. I wonder if the best way if we are going to spend money on the Bodie Creek Bridge in the future is to bring that forward and improve that to an extent where it can be used again by travellers to Lafonia. I do not know how much work that would entail either but I am told reliably that this very year, Bodie Creek Bridge has had a sheep load from one side to the other where the shepherds of Goose Green have been driving sheep, there are pictures that I can show people around this table where there are sheep from one end of the bridge to the other. I mean, just imagine that weight, how many Rovers would be an equal to that many sheep? I do not believe that there is not a quick fix remedy where we can sort this bridge out, wait for three months until it dries up and I will certainly be adding my voice to bring the work for the Lafonia spine road to be brought back to the original start date. I do support the initiative of trying to do something now but I am not quite sure that the best way is to get plant over Camp at this time of the year and start great movements of earth. Thank you Sir.

### **The Honourable Mrs C W Teggart**

Mr President, Honourable Members. I find myself in the same position really as Councillor Stevens whereas I agree with the spirit with which this Motion has been brought forward, and I will certainly be supporting in Select Committee the movement to prioritise this work, but I do have some problem with the Motion as worded, where "work should be commenced immediately". In my experience of travelling in Camp when you come to the end of a road or whatever, it gets very badly cut up if it just drifts off. I think that in moving ahead at this time of year to actually try and do something to make an all weather crossing in this particular area would probably destroy the access to and from it. Not being an expert on these things but I think that is a possibility we have got to look at. We have already heard from the Chief Executive at this meeting that this work is going out to tender, this is part of a contract that is being let and I think that we should support that contract and bring that forward as much as possible. I think to actually take a little bit out of the contract, I appreciate how necessary some sort of crossing is to the people of Lafonia and how cut off they must feel knowing this. I do think it is the wrong to being doing this work. I do have some slight amusement in that it must be a couple of years ago that we actually brought a Motion to this House to ask people to support repairing Bodie Creek Bridge, because we could see this sort of thing was going to happen. And it was not supported by this House and the Motion was lost. I have some amusement with this happening to some extent but I do think it is unfortunate for the people of Lafonia to be in this position. Sir, I would just like to reiterate that I feel that I cannot support this Motion as it is worded at the moment but I will certainly support the funding of this contract when it comes to Select Committee.

#### **The Honourable M V Summers OBE**

Mr President, there will be no surprise that I thoroughly support the sentiment of this Motion. I think I would prefer the others who are more knowledgeable about the land that this involves and the activities that would be required to undertake this work, make the decision, rather than we experts around the table deciding whether this work can be done in the winter or not. I would support this Motion on the understanding that landowners involved and the most efficient person from the Public Works Department to make a decision on this, be asked to go immediately to this area to assess whether this work can be done. If the response is it can be done within the winter period then it should be done.

#### **The Honourable Mrs N Edwards**

Sir, I too support the Motion and would reiterate what Councillor Summers has just said. However, I would also add that as Councillor Teggart said, we brought to this House Motion about Bodie Creek Bridge and I still think that that should go ahead and we should move that programme forward. I am no expert on bridges or passes, but I do know from personal experience, that work done in the winter, ??????? a ploughed field, there is a lot of that going

on through our land. I would only say that I would like to see the work on Bodie Creek Bridge brought forward and perhaps we could ask the military for some advice, there are a lot of engineers out there, on this point in due course.

**The Honourable Mrs S Halford**

Mr President, Honourable Members. I do not support this Motion, I sympathise with it but I do not support it because I do not believe it can be done within the time to the end of this financial year. I do however support the idea that the road should be brought forward as was planned and we should not lose sight of that. I firmly believe that that should be started in this next summer and I would certainly support that all the way. It seems to me that Councillor Goss mentioned that he suffers from flooding and tidal restrictions, this is obviously a new concept for people in Lafonia because they have always used the bridge. I do not think we should lose sight that there are an awful lot of people around the Islands who still have to suffer flooding and tidal restrictions. They too would like roads and I do not really feel that we should be saying that one should be done immediately before another when priorities have been laid down. I believe that what we should be doing is formally pushing for the full roadworks to North Arm to be undertaken when it was anticipated they would be.

**The Honourable J Birmingham**

Mr President, Honourable Members. In rising to speak to the Motion I must say that if the manpower is there to do the job then that is good and fine but if it is not, the only way would be for another to be put back. We continue to talk about a plan, I believe there is a plan or at least there was and I too will be supporting the start of the Lafonia road in the next financial year. I just wonder about the north Campers, there have been some letters to the Penguin News recently. They too would like a road, I also believe that heavy machinery at this time of the year could perhaps do more harm than good. If there is a local contractor that can do some works, and I do know there is money available, then perhaps some short term works could be done. As far as I am aware the Transport Advisory Committee has set a list of priorities, I just wonder when the general public is going to see that list. Sir, I will not be supporting this Motion.

**The Honourable W R Luxton**

I did ask at the last meeting Mr President that a list of priorities should be published, I take it it was not, it should have been.

**The Honourable the Chief Executive**

Is that the last meeting (through you Mr President) of the Transport Advisory Committee?

### **The Honourable W R Luxton**

The last meeting of the Legislative Council.

### **The Honourable the Chief Executive**

Well I am sorry, I missed that in reading through the minutes, clearly that should be done, Mr President.

### **The Commander British Forces**

Mr President, Honourable Members. I am unaware of the military being asked to look at this particular problem in the past, provided I have an endorsement from this House or indeed Your Excellency or the Government then I am quite prepared to assess it with a view to perhaps the engineers taking it on as a military and civil community task.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. All I seek actually is a very clear directive here because a number of Councillors have stood up and raised a number of subsidiary points. Councillor Summers said yes he would be happy to support it if experts went out and advised on whether the land on either side would or would not be destroyed or damaged in some way, as a result of the work. I think most of the major points that I would care to make by way of information have been made but I would stress that Public Works Department operatives are not idle. There may be some plant that is idle at the moment although I understand some of it is in fact undergoing maintenance which is part of our improvement plan as you know. And because they are not idle if they are in fact dedicated to this task they will have to be taken away from another function. And if this Motion is passed as it stands, that is indeed what will happen. I do not know what that function will be as things stand, that will be up to the Director of Public Works to decide, but what I do seek Sir is a very clear directive as to what this Motion in fact means if it is passed.

### **The Honourable E M Goss MBE**

I think some of my Members who have been rather feeble in their efforts of support, Councillor Stevens moved his direction away from Cobbs Pass to strengthen Bodie Creek Bridge. I do not know what work that would take but if it took a lot of work, a lot of machinery, a lot of men then the narrow little lea that goes out to Bodie Creek would become almost impassable so I think we should keep our focus on Cobbs Pass. Now I think we should also keep it in proportion, we are not envisaging big, heavy road building machinery. All we need is a tractor and a trailer and Public Works Department has a very good four-wheel drive tractor and trailer to transport the culverts needed to Cobbs

Pass. In the area either side of Cobbs Pass is very good metal borrow material with very little clay content, so there would not be sticky buckets of clay to be washed out in the stream which is right there of course. There would be no big problem there and if the Public Works Department made available two careful drivers, one could take the tractor and trailer and the culverts to the site, the other could take a JCB with a back-actor that could dig out the borrow necessary to cover the culverts. It is a lot of land out there in Tranquilidad and again on the other side of Cobbs Pass where the tractors do not have to drive through the same old ruts as you witness those drivers from Stanley do, when they travel back from North Arm. They follow each other through the mud, they do not need. I have a track out on the hard but the problem with my track out on the hard is that we have come to a bottle neck which is Cobbs Pass, we have got a cross for Orqueta Arroyo, and when there is flood water and melt water there, we cannot get over. Now there must be culverting about and if the military can help in any way, maybe they can lift or drop the culverting in the area so it does not have to be towed overland. I am sure there are ways around it, we only have to match the man power and machinery to what is needed, it is all a matter of scale. Anyway I thank my fellow Councillors who were very positive in giving me support but I am not too happy about those, and it is their choice of course, to declare themselves in public.

Not so long ago we talked about, as we came along the track in fact Mr President, the subject of an all-weather crossing over Cobbs Pass or anywhere over the Orqueta Arroyo. But you said one of the main problems as you see it in the Falklands is we do not speak to each other enough, we do not communicate enough about our problems and our concerns. Well I would like to take this a bit further in reflecting on your comment, I could add to it that isn't is a pity and shame and perhaps a failing by us all, that we do not listen to each other and our needs and requirements. And I have been asking for an alternative route around Bodie Creek Bridge for a long time. And I think isn't it time that people started to receive what I am saying? And I am speaking for the people at Walker Creek and North Arm, not just for my own comfort but the main population of those areas. Anyway that is all I have to say on the subject.

### **His Excellency the Governor**

Thank you very much Councillor Goss. I vividly remember saying those things to you as you drove me up your own private route which avoids some of the worst morasses on the track. We do not have any further interventions now so may I see a show of hands please in support of this Motion.

The Motion was lost as the vote was a four/four split.

### **His Excellency the Governor**

Therefore inevitably that means the Motion is lost, if it is any consolation, though I think this has been a useful debate, I think we have got a clear sense and some interesting ideas have emerged which I am sure the Administration will now take that factor into considering how we can solve this problem.

### **The Honourable the Chief Executive**

May I say Mr President, Honourable Members that as Chairman of Falklands Landholdings I want this result just as quickly as the Honourable Member and I believe that over the next few days at Select Committee, we can be very specific as to what actually does take place and when it takes place. And I trust that that will be sooner rather than later.

### **MOTION NO2/97 BY THE HONOURABLE THE CHIEF EXECUTIVE**

That Standing Order 42 of the Legislative Council be amended by inserting new paragraphs 2a and 2b reading as follows:

2a) Immediately after an exposition has been given on the contents of a Bill, the President may, if he thinks fit, enquire as to whether any Member other than the proposer and seconder wish to speak in relation to the Bill. If no such Member indicates a desire to speak, the President may indicate that the Bill will be dealt with in accordance with the short procedure. Otherwise the Bill shall be dealt with thereafter in accordance with paragraphs 3 to 6 of this Standing Order and Standing Orders 43 to 46, the long procedure;

2b) Where a Bill is to be dealt with by the short procedure, the President shall enquire whether any amendments of the Bill are desired if there are, any councillors shall straightaway be informed of them, if there are any, Council shall straightaway be informed of them and ask whether they will be agreed to. If any Member so requires they shall individually be put to the vote and accepted or rejected accordingly. Immediately after any desired amendments have been dealt with, and if none are desired straightaway, the President shall declare the Bill to be read a third time and to have passed.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. You may well have noticed that in another House in another place there have been some streamlinings in procedures. I believe that here we do not need a change of Government to actually bring such streamlining about. This is to save time Mr President and I believe it to be a very sensible proposition, I beg to move.

### **The Honourable the Financial Secretary**

I beg to second the Motion.

**His Excellency the Governor**

Would Members care to debate this?

**The Honourable W R Luxton**

Mr President, I would just like to comment in relation to what Councillor Goss said earlier on about talking to one another, this has been dropped on us without any consultation as far as I know. I have not seen this concept until these papers were distributed yesterday and I think that perhaps it would be an idea for us to discuss it around the table, and the implications thereof before we jump too quickly, and some consultation might have been in order before this Motion was put.

**His Excellency the Governor**

It was I believe mentioned at the last Legislative Council. May I simply chip in to say that the impulse for this stems from a feeling that I, or we - this House were making ourselves look a little old fashioned, not to say ludicrous in going through this great rigmarole of dealing with Bills. When no Member wishes to speak when the Bill is uncontentious it is simply not something that Members wish to speak to. The debate is being broadcast, people out there must be wondering what an earth we do, it just sounds like something very odd. And I thought, (we are all busy people), that we could get through those sorts of rather formal business more quickly by telescoping the procedure. I do want to emphasise two things, one is that it was never any intention in mind when mooting this that we should curb the right of any Member to speak on any Bill, Motion or whatever. That right remains sacrosanct and would not be vitiated by this proposal as you can see if you read it. That was the point about it but it was to move through our businesses expeditiously as we can and that will perhaps correspondingly more time to debate issues where people do have strong views.

**The Honourable M V Summers OBE**

Mr President, can I seek a point of clarification? Can either yourself or the Attorney General confirm that if at any point during the consideration of a Bill any Member wishes to move from the short procedure to the long procedure, they would be free to do so.

**The Attorney General**

Yes, briefly is the answer but of course they would ask and we would revert I imagine to the long procedure. The short procedure is only for the House's convenience and to avoid His Excellency the Governor bobbing up and down and various readings being put, when everyone has agreed to it and does not speak to the Bill. It is as simple as that.

### **His Excellency the Governor**

Would any other Honourable Member care to express a view on this? As I say and as the Attorney General has pointed out, it is really to modernise, streamline and for the convenience of this House.

### **The Honourable Mrs N Edwards**

Just to say Sir for the clarity of Councillor Luxton, this was discussed at Executive Council and it may well be our fault that it was not transmitted. It was minuted certainly but we should have perhaps mentioned it to everybody else. And I apologise that we did not do so.

### **His Excellency the Governor**

Well in that case we may as well proceed straight to a vote on this.

The Motion was carried with seven voting for and one abstention.

### **Clerk of Councils**

## **ORDERS OF THE DAY BILLS**

### **The Appropriation Bill 1997**

#### **The Honourable the Financial Secretary**

Your Excellency, I think this is one of the Bills that will need the long procedure.

Your Excellency, Honourable Members. The purpose of this Bill is to appropriate and authorise the withdrawal of £61,309,820 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 1997. Before dealing with the 1997/98 budget, I will briefly review the current financial year.

A small budget surplus of £836,000 is now forecast compared to the deficit of £5.1M shown in the approved estimates. The reason for the better financial position is twofold, firstly a net increase in operating revenue of £1M due mainly to additional fisheries income. Secondly a net reduction in overall expenditure of £4M, this is mainly the result of capital expenditure of £5M



deferred to future years, less an increase in operating expenditure of £1M. I should also advise that the revenue and expenditure figures I have just mentioned exclude the approved write-off of a loan to Falklands Landholdings Ltd made in 1991, amounting to £5.2M, which for the purposes of this review result in a neutral position. It is estimated that the balance of the Consolidated Fund at 30 June 1997 will reach £86.5M and this is an appropriate point to start the report on the 1997/98 Budget. Total revenue for 1997/98 is forecast at £40.2M and the proposals for expenditure inserted in the draft estimates total £61.3M as amended to produce an estimated deficit of £21.1M. Please note that £10.6M of the deficit is due to proposed transfers to special funds, £9M of which represents the current contingent liability for occupational pension in respect of existing government employees and pensioners. This proposed transfer from the Consolidated Fund, if approved, cannot take place until the new pensions funds are established by Ordinance. I can advise however that their establishment has been approved in principle by the Executive Council.

With regard to estimated revenue for 1997/98 income from fisheries, the major source is inserted at £21.5M, the same as what is revised for the current financial year and consistent with the levels of recent years. This represents 56% of operating revenue; investment income, the second largest source of revenue to the Falkland Islands, is expected to generate a net £5M. A point to be borne in mind is that if the capital base is eroded by deficit budget, it is obvious that its ability to generate revenue will be weakened. Net income from direct taxation is estimated at only £3.1M but its percentage of total revenue continues to increase. This is mainly attributable to an anticipated increase in corporate tax receipts from a more active and profitable private sector. Individually other sources of revenue appear small when compared to fisheries income. Sources such as Customs Import Duty and sale of postage stamps are net contributors and when taken in aggregate with other departmental charges for goods and services, are significant and important. However, there is no real growth in revenue and the gap between it and operating expenditure is narrowing. This trend will continue and it is a direct result of government policy, the more revenue that is needed to finance operating expenditure the less there is available to finance capital projects. It is fortunate that we have reserve funds to help finance capital projects, however more infrastructure leads to an increase in operating expenditures and as a consequence, a further drain on the revenues and reserve funds. As indicated by the forecast of a deficit budget, all estimated revenues for the year are planned to be spent, this includes £30.2M for operating expenditures in respect of departmental submissions to enable government to continue to provide the full range of improved public services we have been accustomed to. Excluding the fund transfers of £10.6M, £20.5M has been inserted for capital expenditure. Due to limited resources it is unlikely that government can achieve a capital spend of this magnitude. There are no new revenue measures proposed, it is considered the taxes, duties, fees and charges should remain at existing levels for the time being. This stable situation is able to be sustained because we are presently in the fortunate position of

having a healthy balance of reserve funds, - long may it continue I have heard people say. However, I should warn that our ability to maintain a fiscal policy of low taxation depends on our ability to control ambitious expenditure plans. Until such time as an alternative income source such as oil is actually bringing in additional revenue to the public purse, at best this will not happen for several years. Turning now to the application of revenue, operating expenditure has been inserted in the 1997/98 estimates at £30.2M and this represents a £5M or a 20% increase over the revised estimate for the current year. £3.5M of this increase in estimated expenditure is attributable to staff costs, this is a result of the approved new employment package, requests for additional staff and a proposed further increase in salaries with effect from 1 July 1997. £500,000 of the increase is attributable to special expenditure, recently adopted policies such as the new role of the FIDF and the improved research capability of the Department of Agriculture for example have contributed to the increase in proposed expenditure. Capital expenditure for 1997/98 is estimated at £31M, the departmental submissions were £12M greater than this. The suggested level of £31.1M still appears frightening, however, to put this figure into context it should be discounted by the fund transfers of £10.6M. This leaves a figure of £20.5M for other capital expenditure compared to the approved estimate of £21M for 1996/97, this financial year. The estimated capital spend for this year is now revised at £12.4M, the plan therefore is to spend £8M more next year than what is likely to be achieved this year. With the exception of £1.2M of external aid from the EEC STABEX fund, the capital expenditure will need to be financed from the operating surplus and the reserves. I will now report on the distribution of capital expenditure for the coming year. The provision for housing, public buildings and municipal services all in Stanley is inserted at £7.2M. This will allow the East Stanley Development to be completed, services at Squid Row to be installed, improvements to be made to waste management and disposal, Government House to be renovated, the Town Hall to be modified, a start to be made to the construction of a new school hostel, further mobile homes to be purchased and further housing at East Stanley to be built, to name some of the major items. Several of these projects are carried forward from this and previous years programmes. The provision for road construction including the purchase of plant amounts to £3M. The proposed roads programme, much of it deferred from this year, includes major repairs and new construction in Stanley, a start on the resurfacing of the MPA Road and the continuation of the main road network and link roads both on the East and West Falklands. Major consultancies are estimated at £1.5M, £1.3M of which is in connection with oil. Transfer payments are allocated £6.7M, 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 construction of an abattoir financed from EEC STABEX funds and deferred from this year. The second largest item of expenditure is £1M to provide general funding for the Falkland Islands Development Corporation. This helps to support the FIDC expenditure budget for 1997/98 of £2M and should allow a carry forward of £1M of unallocated funds to 1998/99, to help finance future 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 this section. The subsidy to Byron Marine has been increased to provide for the additional cost of equalising coastal freight rates and for the free carriage of fuel to Camp. In addition to the subsidies just mentioned £800,000 is inserted for fencing grounds for farmers. A further £2.4M is inserted for this purpose over the next three financial years. A significant sum is inserted for a subsidy to encourage and assist the operation of a scheduled air service to be routed through South America with reliable international connections. As mentioned previously, £10.6M has been inserted for fund transfers, £9M of this sum for setting aside in funds separate to the Consolidated Fund, the current contingent liability for retirement benefits in respect of existing government employees and pensioners. £1M is inserted for a transfer to the sinking fund to finance the construction of a permanent port facility when it is needed to replace FIPASS. £600,000 is inserted for transfer to the retirement pensions equalisation fund to maintain the contribution levels for residents at around 50% of their actuarial cost, having regard to the much improved levels of benefit. With regard to pensions for retired civil servants, the Executive Council is not satisfied that the best practice method of awarding a percentage increase across the board based on the rise in the Retail Prices Index is appropriate or adequate at this time. Instead the Executive Council has requested that proposals be presented to raise the level of public service pensions awarded before the advent of fisheries prosperity to those of more recent pensions. It is intended that the proposals will be presented to the Executive Council in August 1997 and for any adjustments to be back-dated to 1 July 1997. The proposals might require the consideration of supplementary appropriation.

I now turn to proposals for adjusting rates of retirement pension benefits and contributions and social welfare benefits. It is proposed that retirement pensions be increased by 21% with effect from 1 July 1997. This would increase the standard weekly rate by £14 from £66 to £80, and the married supplement by £8, from £37 to £45 per week. 9% of the increase is proposed in order to match increases in Falkland Islands Government salaries since 1 July 1996. The balance of 12% of the increase is proposed as a further distribution of wealth to the elderly. With effect from 1 July 1997 it is proposed that the maximum ex-gratia payment should be 90% of the standard weekly rate of retirement pension, that is £72 and this represents a 9% increase on the current rate of £66 per week. This is more than double the percentage movement in the Retail Prices Index in 1996, a difference in rate of pensions is proposed in order to provide some additional reward to recognise contribution. I believe it is worth noting the rate of retirement pensions with effect from 10 April 1997 in the United Kingdom is £62.45 per week and the married supplement is £37.35 per week. Furthermore, a

Falkland Islands retirement pension is not subject to income tax in the Falkland Islands. It is also proposed to change the qualification/criterion for the receipt of the Christmas bonus introduced in 1990. At the moment a bonus equivalent to a week's pension is payable to all pensioners in receipt of a retirement pension or an ex-gratia pension. From Christmas 1997 it is proposed that the bonus should be payable only to those pensioners who live in the Falkland Islands. This is on the basis that it should only be payable to those pensioners currently contributing to society and to the economy of the Falkland Islands. The net increase per annum for pensioners living overseas will still be significant at 19%, there are around 50 pensioners living overseas who are in receipt of a retirement pension from the Falkland Islands. Retirement pensions are a charge on the pensions equalisation fund, ex-gratia pensions and the Christmas bonus are payable from the Consolidated Fund. The additional cost to the pensions equalisation fund in respect of the proposed increase is estimated at around £200,000. The total cost of retirement pensions for 1997/98 is estimated at £1.4M. It is estimated that the Christmas bonus will cost around £18,500 in 1997/98. The total cost of ex-gratia pensions is estimated at £30,000 for 1997/98. It is proposed that the weekly rate of retirement pension contributions should be increased as follows with effect from 1 January 1998: Employer from £3.50 to £4.00; employee from £3.50 to £4.00; self-employed from £7.00 to £8.00; a voluntary resident contributor from £7.00 to £8.00; a voluntary overseas contributor from £14.00 to £17.00; and assisted contributions payable by government from £7.00 to £8.00. It should be noted that for voluntary contributors overseas, the proposed increase matches the proposed increase in benefits, whereas for resident contributors the proposed increase is restricted. As a consequence to the proposed increase in contributions, it is also proposed that the amount of weekly earnings under which a person is not obliged to pay contributions should be increased from £35.00 to £40.00. Subject to confirmation by the government Actuary, it is estimated that a weekly contribution rate of around £17.00 is required to finance the proposed improved levels of benefit to avoid reducing the value of the pensions equalisation fund. If there is a contribution rate of £8.00 per week in respect of resident contributors, then a subsidy of £9.00 per week will be required to be paid to the pensions equalisation fund. The estimated cost of this subsidy for 1997/98 is £600,000. Like the additional increase in retirement benefits it is suggested that to subsidise contributions is also a fair and reasonable way to distribute some of the wealth to residents of the Falkland Islands. It is proposed that the monthly rates of family allowances be increased as follows with effect from 1 January 1998: the child allowance from £46 to £49 and the single parent allowance from £38 to £40. It is estimated that family allowances at the revised rates will cost £347,000 for a full year, an extra £21,500 on current costs. It is intended that the draft estimates of revenue and expenditure should reflect in monetary terms the policies of the government as determined by Executive Council from time to time. At the forthcoming meeting of the Select Committee on the Estimates, those policies can either be confirmed or denied on the consideration of the Appropriation Bill. This is an ideal opportunity where the cost of the policies of government

can be assessed in aggregate compared to one another and reviewed to ensure they remain affordable. To balance the budget is not only an attempt to ensure the expenditure does not exceed revenue but is also to try to strike a balance between the provision of essential public services, social and welfare assistance, subsidies, investment in capital infrastructure and the development of the private sector. It is my duty to warn of the dangers of becoming complacent in a climate of optimism. This feel good factor is largely dependent on the revenues derived from a fragile fishing stock which we are unable to fully control and safeguard to guarantee our future prosperity. In our present financial position of substantial reserves, a planned deficit budget to accomplish particular and sensible objectives is not a disaster. We all hope that our economic insecurity will be solved by revenues from an oil industry. So far so good, the first licensing round was a success. Investment for exploration has been attracted but at this stage of the new development, success in terms of meaningful revenue remains uncertain. Therefore, for the immediate future when it is known that our narrow income base is insecure, it would be irresponsible not to plan to continue to live within our means. I am grateful to Heads of Departments for their submissions which are needed to produce the budget and to Treasury staff involved in assisting in the preparation of the Draft Estimates. This Sir concludes my Budget presentation and I beg to move the first reading of the Bill.

#### **His Excellency the Governor**

Thank you Financial Secretary, 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 Honourable Mrs N Edwards**

Just to congratulate the Financial Secretary on his deliberations and all the hard work they have been doing in the Treasury, and to tell him that I am very pleased that he is going to put the pensions up yet again. I am pleased also that, comparing it with the amount we spend on consultancy fees in the year which is estimated at £1.5M, pensions are a lot less than that, so it is not so bad really. Hopefully we will thrash this out and come back to this House on

Friday with a few cuts or possibly have spent some more money, goodness knows or allocated more money. I look forward to the Select Committee Sir.

**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.

**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 as Chairman. Is there any objection to that Motion?

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

**The Finance Bill 1997**

**The Honourable the Financial Secretary**

Your Excellency, Honourable Members. The purpose of this Bill is to introduce those statutory amendments necessary to implement an increase in retirement pension benefits and contributions, and an increase in family allowance benefits which I proposed in my Budget presentation.

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, any objection to the Motion?

**The Bill was read a first time and presented under a Certificate of Urgency.**

**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 second time, does any Honourable Member wish to speak to the Motion?

## **The Honourable the Chief Executive**

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

## **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.**

**Council Adjourned.**

**Council reconvened at 2pm Friday 30 May 1997.**

## **His Excellency the Governor**

Honourable Members of this Chamber, we now resume our meeting after your deliberations in Select Committee, which I am sure kept you at full stretch throughout the week.

## **Clerk of Councils**

Report of the Select Committee on the Estimates.

## **The Honourable the Financial Secretary**

Your Excellency, Honourable Members. This report covers both the Appropriation Bill and the Finance Bill referred to the Select Committee on the Estimates on Tuesday 27 May 1997. The Committee spent two and a half days in examining the Draft Estimates of revenue and expenditure for the forthcoming financial year. This must have broken all records for this particular task which normally takes three full days. No doubt the experience of Members of this Council at their fourth and last Select Committee meeting contributed to the speed. I am content at least that accuracy was not sacrificed for that speed. 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 and management matters affecting their departments. In summary the 1997/98 Estimates for total revenue was increased by £153,000 and the estimate for total expenditure was increased by £5.5M, to increase the estimated deficit of £21.1M to £26.5M. I should advise that the estimated deficit for next year will be completely covered by the surpluses that have arisen over life of this Council, mainly as a result of improved revenues and deferred capital expenditure. The actual Consolidated Fund balance on 1 July 1993 was £55.2M, the balance at 30 June 1998 is estimated to be £60M after taking into account



the estimated deficit of £26.5M for next year. It is also worth noting that over the same period £20M will have been transferred to special funds. Minor adjustments were made to operating expenditure resulting in an overall decrease of £20,500. The total of operating expenditure of £30.2M includes provision of £360,000 approved to award an increase in salaries. The most significant increase in estimated expenditure occurs under the heading of capital expenditure where £5.5M was added to make a new total of £36.6M. It must be remembered that this figure includes the fund transfers of £10.6M as I explained in my Budget presentation. The additional £5.5M just mentioned includes £3.5M for further funding to be paid to FIDC for providing assistance to the private sector in such areas as fisheries patrol and property development. The total funding for FIDC to manage in 1997/98 including the £2M for the abattoir is £7.8M and this should be regarded as an investment with potential long term benefits for the local economy. Other significant items to be placed under the control of the Public Works Department include restoring provision for a contract to be let for building the spine road in Lafonia over two financial years, and inserting provision for constructing a contractors' accommodation camp. The Select Committee agreed priorities for the capital programmes, most projects of which are under the control of the Director of Public Works. The Director of Public Works is confident that he can manage to resource the top priority projects with the total spend of £8.3M during the coming year. Every effort will be made to achieve the spend on the number two priority projects regarded to be essential at a total estimated cost of £4M. I should also advise that several sensible reductions to expenditure were made. For example the provision of £800,000 inserted for fencing grants was reduced by half to £400,000 in order to match the anticipated take up of the new scheme on account of the limited human resources in Camp to erect the fences. The end result is a budget which is attainable in revenue terms but in terms of expenditure it does not reflect the advice I provided in my presentation. At the Select Committee and at every meeting of Council which I attend, my advice I believe is consistent, it is to spend and invest in moderation, to be realistic in our expectations, to moderate our ambitions and to learn to walk before we can run. This strategy would enable us to deal with essential and necessary expenditures both operating and capital, while maintaining a low taxation regime for the benefit of all residents of the Islands for the foreseeable future. The Budget does however, reflect the democratic process of the Falkland Islands allowed under the provision of the Constitution. The task of all accountable officers as always is now to obtain value for money for all the authorised expenditure of public funds. A report of the adjustments to the Draft Estimates 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 increases in the charge on the Consolidated Fund, which result from the adjustments made at the Select Committee. The amendments will be made to the Bill at the committee stage. The Select Committee approved the proposals I made in my Budget presentation as follows:



- a) No new revenue measures
- b) Duties and Taxes to remain at existing levels
- c) An increase of 21% in retirement pension benefits with effect from 1 July 1997
- d) An increase in ex-gratia pensions to 90% of the standard rate of retirement pensions with effect from 1 July 1997
- e) A change in the qualification criteria for the receipt of a Christmas bonus with effect from Christmas 1997
- f) An increase in retirement pension contributions with effect from 1 January 1998
- g) An increase in family allowance benefits with effect from 1 January 1998

I would like to thank all officers and Honourable Members who took part in the Select Committee. In particular many thanks to Maria Strange for taking the minutes and to Peter Woodward for his assistance in keeping an accurate record of the adjustments. I would like to pay tribute to the Chairman on my left who kept the meeting in order most of the time. The Estimates are the result of a lot of hard work started by Heads of Departments and their staff and completed by Treasury staff, in other words a team effort. That concludes my report of the proceedings of the Select Committee on the 1997/98 Draft Estimates.

### **Clerk of Councils**

The Appropriation Bill 1997 - the remaining stages.

### **His Excellency the Governor**

Well I believe we have just heard a report from the Honourable the Financial Secretary on the proceedings of the Select Committee on the Estimates and the Appropriation Bill. So we need an Honourable Councillor to move that the report be accepted and a second Honourable Member of this Chamber to second the Motion please.

### **The Honourable Mrs N Edwards**

Sir, I move that the report on the Appropriation Bill be accepted.

### **The Honourable M V Summers OBE**

I second it.

## **His Excellency the Governor**

We now debate the report.

## **The Honourable M V Summers OBE**

Mr President, Honourable Members. I believe this is a momentous budget for the Falkland Islands. There is no doubt that we have been unhappy over a number of years for our failure to do the things that we wanted to do. And what this Council has done I believe is to take its courage in its hands and say that if we want to do these things we better get on and do them, and make a proper provision for them to be done. It results in figures that are perhaps unfamiliar to Falkland Islanders and I think too to Councillors around this table in terms of the deficit. But I think that at the end of the day we will find that we have results that we wanted to achieve and that this country is entitled to. A current position in the Falklands is that we have effectively £137M in our kitty and £90M of that are free funds. We have further funds of £23M in the insurance fund and the sinking funds and we therefore have effectively available for investment or distribution £113M. Our operating budget to put this in context is £30M a year or thereabouts, we have therefore three to four years at current levels of operating funds in reserve, and that is a very healthy position that I think that most countries would be envious of. It would be possible if we need to reduce the operating budget by a substantial amount very easily to £25M, which would give us a good four years operating costs in our reserves. And I think that that is a very satisfactory situation and whilst we have an annual income of around £40M I believe that we are able to afford to do what we are planning to do this coming year. I would just like to make a couple of remarks also about the role of the capital budget in our society because I am not sure that is always understood. It is one of the few mechanisms that we have to distribute the wealth of our country to non-public sector employees, by way of wages and goods and services in contracts let to the private sector. If we reduce the capital budget therefore, we are reducing the well being of all of our society and we saw the results of this in 1992. If we make it too high of course we will reduce our reserves and possibly create economic pressures that we would not wish to do. There is therefore a balancing act to be had between doing the right thing for our population, achieving what we want to achieve and not putting too much long term pressure on ourselves. And I do not believe what we have done with this budget creates too much pressure in the economy. We will have to be careful I believe about the future level of public service wages, and I did eventually agree to the 3% that was proposed for this year on the understanding that it was effectively promised. However, there is I believe a very significant gap between public sector earnings and private sector earnings particularly in the Camp and we have to be vigilant to ensure that we do not create further movement from the Camp to Stanley, by creating wages that are so attractive that they simply cannot be resisted. I would

caution therefore future governments future Councillors around this table to be vigilant about the level of public sector wages. They now account for 30% of total income. I would remind all those good folks who work in the public sector that if you take the King's shilling you must then go to sea. They have willingly accepted the notion of performance management, performance will be expected. I am delighted that we have been able to include substantial provision for pensioners, these are the people who worked in the Falklands for many years before these good times, and have put a lot of hard work behind them. I think they deserve a little of the distribution. Sir, I support the Appropriation Bill.

#### **The Honourable Mrs N Edwards**

Yes Sir, in rising to support the Appropriation Bill I think Councillor Summers has summed up our feelings. It is interesting for me to see that our deficit for this year is more than three times the total budget amount that was in existence when I first came on to Council which is not all that long ago. However I do not think that we should be frightened of our money, we have never been used to having lots of money before and we have to make good use of it. I hope we have done or we have made provision to make good use of it. It is very easy to leave it sitting in reserves and amassing interest and not getting anything done. In reality as we all know, our real problem is a lack of labour to get all these things that we want done into place. I hope that the new Director of Public Works will be able to spend the promised £8M this year and perhaps some of the other £4M reserved for other projects. I too am pleased to see that the pensioners are getting an increase and particularly the pensioners who have long deserved to be brought more in line with the rest of the pensioners in our country. I am pleased too that we did move the West Roads programme forward a year, that does not mean that it will start next year but it will provide the funds to be there ready to kick it off at the first opportunity. I would dearly like to see that go ahead as soon as possible. Sir, I support the Bill.

#### **The Honourable Mrs S Halford**

Mr President, Honourable Members. I would like to thank the Financial Secretary and his team for all their hard work during the preparation of the Estimates and the changes necessitated as a result of the Select Committee. I know he wanted us to save money but I have to congratulate him in that I am sure that he actually saved an awful lot on the size of typeface he used on all the documents, which we'll soon have to perhaps spend on magnifying glasses. At first glance it would appear that we have had a horrendous deficit this year but if you discount the lump sum required for pensions and the amount allocated to FIDC which is to be used for loan purposes, then the original deficit is greatly reduced. It should be recognised that the lump sum needed to cover pensions is not something that has been created by this Council but a figure which has been accumulating for many years and should have been addressed sooner, and thereafter topped up on a regular basis.

Although some government departments have increased in size through necessity in order to carry out the works required of them, most have trimmed off the fat from their budgets prior to attending the Select Committee, and for that I thank them also. The only reason I was able to agree to the level of planned spending this year was to try and catch up on the level of underspending over previous years. As has already been said many projects have been unable to be undertaken in previous years due to a bottle neck in the Public Works Department, and others due to a lack of resources. Now that both of these points have been addressed, I believe many of them will be achieved in the coming year. However, I still do not feel that they will all be achieved and once again we will have a considerable saving on predicted outlay. What we should all be actually aware of is that the level of lifestyle we now enjoy is purely attributable to the fishing industry, without which we would be a much poorer place. Being a housewife I do not like to spend out too much too often but there are times when it is necessary to spend out, in order to get things on line, and that is what I believe we have tried to achieve this year, with all areas of the community benefiting in one way or another. Sir I support the Bill.

#### **The Honourable J Birmingham**

Mr President, Honourable Members. I too would like to congratulate the Honourable Financial Secretary and his team in the Treasury for preparing the Budget. I have seen the light burning in the Treasury way past 4.30pm although I have never passed opening time, and I appreciate their hard work. I would also like to thank the Heads of Department for their sensible expenditure proposals and for putting up with some strange questions during the Select Committee. Yes we do have a deficit budget but that is the price for hurrying major projects along. Naturally I am pleased with the rise in pensions and family allowances, there have been some suggestions about a welfare state mentality growing in the Islands, but I see no shame about protecting the health and well being of our citizens. I am also pleased that an increase in public sector wages was agreed, having come through a difficult time with Hay to bring wages up to a realistic level, and having achieved this, we must not fall behind again. The Agricultural Department has received a lot of support during this budget as always by all Councillors. We must not lose sight of the fact that our main source of income is from fish and we do have to support local involvement in the fishery. However, I do not support state approved monopolies. Sir I support the Bill.

#### **The Honourable E M Goss MBE**

Mr President, Honourable Members. I have not got any great amount to say about the Budget, I would just like to echo all the praise and good wishes my other Councillors have delivered on the Treasury and their staff, and all the nice things that they have said about what this Budget should bring us. Sir I support the Bill.

## **The Honourable W R Luxton**

Mr President, Honourable Members. I think Councillor Summers made a very thorough exposition of what I feel about the Budget which we just approved. And I think the fact that at least £10M of the deficit is just a transfer to another fund cannot be pointed out too often and also the substantial other funds are, as it were, revolving, and will come back to government although in the way we account for things, they do show as part of the deficit. I think we have done pretty well with the capital budget, in the Motion of Thanks I referred to both the Lafonia Road and the West Road. I am glad that the former is back on track for next season and I too am sorry that we did not manage to get the Port Stephens road to a stage where it will commence in the next season. At least there is a substantial sum of money there for planning and getting the thing under way for following year. Also with the Public Works capital budget, the Director of Public Works and Councillors have established priorities and there is within our own papers a section of that which is priority one, which he is adamant that can be progressed. The second section which we have budgeted for I think will only get spent if everything goes absolutely right which is unlikely to happen. I would predict that by this time next year there will still be an underspend on our budget because I think we all anticipate that. There are a number of projects that we all want to see happen and I think we accept the ones that happen are going to be the ones that in the end have got the resources to make them happen. I am very concerned that the level of wages and salaries that are being created in Stanley, the gap between Stanley and Camp is ever widening as I said in the Motion for Adjournment. The Camp population in the farming industry had its income reduced by 20% from two years ago, last year and probably at the same level again this year. The Hay proposals relate, wages and salaries in Stanley to UK levels, I forget what the proper phrase is but no doubt the Chief Executive will remind us, the median level. Perhaps we might in future if this goes on, have to look at agricultural subsidies being related to UK levels to bring rural incomes back to a tolerable level. The Agricultural Department is certainly up and running under its new leadership, very optimistic about the things that are happening there and we have provided lots of funds for them. We have also provided funds for the fencing subsidy. I think that is good because that is something that will go into the Camp and the one thing that is still there on farms is peoples' labour which they can employ to put it up. I am concerned that some of the results of the Agricultural Department's efforts may produce ideas which will require capital to put them into effect. I am afraid there just simply is not the capital in Camp at the moment, an awful lot of farm owners are having to abandon there farms during the winter months and work elsewhere simply to make ends meet. It will not matter how good the ideas are if they require capital to put them into effect, at the moment it just is not available. So Mr President, I commend this Budget to the general public and I hope that it will be shown to produce some benefits for all our community. I support the Bill.

## **The Honourable R J Stevens**

Mr President, Honourable Members. In rising to support the Appropriation Bill, there is not a lot left for me to say. I would like to thank the Treasury and all the departments of government for the hard work that they do this time of the year and make a few general comments. The government, ever since the start of the fisheries industry, has looked to the long neglect of the infrastructure of these Islands, apart from the year of panic, where programmes have gradually increased. And certainly in the budgets of the past we have underspent and the Financial Secretary has been able to salt away more into our reserves. Just as our expectations have risen in development so has our desire for better control. And departments with budgets that in the past have looked to have under achieved have been given the resources and management to plan realistic work programmes that can be fulfilled. Undoubtedly there is better control and knowledge of resources human and otherwise leads to more flexibility. And we are better equipped to achieve our planned objectives but less able as Councillors to add another project without effecting work that is already under way. As people want more progress, and the Camp road programme is a good example, we are working on a number of fronts with a second main gang on the East and West being planned. But with full employment this increased work programme will mean bringing in labour and bringing in management skills. Controlling management and other specialists in posts created in a number of departments leads to problems like housing, where are they going to live and the problems of growth are plain to see. We as Councillors will always grapple with priorities and issues by the balance of workers brought and the effect they may have on our own workforce. I support the Appropriation Bill.

#### **The Honourable Mrs C W Teggart**

Mr President, Honourable Members. I think that most of my colleagues have covered the points that I wish to raise but I would like just to say how sorry I really feel for the Financial Secretary, as every year he does his best to curb what he thinks is wayward spending on our part, and fails dismally, But I would like to assure the public that he does indeed do this and we have some fairly fraught arguments around the table as he tries to curb us. I think that over the last few years certainly I, and I am sure other Members of this Council have felt an increasing frustration at our inability to spend money that we have put aside for projects that we feel will benefit the Islands. Every year we have put money in reserves when we would rather have seen it go into infrastructure, particularly in things that are necessary to the whole community, such as housing and roads. It is a fact that if we do not put the money into the budget for these things to happen then they will not happen. It is also probably a fact that some of the things that we have put the money in for are not going to happen this year. But I feel that with the resource we have available at the moment, I think the will of the people to actually make it happen, there is a good chance that a hefty proportion of this work will be done. Some of my colleagues have mentioned the money going into the occupational pensions fund, this will in fact be the first time that employees

have the security of knowing that their pension is funded and money is put aside, and I think that that has to be a good step. I am also delighted that of the money that has been put in the Appropriation Bill, a lot of it is for private development. I think there are some companies that are going to benefit greatly from that. I am particularly pleased as Chairman of the Housing Committee that there is going to be money available for a private housing development project which I know will greatly help the community here in Stanley. I also said earlier this week that I would be happy to support the bringing forward of the Lafonia Road and I was happy to do that in Council. One of the things that I did fight quite hard for this week was for the cost of living salary increase for civil servants. I feel that having promised that this would be reviewed, that we would keep up to date with this as part of the Hay Management package, it would have been a terrible thing and a betrayal of trust for the members of the Civil Service if we had not carried that through. Obviously in future years it will be something that will be debated at length by other Councillors. I do feel that it is something that should be discussed and we should try and keep in touch with cost of living in these Islands. I know that there are Councillors who feel that, and indeed I feel to a great extent myself, we are widening the gap between ourselves and the workers in the Camp. But I feel that we should be taking steps to rectify that as well rather than penalising one section of the community against the other. We should be trying to bring the Camp into line with Stanley rather than putting back the Stanley wages yet again because of the situation in the Camp. Sir, I am very happy to support the Appropriation Bill.

#### **The Honourable M V Summers OBE**

Sir, when I support the Bill I omitted to record a private interest in one item in the Appropriation Bill ????????

#### **His Excellency the Governor**

Thank you that is noted.

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. Those of you listening to this debate will note an unusual and I think most welcome unanimity in Members' feeling about this Budget. It has been I think a very productive two and a half days. Maybe I could just underscore one or two of the points because I think they are worth bringing out. One figure that has astonished me is looking at the balance sheet growth year after year during the life of this Council. Now we do not have the figure obviously for the end of this financial year, but during the first three years of this Council, the balance sheet rose in value and that is a good measure of the real progress and real assets of this government, rose in value by some £47.4M. That is actually £21,341.74 for every inhabitant, or looked at another way, it is a growth in our assets of £43,288 per day over three years. Now that is an astonishing amount of money to be

salting away and that is what we have been doing. And we have been doing that against a background of a chronically under-capitalised private sector and I would add to that, in agreement with Councillor Luxton, a chronically under-capitalised Camp in many respects. We do have let's face it crummy facilities in both the private and the public sector, we are standing here in gloom, I am hardly able to read my notes because the lights are not high enough. There is much more crumminess than this place. We have a housing shortage of which everyone is aware, and until the Hay review we had many badly paid employees, particularly at the bottom end of the scale, and we had an unfunded pension scheme. This budget in fact deals with many of those problems. I think people would like to know what some of the items are in the top priority capital expenditure in the capital works programme. Nobody today has enumerated those, maybe I could just pick out the highlights. The Stanley roads and services, the Archives building, the Squid Row services, the Camp link roads, the North Camp links, West roads phase 4, the Lafonia spine road, the East Stanley development continuing there, the abattoir. We are going to begin work also on the new school hostel, when I say begin I mean commence the design and contracting process. We are also going to begin that process on the Police Station, on the MPA Road resurfacing and on the Port Stephens Road. We have a lot of catching up to do and there can be no doubt that the catching up process costs money, speed costs money and we are wanting to do things somewhat more quickly than we have failed to do them in the past. The commensurate of that is that slowing down saves money and I would like to assure the population that we do have the ability, we do have the control to defer, to slow down, and to make sure that these projects run in a manner which is in fact commensurate with our ability to fund them. And should there be the slightest hint that we are going to get into a rolling, spiralling situation that may be financially dangerous to us, then these things can be slowed down. I think the population learnt that in 1992 Sir. But we are not intending to do that over the next year, what this Budget is doing is looking primarily for steady growth, looking to support the private sector more strongly than ever and looking for a balance, and control. And with that in mind Sir, I too commend it to this House.

### **The Honourable the Financial Secretary**

Your Excellency, Honourable Members. I would just like to thank Honourable Members for the support of this Budget and I take note of the points that have been raised. Thank you.

### **His Excellency the Governor**



If I may, I would simply like to echo the tributes which have been paid by Honourable Members of this House to the Financial Secretary and his hard working team. I suspect that the right description for the Financial Secretary today is bloodied but unbowed. I am sure that he will continue to urge the virtues of fiscal responsibility and rectitude on us, bearing in mind the strong social pressure from the people of the Falkland Islands to move ahead with development and I think that is an honourable urge in itself. I think your role, if I may say so, will continue to be extremely important in terms of assuring value for money, that concept was mentioned but to the extent that we are spending a lot of public money. It is very important that we spend it effectively and economically, and I know that will be one of your major objectives. The other one of course will be to ensure, under the general rubric of good governance, that the large sums of public money are duly accounted for and properly accounted for to the political establishment, the political authorities of the country and to the people themselves. Thank you. I think we will now move to the Committee stage.

**Clerk of Councils**

Clauses one and two.

**The Honourable the Financial Secretary**

I beg to move that Clause one stands part of the Bill and that consideration of Clause two be left until after the Schedule has been considered.

**Clerk of Councils**

Schedule.

**The Honourable the Financial Secretary**

I beg to move that the Schedule stands part of the Bill with the amendments which have been circulated to Honourable Members today.

**Clerk of Councils**

Clause two.

**The Honourable the Financial Secretary**

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

Delete the words and figures "£61,309,820" and insert "£66,783,540".

In the Committee Stage Clause one was adopted as part of the Bill as was Clause two and the Schedule as amended.

Council resumed.

The Bill was read a third time and passed.

### **Clerk of Councils**

A Bill for an Ordinance to Provide for the Service of the Financial Year Commencing on 1 July 1997 and ending on 30 June 1998: The Finance Bill 1997

### **His Excellency the Governor**

I would like to invite the Financial Secretary 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 Draft Estimates. It is confirmed that the Select Committee approved the provisions of the Finance Bill which provide for increase in retirement pension benefits, rates of contribution, and family allowance benefits.

### **The Honourable Mrs N Edwards**

Sir, I move that the Report be accepted.

### **The Honourable J Birmingham**

I second it.

In the Committee stage Clauses one and two and the Schedule were adopted as part of the Bill.

Council resumed.

The Bill was read a third time and passed.

### **Clerk of Councils**

A Bill for an Ordinance to Amend Various Laws so as to Increase Benefits, Allowances and Contributions Payable under them: The Supplementary Appropriation 1996/97 No2 Bill 1997.

### **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 £141,790 for the service of the financial year ending on 30 June 1997. The Bill provides for supplementary expenditure approved by the Standing Finance Committee on 25 April 1997, and authorised in the first instance to be advanced out of the Contingencies Fund, to the extent that any sum specified in the Schedule have been withdrawn from the Contingencies Fund. This appropriation will restore the balance of the Contingencies Fund to £500,000. I beg to move the first reading of the Bill.

### **His Excellency the Governor**

Thank you very much Honourable Financial Secretary, at this stage I would like to invoke the fast track procedure for dealing with Bills which we agreed at the earlier session of Legislative Council earlier this week. I would therefore like to enquire whether any Honourable Member other than the proposer and seconder wish to speak in relation to the Bill. That does not of course preclude the possibility of intervention later on if you have second thoughts. Since no Member does wish to speak, I shall now put this procedure into the short procedure. No amendments of the Bill are desired.

The Bill was read a third time and passed.

### **Clerk of Councils**

The Abattoir Bill 1997.

### **The Honourable the Chief Executive**

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

### **The Attorney General**

In accordance with Standing Orders I am obliged at this stage to give a short exposition for the benefit of the public of the effect of the Bill. The reason for the Bill is to enable the relevant European Community requirements to be applied in relation to the abattoir which is being built with STABEX Funds, that is funds made available by the European Community. This requires to be satisfied that all necessary arrangements have been made for the abattoir to be operated in such a way that meat from it can be exported. That requires

a number of European Community directives to be complied with in relation to the abattoir. We will achieve that by applying various regulations in the United Kingdom which have been made to that effect. The Bill simply enables a whole mass of subsidiary legislation which should otherwise have to be dealt with turgidly at length to be applied in relation to the abattoir. That is its sole purpose. I take this opportunity of making clear that the Bill does not apply to slaughter houses in Camp and will not apply that legislation to Camp slaughtering places, and will have no effect whatever in relation to them.

### **His Excellency the Governor**

Thank you Attorney General for that helpful clarification and explanation.

The Bill was read a third time and passed.

### **Clerk of Councils**

The Misuse of Drugs (Amendment) Bill 1997.

### **The Honourable the Chief Executive**

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

### **The Attorney General**

Again Mr President I give an exposition of the reasons for this Bill. It updates, if it is passed, the Misuse of Drugs Ordinance 1987 which we enacted to give effect under our obligations under the United Nations Conventions in relation to narcotic and psychotropic substances, usually called drugs. Under that Ordinance there are restrictions on the importation, exportation, production, supply and possession of what are called controlled drugs. Those controlled drugs are specified in the Schedule to the Ordinance and are divided into three classes in accordance with their addictive effects on persons, and the danger of using them. The list of drugs is amended from time to time by the United Nations in the light of developments in the manufacture of drugs and increased knowledge as to the effect of the use of the drugs. To give effect in terms of the law of the Falkland Islands to such amendments it is necessary to amend the Schedule to the Misuse of Drugs Ordinance 1987. And the Bill has been drafted for that purpose.

The Bill was read a third time and passed.

### **Clerk of Councils**

The Currency (Amendment) Bill 1997

**The Honourable the Financial Secretary**

Your Excellency, Honourable Members. The purpose of this Bill is to make legal tender coins minted in copper plated steel instead of bronze. Section 9.1(e) of the Currency Ordinance 1987 provides the bronze coins are legal tender for any amount not exceeding 20 pence. The effect of the Amendment would be to make copper plated steel coins legal tender up to the same amount.

I beg to move the second reading of the Bill.

**His Excellency the Governor**

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

**The Honourable J Birmingham**

Mr President, Honourable Members. Can I ask the Financial Secretary if the reason for this change is purely financial, is it because the steel coins will be cheaper to produce?

**The Honourable the Financial Secretary**

That is the case, they are cheaper to produce.

**The Honourable J Birmingham**

Thank you.

The Bill was read a third time and passed.

**Clerk of Councils**

The Evidence (Amendment) Bill 1997

**The Honourable the Chief Executive**

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

**The Attorney General**

Mr President, Honourable Members. In this instance, the somewhat lengthy explanation of the purposes and effects of this Bill has been published in the Gazette at the same time as the Bill was published. It goes into great technical detail, and I will not therefore repeat that but merely explain that this Bill would update the Evidence Ordinance 1994 in relation to evidence in civil proceedings. Those who are interested in the manner in which it will do so are referred to the technical explanation which was published in the Gazette at the time the Bill was published.

The Bill was read a third time and passed.

### **Clerk of Councils**

The Criminal Law (Amendment) Bill 1997

### **The Honourable the Chief Executive**

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

### **The Attorney General**

Mr President, Honourable Members. Again this is the case where a lengthy explanatory memorandum on the effect of the Bill was published in the Gazette at the time the Bill was published. Persons who are interested in the detail of the amendments which would be made to our criminal law by the Bill are respectfully referred to that explanatory memorandum. In short however, as part of the process of keeping the criminal law of the Falkland Islands up to date, it is from time to time necessary to amend the local Ordinances which were late to the subject. This Bill has been prepared for that purpose, and would amend the Criminal Justice Ordinance 1989 and would also amend the Crimes Ordinance 1989 in a number of respects, and they are all respects in which those amendments made are explained in the explanatory memorandum in the Gazette.

### **His Excellency the Governor**

Thank you very much Attorney General. Would any Honourable Member care to speak or ask questions about this Bill?

### **The Honourable J Birmingham**

Mr President, Honourable Members. On page three of the paper here, I wonder if the Attorney General could explain, for the public's benefit really. Third paragraph down, it says "the provision is not intended to, nor will it confer arbitrary power to stop and search a person". Is that correct?

### **The Attorney General**

I think the Honourable Member must be referring to the explanatory memorandum. This is the third paragraph down on page three of the explanatory memorandum.

### **The Honourable J Birmingham**

I would just like the public to know that in no way will this allow any police officers to just stop people on spec.

### **The Attorney General**

Well that is correct, I am having difficulty in finding the paragraph to which the Honourable Member refers to so as to give a more detailed explanation of what it would do.

I will read for the benefit of the public what the explanatory memorandum says so his question is clear and what I was saying in the explanatory memorandum is clear.

The provision in question is the new section 104(A) of the Criminal Justice Ordinance 1989 which would be inserted by the Bill. That new section would be a power for police officers to stop and search persons and vehicles etc if the police officer reasonably believed that the search would disclose an article which has a blade or is sharply pointed (it does not include a pen knife), or was a cross-bow or was an offensive weapon with which a person had committed, was committing or was about to commit an offence of carrying an offensive weapon in a public place. The provision is not intended to, nor will it, confer arbitrary powers to stop and search a person. Now what I was saying there is the police officer must, and I emphasise that, have reasonable cause to believe that the person is carrying an article of the type in question. And of course the main reason for the provision is to protect the public against persons who carry those sort of things around to the danger of everybody else. And it is not intended to, nor will it, confer arbitrary power of arrest or search upon police officers.

### **The Honourable J Birmingham**

I thank the Attorney General for his answer.

The Bill was read a third time and passed.

### **Clerk of Councils**

## The Taxes Bill 1997 Consolidation

### **The Honourable the Financial Secretary**

Your Excellency, Honourable Members. This Bill is a consolidation of legislation currently contained in some six separate Ordinances, namely the Taxes Ordinance 1994, subsequent amendments to that Ordinance and the relevant provisions of the Finance Bill 1996. The Bill contains a few minor amendments identified during the consolidation process and detailed in the explanatory memorandum that accompanies this Bill. Certain provisions of the Taxes Ordinance 1994 are not reproduced in the Bill as they were transitional in nature and thus no longer applicable. These are also detailed in the explanatory memorandum. The Bill was drafted by Miss Lesley Furlonger who also drafted the 1994 Taxes Ordinance and subsequent amendments to that Ordinance. I understand that this Bill is the largest piece of Falkland Islands legislation to be considered so far. It contains 215 Clauses in nine parts, has six schedules and is 235 pages long. A major part of this Bill is devoted to provisions in connection with the taxation of the oil industry. This is a direct reflection of the fiscal policy adopted by the Falkland Islands Government. The Bill will assist in clarifying the Falkland Islands taxation system for the benefit of the Taxation Department and income and corporate tax payers affected by its provisions. There are five minor amendments which need to be made to the Bill and I shall explain those and move that they be adopted at the Committee stage.

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

### **His Excellency the Governor**

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

### **The Honourable J Birmingham**

Mr President, Honourable Members. Could I ask the Financial Secretary as an amazing amount of work has gone into this and on the back you can see it costs £33, a lot of paper. It is the figures, I think I can understand most of it, when there is a deduction for a certain amount of money for example personal allowances (£5,500 or whatever), that is fine for this year but if it might change next year, and other figures change, does that mean that there will be another reprint?

### **The Attorney General**



Your Excellency, Honourable Members. I am able to answer that question. What we are doing is we are publishing the revised edition of the laws and when this Bill reaches the revised edition of the laws and an Ordinance, it will be published in loose leaf. So that if Honourable Members should be pleased to change the amount of allowances in a year, the sheet in question in the Bill which contains the allowance will be replaced by a loose leaf sheet and thus automatically we will have mercy on the trees and we will not have to replace the whole of the 250 pages.

### **His Excellency the Governor**

Perhaps I could go one better on that, maybe we should just have a sheet of stickers with numbers you can just peel off! I was not entirely facetious.

### **The Honourable J Birmingham**

I thank the Attorney General, I must say I did not actually finish there, I only wished that the Attorney General was as quick when it was his round.

The Bill was read a second time.

### **The Honourable the Financial Secretary**

I beg to move that Clauses 1 to 215 stand part of the Bill with the following amendments which I think I ought to read out Sir. I have circulated the amendments but I thought for the benefit of the public I ought to read them out and explain.

The first amendment is in Clause 15 and for sub-section one substitute "in computing the chargeable income of an individual, an amount equal to 15% of the earned income of that individual shall be deducted from that earned income (earned income relief) and shall be deducted after any deduction which may be made under section 58 or 97 has been made, but before any deduction is made under sub-section 3 below".

And the second amendment in Clause 15 in sub-section 2, at the end of the first line delete "or section 58 or 97".

These two amendments are necessary to reflect the practice that has been universally adopted since 1988. It appears that the previous law did not reflect the policy and it will be necessary in due course to introduce legislation to retrospectively confirm the practice that has been followed in accordance with the policy.

The third amendment is in Clause 62 in sub-section 7 on the third line insert the word "the" between "for" and "purposes". This amendment seeks to correct a typing error in the Bill.

The fourth amendment in Clause 95 paragraph D substitute D, "employer includes any employer whether or not resident or ordinarily resident in the Falkland Islands, or carrying on a business through a branch or agency in the Falkland Islands". This amendment will remove the need for an employer to be liable to tax in the Falkland Islands before coming within part 4 of the Ordinance, the payments on account of tax provisions. The existing wording in the Bill is on reflection considered to suggest the provisions such as Clause 84.3 will not apply where the employer is not within the charged tax in the Falkland Islands. That provision is however intended to apply in such cases and I am therefore moving this amendment to clarify the position.

The fifth and last amendment, under Clause 183 for sub-section 6 substitute 6, "the Commissioner shall not be precluded from hearing an application or further application under sub-section 3 or 5 above by an appellant because he has heard and determined an earlier application by the appellant. This Amendment corrects an error in the 1994 Ordinance which included a mistake in reference to the Commissioner hearing appellant appeals, and required the Commissioner to determine applications for the postponement of tax in the same way as an appeal. Since the Commissioner is not the Appeals Tribunal that is not possible, the Commissioner will still be required to act fairly and reasonably in determining the applications. Those are the amendments that I would ask to be adopted Sir.

In the Committee stage Clauses 1-215 as amended and Schedules one to six were adopted as part of the Bill.

Council resumed.

The Bill was read a third time and passed.

### **Clerk of Councils**

The Animals (Amendment) Bill 1997. This is being presented under a Certificate of Urgency and requires a first reading.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. I beg to move the first reading of this Bill.

### **His Excellency the Governor**

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

The Bill was read a first time.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. 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 Attorney General**

I am obliged I think first before the Honourable Members speak to explain the purposes of the Bill. The Bill has a number of purposes. The first referring to Clause three in relation to identification of cats and dogs. As Honourable Members will be aware, there is a stray animals problem in Stanley and Clause three of the Bill would enable the Director of Agriculture and any officer acting by his instructions, to mark by an identification tag, and it is intended that it would be a silicone chip, any cat or dog presented to him, so that it could be identified. I understand that, in fact I know, that a number of animals have already been provided with these chips. This would give statutory authority to that process. Clause four relates to the seizure and destruction of stray cats and dogs. Bearing in mind that Clause three, the marking, no owner is obliged under that provision to have his cat or dog implanted with a chip, would enable the seizing of stray animals and for them to be humanely destroyed if they were not claimed. Before that process is undertaken, the Agricultural Department, that is that is the Director of Agriculture and the Veterinary Officers, would be obliged to try to identify the animal. And if the animal had been identified by a chip of this kind it would be read with the equipment which is possessed by the Department of Agriculture for that purpose. It is only too easy, particularly for a cat which is marked with a collar for the collar to be taken off accidentally by the cat itself, but if the cat were marked or identified with a tag on a collar, of course that would be identified that way and a dog can be identified by a collar. A cat which is not identifiable, and bearing in mind there is a large stray cat problem in Stanley, would be humanely destroyed straight away. But there is a different consideration with dogs because some dogs are working dogs and no dog will be destroyed straight away, even if not identified. The Clause suggests there would be an advertisement in relation to the dog over the FIBS and not until the expiration of 72 hours after that notification, would a dog be destroyed. Of course if a cat or dog were identifiable by something borne on it, the microchip or collar or some other way, the owner or keeper of that animal would be contacted and invited to collect it. Clause five of the Bill deals with an entirely separate problem of government veterinary officers being able to visit premises where they reasonably believe that any animal is being treated in a way where it needs treatment or is being caused unnecessary suffering. It provides that if the Government veterinary officer

wishes to visit those premises, he should give 48 hours notice if he wants to use his powers under the Section, and visit the premises at a reasonable time of day. There is provision in the Bill for the Government veterinary officer, if then refused entry, to apply to the Justice of the Peace for a warrant. Clause 6 of the Bill would provide for the extension of Clause 4, sub-sections 2 to 10 so that they apply outside Stanley, because Clause four of the Bill is expressed only to apply to Stanley. There is an error in the Bill as it at present stands in Clause one the words "or Section 5 or both" should be deleted from that clause if Honourable Members decide that Clause five should apply to the whole of the Falkland Islands and not merely to Stanley. Clause 7 of the Bill contains a provision in relation to the humane destruction by the Government veterinary officers of animals produced to them which are suffering and which are beyond successful veterinary treatment. Honourable Members will see that Clause 7 would add a new section 11(a) to the Protection of Animals Act 1911 in its application to the Falkland Islands. Section 11 has the effect of giving powers to a police officer humanely to destroy an animal in certain circumstances if it is found in a public place in need of treatment or suffering. And it is much more appropriate I would feel while not wishing to take away the power of a police officer where a vet is not available, to give the power to a veterinary officer which is more appropriate, and to enable that to be done in relation to all animals, and not only where the animal is found in a street or other public place. That would be the effect of Clause 7 of the Bill. There has not been time of course to publish an explanatory memorandum in the Gazette which is why I have given a broader exposition of the effect of the Bill than would otherwise be the case.

### **His Excellency the Governor**

Thank you very much Attorney General, well I think a number of Honourable Members do wish to speak to this Bill.

### **The Honourable W R Luxton**

Mr President, Honourable Members. In Section 5, "the Government veterinary officer may at any reasonable time on 48 hours notice to the occupier of the premises, in which he reasonably believes that any or dog is in need or treatment, or being caused unnecessary suffering can enter and inspect those premises" etc.... Mr President I on principle object to anyone being able to enter someone's home without a warrant. Be it a police officer, veterinary surgeon or anyone else. It is just something that I will not support as a matter of principle. This is no reflection on the veterinary officer or anybody else but I think it opens the door to abuse. It seems to me that there are two possibilities which the Attorney General may advise on, Section 5 (1) should contain the necessity to obtain a warrant if permission is refused or Section 2 could be deleted, that would mean that in the event of Section 1 not being agreed to by the occupier of the premises, it would not be an offence, Section 2 makes that refusal of permission an offence. The veterinary officer would go straight to the procedure outlined in Section 3, perhaps the Attorney

General might like to comment on that. That is the proposal that I would like to make to this House that the Bill be amended so that the premises cannot be entered without the obtaining of a warrant if the owner of the property refuses to allow that entry.

### **His Excellency the Governor**

Before I call on the Attorney General I wonder whether it would be worth just asking the Honourable Wendy Teggart if she would like to make her points because the Attorney General could perhaps deal with them all together.

### **The Honourable Mrs C W Teggart**

Mr President, Honourable Members. I am really rising to support what the Honourable Councillor from the West Falkland is saying. I do not like to think of anybody being able to enter anybody's property without a warrant. Apart from that, something else that worries me somewhat. That is the fact that according to this Bill, the Veterinary Officer gives the occupier 48 hours notice that he wants to go in and look at an animal which he believes is being ill treated. I am just horrified to think that any animal could be left suffering for 48 hours while the law is gone through with. I would like to think that if the Veterinary Officer believes that an animal is being ill-treated, he can go and get a warrant and enter the premises as soon as he has reason to think that, and the house owner will then be prosecuted. Because I just have a horrible feeling that if you have got to give somebody 48 hours notice that you are going to go in and look at what is happening, that animal is going to disappear, and the culprit is going to get away with it. I would also like to see the provisions in this Bill extended to the whole of the Falklands Sir, not just the Stanley area.

### **The Honourable E M Goss MBE**

Mr President, Honourable Members. I was pleased that Councillor Luxton proposed an amendment to section five because I was not entirely happy with the liberties given here, although Councillor Teggart thinks that 48 hours is a long time, I think that should remain. But I do think the Veterinary Officer, if he is denied access to anyone's property can then put them on notice that he will be asking the police for a warrant on the matter. But I think that there is another important issue that this Bill or amendment to the Animals (Amendment) Bill does not address and that is the disposal of pets. I do not think the tip is the place to put your dead cat or dog on and I also do not think it right for you to bury it in your garden where it might drain off into somebody else's property, so perhaps that could be taken into consideration as well.

### **The Honourable J Birmingham**

Mr President, Honourable Members. I would just like to extend my support to Councillors Teggart, Luxton and Goss on the need for a warrant but I too do

not think that 48 hours is a length of time I would agree to and I certainly do not agree with it just being in Stanley.

**The Honourable Mrs S Halford**

Yes Sir, I tend to agree with what most of what the other Councillors have said. What I was going to ask was that an amendment be made because I think that this should apply to the whole of the Falklands. And I think it rather ludicrous in fact that Section four at the moment is suggesting that it should only apply to Stanley because as all farmers would know, if there is a stray dog running around, it certainly would not do their flocks of sheep much good. Whereas I am sure we would not want to see the vet out grabbing every cat in the Camp, - (probably would have a job anyway), I think that right should apply because of the dogs. If that Section 4.1 was removed then I believe 6.1 could be also, but I am sure the Attorney General will advise on that.

**The Honourable Mrs N Edwards**

Yes Sir, I would just like to support what my colleagues have said and also to add that I think the insertion of a chip in an animal to extend also to the Camp as well as Stanley and it should be a requirement not if the owner wishes. I think that it should be a requirement that all these animals have a chip in them so that we have some record of them and it would aid us in the Camp when there is a stray dog running around to know who it belongs to. It would also aid the vet when he is doing his hydatid research in the Camp.

**His Excellency the Governor**

I think that all Honourable Members that wish to speak have spoken so in that case I will call on the Attorney General to reply on these various points which have been raised.

**The Attorney General**

I am faced with a difficult task because some of the desires of Honourable Members having spoken are inconsistent with each other and it is going to be very difficult to accommodate all their desires in an amendment. I think there has been a misunderstanding in relation to Clause five of the Bill, and in particular in relation to sub-section one and the circumstances in which it would be used. I do not like people having to invoke the assistance of the court immediately there is a refusal to cooperate. If the vet believes that there may be or he reasonably believes a cat or dog is in need of treatment or is being caused unnecessary suffering, he is not going to wait for 48 hours, he is going to go to the owner or the occupier of those premises straightaway or as soon as he can and ask for entry straight away, of course he is, he will have asked. The occupier has every right to refuse, that must be clear. When Section 5.1 comes into play, is having been refused, the vet can then say I am coming back on Tuesday. Now he is going to make a second visit

and he has given notice he is coming back, he has given notice and if they then do not let him in, they would have committed an offence. Now the vet may not want to go straightaway to the court but if he is refused on being asked anyway, comes to a person's house and says he wants to look at your house because I have been told there is a dog suffering perhaps. He does not have to invoke the section 5.1 procedure and give 48 hours notice if he does not want to of course because if you look at Clause 5.3 it does not make the powers of Clause 5.3 dependent on 48 hours notice having been given under Clause 5.1. It says "a Justice of the Peace if satisfied by evidence on oath that a government veterinary officer has unreasonably been refused entry to premises" to which sub-section 1 relates, does not mean 48 hours notice, but merely that the government veterinary officer on any notice at all or if the person has acted completely unreasonably in refusing entry to the government veterinary officer, may grant a warrant. But you still need I suggest, a situation where if at all possible, and this is the object of Section 5.1, we do not invoke the assistance of the court on a warrant straight away, although the government veterinary officer in a really serious case, because there are two situations with which of course 5.1 deals: One with the animal needing treatment, nobody being cruel to it necessarily but needing treatment, and the second one, where it is unnecessary suffering. It deals with two possibly different cases. So I think there has been some misunderstanding of the effect and purpose of those clauses. I agree, I would not want either anybody to simply be able to enter premises against the will of the owner. But I believe that it is not unreasonable because it is no immediate right of entry, the owner can refuse, then he is given 48 hours notice, and with the back-up of the veterinary officer being able to ask for a warrant from the court.

### **His Excellency the Governor**

Attorney General may I just stop you in a moment, and ask the Honourable Bill Luxton if he would like to just speak because I think he may have had a comment on something you just said.

### **The Honourable W R Luxton**

Yes, if I may, Mr President. I think the AG may have missed the point or misunderstood because I am sure as I read this Ordinance, if the owner of the premises refuses the veterinary officer permission to enter after the 48 hours' notice, he is then guilty of an offence under Section 2, without any reference to the court. The Attorney General said that he does not like to bring the court into it but then the court is brought straight into it. I read that as that it is immediately an offence and that is the bit I object to. I think that deletion of Section 5(2) would meet my objections and I think the objections of my colleagues because if there was a refusal the veterinary officer would then have to obtain a warrant from a Justice of the Peace, but the occupier would not automatically be guilty of an offence.

### **The Attorney General**

I am quite happy, if that is the problem, to remove Clause 5(2) if that is the will of Honourable Members generally. May I say however, that in that situation the owner may well face a prosecution for the offence of causing unnecessary suffering to the animal. If he has refused entry to the vet and the vet is put to the trouble of going for a warrant to the court to visit and he has then found the animal suffering unnecessarily, the owner is only too likely to find himself prosecuted for causing unnecessary suffering. I ought to make that clear.

### **The Honourable J Birmingham**

Mr President, Honourable Members. The Attorney General did not comment on the extension to Island wide.

### **His Excellency the Governor**

I was going to invite you, Attorney General, to speak on those other points.

### **The Attorney General**

Clause 5 does of course extend Island wide in the way it was drafted, Clause 4 does not and one of the reasons that Clause 4 does not is because I well recall the debate in this House earlier in the life of this Council, on the suggestion of having dogs in Camp microchipped. And there was some strong feeling against that as I recall expressed by Honourable Members and also in relation to the seizure of dogs in Camp and I believe the stray cat problem was not as great. However, if it be the wish of Honourable Members that it should immediately extend to Camp, the amendment is simple. Sub-section 1 of Clause 4 should be deleted, you would then renumber all the other sub Clauses and the cross references would have a subtraction of one. So the reference in what would become sub-Clause 2 to sub-section 7 and 8 would become 6 and 7, and then in 5 it would be a reference to sub-section 3 and so on. That is a perfectly simple set of amendments. We also need an amendment so that Section 6(1) would be deleted, and Clause 6(2) would become Clause 6 and the reference to Section 4(10) would become reference to Section 4(9). Those are the amendments which would be required to give effect to that if that is what Honourable Members wish.

### **The Honourable Mrs N Edwards**



Yes Sir, I recall the debate on whether animals should have chips in their ears or not, and some of us felt quite strongly that they should. And so I would just reiterate that it should be a requirement.

**The Attorney General**

I have to make it clear Sir that the Bill does not provide at the moment for compulsory chipping in the ear.

**The Honourable W R Luxton**

Would it be in order for me to propose an amendment.

**His Excellency the Governor**

I wonder Attorney General and it is up to your advice, can the amendments be proposed in the Committee stage rather than now?

**The Attorney General**

The detailed amendments should be proposed in the Committee stage but if I hear no dissent, what I will do when we reach the Committee stage, and taking the Honourable Member's point, would be to propose the deletion of Clause 5(2) in the Bill as it presently stands, and the consequential amendments which would follow.

**His Excellency the Governor**

We could then vote as necessary on these amendments.

**The Honourable Mrs C W Teggart**

Yes Mr President, I would like to thank the Attorney General for his clarification on the 48 hour problem. I just wanted to ask him if he could also please clarify what would happen if in fact the occupier of a premises was away from home and someone had reason to believe that an animal had been left either in the building or in a stable or whatever and was suffering as a result of a prolonged absence of the owner.

**The Attorney General**

I do not know what the Veterinary Officer might do in those circumstances. If he could hear an animal which appeared to be suffering because of the noise it was making and there was nobody there and he came back after a few hours and there was still nobody there, and he believed that the animal was suffering, I do not what the Veterinary Officer would find it proper to do. Technically entry of those premises would be trespass but the remedy for

trespass is damages. It would be a matter for the Veterinary Officer, he would be in breach of civil law if he entered those premises.

**His Excellency the Governor**

Well, this is quite complicated I think. In any case all Honourable Members who wish to, have raised a number of points in the debate. I propose that we move on.

**The Honourable Mrs N Edwards**

Can I just have some clarification on 3, identification of cats and dogs and whether we now agree that there should be a requirement in there for the qualification of microchips?

**His Excellency the Governor**

It looks to me as if Honourable Councillor Mike Summers is pregnant with a question.

**The Honourable M V Summers OBE**

Not quite pregnant Mr President. Given that this Bill was brought here under a Certificate of Urgency to deal with a particular problem in Stanley of stray cats, I would feel uneasy about making the chipping of animals in Camp compulsory, without having given folks the opportunity to give it further consideration. So I am not sure that I could support the compulsory chipping of cats and dogs in the Camp without further discussion. But the other amendments I think make eminent sense.

**The Attorney General**

Mr President, I have to say that it would be beyond my abilities today and quickly, to deal with the amendments necessary if the chipping of animals were to be made compulsory. One would automatically have to consider how that would be achieved, default provisions in relation to that, creation of offences. If that be desired than it can be done by an amending Bill at a later stage. It would be quite beyond the scope of what I could achieve sensibly today in a hurry against the clock. I suggest that if Honourable Members have a feeling that that should be done, then it be achieved by a different Bill on a different day. That is all I would say in relation to the compulsory tagging by chips because I have not contemplated that that be the wish of Honourable Members. I did not draft the Bill in that way, if it is the will of Honourable Members we can have an Amendment Bill and I will draft it but it will have to be dealt with at the Legislative Council on another day.

**His Excellency the Governor**

I believe as a maxim that hasty law is bad law so it seems to me that on this particular case, it probably behoves us all to reflect a bit further before we decide and there may need to be further debate between Honourable Councillors on what they really want there. Well I would like now to move on to the next stage and that is to the second reading.

The Bill was read a second time.

Council went in to the Committee stage.

### **The Attorney General**

Mr President, in accordance with indications given at the second reading stage, I ask the House to consider the following amendments:

In Clause 4 the deletion of sub-clause 1 at the relevant consequential amendments which relate to the numbering of the clauses and the numbering of the cross-references in the subsequent sub-clauses of that Clause. In Clause 5 the deletion of sub-clause 2 and the subsequent numbering of sub-clauses 3 and 4. In Clause 6 the removal of sub-clause 1 when sub-clause 2 becomes Clause 6, if that is accepted there would be a consequential amendment in what will then be Clause 4(9) where the reference to Section 6(2) will become a reference to Section 6. Those I think are the amendments which I indicated in the second reading stage.

### **The Honourable W R Luxton**

I support the proposed amendments.

### **The Honourable E M Goss MBE**

Mr President and Honourable Members. I think because this Bill seems to be so untidy with all these adjustments and amendments, it should be withdrawn and remodelled and come back to us at another date. But because it came here under a Certificate of Urgency it seems that we are trying to hash something to fit the occasion which we are not getting tailored very well. I think it should be withdrawn.

### **His Excellency the Governor**

Do I have a seconder for that Motion?

### **The Honourable Mrs S Halford**

Sir, I support Councillor Luxton's proposal.

### **The Honourable Mrs C W Teggart**

Yes Sir, I would just like to say that I am happy to support the amendments to the Bill, I think we have a problem at the moment which needs to be sorted out. And I think that deferring this Bill will only exacerbate the problems we have.

**His Excellency the Governor**

Do I hear any dissent to that view that the situation which this Bill seeks to remedy is so urgent that we should pass a Bill as amended by the Attorney General?

**The Honourable J Birmingham**

Mr President, Honourable Members. I am certainly sympathetic to the views of Councillor Goss but I will support the amendments to the Bill.

**His Excellency the Governor**

In that case I infer that there is a majority of Members in favour of proceeding with this Bill as amended by the Attorney General.

In the Committee stage Clauses 1 to 7 as amended were adopted as 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.

**Clerk of Councils**

The Education (Academic Year) Bill 1997. This is also presented under a Certificate of Urgency and requires a first reading.

**The Honourable the Chief Executive**

Mr President, Honourable Members. This particular Bill has been some time in the germination. It has been the result of considerable consultation between the Director of Education and many other bodies and indeed parents of children. What this Bill achieves is to actually get rid of the time lag that exists or at least the phasing lag that exists between our year and the academic year in the United Kingdom. And we have many links as Honourable Members will know with academic excellence in the United Kingdom. Getting rid of this phase in fact creates many benefits for so many

people. And the dis-benefits of doing so have been minimised by a detailed study of the calendar both now and well into the next century. I beg to move.

**His Excellency the Governor**

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

**The Honourable M V Summers OBE**

I would just like to make a comment. I believe that the Chief Executive is mistaken in his explanation of the Bill. The purpose of this Bill is to provide for a different term structure in Falklands education and not for the purposes that he outlines.

**The Attorney General**

Yes I have to say that the academic year in the United Kingdom begins on the 1 September each year, this Bill will merely provide that instead of the academic year in the Falkland Islands beginning on the 1 February which is what I does at the moment, it will begin on the 1 January each year, and makes the consequential changes which are necessary. It also provides for adjustments in holidays and half term holidays, it does not have the effect, desirable as it might be some might think, to coincide the academic years here and the United Kingdom.

**His Excellency the Governor**

I think I would simply like to say that be that as it may, I would like Members to consider the Bill on its own merits against some of the other explanations or justifications which have been advanced in the Executive Council and I think I have reflected those in my broadcast following the last Executive Council meeting. The Motion is that the Bill be read a first time, do I see any objection that we proceed?

The Bill was read a first time.

**The Honourable the Chief Executive**

Mr President, Honourable Members 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 Members wish to speak to the Motion?

**The Honourable Mrs C W Teggart**

Mr President, Honourable Members. I have a fundamental difficulty with this Bill as I know my Honourable colleagues are aware. I know that the Education Department has gone to great lengths to consult with parents of children at school and we have been told that whatever came out of this Bill it was always going to be a compromise, that it was felt would make things better for everyone. My fundamental difficulty is the school year will end on the 1 December. I feel as a working mother that I have to stand up for other working mothers and say that the last thing that I, and probably they want, is children at home for a consistent three weeks before Christmas. I feel that is a very difficult time traditionally in the Falklands for people who do not have the means perhaps to go out and just buy in what the people in the United Kingdom have. We have a lot of work to do as mothers with families and I think that the work that is involved in preparing a traditional family Christmas here, and doing all the necessary shopping makes this awkward enough without having a couple of kids around your feet. I also think that having attended a nativity plays over a period of some 26 years to watch not only my children but everybody else's children completely miscast as angels, that to actually try and do it in November seems to completely destroy the whole meaning of what Christmas is and what it should be. I find that I am in the position that I would have like the Executive Council to have deferred this so that it could go back once again to the parents and say is this really acceptable because I know of the 27 parents who actually answered this question, 26 of them did not agree with the Christmas holidays starting earlier. So I feel that another period of consultation would be better than trying to push this through in a hurry and then find that perhaps we have made a bigger mistake than we would have made, had we left the term times as they are. As this Bill stands I am probably in a minority but I cannot support it.

#### **The Honourable Mrs S Halford**

Yes Mr President. I too have a slight problem with this Bill, I have to admit here and now that I was sent a form to fill in and as a parent I did not do so, because my second daughter finishes school this year and I thought it was unfair of me to pass comment. It is a bit ironic I suppose that I am standing here commenting now. Actually I really have a gut feeling that this is totally wrong, that it is getting away from what we have always known as the summer holiday, I do not like it but I have to say that I have only had two representations made to me against it. So therefore as I am meant to do as the electorate wish I guess I have got to support it. What I would like to say though is that if this is going to be supported then I would urge other Honourable Members to take on board that Christmas will now be in the middle of the summer holiday and we are into the ideas of equalisation on various things between Stanley and the Camp, I feel that all Stanley children who are going out to Camp for the summer holiday should be entitled to one free return airfare. That would then enable them to go home for Christmas.

### **The Honourable Mrs N Edwards**

Yes Sir, I support this Bill because my constituents have assured me, or the ones that I have spoken to anyway, that they are very pleased with it. Therefore I feel that if the parents are content with it then so am I. I would just add that I was a working mother and we certainly broke up a lot earlier at Christmas than they do in the Falkland Islands. I was a working mother in the United Kingdom and I arranged my working year around my children and that was how I did it. I do support the Bill.

### **The Honourable M V Summers OBE**

Mr President, maybe I could just explain the consultation process that has taken place in preparing this proposition. Not only has the Department of Education been in contact with all the parents with children at school at the FICS and the Junior School and in Camp Education, but they have also been in contact with a significant number of children and they have consulted widely with the staff. The results of that were shown in a matrix and Councillor Teggart has chosen to choose one example of an objection. There were many many responses in that matrix, but all the others were overwhelmingly in favour of doing this thing. The second element of consultation was there was a joint meeting of the School Managers Committees, that is the School Management Committee for Camp Education, for the Junior and Senior School. And those managers are elected by all the parents and those managers all consulted parents individually and again the decision taken in the Joint Managers' Committee was overwhelmingly in favour of this as being the best option available. I would also like to point out that this proposition is largely for the benefit of children and regrettably not for the benefit of parents and not for the benefit of school teachers, although there has to be an element of compromise we all accept between everybody's wishes. It is largely for the benefit of children because we end up with the half term structure with six equally balanced half terms of 30 odd days each, instead of the unpleasant and difficult situation we have now where we have very very long terms and we have children getting very tired towards the end of these long terms and teachers getting fractious, and the benefit of teaching after those long terms is minimised. This is largely for the benefit of children and I would emphasise that. I support this thoroughly.

### **The Honourable J Birmingham**

I will be brief Mr President, Honourable Members. I would just like to lend my support to everything that Councillor Summers has just said both as a Councillor, parent and Junior School Manager. There is absolutely nothing to do with any term times in the United Kingdom, it is primarily for the children's sake.

### **The Honourable W R Luxton**

Mr President, Honourable Members. I support this Bill as well, I think all Councillors were sent a copy of the questionnaire and I also would like to draw attention to the fact that all the proposals were overwhelmingly supportive with the exception of the early break up at Christmas time. The other thing which is greatly in its favour of course means that all Camp children will be home for Camp Sports, and I think that is a very important factor. I commend the Bill to the House if for no other reason than that, it is very important to Camp children that they should be able to attend the Camp Sports, it has been a bone of contention with Stanley parents and I think this proposal gets over that.

### **The Honourable E M Goss MBE**

Mr President, Honourable Members. I do not support the Bill I support the views expressed by Councillor Teggart. I think we were looking at a way still to keep the Camp Sports but I do not think that way had to be by knocking off school on the 5 December, so in the form of the Bill with those dates I do not support it and I do not believe full consideration was given to that question which was 26-1 in the answers to the Education Department.

### **The Honourable R J Stevens**

I am standing to support the Bill and to support what the Chairman of the Education Board, Councillor Mike Summers, has said about procedures. It has been debated in all manner and means, questionnaires, managers meetings, but the long and the short of it is that there is no perfect answer. And there are downsides and for Camp children or for children in general there are the upsides. Not only are the Camp Sports quite important to many people that live in the Islands but also the half terms which allow children in Camp to go back to their homes and to have more interaction with the parents. I know that last year we made funds available to children to fly back once a term but while they are away, if they are away while school is going on, they are potentially in a situation where they might dip out. So for those reasons, just to reiterate, there will never be the perfect answer to these questions, but I think this is the best we can achieve. Sir, I support the Motion.

### **His Excellency the Governor**

Thank you very much, well all Elected Members and some others have now spoken, it is evident from this debate that the Bill enjoys majority support so we can consider it having been read a second time.

In the Committee stage Clauses 1 to 5 were adopted as part of the Bill.

**Council resumed.**



### **The Honourable the Chief Executive**

Mr President, I apologise for misleading the House in my introduction and 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 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 Honourable Members. I am sure that we will wish to speak to this Motion and customarily we start with the Honourable Member to my immediate right.

#### **The Honourable Mrs N Edwards**

Mr President, Honourable Members. We have been talking a great deal over the last few days so I will make my comments brief in the Motion for Adjournment because I am sure that everybody wants to get home, and I am sure that the listeners have probably had enough of us by now. One or two things that I would like to mention. We had today a communiqué from the Embassy in Buenos Aires, I think about Argentina's Senators' comments about our refusal to let them visit the Islands. I would just reiterate that it is us and not Britain, they are under the misapprehension that it is Britain that is stopping them visiting the Argentinean war graves. It is not, it is us the Islanders or this Government and I would like to get that clear.

Secondly I would like to say that I abhor the kind of political implications that they are trying to whip up in this matter. I think to use an excuse to visit war dead to make political capital is not very nice to say the least. I was surprised when I went to lunch and I met a prominent member of the Stanley community who said I hope you have given lots of assistance to Camp which quite took me back, because usually I get accused of being rotten rich and living on Government assistance and wasting the Government's money. So I was very pleased to hear that comment and I hope that people in Stanley do understand that we do not want to be in the position that we are in, but we really are on hard times because of the prices of wool. Hopefully it will all come back up again but it will be some considerable time yet I think so please bear with us if we ask for more help in the future. For the Camp community I would just like to say there is provision made in the Budget for further assistance should the wool prices be low again this year, once we have had

the wool prices in again for this last year, we will be able to decide how we are going to manage that.

And again it was refreshing, in your Address I think it was Sir, the mention of Camp 'phones but there are still some people who are suffering terribly with the telephone service, and hopefully this will be through by July.

We had a discussion with the Attorney General this morning about the plight of the fishermen, not just in our waters but on the high seas I feel that probably what comes to our notice is maybe just the tip of the iceberg. Personally, I feel that we should be putting, as a government, pressure on other governments who are involved in fishing, letting them know our concerns so that perhaps they can deal with them too. Also I think the United Nations and people like Amnesty International because I do not believe that the general public of the world realises just what goes on. In fact I do not think that any of us do, it is a closed shop, we do not have any way of checking up what does happen on the high seas. The only way that we can deal with it is if it comes to our notice in our own territorial waters, and that is within our 12 mile limit I believe. So I hope that just because we are a small country of very few people, we will try and make our voice heard on this front and make sure that other countries understand that we do not approve of the treatment of some of the fishermen.

In the Budget we made provision for the School Hostel, that was our top priority and I hope that by the next year I can say, if I am still here which I probably will not be, I can say to people yes the sheltered accommodation is going ahead. This has been about five years now, we have been asking for more sheltered accommodation and it is only just coming to the fore. And as it is our last scheduled Legislative Council before the Election I would just like to make it known to my constituents that on the run up to the Election I will not be here, I will be at the Party conferences and I am sorry that I will not be here. I will be standing again but I hope they will bear with me being absent yet again during the time when I should not be. Sir I support the Motion for Adjournment.

#### **The Honourable Mrs S Halford**

Mr President, Honourable Members. In rising to support the Motion for Adjournment and bearing in mind that this should be my last Legislative Council meeting, I have a few points that I would like to touch upon.

I think it fair to say that this Council has not managed to achieve all those things it would have liked to during its time in Office. But once elected you very quickly find that the wheels within government can move very slowly at times and even get bogged down when certain things are suggested or asked for. Many capital projects are wanted and needed, to name but a few: more sheltered accommodation; more serviced housing plots; a new school hostel; a new Administration building; and a new police station. Whether we like it or

not, the latter is probably needed the most within government as the current building is actually crumbling. What has to be realised is that with all the new projects as I have mentioned, this then places more demand on services like water and power and in turn these have to be addressed. In short I believe that it is important to stick to a long term plan once it has been established. If you do not then all of those people associated with the planning process merely run around like headless chickens. Now that the Public Works Department has additional staff and positive direction I would hope that the projects would be able to progress in a sensibly planned way. Whilst our Camp Councillors have continually promoted the building of Camp roads, which I strongly support when done on a planned basis, as the benefits to residents where they have already reached have been enormous, I have to say that I have not been so successful in getting Stanley Common designated for the common use and enjoyment of the population as a whole. However, the process has been started and is now within the wheels of government although I doubt it is at the hub.

It would indeed be interesting to see where the general public feels cuts should be made in spending. I say this as obviously there is a much much larger wish list than that which was approved for this next year. One item that is pushed in many quarters is the selling or leasing of areas of the Landholdings farms. As desirable as it may be, be warned, it will not be achieved without considerable financial cost. Initially money for this would need to come from somewhere whether it be in the form of loans or grants. And whilst I am talking about money, I hope that as we have passed the Education Bill, the Honourable Members have taken on board that I will be pursuing the idea that Stanley children should be on an equal footing with Camp children, and therefore deserve a return flight home for Christmas, should they be away on holiday.

Many of us may question the necessity for airlinks from the Islands, either south to Chile or north to Uruguay and Brazil and the need to offer some form of subsidy for these. Let us not forget that the Tristar service, much as I find it the most convenient way of getting to the United Kingdom, is stretched to capacity and cannot cater for the increasing additional demands placed upon it. I believe we have to look for alternatives and accept that those alternatives are likely to cost us in the short term but should be able to stand alone in a year or two at the latest. The alternative is of course to allow our neighbour, who I suggest would be more than willing to re-establish with us and at probably no cost. Now that as far I am concerned is a non-starter, I am afraid spending extra money is preferable. As was mentioned earlier this week by Councillor Luxton, both he and I are due to leave for the United Kingdom next week to petition at the United Nations Committee of 24. On our way it is hoped that we will be able to meet some of the new Labour Ministers and will no doubt be talking about their aspirations for the Falklands and in return we will make our feelings known. I understand that the South Atlantic Council has met and approved a manifesto which they will be submitting to the new Government. Hopefully we may also learn what their desires are.

Finally I would like to take this opportunity of thanking those people who put their faith and trust in me in my ability to represent them at the last General Election. I know that not all decisions taken will have pleased everyone but unfortunately that is not possible. I hope the decisions that I have helped to make have been for the long term good of the Islands as a whole. Having said that I have to admit that being one independent voice against eight, I have not always achieved what I have wished. Overall I must say it has been both an honour and a privilege to represent the Falklands and the Islands' wishes at home and abroad. Sir, I support the Motion for Adjournment.

### **The Honourable M V Summers OBE**

Mr President, Honourable Members. I would like to make some observations if I may about what we have done in the Budget process this year because I think it is important that folks see what we have done at investment rather than expenditure, or at least proposed investments rather than proposed expenditure. We have invested heavily in agriculture for the future, and I think probably it is the largest investment initiative that we have made in the Camp post sub-division. We are proposing substantial investment in the abattoir and therefore in cattle breeding to support the abattoir and hopefully for the benefit of farmers to create an export industry for cattle. We are considering investing heavily in pasture improvements and will continue to invest in the improvement of wool quality for the benefit of our existing principal activity, that of sheep farming. I think that is a highly laudable and highly supportable thing to be doing for the long term benefit of the Camp in the Falklands. This is supported by a road building programme, again this is not wilful expenditure to satisfy some peoples' social aspirations, it is absolutely essential that we have proper access to all of our land, and that all of our citizens have proper access to the principal ports and to the principal town. We are now undertaking some technical evaluations for a deep water port on the West, I think this will be another major step forward for the people on that side of the Sound to be able to reduce their costs and improve their profits. We have also been investing in the Fishing Industry, there is a large amount of money set aside to buy a fisheries patrol vessel, or at least ways to provide some of the funding towards the purchase of a fisheries patrol vessel. It is by way of a loan, it is an investment and there should be a return. We are investing in moving science from its London base where it has been since 1987 to the Falklands by the year 2002. That is a major investment in our own people, in our own facilities and in our own belief. And we are also going to appoint a fisheries economist who can improve the knowledge not only of the Government in its management of the Fishery but also assist the private sector in improving their knowledge of the fishery works and the economy of it. Knowledge is the key to commercial success and with the combination of better financial and economic understanding of our industry and close interaction with the scientists, I believe that the people who are operating now in our Fishery can do even better than they have so far.

I support my Honourable colleagues who will rise during the Motion to abhor what is happening in terms of human rights on fishing vessels. It is disgraceful, we do not condone it, we do not support it. There are ways of dealing with it that we will have to implement very quickly, not only the publicity matters as Councillor Edwards has referred to but we will need to consider the withdrawal of fishing licences from companies we know to be involved in practices that we do not approve of. We will have to consider more regulations in the issuing of trans-shipping licences and regular inspections of activity in Berkley Sound, and to prosecute wherever possible. And these matters I hope we will pursue with great vigour in the next few weeks.

In the new government pay structure we have also been making major investments in people, this is sort of a buzz thing in the United Kingdom but actually it makes a great deal of sense. If you invest in the right people and you help them to do their jobs properly, then you will get a better input. And what we are now seeking is to equate the output in the next year or so from the input that we are making this year. We have a choice, I think we had a choice here in the Falklands some years ago between having a thriving and efficient modern economy and remaining a private backwater. I think that we took the decision long ago not to be a quiet backwater and we will have to live with the consequences of that. And the consequences are the sorts of things we have been discussing in the Budget this year. We made the choice to be a thriving economy when we started investing in our children providing them with good education, because they will not put up in future generations with just sitting around and having a quiet time. We did it when we agreed to the introduction of television and when we set up the Development Corporation to create private enterprise in the Falklands. We did it when we encouraged private sector activity in the Fishery, and all these things go to create a thriving economy and long may it continue. On the subject of investing in people, it is equally important I think that people need to know where they are going. We have talked about this from time to time in respect of the Government's new wage structure and hopefully that is now done. There are two other groups who I think need to know where they are going and they need to know now. One is the FIDF who have been tasked on various occasions to various things and have a tremendous amount of enthusiasm to get on with it but are not quite sure what we require of them. It is about time I think that we told them what we do require of them, and then fund them accordingly. And the other is the people of Falklands Landholdings Ltd who have been in limbo now for six years. It is not satisfactory, no wonder they are fed up, I know that Councillor Goss tells me that there is still tremendous motivation amongst the people of Falklands Landholdings Ltd and that is a tremendous tribute to those people. Please let us get on with it, let us let these people know where they are supposed to be going and what work we want them to do.

I would just like to pay tribute to one or two people if I may. I would like to congratulate Patrick Watts and FIBS on the live broadcast of this session of

Legislative Council, my understanding is that it has been tremendously popular amongst the community although we see few people here today, I think many more will be listening on the radio. I thank you for that.

I would like to pay tribute to the people who run the YMCA and the concept of the YMCA and although I am involved with it, it is a personal hobby, I think the YMCA have done a tremendous job over the last few years. They have been housing 19 young people pretty well constantly in that facility, and if we all think about the cost of housing that it would have taken to do that, I think that is a tremendous achievement. And I wish to encourage the folks who are running the YMCA to carry on for the future.

I would also like to wish well to all those people who have worked hard and found their ways into the teams who are going to represent us at the Island Games. It is a great event, I went a few years ago and I am going to go again this time and I hope that they will all be ambassadors for the Falklands and spread the message about the Falklands. And I will be there to assist them if I can.

And finally, I would wish well to my two colleagues who are going to the Committee of 24 and hope they are able to have some small influence on international opinion in respect of the Falklands. We must keep trying and I wish them well in their discussions with the new Labour government in London, the political contacts they make will be vital for us in the medium and longer term. And I am sure that they will take up the question with Mr Lloyd about direct communications with Argentina, we want no part of it, we will have no part of it. Sir, I support the Motion for Adjournment.

### **The Honourable the J Birmingham**

Mr President, Honourable Members. In rising to speak to the Motion for Adjournment I feel that this is the moment to comment on issues of public and national concern. This is probably my last chance to speak in this House certainly during the life of this Council, so I will not be as brief as normal.

I have already publicly expressed my feelings about the treatment of foreign fishermen and I hope that in the future our local stevedores will not be put off reporting any incidents of ill-treatment that they may notice. I think that far more should be done to protect the health and safety of everyone working on vessels, whether fishing or otherwise. I hope Sir, that you will pass on to the Foreign and Commonwealth Office our concerns and I hope that they will pass on to the various flag states our serious concerns. Whatever we can do ourselves we should be doing and we will do, and if this means upsetting a few fishing companies, so be it. If Falkland Islands fishing companies are to continue to export to the European Union, then legislation is going to be needed to bring it in line with the European Union and believe that the Attorney General has this in hand.

The Falkland Islands Conservation Zone is primarily a conservation zone and I consider conservation to be very important. I would like to thank my fellow Councillors for the support that they have given to Falklands Conservation in their endeavours to preserve the environment, and to become a credible organisation that is accepted and respected in the conservation world.

Looking back over the major events of this Council, we have made changes to the Constitution but the effects will only be seen during the life of the next Council. I regret that we still seem to have the Camp Stanley divide, I would have been happy with one constituency but in my short time on this Council I have learnt that when making decisions, there very often has to be a compromise. Contrary to a so called popular belief, Camp issues do get a lot of support from Stanley Councillors. At one point it looked as though we might have had eleven Councillors, and I am grateful that the Motion I tabled was supported by the majority of Councillors and that there are still going to be eight. I would like to see more public debate in this House and then perhaps people would be able to make up their minds as to who are the yes men.

Oil exploration is a risky business commercially but also in our case politically, regarding the Special Area we have been reassured by Mr Westmacott that there will be no decisions made without full consultation, well that is my understanding. And the oil revenues, as far as the United Kingdom Government is concerned, they belong to the Falkland Islands. There will be negotiations I am sure and there will be an agreement in the end. It would not be in the Islands' interest to have Councillors in a corner publicly stating the levels, or what they are willing to give. Chevening is history now, the majority of Councillors believed that there was a chance of a solution without giving up the sovereignty. I make no apology for at least trying that. I welcome the Labour Government with the exception perhaps of Mr Dayell. I am please by the Mission Statement from the new Foreign Minister who says that Labour will ensure the security of the Dependent Territories. We have to accept new Labour as a democratic elected government to the United Kingdom, and instead of reading doom and gloom into everything they say, let us make sure that we do not give any signals from here that can be misinterpreted. I would like to congratulate Labour over their decision on landmines, we have to live with them and therefore appreciate the problem. This is the 15th anniversary of the Conflict and I personally will not forget the events of 15 years ago. And I would like to thank the military for their continued support.

Something needs to be said about Hay, the initiative for such a review came from Council and it was needed to sort out the unfairness that existed between established, unestablished and contract staff. I too, have had the 'phone calls complaining about the changes and I have sympathised but it certainly was not right for Councillors to start meddling with individual gradings. The majority of the public sector have come out of this better of than they were. If there is a real criticism it is that information was not

provided quickly enough to the general public. I am pleased that the General Employees' Union and the Civil Servants' Association are combining. I feel it is a sensible move but it is only going to be effective if the members are willing to be involved. As an ex-Union delegate myself I well remember coming into Stanley some 10 or 11 years ago for some meetings with the Sheep Owners Association. And I remember at the end of the week, the negotiations finished and the farm managers were invited to Government House for drinks, - the Union went to the pub. I am pleased that things are not like that these days, with the exception of the leader of the Union, he was invited to Government House.

The Chief Executive has just over two years to achieve his aims and objectives for the Falklands. I hope that one of the less glamorous ones might be the issue of a booklet of government services which was going to be looked into after the November meeting of Legislative Council.

At the last Legislative Council meeting Councillor Halford made us aware of one of the problems that has come about with the introduction of the new wheely bins. I would like to mention another and that is the increase of litter in the streets of Stanley. I believe that this is partly due to there not being open top drums for people to drop their litter into. I have asked the Public Works Department for the provision of more litter bins and when they arrive, let us hope that they will be used.

I am not the only one who notices the nasty pong in the harbour and we cannot continually ignore this. I have submitted a Question today, my last, for written answer about bacterial levels. I have been unofficially informed that there is no need to be concerned about the amount of e-coli in the water but I am afraid that this does not tempt me to go water skiing.

It pleases me to inform people that the burning of oil at Albemarle has resulted in one third being disposed of and the remainder will be dealt with in the spring time when the warmer weather comes.

I am pleased that the decision has not been finalised regarding the subsidy for and airlink to Montevideo, I do not believe that there is enough trade for both routes plus the Tristar, so can we really afford to subsidise both the Chilean route and the Montevideo one. I hope that my concerns will be taken seriously regarding links that could flow over into Argentina.

We do have an Election this year, I have no need to say that and I know that people are already thinking of standing. I urge no-one to be put off by any snobbery that might surround the suitability of candidates. I would like to remind people that being a Councillor is not just about going to the United Nations, it also involves being interested in local issues. Ernest Bevan, a famous man from the United Kingdom came from humble beginnings, worked as a farm labourer and as a drayman and went on to become Foreign Secretary in the 1940s. He did not go along with the idea that a working man



could not handle large affairs with ability and good sense. And I say that if you care about the Falklands and are committed enough, please stand.

We have heard time and time again about the Paper in Standards in Public Life and I do wish that it would be published so we could have a look at it.

I wish the Island Games Team all the very best in the Channel Islands, I also wish Councillors Luxton and Halford all the very best at the United Nations.

On looking back through the Gazettes as I like to do I noticed in a meeting Legislative Council held on the 3 September 1897, the Ordinance to establish the Fire Brigade was passed. I do not think I need say it was a lot shorter than our Taxes Bill. I also notice in the same year that the Governor of the time appointed an Inspector of Nuisances for the West Falklands, 100 years later it might be worth resurrecting this post. I am sure Your Excellency could think of a few names to fit the bill. Sir, I support the Motion.

### **His Excellency the Governor**

Councillor, thank you very much for an excellent intervention. I look forward to the speech which comes the one after the next one.

### **The Honourable E M Goss MBE**

Mr President, Honourable Members. In rising to support the Motion for Adjournment I too will take this opportunity to speak on what is most probably the swan song of the dying Council. I will try to tread carefully in this path to avoid the cry of a point of order from the Attorney General or my colleagues in Council.

Dare I begin with another brief instalment of the Cobbs Pass episode. As indicated by the Chief Executive last Tuesday of this week, acting under the clear thinking of the Governor that we should talk to each other more about our concerns and ambitions. Following this good advice I met this morning with the Director of Public Works and the Roads Engineer to talk about ways to find a simple solution to the problem. The closure at Bodie Creek Bridge has brought to the free movement overland in or out of the deep south of Lafonia. Our discussion gave me encouragement to believe some action might follow in the area of concern. Now this is a fine example to illustrate that when in despair with the chips stacked against you it shows the Falklands are a good place to live in because one of our main qualities is our willingness to help each other, although the principle is not always apparent in these Chambers.

Councillors have expressed concern, and it has been mentioned here in the marathon dying moments of this Legislative Council in public that they have expressed their concerns about the apparent lack of health and safety on the ships working on the waters of our fishing industry. Six of us had a meeting

with the Attorney General this morning to see what can be done to improve conditions on this front so we have got it under our scrutiny.

In dealing with the approval of the Budget for next year, I would like to put down a marker here so we do not lose sight of one point and that is the approved Estimates will include the grades of salary and a full list of the Government Service Pensions. It was not in the draft Estimates, I know after Hay it has all got to be brought together, all the new sums have got to be done, but I would like to see that as part of our approved Estimates that go on sale to the public. The Financial Secretary knows the issue, we had a job to bring it back into the Estimates last year because it had been omitted for some reason, but we got it in.

To correct an observation that I made on a word in His Excellency the Governor's Address in this House last Tuesday, I would like to read from a letter of clarification on the comments for the record. And this was a letter addressed to me from the Director of Oil and she says:

"I believe you queried the word "production", and felt that the reference should have been exploration, I only heard the comments this morning when present for the Governor's Address and I have not seen your comments in print so forgive me if I misheard you." Well she did not mishear me, her hearing is very good. "For the record however, the licences awarded to the five consortia are production licences, production licences can be maintained for a total of 57 years, and are composed of three exploration stages totalling up to 22 years. And an exploitation period of up to 35 years, the exploitation stage may only be started subject to approval from the Governor after consideration of a development plan. A development plan can be submitted for approval at any time during the 22 years exploration period, no new licence is required." So that corrects my comment on your Address Sir, and I am very grateful to the Director of Oil for picking that one up and putting me right.

I have another letter here to bring to the attention of the public. We instructed our Research Assistant, Miss Jenny Luxton, to congratulate the Right Honourable Douglas Hurd on his elevation to the House of Lords, and he writes back that: "it is not because it was ever a great power house, but because it will give me a chance to keep in touch with the events that interest me, particularly foreign, European and criminal justice matters, and occasionally to put in a word, certainly on behalf of the Falklands, should this ever be necessary. Please pass my thanks and best wishes to the Legislative Council." He has got the Falklands pie in his mind which I thought he would have.

May and June are two months when the Falklands reflect on the past, where we all join in remembrance services to pay homage to those who made the supreme sacrifice for us to enjoy life as it is today in the Islands. And I would

like to take this opportunity to thank my colleagues for excusing me from Select Committee yesterday morning, so that I could pay my respects to those who fell in the Battle for Goose Green in 1982. Their understanding is appreciated. It was gratifying to see the level of attendance at the service on Para Hill at Goose Green yesterday from all walks of life. A lot of the people who were locked up in the Hall were there and the military was there in force, they even broke off a battle engagement on the hills of Port Howard to come and be present. I appreciate that on our 15th anniversary.

Now the fourth budget session of any Council is known to put down your mark if you hope for re-election. It is regarded as a chance to win a vote for the next time out but listeners, and I am addressing this not only to this Table but to the listeners out there, beware and catch it all in the honesty basket and ponder well.

In closing I would like to wish each and every Member good luck in the future, knowing that you will all have to beaver away in post for the next four months. Keep up the good work, it has been a pleasure working with you, sometimes stormy and sometimes quite amusing. Mr President, Honourable Members, I support the Motion for Adjournment.

#### **The Honourable W R Luxton**

Mr President, Honourable Members. This of course is our last Legislative Council as quite a number of Members have commented. There are a couple of matters that I would like to refer to. The conditions of seamen offshore have been the subject of correspondence in the Penguin News and other Members have also mentioned it. I agree entirely that the things that have been happening are quite unacceptable and I hope that our conversation with the Attorney General this morning will bear some fruit. I am sure if we put our minds to it we will be able to at least improve things in our own waters.

Quite some time ago, I introduced a Motion in this House asking the Chief Executive to look into Camp conditions. Some things have happened but I have to say that I am a little disappointed with the progress. I think this year we will at least have an equalisation in fuel costs right through the Islands but certainly most things that people in Camp purchase are still much more expensive than in Stanley, and we do have this huge discrepancy in income. One of the things that I am also very concerned about is the wool freight rates which are being imposed by Hogg Robinson Shipping. With the news yesterday of the sale of the Falkland Islands Company Ltd and possibly an uncertain future, I am very disturbed that there will be no competition left at some stage in the future and it seems to me that Hogg Robinson/Stanley Services Ltd turning a huge dominant monopoly. I think Stanley Services Ltd is certainly able to engage in unfair competition based on the very large returns that they make on their monopoly fuel sales. I think it is something we are going to need to look into in the future so I hope the Chief Executive as the Chairman of Stanley Services Ltd will think about this when he is wearing

his Falkland Islands Government hat. We are almost half shareholders in that organisation and I would hate it to turn into a total monopoly which has a stranglehold on the economy of these Islands. The Committee of 24 is a rather strange organisation. I do not think we have any illusions about winning the debate there but we all feel that we have to put in an appearance and try to hold our end up. The recent statement which was issued by Argentine Senators is really quite offensive but a translation which I have here, says: "the Senate of the Nation declares its strongest repudiation towards Great Britain's attitude of opposing the visit of Argentine legislators to the Malvinas Islands to pay homage to the soldiers who lost their lives as a result of the 1982 Conflict War." I too would like to make it quite clear that it is not Great Britain that is stopping the Argentine Senators making their political capital out of a visit to the Islands. It is the Falkland Islands Government, and specifically the eight Elected Members of this Government. I hope we can get the message through to the Argentine Senate and Dr di Tella and anyone else, that it is our decision and that is the way it is likely to stay, until they drop their claim to sovereignty.

The next time if any of us reappear in this House it will be after the Election. I would like to, in closing, thank the Camp electorate for their support in putting me here and I too will be standing again, and we will see what their verdict is on the performance no doubt. Next time we will be in a minority, three Camp and five Stanley so I would hope that the support we are assured we have from Stanley Councillors from time to time continues. Mr President I support the Motion for Adjournment.

### **The Honourable R J Stevens**

Mr President, Honourable Members. In rising to support the Motion for Adjournment I think my Address will be quite a bit shorter than most Honourable Members and everybody will sigh a huge sigh of relief.

Hearing other Members' optimistic forecasts I feel what I have been planning to say is a bit doom and gloom but I feel that hopefully it will put Camp's needs into perspective. I feel that a new school hostel is a tangible commitment for the future of Camp. It is hard to imagine though unless there is a significant change somewhere, where the future children are coming from. If there is an equal capacity in the new hostel for 50 children and they live in the hostel from the age of 10 to 16, that is eight children to be born and reside in Camp each year. Even if my maths is hopeless and I have got it a year out, it must be still six. If we want to fill this new hostel we have to make Camp life more attractive for young families. There are increased opportunities to create businesses outside Stanley. In the next few years there will be a network of roads straddling the Falklands and the need for long-term maintenance crews based in central locations. With the improved communications Island-wide it may be possible that there may be expertise like secretarial skills that can work from Camp. There might be only a few

people with those skills today but if the possibility was made a reality who knows? Cottage industries work in other parts of the world.

This Council has made a great commitment to Camp with a huge Agricultural Department, there is great optimism that something might happen. The problem is that you never get something for nothing and even if a solution is found, like legumes, it will take a lot of money to implement. Over the last three years this Council has put a lot of money into helping the beleaguered farming industry following on from efforts of the last Council. There has not been enough emphasis I feel on combatting the long-term ailments. I mentioned Hogg Robinson in the last Legislative Council and it is good that other Councillors have come to recognise this injustice. It seems that we are overtaken in the Islands with best economic practice and it is accepted that big business is able to negotiate concessions because of the volume of business. When it comes to the Falkland Islands Government negotiating for better terms, I think that the Government of the Falklands should be using its influence to protect us all. Farmers need to unite and negotiate together, that is true. It is all very well to say here is a remedy for the next but what about the amount of people who can least afford to pay are paying now.

I would also like to add my voice to the inhumanity in certain parts of our Fishing Industry and I would like to see some way forward in making it more acceptable, not just I feel to Members around this Table, but everybody in these Islands who are lucky enough to live in an environment that is very user friendly - in most parts. As life develops especially in and around Stanley it will become increasingly hard to make the right decisions for all the people of the Islands. Priorities when you live on an isolated island are different from living on the West and the West mainland different from the East, and so it goes on. I think that future government should try to work towards uniting the needs of everybody so that it is not Campers versus the Town people or the different elements within. We do have some common goals and hopefully we will see progress Island-wide for the common good. Sir, I support the Motion for Adjournment.

**The Honourable Mrs C W Teggart**

Mr President, Honourable Members. I thought for a horrible moment there, Sir, that you had forgotten my name.

**His Excellency the Governor**

How could I possibly do that!

**The Honourable Mrs C W Teggart**

Just a few brief comments for the Motion for Adjournment.

We of course have a lot of departments that work very hard for us and I think I would particularly like to mention the people in the Oil Department. I do not think that I realised until I attended the AAPG in Dallas just what a daunting task Phyl Rendell actually has and what a very steep learning curve she is actually on to be able to cope with everything that is expected of her. I think that she is doing that task extremely well and as we move on down people are feeling much more confident with the way things are going.

Fisheries also is worthy of a mention, we have spent the last week or so thinking and talking about and then deciding how to spend revenue that is accruing to us through the Fisheries. I would like to ally myself with the Members who expressed their horror at what has happened to fishermen in our waters and I personally would gladly forego some of that revenue to be able to do something to alleviate the conditions that they are working in.

Falklands Landholdings Ltd has also been mentioned and I agree with the statement that has been made about the people on the farms wondering what is going on. Certainly I was part of the Executive Council that made the decision to lease off or sell up to a third of the Landholdings land. I never believed at that time that it was going to drag on in such a horrendous fashion as it has. I think it is most unfair to the people on the farms and it is also very unfair to those people who have actually applied for pieces of land and are still waiting to see what is going to happen.

I also agree with the comments made by other Councillors about our great need for sheltered accommodation. I have been working with the Sites and Buildings Working Group as you know over the last year or so and this has certainly come up as a priority but of course one of the things that has to happen before the site at Stanley House can be freed is that we need to build new school hostels and I am delighted of course that this has been included in the budget for this year. I had also written down, before Councillor Summers spoke, about the FIBS live broadcasting of Legislative Council, that has certainly gone down very very well with everyone who I have spoken to over the last week or so. I hope that it has been the first of many more live broadcasts.

I would also like to state now as I know my colleagues are aware, the public might not be, I am a firm supporter of an alternative air route to the Tristar service. I have nothing but good to say about the service that the RAF provides to us and for preference I would always travel on the Tristar because it is the way I like to go. However, I do not believe that our economy can develop to any meaningful extent and certainly not in such fields, if you forgive the pun, as an oil industry if we do not have an alternative link. We know ourselves how very difficult it is for some of our students to get home at Christmas time, and as more and more people go away we know that the demand on the seats of the Tristar is very great, particularly around

Christmas time. Although maybe with the Education Bill just having been passed people will start coming home earlier to spend time with their siblings.

As most people are aware I will not be standing for election in October, I am moving on to pastures new so perhaps I am not going to talk as long as some of my colleagues who might be accused of doing a little bit of electioneering at this stage. I do hope some time in future to stand for this Council once again, I have very much enjoyed my work of the last four years, although at times it has been extremely depressing, it has been very good and I have thoroughly enjoyed it. I would particularly like to mention publicly the people who I have served with on various committees throughout government. Obviously we have still got a few months to go and I will be here for most of them and I will be thanking those committees then. But I would like to pay public tribute to two people who I serve with actually on no less than three committees and they are Manfred Keenleyside and Simon Goss for the great support that they have given me over the last four years. I think that perhaps when I came into Council this time, I got a couple of committees that nobody else wanted, in particular the Housing Committee. It has been very very difficult at times particularly when you see the lists of contract officers that we are obliged to house and know the great need within the local community. I do not envy the next person who chairs that Committee but do not be daunted by it because you are doing something worthwhile and fulfilling a very necessary function. I was also a little surprised to see in the Penguin News today that four of us rubber stamp things. I would deny that, I think that anybody who works with this Council in any shape or form would not turn round and say that any of us have ever rubber stamped anything in our lives. We go through it very very thoroughly and make sure it is exactly what we want before we agree to it and things are not done lightly. As I said, I am moving on; I look forward very much to serving the Falklands in another capacity over the next two years. I think perhaps my final remark has to be addressed to Councillor Birmingham who said that he put in his last question today, I rather doubt that, with another three months to go I think that might be worth a side bet after this meeting concludes. Sir, I support the Motion for Adjournment.

### **The Honourable the Financial Secretary**

Your Excellency, Honourable Members. I think everyone has heard enough from me about my concerns on the extent of our planned expenditure and our ability to sustain expectations. I do have every confidence in our future and will do my utmost to ensure the policies of government are carried out as economically as possible, and that our finances are properly managed and controlled.

With regard to the matter raised by Councillor Goss, I can confirm that the approved Estimates will contain the salary scales and a list of pensions and pensions in payment. The new salary scales are shown on page 15 of the draft Estimates for Honourable Members' information.

This is the second Council on which I have served as the Financial Secretary and I have enjoyed working with and for Honourable Members. I wish current elected Members well in whatever direction they choose in the future. Sir, I support the Motion for Adjournment.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. There is not much to sweep up after this particular show because we have not been given too many details to comment on. One or two, - the booklet on Government services I can assure the Honourable Member we will publish that as soon as possible. The state of water in the harbour too, that is of some concern to me, I did note the comment that those who swim in it might get the acid tongue disease and I will look at the records that have been kept by the Fisheries Department and see what they are. I do not believe that they are the whole story because we can get results that in fact show there is nothing there but everybody can smell that there is something there. And so maybe our research is not actually as complete as it should be, I will look into that.

The document entitled Standards in Public Life is very near to publication, it is with His Excellency the Governor for his consideration at the moment, and that is the last hurdle and once it surmounts the hurdle of His Excellency the Governor it will become public. I have no idea when that will be but I am sure it will not be very long.

On the question of Stanley Services Ltd I think it fair to say that I above all am well aware of the sensitivities here. It was initially set up, as I think Honourable Members know, to actually be large and competitive in this economy. And some of the problems and fears have arisen because it has become exactly what it was set up to be. I believe it is under control in every sense of the word but I appreciate that the problem and the perception of the problem is ongoing and I know that Members, whether it is Members of this particular Council, or indeed of the next Council will not let this particular rabbit go. Therefore I certainly myself undertake to remain aware of those sensitivities and respond to Members' concerns as appropriate.

On the question of the price of the shipping of wool, I know this is a very sensitive subject also and I have certainly investigated some of the details. There been claims that have been made as to various prices: These claims emanated from a fax machine which does not actually have a lower case somewhere in Yorkshire. I can assure Honourable Members that the prices emanating from that source that are claimed that in fact Falklands Landholdings Ltd are paying, having consulted with Falklands Landholdings Ltd on that as Chief Executive and not as Chairman I can assure you that that price is not the price that is being paid by Falklands Landholdings Ltd, so there is a clear error in the claim. However, I do believe that there is significant evidence to show that some of the things that have been said by



Hogg Robinson regarding promises that they have made, and the uniformity that they claim exists appears not to exist. I know my Honourable Friend, the Attorney General has in fact taken up that point with Hogg Robinson but I undertake to have further discussions with them on that, because we do want to ensure that there is something of a level playing field. However, the private sector is the private sector and it is not really up to government to meddle with the private sector unless that really is absolutely essential. Whether this is an interventionist situation or not we will have to determine.

More than one Member, three I think in fact, possibly four mentioned Camp and the future of Camp. If there was one thing about this budget that we have passed that maybe concerned me as far as balance was concerned, it was that we actually had not spent enough on Camp. If you look at where the investment lies, I know the Agricultural Department has seen a very big expansion in the research programme and that is to be welcomed. Some of the initiatives that were suggested in the Agricultural Policy, and indeed were suggested in my paper in response to Councillor Luxton's request earlier during the life of this Council, they have become sidelined. And I would stress that is not by my choice, they were choices that were actually made during Executive Council. However, these options will be raised once again in the very near future when the Agricultural Policy document comes back into life and we hope that happens during Farmers' Week. After Farmers' Week I will be presenting to Executive Council the resume of the policies that have been recommended and have been approved by the farming community. And then Executive Council can make up their mind whether they are the policies that we are going to follow or not. And I think it only right to assure Members that if those policies are adopted they will cost money. There cannot be much doubt about that as I stated earlier in this session, Camp is very under capitalised. We really do have to find ways either short term or long term of actually doing something about that.

In conclusion Sir, I would say that I know that Chief Executives have relatively low life expectancy, I refer of course to the role, not to life itself. If I look at the fates of my three predecessors, they are remarkably varied. However, I think the average Chief Executive could probably, with the wind behind him, expect to work with two Councils, and we have heard some swan songs and I think the beginning of some husting comments here today. But it has been a great privilege to work with this particular Council. I would like to thank all eight of them, indeed there were two of course that started with this Council, who for one reason or another, are no longer with us. In fact I have worked with 10 Councillors during my time here. And I would thank you for your support, I am not talking percentages, and I am not actually personalising it. What I am saying is that together the Administration and the elected Members constitute the Government. We have had some semantic differences on that point over the last couple of years but we are the Government and we do generally work together very well. I would like to thank you for your support for the work of the Administration and for your support in getting things done. I think it has invariably been the case in my

experience that if I have sought advice or help from any Councillor I have received that to the best of their ability and with great honour, dignity and speed and I am most grateful for that. We have had to make many difficult decisions and I am sure the Administration you will admit have been helpful to you in making those decisions. I would also thank you for your clarity of thought, for your combativeness, for the fun and all the robust debates that we have had. I hope that I will see many of you again back as Councillors. Sir, I beg to move the Adjournment debate.

### **His Excellency the Governor**

Thank you very much Chief Executive, well I claim the privilege and therefore the prerogative of just saying one or two last words before we adjourn. One is to pick up on two points of detail that emerged, you yourself have actually addressed the point about the Standards in Public Life. I would just like to clarify that the Paper, having been amended to take account of some comments, is back with me. It came back to me this morning and will go out now as a consultation document to committees, the Chamber of Commerce and others for one final round of consultation, and then we will finalise it and issue it and it will be promulgated as the Paper, the policy on this issue.

The other thing is on peoples' indignation and consternation about brutality aboard fishing vessels. I think that reflects great credit on the conscience of people in the Falkland Islands, I know that people here are all too well aware, we take a lot but we ought to give back something and we cannot tolerate this sort of thing in our Fishery. I would simply like to say whatever we decide to do, you can take it for granted the Falkland Islands Government and the Foreign and Commonwealth Office will work hand in hand on this because it is not something that we can really tolerate.

I was very very pleased to hear how welcome to the general public was the live broadcasting of this Council, I am a bit surprised actually because I was not sure the people were junkies for this kind of thing but it is gratifying to hear that, and we obviously want to maintain that tradition now. Dare I say I still think people need to talk to each other more and I think the Government probably still needs to get its message out a bit more on the points both of fact and of interpretation. It is remarkable that I should be saying that in a community this small but of course it is a very far flung community, and one, we think here in Government that people out in Port Howard, Hill Cove or Goose Green or whatever know everything because we know it and they do not. So I think the secret will be to get as much information out as possible about fishing, about what is happening in oil, what is happening in the Civil Service and so on and so forth.

This session of Legislative Council, the last in all probability before the election in October inevitably had a slightly valedictory tone to it. It is not for me to say whether I look forward to seeing all or any of you back again, it is not my decision, it is the choice of the Electorate. I would like though to

express my appreciation for the working spirit that suffused the working of this Body in my time here. I would like to wish farewell to those who are not going to be here, Wendy Teggart particularly because that is your choice, you are not standing. For the rest, good luck and let us see what happens in October. Even if some of you do not return, what is very clear to me is that in this budget week, you have actually charted the course for after your time, even if you do not come back in October. It is rather like defence policies in Britain, you get a Defence Secretary who has to make very long ranged decisions about weapons development and procurement, many of which he will never see in his political life time as a minister. What you have done in this last week is to make decisions which will affect the future of the Falkland Islands for the next year and I think well beyond that. I think you should give yourselves a collective clap on the back if I may say so for assuming a very big responsibility but I also think one that is a very exciting responsibility. It is a very exciting time to be a Falkland Islander dare I say it and to be in the Falkland Islands working for the Falkland Islands at present.

Since nobody spoke against the Motion that this House should be adjourned, I now declare this House adjourned.

Confirmed

25/3/98

*[Handwritten signature]*

Governor

**RECORD OF THE MEETING  
OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY  
ON 15 OCTOBER 1997**



**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL**

**HELD IN STANLEY ON 15 OCTOBER 1997**

**PRESIDENT**

His Excellency the Governor  
(Mr Richard Peter Ralph CMG, 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 John Richard Cockwell  
(Elected Member for Camp Constituency)

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

The Honourable John Birmingham  
(Elected Member for Stanley Constituency)

The Honourable Mrs Janet Linda Cheek  
(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)

The Honourable Darwin Lewis Clifton  
(Elected Member for Stanley Constituency)

**PERSONS ENTITLED TO ATTEND**

The Attorney General  
(Mr David Geoffrey Lang CBE QC)

The Commander British Forces Falkland Islands  
( Brigadier Iain David Seamus Campbell)

**CLERK:** Claudette Anderson

**Prayers:** Reverend S Broughton

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# RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD 15 OCTOBER 1997

## **His Excellency the Governor**

Honourable Members, I now declare the first Legislative Council session since the General Election last week open. Please be seated.

## **Clerk of Councils**

Oath of Allegiance, all Councillors.

## **All Councillors took the Oath of Allegiance**

## **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 purpose of this Election.

**The Honourable DL Clifton was elected as the Stanley Representative on the Executive Council.**

**The Honourable JR Cockwell was elected as the Camp Representative on the Executive Council.**

**The Honourable Mrs S Halford was elected as the Representative for Stanley and Camp on the Executive Council.**

## **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 Breath Alcohol Concentration Measurement (Device Approval (No 2)) Order 1997.**

**The Civil Aviation (Investigations of Air Accidents and Incidents) Regulations 1997**

**The Merchant Shipping Act 1979 (Commencement of Certain Provisions in the Falkland Islands) Order 1997**

**The Repatriation of Prisoners Act 1984 (Sections 1 to 9)  
(Commencement in the Falkland Islands) Order 1997  
The Fishing Licences (Applications and Fees) Regulations Order 1997  
The Antarctic Act 1994 (Commencement) Order 1997  
The Antarctic Regulations 1997  
The St Mary's Walk Sheltered Housing (Declaration) Order 1997**

**Annual Accounts and Auditor's report in relation to the Media Trust for the year ended 10 June 1996 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 the Papers on the table as identified by the Clerk.

### **Clerk of Councils**

Orders of the day - Bills

The Supplementary Appropriation Bill 1997/98 No 3 Bill 1997.

### **The Honourable the Financial Secretary**

Your Excellency, Honourable Members. The purpose of this Bill is to authorise the withdrawal of the additional sum of £2,348,460 from the Consolidated Fund for the service of the current Financial Year to provide for Supplementary Expenditure for which no sum has been appropriated. £434,670 of this additional sum has been authorised to be advanced from the Contingency Fund. The Bill provides for the Contingency Fund to be replenished to the extent of any advances so made. It is worth mentioning that £1.2M of the additional sum is in respect of re-votes of approved Capital Expenditure deferred from the 1996/97 Financial Year. The Bill will appropriate a further £800,000 for additional Capital Expenditure which includes: extra provision to enable contractors' accommodation to be built, provision to enable a start to be made on a five year programme of restoring the assets belonging to Falklands Landholdings Ltd, and extra provision to provide for an exhilarated work programme for the west roads and to allow the acceptance of a sole tender at a higher than budgeted cost. There is a slight error in the title of the Bill which needs to be amended. This is the first Supplementary Appropriation Bill for this Financial Year and the number three in brackets in the title should therefore be deleted. I beg to move the first reading of the Bill.

### **His Excellency the Governor**

Thank you very much. Well, I would now like to ask if any Honourable Members, other than the proposer and seconder, wish to speak on this Bill.



**The Honourable DL Clifton**

If I may Sir, just a query. In terms of new entrants to this Council these figures are somewhat meaningless, but in the vote number 0601 Secretariat, the particular vote 0310, it would seem to fall in the shadow of the Hay Management Review and I wonder whether there are more of these items to come in the future. I wonder if the Financial Secretary could give some clarification on that please.

**His Excellency the Governor**

Thank you very much. Financial Secretary.

**The Financial Secretary**

Your Excellency, Honourable Members. I think this is one of the last items to appear as a result of any increases from the Hay Review. The other items have been dealt with previously.

**His Excellency the Governor**

Would any other Honourable Member wish to ask a question or say anything in relation to this Bill. The Honourable Norma Edwards.

**The Honourable Mrs N Edwards**

Yes, the Social Economics Study, I would ask the same question as the Honourable Lewis Clifton, is this the final figure that we can expect or will there be more money required for this.

**The Honourable Financial Secretary**

Your Excellency, Honourable Members. I do believe that the amount provided for in here is the amount that is required to pay for the Social Economic Study and I don't expect any more Bills. Just a further point of clarification in relation to the question raised by the Honourable Lewis Clifton. In fact the amount of money provided under 601 - 310 was unrelated to the Hay Review, monies have been provided previously for the Hay Review under every salary item in the Estimates.

**His Excellency the Governor**

Thank you. Any other Honourable Member wish to speak?

If no other Honourable Member does wish to speak on this, and I certainly don't intended to vitiate their right to do so, I would like now to invoke the so call fast track or short procedure for dealing with Bills. Members, who were

Members of this body during its last session, will remember that we introduced this innovation in the interest of speeding things up and dispensing with unnecessary formality and rigmarole, though without undermining Members' rights to speak and question and so on, but I would like now as I say to invoke the short procedure. Could Honourable Members please confirm before I move smartly to the passage of this Bill that none of them wishes to say anything further, or to ask any further questions on the Bill. Good. Well in that case I declare the Bill to have been read a third time and to have passed.

### **Clerk of Councils**

The Motion for Adjournment

### **The Honourable the Chief Executive**

Mr President, Honourable Members I beg to propose this House stands adjourned *sine die*.

### **His Excellency the Governor.**

Good, well it's now my pleasure to invite Honourable Members to speak. In the past the practice has been to go from my right to left, in order, but I'm open to suggestion. If Honourable Members would prefer to do things in a different way, catch my eye at random or whatever, bearing in mind that they only have the right to speak once, I think, in this Motion of Adjournment. Well in that case I will start by calling on the Honourable John Birmingham the elected member furthest to the right physically if not ideologically. The Honourable John Birmingham do speak.

### **The Honourable J Birmingham**

Obviously up early this morning Mr President, and I thank the Honourable Lewis Clifton for giving me the chance to speak first.

Mr President, Honourable Members. In rising to support the Adjournment Motion I would like to say how pleased I am to be back in this House. And I would also like to congratulate my colleagues upon their successful election. I welcome Councillors Cheek, Clifton and Cockwell to this Chamber. After I was elected last week I thanked the people in Stanley who supported me and the Registrar and his staff for conducting a well run Election. Due to selective editing this didn't go across on the radio last Friday, so I am going to repeat that I am grateful for all the support that I received, and for living in a Country where it's taken for granted that all Elections will be fair. I would like to pay tribute to the unsuccessful candidates. It isn't easy to have what you believe in made available for possible public assassination. I hope that their interest in Falklands' affairs and their readiness to commit themselves, will be remembered when new committee members are required in the future.

As far as I am aware freedom of speech is enshrined in our Constitution and would therefore apply to everyone, including Government employees. As far as I am concerned, although voted in as a Stanley Councillor, I consider that it is my duty to be interested in the Falklands as a whole and not just the Town. It was made clear at the public meeting last week that the majority of people wanted unity in the Islands and we should work towards bridging the so called Stanley/Camp divide. I certainly will, and I hope that others will to. Even if it means Camp Councillors being interested in Stanley affairs.

I'm looking forward to the disposal of all the oil at Albemarle. The Falkland Islands Government has a clear responsibility to achieve this and I am sure the Chief Executive, like myself, feels a moral obligation to assurances made to a younger member of the Berntsen family.

I seem to recall enthusiasm by the last Council for a Public Reception for our local Sports men and women who have accomplished so much recently. I do hope it is intended for this to go ahead.

I also look forward for the spare parts arriving for the CAPED bus and seeing it back on the road again. I know of people who are stuck at home and unable to get around because this vehicle is laid up.

I hope this Council will follow the example set by the previous one and hold regular quarterly meetings with all available Councillors. From Monday the 20th of October I shall be holding weekly open meetings in the Councillors' Office from 5 to 6 pm, this will be a trial run for a period of six months.

One word about oil. It's often said how much the oil companies had to spend, but just try and remember the last oil company you heard of going broke. For its size the Falkland Islands Government has invested a large sum, the word that come to my mind is caution. Just because the rig is on its way doesn't mean that big bucks can be thrown at projects, on land, sea or in the air.

To the female teacher who congratulated me, who must remain anonymous, but then told me it was a shame I couldn't speak The Queen's English. I would just like to say that I will try and stop my language getting any fouler. I will support the Motion.

### **His Excellency the Governor**

Thank you very much. I hope that will not result in any less colourful interventions by the Honourable John Birmingham, nevertheless, even if his language is blander in future. The Honourable Jan Cheek. Do you mind me calling you Jan rather than Janet?

### **The Honourable Mrs J Cheek**

Not at all.

## **His Excellency the Governor**

Thank you. You have the floor.

## **The Honourable Mrs J Cheek**

Your Excellency, Honourable Members. I do stand in some awe of the responsibility that we have all taken on, at a time when the Falklands are at perhaps at the most critical point. We don't know yet if we have got oil, perhaps we should be working not on how we will spend any oil money in the future but on what we will do if there isn't any oil money in order to make our budget balance.

Many of us promised in our campaign to pursue urgently the question of wider freedom of speech for Civil Servants. Well of course we all realise confidentiality has its place, where people's private concerns, where there is a particularly politically sensitive matter which cannot be released at that moment, but may be released later, but otherwise it should not be used to prevent people speaking out on the issues that are important to us, and this includes political issues. We cannot afford to have a large part of our population deprived from a basic democratic right, and with some of my fellow Members, I hope to pursue that urgently.

I am aware of all the problems and constraints on housing, but I wonder some times if we are not being bogged down unnecessarily. We have all seen the speed and ease with which local contractors and some individuals, erect perfectly adequate kit housing so I am at a loss to understand why Government seems to experience so many problems. This extends beyond housing and into many other projects. We do need, still on the subject of housing, a modern housing pool for Contract Officers and those unable to buy or rent for whatever reason, but I have argued, and will continue to do so, that mobile homes are not the answer. They are not permanent, they are not even a speedy solution, I have witnessed over the last several months the putting in place of hard standings for mobile homes, before they even arrived, those that have arrived, some are already starting to fall to bits. Further, and this I have to declare a slight interest here as my daughter is concerned, if they are considered unfit for Contract Officers what kind of message is it giving our young professionals when we put them into them. They are expected to live there until they can afford a mortgage.

In the lead up to the Election, as the Honourable John Birmingham has said, we heard eloquent pleas from people in the Camp, about the kind of problems that many of them are experiencing. I hope we can all work together, even now that the Council is composed of three Camp members and five for Stanley, I hope that we can all work together for the benefit of everyone in the Islands and if the Camp problems are the most outstanding ones perhaps they are the ones we should be looking at very early in our four years. I beg to support the Motion.

## **His Excellency the Governor**

Thank you very much the Honourable Jan Cheek. I now call on the Honourable Lewis Clifton to speak.

## **The Honourable DL Clifton**

Mr President, thank you. In rising to support the Motion of Adjournment I admit to not having any prepared wordage. I think there is a time and a place for prepared presentations and I would hope that this Council can, within the next four years, move itself along a better road of accountability and speaking from the hoof rather than prepared notes. However, I would like to associate myself with the very kind remarks made by the Honourable John Birmingham for the very efficient proceedings during the Election process, indeed the run up to it for the support of the media in allowing candidates to exercise their manifesto. To the staff, the tellers and indeed the various clerks who supported the Election process, and indeed to the voters themselves without whom of course, we would not be here.

I would also like to endorse what the Honourable Jan Cheek has said about the need to exercise greater democratic rights. I think this is a very serious thorn that we need to quickly address and address the divide between what is permissible under Standing Orders and what is permissible under the Constitution. I also endorse her cry for the Government to exercise a more speedy resolution to the current housing problem.

However, there is one point I would like to focus upon and that is the development of the Constitution under which we have all been elected. There is a great need for unity within the Falklands, I campaigned in my manifesto for a single all encompassing constituency and for that to be created before the General Election in the year 2001, and I give notice that I wish to work in that regard.

I also would like to put on record at this time that I believe that Councillors should exercise greater accountability in this House and by that I mean that we need to begin taking some of the flack in terms of the question and answer sessions. I think we will all return at some point to the provisions of a Speaker but in our small democracy here I believe we have to evolve it perhaps rather more quickly than we have done hitherto, and that we should consider appointing a Speaker just as soon as we can identify one.

I am also of the opinion that the Standing Orders need some modernisation, the Standards in Public Life paper also needs addressing and building into the Standing Order provisions.

During the Election, or the Election process we each have criticised various Government Departments and perhaps the administrative machine generally, I was very grateful yesterday to various Heads of Departments who came

forward and made very short presentations. I welcome that and I hope that we can use that as a bench mark by which to move forward in the next four years. Sir, I beg to support the Motion.

### **The Honourable JR Cockwell.**

Your Excellency, Honourable Members. I would like to also thank Mr Birmingham for his good wishes to the new Councillors. I am very much a new boy here and very much in awe of this meeting and the procedures which I'm not used to. If I make any mistakes I trust you will understand me. I would like to express my thanks to everybody in Camp who voted for me and the people who supported me in other ways, by putting their faith in me to represent them for the next four years. I would also like to express at this moment my appreciation of the Honourable Norma Edwards' work, she has been away for a long time and really she is an example to all of us. We have to go over and represent ourselves, represent the Country, not only in the United Nations and the Commonwealth Parliamentary Association but in Britain, to show that we are a truly democratic people who can think for themselves. We are a nation which is actually emerging into something which can be recognised around the world.

I would also like to express my good wishes to the oil companies which are about to embark on an oil search round, drilling for oil, I think we all hope that they will have success. I also hope that they will see fit to use facilities in the Islands rather than go overseas for the support facilities, I think it is very important for ourselves to get involved in the oil business as soon as possible. The thing which is worrying me, I think it worries a lot of people, and the Honourable Jan Cheek has already brushed upon it, what happens if we don't have any oil. If we don't find any oil, we have to find ways, and it's up to this Council I believe to work fairly fast on this one, of insuring that we have the facilities to maintain that standard of living that we all have grown to accept. We have to find ways to reduce imports, we have to find ways to create exports, now it is very easy to say these things but it is not easy to do, but I think we are going to have to work very hard to find ways of doing this.

One way which I am convinced that we can do it is by investing money in the agriculture of this Country, it has been the back bone for the last 150 years, and I believe that with the assistance of the Agriculture Department, which has some very exciting results coming out now, we may well be able to pull ourselves back, or pull the Camp back as a net contributor to the Falkland Islands economy. I quite agree with what the Honourable Jan Cheek said it's our problem, it's not only the people in the Camp or the people in Stanley, it's a national problem, we have to work together.

If I could just brush on democracy. I, other than the problems which have been identified by previous speakers regarding the Civil Servants' right to speak on Political matters, I believe that we need to make sure that our democracy is not only seen here in the Falklands but seen overseas and I believe that it is time that this Council actually leads more rather than being

lead by the very efficient Administration that we have. I think we need to be seen to be the leaders of this Country so people from overseas can see we are an independent thinking people even though we are a Dependent Territory. We are not a 1950's style Colony. And if I could just finish on this one, I would like to make sure that the Elected Members of this Council, who have been elected by the people of the Falkland Islands are the leaders and the policy makers in this Government and we work together with the Administration. We all have to work together but we have to make sure that people understand that the Elected Members are the policy makers of this Government. Sir, I beg to support the Motion.

### **His Excellency the Governor**

Thank you very much the Honourable Richard Cockwell. And now I call on the Honourable Norma Edwards and would like to welcome her back to the Islands from her travels abroad on behalf of the Islands.

### **The Honourable Mrs N Edwards**

Thank you sir. Your Excellency, Honourable Members. I am delighted to be part of this new Council once more, I must admit that I was a bit apprehensive trying to fight an Election from abroad, particularly when Mrs Thatcher visited the stand on Election day and asked me if I was standing again, and said "my dear, I only went to Paris and look what happened to me". It gave me food for thought. And on that note I would just like to pass on to the people of the Falkland Islands Mrs Thatcher's very good wishes to all of us she wanted especially to be remembered to you all and she thinks often of the place, and takes a great interest she says in what's happening here still.

And thank you to Councillor Cockwell for his kind remarks. I think it is worth while particularly this year with a new Government to attend the party conferences because it was a chance to meet the new boys in on Labour. We lost a lot of old friends from the previous Conservative Government so it was a chance also to meet with some of the new Conservative Members. We shouldn't forget that we need both the main parties' support and it's never a bad thing to go and seek it.

I would like also to thank the Returning Officer and his staff for obviously the good job that he did, and also to thank FIBS who kept me informed in a small way, managed to patch me into a phone-in with some other Councillors, and kept me up to date with what was happening. I think they covered the Elections very well or from where I was sitting they seemed to do so, an Election is a lot of hard work for them.

I endorse what Mrs Cheek has had to say, particularly about housing. I feel that perhaps one of the reasons why things don't go ahead at the pace we would like them to is that they get bogged down with Government bureaucracy, in as much as the contracts that have to be drawn up and so on seem to take an inordinately long time. I know the mills of God grind slowly

but the mills of this Government seem to grind a whole lot slower. Hopefully in this Term of Office we can speed up that process and get things under way. For instance, very dear to my heart is more sheltered accommodation. And of course to have more sheltered accommodation we have to move the children to a new hostel, but I cannot see why we cannot begin both those things. The children can still be in their hostels while building is going on in Stanley House grounds so those two things should be able to go ahead together. However, I don't expect they will. I expect we'll get one project done and then we will spend another two years planing for the next. I hope that doesn't happen but I suspect it will.

I would like to just welcome to all the new Members to Government, one of you has been in this House before. I was so pleased to hear that Councillor Birmingham is sympathetic to the Camp, I know he is, and that he will continue to be sympathetic towards the Camp's problems. I wish to assure him that I started off as a Stanley Councillor and I have just as much interest in Stanley matters now as I had in 1985, and I do feel that it is one whole place and I hope that we can all work to that end. If there is a divide between Stanley and Camp that we can bridge that divide and work together to help the problems not only in Camp but in Stanley.

My commiserations to my previous fellow Councillors who didn't make it back to Council and I would say that let's not forget that they would have a useful contribution to make to committees in the future if we need to call upon them. Sir, I support the Motion.

### **His Excellency the Governor**

Thank you very much the Honourable Norma Edwards. I now call on the Honourable Sharon Halford.

### **The Honourable Mrs S Halford**

Mr President, Honourable Members. In rising to speak to the Motion I too would like to endorse what Councillor Birmingham said, about all those involved in the Election process and of course all those who did not make it on to Council this time but gave it their best shot. I would also like to take this opportunity to thank everybody who actually voted me back on, I believe the last time somebody was returned in the Stanley Constituency was in 1985, to have three returned to this Constituency, and two in the Camp, must be a first I would have thought. Hopefully that kind of continuity will help speed things along rather than let them drag.

We all criticise the speed at which things are done but at the end of the day I believe it is us that have actually been elected and it is us that should really be making sure that those officers concerned get on and do what we have asked them to do. As to the Civil Servants I appreciate many of them feel that they cannot speak out. It is my understanding that they do in fact have freedom of speech, but that they cannot criticise or comment upon



Government policy. However, I do think General Orders need to be amended to clarify this situation perhaps, and as the Chief Executive said in the lead up to this it could be done within a week. I shall be making sure that he and the Attorney General can try and do it within that time if it's necessary.

I think another important thing we need to pursue is the Immigration Policy, and get the point system up and running so that everybody is clear exactly what is what, I think that is very important.

And I think that I should also really thank my family who have put up with my absences during the last four years and are obviously prepared to do the same again, although from their point of view they are glad to be rid of me from time to time. Sir, I support the Motion.

### **The Honourable WR Luxton**

Mr President, Honourable Members. It's good to be back at this table and I would like to thank all the Camp constituents for the vote that they gave me. And welcome to Councillor Richard Cockwell and I would also like to congratulate Councillor Edwards on running a successful campaign from 8000 miles away. I think she was very courageous to go away, on our behalf and she does a splendid job at these Party Conferences, probably got a job for the next four years I think, but it is important and I am delighted that it didn't count against her, although I thought it might. I think we will have to be careful not to become known as the Government of Fox Bay at some stage, I certainly don't need a Fox Bay Council with the representation they have got.

I do disagree with Councillor Clifton on the subject of one constituency, so I fear we should be on opposing sides in that project. I would fear that with the numbers that we have if it was all one Constituency in the end there wouldn't be any representation from the Camp and I think that would be a bad idea.

I was delighted with the resounding vote that Councillor Summers achieved. I think that clearly showed what the Electorate thought of what happened before voting day. And it's good to see two old faces back in the Stanley Constituency and two new ones of course, and I look forward to working with all of them over the life of the next Council. I think all of us in Camp are very conscious that we are all on the West and that we have to remember and take care that we look after the interests of the East Falklands as well, but we also must not forget the Islands. They do have a particular problem. They really do have a very difficult life, we have the ridiculous restrictions by the Civil Aviation Department on flights to unattended airstrips which is possibly more restricted here than anywhere else in the world, that could easily be altered, and would make life much easier for them.

We also have the jetty construction fiasco, with the STABEX money available, and the materials available, we have been told that there would be an engineer available to start on these jetties but that seems to be into the

distant future. I would like to see that project get back on track very very soon. I will continue as a Camp Councillor to do my best for the farming industry and other Camp industries as well. And as I have said in the run up to the Election I would particularly like to see some consistent and substantial assistance to the Camp community. I think the first requirement is to achieve a decent standard of living and they must be in a position to take advantage of whatever schemes the re-invigorated Agriculture Department comes up with. It won't surprise anybody that I will continue to work for a expanded road programme. I am very disappointed that there is no news on the Lafonia Road contract. It looks to me as if this is going to be another road building season wasted by bureaucratic incompetence and I hope this Council will address that very, very soon.

I don't think the last Council did anticipate oil revenue and spend unwisely. I have always been aware that there was an 8% or a 10% or a 12% chance of there being anything there and I don't think I have ever felt that we were spending money that we might not ever have. We have very substantial reserves and I am not a believer in continuing to pile money into the bank while we go without things that we desperately need. So, I think we should continue with the sort of expenditure levels that have been established, and as I said, in particular I shall be looking at the roads' programme. On the International front I think the Argentines know what they have got to do if there is going to be any progress at all. I believe the last Council did the right thing in pursuing the events that led up to the meeting of Chevening. And with the number of faces that have been returned to this table I think that the Electorate believe that and trust us, but I would say that as far as I am concerned, I wouldn't under any circumstances, be involved in that sort of secret session again. If the Argentines want to progress then they have to come back in an open fashion, and of course the first thing is that they absolutely have to drop their claim to Sovereignty. Mr President, I support the Motion.

#### **The Honourable MV Summers OBE.**

Mr President, Honourable Members. In rising to support the Motion I will be uncharacteristically brief. Much has been said today and indeed in the last few weeks about what we are all going to do. It is time to get to work. My congratulations to all my fellow Members who have been supported by the electorate and my commiserations to those who didn't make it, but I do admire their courage in offering to serve their Country. I hope that they will continue to offer their services in other ways to the Government, and to community life, it is so valuable to have all these people doing the things that we need to do as a community and not rely on the Government to do every thing for them. I look forward to working together with this group as a team and to the public service and the private sector, in a spirit of co-operation and understanding, to the greater benefit to the Islands as a whole. I think there is an unfortunate tendency in all sectors of our community to look inwardly and too vigorously defend our own territory and views without necessarily taking note of the wider picture. That's alright so far as it goes so

long as that doesn't undermine the whole and the whole is where we should be taking ourselves. It's the duty of this Council to take the broader view and to point out the direction for the Falklands that we wish to take, and to create the opportunities for the community to respond. It's the duty of the public service to advise the Council on how best that direction be taken and not to say why it cannot be taken.

I would just like to pay tribute to some activity I believe that FIGAS have undertaken recently. When they were counselled to take this view and having for some years said, "we can't do this, and we can't do that, and we can't do the other thing", they have actually explained how those things can be done and the resources that are necessary to do them, and then it's our duty to determine whether those resources are available or not for our aspirations, and well done FIGAS.

I think there is also a responsibility on the private sector. Not only to advise us when there are opportunities that are lost or obstructions that they wish to see removed, but I think there is also an opportunity in the private sector to grasp the new opportunities that are offered, or to advise us of the impediments so that we can remove them.

These are exciting times with much to do and much to achieve and let us help each other to do the things that we want to do and not waste our efforts in trying to prevent them through failure to understand other people's points of view or petty jealousies. Let the theme therefore for this Council be "how we can and not why we cannot".

And finally, may I just pay tribute in this forum to the life and work of Bill Hunter-Christie. I know that tributes have been paid to him in the past but it would be inappropriate not to pay a final tribute in the Legislative Council. To a man who did great things for the Falklands and who inspired many to look to the future of the Falklands and to achieve self determination for these peoples. Sir, I support the Motion.

#### **Commander British Forces**

Mr President, personally and on behalf of British Forces can I extend our congratulations to Elected Honourable Members to their success in the recent Election and I look forward to working with you for the tenure of my appointment. My congratulations. Sir, I support the Motion.

#### **The Honourable Financial Secretary**

Your Excellency, Honourable Members I would like to formally welcome the re-election of the former Members and elections of the new Members to Legislative Council. I also welcome the caution expressed by some Honourable Members in relation to the future level of public expenditure and I look forward to continuing the good working relationship with Councillors. I support the Motion for Adjournment Sir.

## **The Honourable The Chief Executive**

Mr President Sir, Honourable Members. I too would add my congratulations to the three new members of Executive Council, and I believe it's a representative of the strength actually of the Legislative Council that we have two brand new members of Executive Council and they are particularly welcome, but Councillor Halford is no less welcome.

On the matter of Albemarle as raised by Councillor Birmingham I can assure him and indeed the young lady at Albemarle and her father and her mother, that this matter is still of considerable concern to us and plans are afoot to take the matter a stage further, hopefully, to a conclusion in the current season.

On the question of expenditure levels which has been raised and the criticism of the previous Council that the expenditure was too high. I think really I am forced to agree with Councillor Luxton. If we look at the facts, my memory tells me that the actual improvement in the balance sheet of these Islands, over the last four years, was between sixty and seventy million pounds if that is irresponsible expenditure then I have been living in a strange world most of my life. It seems to me that we have been stashing it away at a rate that is not commensurate with the provision of a proper infrastructure or anything else. What we have clearly failed to do in our planning is actually spend what we planned to spend, hence, we have been stacking it away, but we have got to square the circle and make sure that our plans are actually fulfilled and our ambitions achieved and I certainly look forward to the debate on these points in the weeks ahead.

However, if there is one thing that comes out of the adjournment speeches from Honourable Members today is this matter of General Orders and Freedom of Speech. And I feel it is incumbent to make a brief comment on that. My personal view of General Orders, and bear in mind I have to uphold them and see they are upheld as head of the Civil Service, but, my personal view is that they are far too lengthy, they are unnecessarily complex, and they are grossly out of moded. Robert Townsend in his famous book, "Up the Organisation", which was a sort of management guru book for many years actually said about such things, that the production of them was the last act of a dying company. And I would also stress that it was only just over two years ago that after a lot of struggle Executive Council actually approved the new edition of General Orders in their entirety, so the criticism that is now being levelled is something of a new thing. However, to me the muzzling clause is especially obnoxious. I believe that it has only been applied once by me in the last three years. Looking back on that particular situation it was in the end a voluntary muzzling by the individual concerned and when I think of the issue, which I would be happy to share with Members later on, I still think it was a matter of the national interest and the person in fact, volunteered not to go public on what they had intended to do. Nevertheless it's only been applied once so the rules really haven't been that ridged. Now I did say to

Councillor Halford that we can change General Orders in one week, she will be pleased to hear that there is a meeting tomorrow to consider the offending clauses in the matter of Freedom of Speech and it may well be that this will be discussed at the forthcoming Executive Council next week. It may not just be a week but then we are hampered by the meeting cycle here, but I hope we can have something on the table for discussion.

Also on the matter of speed and complexity of contracts which is a matter dear to my heart, and incidentally I was delighted that in the Financial Secretary's presentation of the Supplementary Appropriation Bill he did refer, to the "exhilarated" work programme on west roads. I felt that was a very useful word to use there "exhilarated" programme. However, referring to matters of construction I would remind Honourable Members that it is the Sites and Buildings Working Group that was set up specifically to put a priority on the building of major projects, and that was Chaired by a Councillor. A programme emerged from that, which was presented very clearly and succinctly to the Budget Select Committee not all that long ago and that programme was approved and that programme is being followed and I believe the Administration has made it very clear if there are to be changes in priority, and changes in order, then it must be appreciated that only adds to complexity, and at the end of the day we fully accept that our political masters must make those decisions and if they want to change those decisions they can. I think Members will have realised by now in the exposures they have had to Senior Officers and others over the last few days, that this Civil Service does have a very positive attitude towards work and towards progress. We are not here to encumber the nation with a bureaucratic machine. We are here to modernise, we are here to improve, we are here to ensure that everybody gets value for money and that those that want to expand their businesses on these Islands can do so, those youngsters who want to grow up, and their parents want them to grow up, in a clean and essentially crime free society can do so. We are all here to preserve that and we are looking forward very much to working with the new Council. We have a very positive attitude towards these things and I hope that Honourable Members will also take that to heart, I'm sure they do. And with that in mind, Mr President, I beg to move the Motion the House stands adjourned sine die.

### **His Excellency The Governor**

The Honourable Chief Executive thank you very much indeed. I would like before I'm booted up into sort of honorific position and a silent President with a nice talkative Speaker in front of me, if you choose to do that, I would like to avail myself of my current right to say one or two things before we adjourn this House. The first thing I would like to do is to, is obviously to welcome back the faces who sat around this table for the last four years, though I myself was of course only here for eighteen months of that four years. I would like to extend a warm welcome to the three new Honourable Members who are now part of our, of this august body. I would like to welcome and to congratulate the three Honourable Members who have the confidence of their colleagues to serve on Executive Council. I would like also, if it's not

inappropriate, to pay tribute to the former Councillors who were not re-elected but I would like to pay tribute to them for the work they put in for the good of the Falkland Islands during their time in Office. And I would like to pay tribute to the courage, some might say the foolhardiness, of the other members of the public of the Falkland Islands who stood up and put their heads above the parapet and sought the votes in the last Election, good on them, even if they weren't successful. It's only right that people if they have an idea or courage of their convictions they should act on them. I would lastly in this section add my warmest congratulations to those which Honourable Members and other Members of this body extended to the whole of the team which were responsible for the arrangements for what was clearly a very well run Election and I think we as a community and a Country can take pride in the way that we did that, it's a lot better than you would find in probably fifty percent of the world.

We are indeed on the thresh-hold of a possible oil era, we may not have any oil but it's an interesting, it's an exciting time and I think we are going to have our work cut out for us as a Council over the next four years. I'm sure that the electorate were mindful of that when they cast their votes. I can ensure the electorate that I, in so far as I have any say in these things, will do what I can to move things forward in a way that is for the benefit of the Falkland Islands over the next four years. I hear what people have said, what Honourable Members have said, about the need for fiscal rigour and discipline and responsibility and I must admit I rather share those views, I'm not suggesting that we should not spend money, of course we must spend money on infrastructure because we have got a lot of years to make up for here, but I personally, and I know I'm beginning to sound a bit like my esteemed predecessor in his last year here, I do think it is important even though we have got the money we should spend it wisely and we should look very critically and rigorously at proposals for new expenditure to make sure that we are getting the best possible value for money. And I think that will be the aim of the Administration to advise Honourable Members when they consider such proposals.

A few other small points, on procedure in Legislative Council. I, in the last Legislative Council I instituted an innovation designed to cut down on the amount of rigmarole and sort of impenetrable flim-flam that probably just amuses listeners out there who are listening to the radio. I think there will be less sing song protocol in Legislative Council than there used to be but I like the idea personally of more debate, rather than lots of formal set piece speeches, I may come to regret that, or rather the Speaker if you ever have one may come to regret that. I would like to see more give and take and discussion here in this Council and we must look and see what we can do to ferment that.

I'm aware from the Election campaign that there was a feeling, some members of the public expressed, that Councillors are sort of in opposition to the Administration, which is the Government, I hope that isn't really the case. Even if it is we must make sure that it is not the case in the future and I have

a number of ideas which I would like to at least test in the coming year or so, to associate Councillors more closely with the work of the Administration. I think they already are very closely associated if I may say so, but even more closely, and I would like to see us move further along the road towards greater responsibility and accountability for Councillors than they perhaps have at the moment, I sense that that would be welcome to Honourable Elected Members of this Chamber.

I would like also to associate myself with the sentiments expressed by a number of Members here today about the need for a common approach by Councillors on behalf of the Islands as a whole, I do hope we won't polarise into a Stanley and a Camp. I don't think that is what anybody here wants and I don't think it is in the interest of the Falkland Islands, and to the extent that I am sent here to take a broader view, you know, an all encompassing view, I would like to do what I, what little, I can to promote cohesion and unity and common purpose in that respect.

My final point is to do with Standards in Public Life; members of this House and members of the public and interested bodies, will be aware that in the last year of the last Council the Administration produced a discussion paper, a green paper if you like, setting out ways in which you think the situation might be clarified in respect of declarations of interest, conflicts of interests by Government Officials and that means Civil Servants as well as Honourable Members. My remarks now are not directed at individuals, I do want to make that clear, but I think if something has become clear over the past year it is that as society and the economy is changing in the Falkland Islands it's really appropriate that we should re-visit the question of these rules that we set ourselves, they are not handed down by God on tablets of stone, they are rules that we ourselves set ourselves. I would like to move that process forward. I would like the greatest possible transparency and I think, if I may say so, that it is in the interests both of our society and of the Government, and us as a polity that that situation should be really clear, so I will make that a priority for myself.

So, it only remains for me to thank you for listening to me before you boot me upstairs, I really look forward to the work of this Council. I think we have a lot of very important business on the agenda, on the National Agenda. It will be fun, it will be exciting I'm sure there will be difficult times, I'm sure there will still be confrontation at times between Councillors and Administration that's really in the nature of things and it's healthy. I know everybody here has the interests, the best interests of the Falkland Islands at heart. Speaking for myself I will pledge myself to do what I can as your President to ensure that we move forward in the direction we all want to go. On that note I believe that the Motion has been passed and the House therefore stands adjourned.

Continued

25/3/98 17

Raymond  
Governor



Authentic

Q14#4

**RECORD OF THE MEETING  
OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY  
ON 12 DECEMBER 1997**



**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL**

**HELD IN STANLEY ON 12 DECEMBER 1997**

**PRESIDENT**

His Excellency the Governor  
(Mr Richard Peter Ralph CMG, 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 John Richard Cockwell  
(Elected Member for Camp Constituency)

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

The Honourable Michael Victor Summers OBE  
(Elected Member for Stanley Constituency)

The Honourable John Birmingham  
(Elected Member for Stanley Constituency)

The Honourable Mrs Janet Linda Cheek  
(Elected Member for Stanley Constituency)

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

The Honourable Darwin Lewis Clifton  
(Elected Member for Stanley Constituency)

**PERSONS ENTITLED TO ATTEND**

The Attorney General  
(Mr David Geoffrey Lang CBE, QC)

The Commander British Forces Falkland Islands  
(Brigadier Iain David Seumas Campbell)

**CLERK:** Claudette Anderson

**Prayers:** Reverend Michael William Mitchelmore

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# **RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL**

**HELD 12 DECEMBER 1997**

## **His Excellency the Governor**

Honourable Members of this body, I have pleasure in declaring this meeting of Legislative Council today, the last one I suspect of this year, to be open. Do proceed.

## **Clerk of Councils**

Papers to be laid on the table by the Honourable 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 Firearms (Special Exemption) (Amendment) Order 1997**  
**Drug Trafficking (External Confiscation Orders and External Forfeiture Orders) Order 1997**  
**Road Traffic (Amendment) Ordinance 1996 (Rectification) Order 1997**  
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**Mount Pleasant and Mare Harbour (Designation and Speed Limits) Order 1997**  
**The Income Tax (Annual Values) Rules 1997**  
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**Payment on Account of Tax (Employees' Deductions) Regulations 1997**

**Annual Accounts and Management Report of the Principal Auditor for the Financial Year 1996/97 and laid on the Table in accordance with Clause 55(c) of the Finance and Audit Ordinance 1998**

## **The Honourable the Chief Executive**

Mr President, Honourable Members, I beg to lay on the Table the Papers named by the Clerk.

## **His Excellency the Governor**

Thank you Chief Executive. Honourable Members will now proceed to Questions for Oral Answer. I would like to simply let you know that this portion of our proceedings is being broadcast live around the Falkland Islands.

## **Clerk of Councils**

### **Questions for Oral Answer**

#### **QUESTION NO 22/97 BY THE HONOURABLE MRS S HALFORD**

Now that the majority of Civil Servants are working under the new Hay Conditions and Annual Increments are no more, could the Chief Executive please tell me when Performance Management will be brought into being. And when will all the levels of the Service first benefit from it, or not, as the case may be?

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. The Honourable Member may be wrong in concluding that Annual Increments are no more, and I believe that she may also be taking a far too remuneration focused view of Performance Management. I shall attempt both to explain and answer the question.

- 1) During June of each year the United Kingdom Industrial and Services Index will be ratcheted according to reported fact. Thus all grades, given positive inflation, will rise in money value terms.
- 2) At that time Councillors will be given the option, well in fact the policy option will be at the time of the Budget Select Committee earlier in the year, of considering the recommendations of the officials regarding inflation. We will be taking into account inflation here, inflation in the United Kingdom, and the Industrial and Services Index in the United Kingdom.
- 3) At the time of the discussions with individuals on the Hay issue, an undertaking was given that salaries would be reviewed on an annual basis, and the procedure above was outlined. Clearly that promise will be kept.
- 4) With regard to the other element of any potential increase, that is movement upwards within a grade, immediately prior to the Hay Review we had two significant problems. Firstly the system lacked discipline and secondly, the vast majority of civil servants were at the top of the grade already, which was a wholly unsatisfactory situation. It was agreed by Honourable Members that this progress within a grade should be linked to progress within a job. It was also agreed that the major objective of the Hay Review was actually to change the culture of the Civil Service from that of being administrative orientated to being customer service orientated. Thus the prime benefit of the whole Hay process was not in fact internally focused towards civil servants but

externally focused towards the users of the services that we provide. It was proposed to achieve this:

- a) by having an equitable structure, which indeed we have achieved and;
  - b) by focusing on performance in a way that would be quite new.
- 5) Linkage to pay is a very small part of this. This is a management issue and salary is not the only tool that can be used by management. In fact, research in the United Kingdom has established that something like a 20% bonus is actually required to motivate an individual on average, and of course we are not talking about increments anything like that. However, the question asked is "when is this Performance Management coming in" and that is my sixth point.
- 6) The process in fact starts next month with Senior Heads of Departments, but all have agreed to defer the linkage to pay until it is fully operational throughout the Service. That should be in the year from July 1999 - June 2000. In fact it will be paid the subsequent year because it is paid one year in arrears.
- 7) This does not mean that there will not be enhanced remuneration for excellent performance in the intervening period. Nor does it mean that there will be any embargo of the resolution of existing anomalies. I anticipate that come next June Heads of Departments will be making recommendations in this area. I also anticipate that the process of Performance Management will be beginning to prove itself.

#### **The Honourable Mrs S Halford**

I thank you for that reply. You mentioned that future pay increases would be linked to the Index rises in the United Kingdom, one assumes that if that didn't rise then there would be no rise here. But then you further stated that we would, as a group, look at it annually as well, so presumably there are two chances here of a rise per year and not one. You first indicated that it would be risen in the Index in the United Kingdom, if that rose then that brings the levels up here.

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. If I can explain that. No, what I said was that the actual grades will be ratcheted up as the Index goes up. That doesn't mean that we necessarily follow slavishly what happens within the grades. Councillors will have the option of looking at the three variables. That is, how much the grade has gone up, how much inflation here has gone up and how much inflation in the United Kingdom has gone up. Members will make recommendations based on those three aspects. To illustrate that point, for instance. If the grade was ratcheted up 5% let's say, because that

is what has happened in the United Kingdom, but inflation here is, let's say, 3% then there would be a very good rationale in actually not keeping people at that position in the grade. If they were at the bottom of the grade clearly they would fall out of the grade if one didn't give them 5%, but, nevertheless, there is no specific linkage between the grade being ratcheted up and someone actually getting an award. That will be a decision made on an annual basis by Elected Members.

**His Excellency the Governor**

I hope the Honourable Councillor feels considerably enlightened by that highly complicated reply, or more so than me anyway.

**The Honourable Mrs S Halford**

I hope the general public and everyone listening understands it.

**His Excellency the Governor**

Any other Honourable Member wish to ask a Supplementary? There will be another opportunity incidentally Councillor Halford because this is not the only question on Hay and unless one is out of order, in the sense that it's straying too far from the point of another question, if it reoccurs to you we could always come back to it.

**QUESTION NO 23/97 BY THE HONOURABLE MRS JL CHEEK**

Will the Chief Executive please report on what stage has been reached in planning for the new Police Station and Prison?

**The Honourable the Chief Executive**

Mr President, Honourable Members. The Capital Estimates approved by the Budget Select Committee covering the following years had the following provisions for this project. 1997/98 £25,000. 1998/99 £250,000. 1999/2000 £890,000 and 2000/2001 £60,000, thus the intention was to begin the design work in the current year. However, it was designated seventh in the order of priority of category two projects and although initial considerations would suggest a design and build project to which Police Stations are particularly suited there are two additional comments I would make.

- 1) The approved site to the south west of the Power Station has also been suggested as the area in which the new Administrative Building and the new Public Works Department Building should be located. Clearly some detailed thinking is required regarding utilities in this area.



- 2) The Estimates approved by the Select Committee are regarded as guide figures only at this stage.

**The Honourable Mrs JL Cheek**

I thank the Chief Executive for his answer. Obviously from his answer he will not be aware yet that the Councillors have moved it somewhat higher in the priority list.

**The Honourable the Chief Executive**

Well, no Mr President. I am not aware of that and of course when that happens something else obviously drops down the priority list.

**His Excellency the Governor**

I must say that in terms of good Government it's probably rather welcomed that Councillors have decided to move this up a little higher, particularly with the larger number of people serving as involuntary guests of the State at the moment.

**QUESTION NO 24/97 BY THE HONOURABLE MRS JL CHEEK**

Will the Chief Executive please give the number of people currently on the housing waiting list and indicate who have priority, and what are the criteria of allocation to others?

**The Honourable the Chief Executive**

Mr President, Honourable Members. There are currently 52 names on the local list of applications for Falkland Islands Government accommodation. In addition to this there are 8 on the list of returning Student/Trainees overseas and an additional 4 who are overseas, to whom Government is committed to providing accommodation, thus making a total of 64. In addition to this there are currently 6 contract posts under recruitment for which no quarters have been identified and a further 10 for which recruitment has not yet commenced. The priority for the allocation of quarters is:

- 1) Falkland Islands Government Contract Personnel.
- 2) Residents with special needs, that is social cases.
- 3) Other residents.

Within the other residents category returning Students/Trainees are given priority and specifically to the allocation of the Murray Heights Park Homes.

### **The Honourable MV Summers OBE**

Mr President. Could the Chief Executive tell me whether he at this time has a date from the Environmental Planning Officer as to when the Housing Needs Analysis will be delivered for Councillors to properly consider the housing requirements of the Falklands.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. No, I cannot provide a date at this moment in time. I know he is working on it and I will provide Honourable Members with that date at the earliest possible opportunity.

### **QUESTION NO 25/97 BY THE HONOURABLE MRS JL CHEEK**

Will the Chief Executive please give the total cost to date of the services of the Hay Management Group and any future costs to which the Falkland Islands Government are committed?

### **The Honourable the Chief Executive**

Mr President, Honourable Members. The total cost to date is around £775,000. Additional requirements are solely to do with Pensions and Performance Management issues and the total that may well be incurred there, but we cannot be specific about that obviously because we have not yet completed negotiations about the totality of the exit path, could well be in the region of £800,000 to £100,000.

### **The Honourable DL Clifton**

Mr President. May I ask the Chief Executive if the Falkland Islands Government believes that it has had value for money during this exercise.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. The Falkland Islands Government of course includes the Honourable Members here in fact, they actually dictate the policy and the initial beginning of all this was a policy decision. However, I am very happy to answer on behalf of the Administration what I believe this study has done for us.

- 1) Nobody in fact is worse off now as a result of this and will not be in the future.
- 2) We have got rid of a very major social injustice at one step. Namely the Unestablished have become Permanent Employees. We have dealt with the pension inequities, with the question of our inequities, with the

question of holiday inequities and all the other inequities that were there in the system.

- 3) We have instituted an Island Wide Passage Scheme. Now that is not directly related to the work that Hay have done but, nevertheless, all the thinking of that came out of the Hay Review.
- 4) We have in fact now, just about to be in place, a fully funded flexible Private Sector linking Pension Scheme which is a major advance on anything we had before.
- 5) We have a fair grading structure within which all employees are fitted.
- 6) We have the ability to adjust within that structure with accordance with performance and according to changes in jobs.
- 7) We have clear linkage to an external situation, as I have already explained insofar as the ILS Index is concerned.
- 8) We do have a path way to the very change of culture that we all set out to achieve in the beginning moving from the Administrative way of doing things to the customer focused way of doing things, and we have of course the mechanism of Performance Management to do that.

Now this has not been an easy process. It has been a process that has been open to all sorts of criticism and it has not been a cheap process, we have to admit that. The original estimate from Hay was £1000 per head. We have some 620 positions in the Civil Service that have been dealt with so that would add up to of course £620,000. However, during the process Councillors specifically requested Hay to carry out the individual one to one interviews themselves, and I am informed that that added another £120,000 to the bill, thus making £740,000. Additional visits have accounted for the extra £35,000 thus making a total of £775,000 that I referred to earlier on in my original answer to the question, and what is left is the Performance Management to use Hay's term, "Roll out" which I know we all look forward to.

**The Honourable DL Clifton**

I thank the Honourable Chief Executive for that reply.

**QUESTION NO 26/97 BY THE HONOURABLE MRS N EDWARDS**

Would the Chief Executive confirm that salt bearing a label on the bags advising that it should not be used on concrete was used to salt Stanley Roads last winter?

### **The Honourable the Chief Executive**

Mr President, Honourable Members. I am grateful to the Honourable Member for Camp for raising this matter as there have been some ill founded rumours regarding this issue. I have the label. If I may read it to you it says, "A specially developed salt for use as a defrosting agent for highway winter maintenance", so far so good. "Contains a suitable balance of coarse and fine particles. Fine for rapid melting and slow dissolving. Coarse particles for continued action. Complies with British Standard 3247 1991." Then we come to, I think the statement which may have caused the misunderstanding, "Before using on concrete surfaces refer to Supplier for further information." Naturally this was done. And naturally the Supplier confirmed that there was no problem in using this on concrete roads as salt does not corrode concrete.

### **The Honourable Mrs N Edwards**

Thank you for that very concise answer and I cannot do anything other than believe you. But, I just wonder whether you have any suggestions as to why in the year 1997, Stanley Roads suddenly decided to disintegrate in a few short months. I know there were a few cracks, and I can't discount the fact that there was a lot of salt thrown about last winter, and the areas that have disintegrated mostly seem to be the places where most salt was used. Perhaps you have got an answer for that?

### **The Honourable the Chief Executive**

I can make some comments on that Mr President, Honourable Members. One of the worst areas is always cited as that opposite Beauchene Store on John Street and in fact no salt was used in that area, so it isn't always that the corrosion relates to the salt. It does seem, from discussion that we have had on this topic, that the real, the most fundamental cause, and there are several I think, is actually the quality of the concrete. Because when you analyse the concrete that has withstood the ravages of the weather it has clearly been laid under better quality control conditions and with better management of the process. I do agree with the Director of Public Works that that does seem to be the major cause. We have reason to hope that the concrete that is being done now, certainly the bit that I was driving past every day seemed to me to take a long time to do, nevertheless, it seems to have been done very thoroughly and I do believe that the quality is now a lot better than it was and let's hope these roads last, last us out Honourable Members.

### **The Honourable Mrs N Edwards**

Thank you for that answer. If I can just ask, I have been impressed to see that the bad bits and pieces are now being mended and with black topping and I wondered whether it would be possible, I suppose it's not within the Director of Public Works' remit at the moment, but if it would be possible to black top all the roads in Stanley, on top of the cement which would probably solve all the problems in the future.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. That is a solution indeed which has been considered. In one or two cases we are seriously thinking of doing that. The patches that are there at the moment are really no more than that and the serious advice is that they really are not long lasting. Nevertheless, at the moment they do seem to be in particularly good condition. But there is one major snag with merely tarmacking over the top, of even good concrete, and it is the levels, because it will mean that the drains are in the wrong place, that the kerbs are in the wrong place and you know, one must pay a lot of attention to that. In certain areas of Stanley it is possible and in others it isn't.

### **The Honourable J Birmingham**

I thank the Chief Executive for his answers there. Would he agree, if it says on the side of the packet before using on concrete contact the Supplier, would it not seem strange that the Supplier then says to the person contacting him that there is no problem.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. No because the whole point of putting that on was so that it would not be used on structural concrete. The corrosion, as car owners will now, is actually on metal when salt gets at it, not on concrete, so if there is metal reinforcing in structural concrete and the salt percolates through the concrete onto the structural metal the actual strength can be affected. That apparently is the reason for the warning on the bag.

### **The Honourable J Birmingham**

I would like to thank the Chief Executive for his answer. I am sure he would agree with me that the piece of concrete just laid outside Sullivan House will surely be there long after he's left the Islands.

### **QUESTION NO 27/97 BY THE HONOURABLE MRS N EDWARDS**

Would the Chief Executive advise us when the men employed as the 'Flying Squad' will be returned to the job they were originally employed to do, namely repairs to camp tracks and not maintenance work on main roads? It feels like 1887 since we had them back there, I know it wasn't.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. The 'Flying Squad' on West Falkland will be returning to Camp track works immediately after Christmas at the very latest. The question as to their working on maintenance instead of Camp

Tracks was addressed by the Transport Advisory Committee at their meeting on 31 October 1997, and it was agreed then that they should carry out essential works within this time scale.

**The Honourable Mrs N Edwards**

Thank you for that answer, yes I understand that. What I would like assurance on is now that they are going to begin again on Camp Tracks that there will be a continuance of that. It's sensible for them in the winter months to do maintenance work round and about, in my opinion anyway, it's sensible for them to do repairs to the Camp Tracks prior to the roads being built. A lot of these places are going to wait a great length of time for any roads. Can we be assured that they will continue this work, that it won't be just a quick program this summer and then back to the old business of two years off doing something else. Will this be an on going programme every summer?

**The Honourable the Chief Executive**

Mr President, Honourable Members. I believe it would be wrong of me to give that assurance here because this is a matter within the remit, at least as far as advice is concerned, of the Transport Advisory Committee and I believe we are all aware of the seriousness with which the Director of Public Works takes the advice of that Committee.

**QUESTION NO 28/97 BY THE HONOURABLE MRS N EDWARDS**

Will the Chief Executive advise us if it is the intention of Public Works Department to advertise locally for people to maintain the main roads in Camp. Would they consider employing members of the farming community, part time when they are available, for this purpose?

**The Honourable the Chief Executive**

Mr President, Honourable Members. All Public Works Department vacancies are advertised locally in accordance with Government policy. The Public Works Department already have a number of farmers on the East Falkland working full time, organising their farm work to suit. Part time workers have been used on a number of occasions in the past and will no doubt be engaged in the future.

**The Honourable Mrs N Edwards**

I thank you for that answer. It doesn't quite answer my question though. What I'm asking is will they in future be advertising for maintenance men to repair the main roads on the West which the 'Flying Squad' has been doing up until now. This is an opportunity as I see it for farmers in their spare time, a) to earn a bit of money and b) to be able to give a bit of service to the road. The answer that I have always had is that there aren't men available when we

talk about maintenance teams. It would be nice to hear an advertisement go out to say "well if any farmers are available they would be welcome to do it."

**The Honourable the Chief Executive**

Mr President, Honourable Members. I think the sort of job comes first and the advert second. I believe what I said in the beginning was that all vacancies in the Public Works Department are advertised locally in accordance with Government policy so it would be an inevitable consequence of that that any farmers seeing the advertisement would be more than welcome to apply for the position.

**The Honourable Mrs N Edwards**

Yes. There hasn't been an advertisement for a maintenance gang for the main roads. The work that has been done by the Farmers has been on link roads to their properties etc. The actual main road maintenance has been done by the 'Flying Squad' on the West, I can't tell you on the East.

**The Honourable the Chief Executive**

Mr President. If the Honourable Member is asking me to create vacancies I'm not sure I can give an assurances about that in this forum.

**The Honourable MV Summers OBE**

Does the Chief Executive accept whilst he cannot give such assurances about creating vacancies, could he assure us that he will discuss with the Public Works Department the possibility of creating a contract for Farmers to carry out this work. Under a proper Government contract and advertise that. We I think, are all well aware that farmers are more than capable of carrying out this work and would, if it had been done, have released the 'Flying Squad' to do the work that they are suppose to be doing.

**The Honourable the Chief Executive**

Mr President, Honourable Members. As I'm sure Honourable Members are aware, if they want me to have those discussions with the Director of Public Works I would be more than happy to do that and report back.

**QUESTION NO 29/97 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members. Can the Chief Executive please inform me how long it is going to take to revise the General Orders in respect of the Hay Review. Could he advise me what Falkland Islands Government Office hours are now?

## **The Honourable the Chief Executive**

Mr President, Honourable Members. The Attorney General, the Director of Human Resources and the Government Secretary are shortly to meet to discuss the wholesale revision of this document which as Honourable Members know is largely out of date following the Hay Review of the Civil Service. The Attorney General has also recently circulated for consideration by Officers, a draft Public Service Code which will, if accepted, lay down the basic principles for the running of the Service and form the background to General Orders. Hay Management Consultants are also to prepare, over the next few months, a staff handbook, which I may say I have included the cost of that in the figures I gave earlier, which will be available to every member of the Service. The production of this document was discussed with Mr Bolland during his visit at the end of November, and Mr Bolland is producing a draft for consideration.

On the question of Government working hours. They consist of core hours between eight and noon, and one fifteen and four thirty. The previously unestablished work force had their working hours reduced as a result of the Review, whilst established staff had their hours increased by fifteen minutes per day. It is up to Head of Departments to agree with their staff when the extra fifteen minutes per day are to be worked.

## **The Honourable J Birmingham**

Mr President, I thank the Chief Executive for his answer. On the first part. What do employees of Falkland Islands Government work to at the moment. Do they work to Colonial Regulations, General Orders or are they working to Hay?

## **The Honourable the Chief Executive**

Mr President, Honourable Members. There is no sense in which they are working to Hay as being specifically changing anything that is in General Orders, it is simply that there are things in General Orders which have been out dated now by what has been inserted contractually as a result of the Hay process. It's the anomalies that are there within General Orders which really need to be ironed out and if I may say so I have always felt General Orders to be rather tortuous and difficult to get into and actually use in a management situation. It is hoped that not only will we be changing those things that are anomalous but we are looking seriously at streamlining the whole document. In fact it may well be issued in a modular form so that it is much more user-friendly than it is at present.

## **The Honourable J Birmingham**

I would like to thank the Chief Executive for his answer. My question is now, as we speak now, what rule are they working to. Because it seems that on occasion that you are working to Colonial Regulations or you're working to



General Orders at the moment you may be working to Hay. These people have signed onto the Hay System, should they be working to Hay now.

**The Honourable the Chief Executive**

I'm sure my friend the Attorney General, who has offered to answer this question, you would like to hear another voice for a moment, will be able to answer it more clearly than I.

**The Attorney General**

The portions of General Orders which cannot be applied as a result of Hay are those relating to grading and to some extent in relation to disciplinary proceedings because of the punishments available, because there are no longer, strictly speaking, the grades that there were, cannot be applied. That does not cause any difficulty, and they do need to be replaced. The answer is General Orders are being applied expect insofar as they are inconsistent with the new salary provisions and the results of those, and the pension provisions. As the Honourable Member will be aware we are now in a situation where there is Performance Management to be introduced and there aren't automatic annual increments and those provisions of General Orders which relate to that cannot of course be applied. Nobody is in any way disadvantaged by that because insofar as those can't be applied there has been specific agreement by the Officers as to what shall apply. The amendments to General Orders merely follow the horse of Hay in relation to that.

**The Honourable J Birmingham**

I thank the Attorney General for that wonderful answer. It's as clear as day to all of us. Could I also ask the Chief Executive to explain, I did actually ask for office hours. What I am trying to get at is hours where the public have access to officer workers within Falkland Islands Government?

**The Honourable the Chief Executive**

Mr President, Honourable Members. I believe they are the same as the core hours which I mentioned.

**The Honourable J Birmingham**

Thank you. Could the Chief Executive also inform me whether the rule that he introduced into this House last year, concerning replies to the public in five working days still applies.

### **The Honourable the Chief Executive**

Yes Mr President it most certainly does. There have been a number of occasions within the last few months when I have chased through letters to ensure that a reply was in fact received within that timing. It's inevitable, in the very best regulated circles, that occasionally due to illness or holiday, some things slip through but we do try to achieve that as a target.

### **The Honourable Mrs S Halford**

Chief Executive you have told us what the core Government Office hours are. Could you confirm whether or not that is just for the Secretariat or is it for the whole Civil Service?

### **The Honourable the Chief Executive**

Mr President, Honourable Members. It appears that it is for the whole Civil Service.

### **The Honourable MV Summers OBE**

Mr President. There are clearly in the General Orders a number of underlying employment philosophies which are no longer appropriate in the modern age and I presume that it is the issues, some of the principal issues with which the officers will be grappling. Can we be assured that those underlying philosophies and policy decisions will be presented to Executive Council before too much work is done by the Officers on re-writing the terms and conditions of employment.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. I believe that the General Orders are actually the direct responsibility of Your Excellency, and it will be entirely in your province Sir, as to whether or not these particular policies are indeed debated in the forum suggested. Although, I am sure knowing you Sir, that would be your decision.

### **The Attorney General**

I can perhaps assist the Honourable Member. My intention, in my efforts in the revision of General Orders, will be to see as far as possible a replacement of General Orders framed so as to follow the model, so far as it's to be applied in the Falkland Islands, of the United Kingdom Civil Service Management Code. That is a modern set of rules, in relation to the conduct of the United Kingdom Civil Service, and I believe will form an acceptable basis for the Management of the Falkland Islands Civil Service. I hope that sufficiently illustrates the philosophy I shall adopt in my efforts with my colleagues to the replacement of General Orders.

## **His Excellency the Governor**

I would simply like to pick up the point that the Honourable Chief Executive made and to assure Members on a matter of such public interest, not to say concern, if it were in my time as Governor it would be fully my intention to be as consultative as anybody could wish.

### **QUESTION NO 30/97 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members. Could the Chief Executive explain the procedures Departments have in place for dealing with maintenance problems and repairs. Can he suggest improvements that can be made to prevent a repeat of the very unfortunate incident with the Leisure Centre door?

### **The Honourable the Chief Executive**

Mr President, Honourable Members. The Administration have been aware of the increasing problem of maintenance for some time. In fact there is currently no written procedure in place, within the Public Works Department, which is by far the largest insofar as this problem is concerned. What happens in the Public Works Department is that defects are reported and inspections are carried out, but there is no pre planned maintenance system. The Director of Public Works wrote to me on the 07 March 1997 on this very topic suggesting a way of initiating a system to tackle the problem. The structure of the procedure has been determined and the post of Maintenance Manager has been created, applications are currently being sought both locally and overseas. The very incident at the Leisure Centre to which the Honourable Member is referring, which was terribly unfortunate, in that case the defect had been identified and the replacement parts were ordered last May but they have not yet, I am informed, arrived in the Islands. The state of the door had been monitored in the intervening period, clearly the judgements made during the inspections were not adequate.

### **The Honourable J Birmingham**

I thank the Chief Executive for his answer. I wonder whether he, if he had been the victim of this incident, would he now, like I would have been, have been testing the Falkland Islands Government's Public Liability Insurance.

### **The Attorney General**

I don't think that question requires an answer.

### **The Honourable J Birmingham**

Excuse me?

**The Attorney General**

Well, you asked if the Chief Executive would have been testing the Government's Public Liability Insurance, that is a rhetorical question and does not require an answer because it is a remark rather than a question.

**His Excellency the Governor**

Would the Honourable Member care to rephrase his remark as a question?

**The Honourable J Birmingham**

I've lost the page here now Mr President but as far as I am aware the Attorney General can only speak if the President asks him to.

**His Excellency the Governor**

The Attorney General has offered advice.

**The Honourable J Birmingham**

Yes.

**His Excellency the Governor**

Would the Honourable Member care to reformulate the observation as a question?

**The Honourable J Birmingham**

I don't think I will.

**The Honourable Mrs N Edwards**

Sir if I may just ask, I read the question. Perhaps somebody could tell me what happened to the door. Did it fall to bits or what happened?

**The Honourable the Chief Executive**

Mr President, Honourable Members. The door is a swing door on the entrance to The Leisure Centre, by the side of the Swimming Pool, and it's bolted, it has members top and bottom that locate into the frame, and it was noted that one of those was particularly worn and on this particular day Mrs Luxton, Mrs Nikki Luxton I believe standing at Reception, and the top member that was located into the frame gave away and the door fell on her. It is a very weighty door and it was a very dangerous situation if there had been a child there or a younger person or somebody in a different position it could

have been far nastier than it was, it was nasty enough and was a very regrettable accident. It could have been averted if, when the actual problem was first noticed, the door had been bolted so that only one door was used but unfortunately that wasn't what happened.

**QUESTION NO 31/97 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members. Can the Chief Executive explain what requirements have to be met to participate in the Holiday Voucher Scheme, how much there will be in the fund for each eligible person on the 31 December 1997 and who is tasked with the administering of the scheme?

**The Honourable the Chief Executive**

Mr President, Honourable Members. It is this very Honourable Member that has accused me in the past of extreme logorrhoea and I have to say that these details are in the public domain, nevertheless I have been asked to answer the question, I will do so.

**The Honourable J Birmingham**

Mr President this question was put in before the Honourable Chief Executive was asked to go on the radio and give all the details. So I wouldn't be too upset if he decided that as it's in the public domain he didn't have to answer, as it's quite a lengthy one.

**The Honourable the Chief Executive**

At one foul stroke he's cured my logorrhoea Mr President.

**His Excellency the Governor**

The alternative if you want to get it into the public domain in an official way would be to have it as a written answer.

**The Honourable the Chief Executive**

Can I say Mr President. Anybody who wants to know the details, and they are quite interesting, can get them from the Secretariat from Fraser Wallace, who will not only provide them with the written details but will also be able to advise them on what their entitlement is.

**His Excellency the Governor**

Thank you very much for sparing us an unnecessary response.

### **The Honourable WR Luxton**

Mr President. I gather there has been a broadcast about this but I think there is still some confusion in the Islands about the scheme. Would the Chief Executive agree that it might be a good idea to have a brief summary of the scheme and just whose entitled to it and how it operates it in our local media, in print, rather than over the radio.

### **The Honourable the Chief Executive**

Mr President. They have all received it. It is only, I think, a page and a half of A4 so it is in the public domain. I think to condense it any further would probably create even more confusion because it might not answer all the questions that people may have.

### **His Excellency the Governor**

When you say they have all received it do you mean all Islanders?

### **The Honourable the Chief Executive**

The media.

### **His Excellency the Governor**

The Media have received it. Have they published it? They have. Well some have I see from the gallery. Thank you for that. I think it is obviously important that people should understand this.

### **The Honourable DL Clifton**

Mr President. Can the Chief Executive indicate if the bulk of the residents are likely to take their holiday all at one time. Is there likely to be a phased in process for this.

### **The Honourable the Chief Executive**

That's a very interesting question Mr President. We feel that there won't be an embarrassment of riches at any one particular time. One of the reasons for that is because obviously those who were entitled under the old Government scheme to leave passages, they will merely carry forward the requisite number of points or credits into the new situation. If they had already worked let's say two years of three they would then accumulate the next year and would be able to go at the end of year one. Another factor is that of course people can part use it. In other words, if they have only accumulated one year of credits they can still, if you like, have one third of their trip paid for by that or they can go on beyond the three years to as much as five years storing up the annual credits. There may well be a small surge

in year three, those that are doing it for the very first time, but I think that is unlikely. What we are covering in this is the transport cost, the notional transport to the United Kingdom, or anywhere, and there may well be other things that can be covered by it. For instance, as long as it's booked through a local Travel Agent, I mean I am giving an explanation of the scheme now, but as long as it's booked through a local Travel Agent such things as hotels, car hire can in fact be accommodated in the figure. Therefore there is immense flexibility in there and I really don't believe it's going to cause too much of a problem in year three.

#### **QUESTION NO 32/97 BY THE HONOURABLE DL CLIFTON**

Mr President. Can the Chief Executive explain the criteria under which residents made application for plots in the East Stanley Development. How those applications were vetted, how many applicants were successful, how many applicants have been refused plots and how many applicants have started building?

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. Applications for building plots at the East Stanley Development have been selected in order of application, and since the 07 May 1997 with preference being given to those who do not own a house and those who do not own more than one house. Applicants in these categories have been placed on list 'A' whilst those owning more than one house have been placed on list 'B'. Applicants on list 'A' have priority over those on list 'B'. Applicants for commercial plots have been placed on list 'C' and are being selected on the basis of competitive tender. Applicants seeking to obtain a housing plot at East Stanley Development are required to apply, in writing, giving details of both their residential and their home ownership status. Where there is doubt an applicant's status is also checked by reference to the Government Secretary, Immigration Department and so forth. As a further check all applications are referred to the Stanley Lands Committee for determination before the names of any applicants are placed on the waiting list. As each applicant reaches the top of list 'A' he/she is invited to select a housing plot from those that remain. Those not wishing to select a plot at that time, and any applicant found on double checking, not to qualify for a plot under the Stanley Lands Committee remit, are passed over and the next applicant on the list invited to select a plot. As at the 30 November 1997 a total of 88 applicants had been placed on the waiting list for residential building plots. Of these 5 have subsequently asked that their names be removed from the list and 11 have been placed on list 'B' because they own more than one house. Of the remaining applicants on list 'A' 46 have selected plots. Eleven have been invited to select a plot but have declined for the time being and one has been found not to qualify for a plot under the Lands Committee remit. The remaining 14 applicants who have all been added to list 'A' since the 30 June 1997 have yet to be invited to select a plot. Once all the applicants on list 'A' have been invited to select a site those on list 'B' will be invited in order of application to select a

plot until all the remaining plots have been allocated. In total 73 building plots were available for development in phases one, two, three and four of the East Stanley Development but of these, 10 plots in phase one were reserved for the Falkland Islands Government Housing and 4 plots in phase four reserved for commercial development. Of the remaining 59 housing plots 46 have been allocated and 13 remain available for selection: 2 in phase two, 2 in phase three and 9 in phase four. The 10 plots in phase one reserved for Government housing have all been fully developed but entry to the building plots in phases two, three and four, of the East Stanley Development, has been delayed by the late completion of the roads and services infrastructure and no building work has yet commenced on any of the associated housing plots.

**The Honourable DL Clifton**

Mr President I thank the Honourable Chief Executive for that very detailed reply. Can the Chief Executive indicate when phase two is likely to come on production for residents who have made application, indeed have been allocated plots in phase two, because it seems to me that what he says there is that there is still some difficulty before those residents can move into their plots.

**The Honourable the Chief Executive**

Mr President, Honourable Members. I really can't give a date because the determination of that date is actually subject to criteria that are I'm afraid outside of my control.

**The Honourable DL Clifton**

Mr President. It is my understanding that in terms of phase two that may have been handed over in the first instance by the Contractor about the 1 November and that in terms of a snagging report there was no reply from that to the Contractor until about the 22 November, I believe that would be the contractual norm in this respect. That remaining at that time was a test certificate for a street cable and that test certificate was handed over on the 09 December, we have progressed a long way since the 01 November and I am very fearful, indeed I am anxious as are applicants of those plots, that they will not be handed over speedily enough.

**The Honourable the Chief Executive**

Mr President. I don't have the information the Honourable Member clearly has and as I said earlier it is a contractual situation, as I stated in my answer, that is actually delaying access to these plots. We are doing our level best to resolve that, but you know, a contractual dispute is not something that we can promise to resolve within a specific time, because if we do we put immense pressure on ourselves in negotiations.



### **The Honourable DL Clifton**

Mr President, I thank the Chief Executive. I understand contractual obligations; I think what we are trying to do with the development of East Stanley is to provide an increased housing pool generally. There are already extra demands for houses within the community and as the oil industry begins to move in on these shores early in the new year there will be an ever increased demand and I just wish to be assured that the contractual difficulties are not an unnecessary level of bureaucracy creeping in that prevents people from taking up those plots and commencing building on those plots before the summer passes much more.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. As Honourable Members will be aware Officers are responsible for the proper use of public money and that includes the proper management of contracts and I can assure the Honourable Member that we are doing everything within our power to resolve this particular as quickly as we can. It is some 8 weeks or so behind now, the East Stanley Development, I wish it wasn't. We certainly don't want it to slip any further behind. It is, I would point out, in everybody's interest, the contractor's interest because of his cash flow and our interests for the very reasons that the Honourable Member is stating, to get it done and resolved as quickly as we can.

### **The Honourable J Birmingham**

Mr President, Honourable Members. Would the Chief Executive think it would be fair and just that compensation could be paid to people who have imported house kits and are actually having to spend money at the moment in storing them. And do you think it would be worth while these people contacting the Administration to see whether there could be some kind of compensation.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. I don't believe that there has been any legal or certain date given to these people, and therefore I don't believe that there is a particular case for any compensation to be paid. Of course they can contact us, but I think once again we have to look at the responsibilities that we have as the holders of public money. Obviously an issue like that would in any case come before Councillors themselves if officers were proposing anything in that area.

### **His Excellency the Governor**

Could I just make a general point. I obviously don't want to curtail Honourable Members' right to ask questions but could they please bear in

mind the convention that Supplementaries should be couched as questions rather than statements.

### **QUESTION NO 33/97 BY THE HONOURABLE DL CLIFTON**

Mr President. KTV continue to provide Stanley residents with a choice of television viewing yet its longer term aspirations seem to have been thwarted by Government bureaucracy. Can the Chief Executive explain why in particular redundant aerial masts, the property of the Falkland Islands Government, and adjoining land, could not have been made meaningfully available to KTV Ltd. Could he also indicate what view the Falkland Islands Government take in respect of KTV Ltd?

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. The two aerial masts in question, supporting the FIGAS non directional beacon aerial were surveyed by Telecom Structures Consultancy Ltd on the 19 March 1997, their recommendation being that the masts were unsafe to climb. On the 26 March 1997 the fire at the FIDC building destroyed the beacon transmitter making the masts finally redundant. An added complication to their remaining was that as the beacon no longer transmitted the location of the masts were no longer evident to Aircraft and they were considered a hazard to flight safety. They are also unlit. In the light of this it was considered that the masts should be disposed of. KTV applied to the Stanley Lands Committee for the lease of the site which the Committee referred to Executive Council recommending the land not to be leased to KTV and that the masts be disposed of. The reason being that the site had already been designated for future development and leasing the site would in fact stifle further development of the area. Executive Council concurred. So, if there was, as the Honourable Member asserts in his question, a thwarting by Government bureaucracy it was achieved by Stanley Lands Committee chaired by an Elected Member and by Executive Council. However, I am asked at the end of the question can I indicate what view the Falkland Islands Government take in respect of KTV Ltd. Well the Administration is not the Government and as Honourable Members will be aware I am certainly not the Government but I will tell you my view and what I believe is the view of my Officers. I have nothing but admiration and respect for Mario's entrepreneurial approach to the provision of an exceptionally worthwhile service. He demonstrates a high level of skill and helpfulness in all his dealings and I believe he is to be congratulated and should receive all the help that we can provide within the normal procedures.

#### **The Honourable DL Clifton**

Mr President. I thank the Honourable Chief Executive for his reply. It would seem in terms of the last part of his answer that there is a window of opportunity still available.

### **QUESTION NO 34/97 BY THE HONOURABLE DL CLIFTON**

Mr President. The Transport Review included forecasts on continuing the Road Construction Programme throughout the Islands and a large part of the time table is set out for the south of west Falkland has slipped. Can the Chief Executive explain what new time table have been set for the start and completion of the spine road and what allocation of resources are required to ensure a new time table might be adhered to?

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. This I believe is quite a difficult question to answer specifically but I shall do my best. The time table suggested in the Transport Review was not followed through in the 1996/97 Capital Estimates and that is the key, because that is where Honourable Members get the chance to allocate funds. In 1997/98 it appears as a category two project with five others in front of it including the MPA Road and the Lafonia Road. Considerable progress has been made on both of those projects and they are out to tender shortly. I am assured that Public Works Department is actively looking at the design of a south/west Falkland spine road and a lot of work needs to be done. I am assured by Director of Public Works that the earliest possible commencement date is October 1998.

#### **The Honourable DL Clifton**

Mr President I thank the Honourable Chief Executive for that reply.

### **QUESTION NO 35/97 BY THE HONOURABLE JR COCKWELL**

Can the Chief Executive please advise what was the cost of the recently imported Stud Flock. Who will manage this Stud Flock and will the off-spring be available for private farmers?

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. The recently imported Corriedale Stud Flock arrived in the Falklands on the 05 November at a cost of approximately £1400 each. In all 50 rams were imported with the final cost to be shared equally between Falklands Landholdings Ltd and the Department of Agriculture. The flock will consist of approximately 1600 ewes screened from the Goose Green flock by the Department of Agriculture staff. 50 rams selected on a pro rata basis from the top 100 rams will be supplied annually to the Department of Agriculture for sale to the farming public. All off spring surplus to this will remain the property of Falklands Landholdings Ltd who may make some available for private sale. The farming community will find more detailed information on page 4 of the September edition of the Wool Press.

**The Honourable JR Cockwell**

I thank the Chief Executive for his reply. I may have missed it but I did ask about the cost of this flock. Did you mention that?

**The Honourable the Chief Executive**

I mentioned £1400 each Sir.

**The Honourable JR Cockwell**

Sorry, beg your pardon. And it was just the Rams that they got. I thank the Chief Executive for his reply.

**QUESTION NO 36/97 BY THE HONOURABLE JR COCKWELL**

Can the Chief Executive explain when it is planned for work to start on the road from Goose Green to North Arm?

**The Honourable the Chief Executive**

I can do that when I find the paper Mr President. I have got it somewhere here. I can't find it so I shall try to do it off the cuff. I understand that this particular tender is actually out later this week. It is anticipated that there will be an end of February return by those who are tendering and it is anticipated that there are a number of companies that will tender. Therefore, it is likely that there can be a decision on this in March, certainly before the end of March. That would indicate that work could start next October.

**The Honourable DL Clifton**

If I may Mr President just a point of clarification. In terms of the answer the Chief Executive gave me for Question No 34/97 and the answer he has just given the Honourable Councillor Cockwell will he confirm, unless I am mistaken, for the commencement of the road from Goose Green to North Arm and the spine road on West Falkland both start in October 1998.

**The Honourable the Chief Executive**

Mr President, Honourable Members. If that's what I said I confirm it. Did I say it? Then I confirm it.

**The Honourable MV Summers OBE**

Mr President. Could the Chief Executive advise whether the completion date for the road between Goose Green and North Arm remains the same as was planned for some considerable while. Since the Director of Public Works

has frequently told us it is not the start date that we should be concerned about but the completion date and that he would deliver that completion date.

### **The Honourable the Chief Executive**

Mr President Honourable Members. I have spoken with him on that particular point quite recently and I think it would be unwise in view of the complexity of the situation to actually confirm in this forum that this date will be met. It is a target date as I understand it.

### **MOTION NO 3/97 BY THE HONOURABLE MV SUMMERS OBE**

That the Legislative Council establish a Select Committee consisting of all Elected Members of the Council to be known as the Committee on Ethical Behaviour and Standards in Public Life, the functions of which shall be:

- 1) To examine and make proposals to the Council in relation to any measures and procedures it considers necessary to ensure and preserve ethical behaviour and standards in relation to the performance and discharge of their functions, by members of the Council, members of the Civil Service, and persons who are members of public committees; and
- 2) Make proposals for the modification of the Standing Rules and Orders of the Legislative Council and of General Orders for Falkland Islands Government employees, and for the making of a code of practice for persons who are members of public committees.

### **The Honourable MV Summers OBE**

Mr President. This is an issue I first raised some fourteen months ago in my by-election address when I first stood for the Council and it has taken rather longer I think to come to a conclusion than many people would have liked. However, I am happy to propose this Select Committee in the hope that we will bring this matter to a fairly rapid conclusion. The purpose of introducing this Motion and going through this exercise is to provide the proper protection to the public, and indeed to Councillors, Officers and Members of Public Committees. The current rules as they stand are clearly not adequate and not acceptable. The task for the Select Committee will be to devise a disclosure system which is suitable for the special circumstances of our society so that the public is protected and those people are protected but that we don't in the process discourage people from standing for public office or involving themselves in work on the public's behalf. On that basis Mr President I am happy to propose the Motion.

### **The Honourable Mrs S Halford**

I second the Motion. As we are such a small community many of us whether Councillors, members of the Civil Service or persons serving on Public

Committees will at times have conflicts of interest or have to declare an interest and it is because of this that I believe it to be important for there to be clearly defined guidelines for people to follow. Not only is it necessary for the person to know that what they are doing is correct but it is also necessary for members of the public to be able to see that it is correct. There should be no grey areas. I further believe that where there are rules penalties should be imposed on those not adhering to the rules.

### **His Excellency the Governor**

Would other Honourable Members care now to speak to this Motion for or against.

### **The Honourable DL Clifton**

Mr President. I just rise to support wholeheartedly the Motion that is before us. I believe it a very necessary step to take, not only in terms of recent events in the run up to the General Election but also in terms of developing the Constitution and the political system per se within the Falkland Islands. I give it my warmest support.

### **The Honourable J Birmingham**

Mr President in rising to support this Motion I would say that anybody from outside the Islands listening to this Motion might think that we have a serious problem, and I certainly don't think we do. Generally speaking things are done the right way. A fine example would be the recent example set by the Chief Executive, who as Chairman of Stanley Services, recognised that if CSM got the logistics contract with the connection between that Company and Stanley Services he felt that it would be wrong for him to be Chairman of Stanley Services and to be Chairman of the Oil Committee and has rightly decided to pass the Chair on to somebody else. That was the correct thing to do and as I say generally this is how things work here but now I fully support putting as much down on paper as we possibly can to tighten things up. I support.

### **The Honourable the Chief Executive**

Mr President Honourable Members. The Honourable Member who has just spoken surprises me in indicating something that I have decided I certainly take the plaudit of being so ethical in doing that but I have never believed that there was any ethical conflict whatsoever in those situations and I am sure I will discuss it with him outside.

### **The Honourable J Birmingham**

I'm afraid I believe that there is a conflict of interest and I am not alone in that.

**His Excellency the Governor**

The Honourable Member's observation is certainly noted.

**The Honourable the Chief Executive**

Maybe the establishment of a committee like this will sort it out. Obviously the officers fully support the establishment of this committee and support the Motion, however, we are a little bit concerned at the actual wording of the Motion and I would like to propose an amendment which I hope will be accepted by the mover of the Motion because I do believe it actually adds to the quality of the Motion itself. You will notice that the Motion has these two phrases or two clauses underneath it and in fact we believe that the second clause somewhat limits the scope of the first. The Committee it is believed needs to look at how to achieve the objectives and it should not be pre-empted by indicating a certain methodology as to how that is to be achieved, which in fact is what the second clause does. The amendment that I would propose would be inserted in-between the two clauses. After the word "and" in 1) to say "without restricting the Committee's ability to make any proposals it might make in pursuant of the paragraph above the committee should consider making the proposals for" and then that goes on after the word "proposals" in 2) and I believe also that 1) and 2) would then become as numbers unnecessary in the process. If Members wish me to read that again I would be very happy to do so.

**His Excellency the Governor**

I imagine they would and particularly the Proposer and Secunder of the original Motion.

**The Honourable the Chief Executive**

After "and" at the end of 1) insert "without restricting the committees' ability to make any proposals it might make in pursuance of the forgoing the committee should consider making proposals for" and then we are back in with the fourth word of 2.

**The Honourable the Financial Secretary**

I also support in principle the Motion Sir, and I second the amendments to it.

**The Honourable MV Summers OBE**

Mr President. I accept the amendment.

## **His Excellency the Governor**

Thank you very much and the Seconder too. So in that case we are now debating the original Motion as amended in the way that it has been read out. So any further debate will be on the amended Motion.

## **The Honourable WR Luxton**

Mr President. I would like to support this Motion as well and I reiterate what Councillor Birmingham said, I don't think we have a problem but I think it is good to ensure that we don't ever have any in the future. I think it makes life easier for everyone including people serving on committees if we have a completely transparent system with clear rules that everybody knows what they are and how to follow them. I support the Motion.

## **The Honourable Mrs N Edwards**

Yes Sir. I am just rising to support the Motion as well. I think it is something that has been needed just to insure ourselves for the future. I don't think we have had any corruption in the past, that I can think of anyway, or any manoeuvring for people to pursue their own ends in Public Life but, I think with the oil regimes that are going to be in place and so on, it's very sensible to have everything laid down in clear English so that people can understand where we stand. Thank you, and I support it wholeheartedly.

## **The Honourable Mrs JL Cheek**

Mr President, Honourable Members. Of course I support this Motion having first raised this matter in a by-election speech several years ago, probably nearly four years ago. This most important point for me is not only that people are doing what they should but, the public perception is that they are doing that. That it is easy for everyone to see, no-one is hiding anything and that no-one is working as the Honourable Norma Edwards said to their own ends. I support the Motion.

## **His Excellency the Governor**

Well in that case it's clear that this Motion commands the, I think unanimous support of this House, I simply would like to record my own support for this Motion and for the impetus behind it. I suspect that it might be a bit complacent to say that there is no problem whatever, I think there probably is perception that there may be a bit of a problem, whether there is in reality a problem is another matter, but if there is a perception that there is a problem I think it's right that we should review our rules and our procedures and I very much associate myself with the use of the words like transparency and so on which have been used by Honourable Members here today. The other point that I would like to make is of course a certain amount of work has already been devoted to this subject notably by the Attorney General in producing a



green paper, or a white paper on Standards in Public Life and I would like to hope that that work can now be folded into the work of the Select Committee, or at least taken account of, so that we are not starting from ground 'O' as it were. May I now invite the Honourable Mike Summers, Proposer of the original Motion to wind up.

### **The Honourable MV Summers OBE**

Thank you Mr President. I thank the Honourable Members for their support in this Motion. I believe the convention is that as the Proposer of the Motion I will be the Chairman of the Select Committee. I would intend to get on with this work fairly quickly, calling for all the papers from the Chief Executive that were submitted from members of the public, when asked to make responses to the Attorney Generals' proposals. I think we will have one more quick round of consultation with the public to see if there are any members who feel that they haven't made contributions that they would have wished to have done, and then having done that we would hope to conclude this matter fairly speedily.

### **His Excellency the Governor**

The Motion is duly carried.

### **MOTION NO 4/97 BY THE HONOURABLE THE FINANCIAL SECRETARY**

That this House approves that Income Tax Annual Values Rules 1997 be published in the Gazette on 1 December 1997.

### **The Honourable the Financial Secretary**

Your Excellency Honourable Members. Section 204 of the Taxes Ordinance 1997 provides for Rules to be made by the Governor in Council. Section 8 of the Ordinance makes provision for Rules which are made to describe benefits and annual values to be confirmed at the Legislative Council at the meeting next following the publication of the Rules, before they can come into effect. These Rules were approved by Executive Council on 20 November 1997 and were published in the Gazette on 1 December 1997 to come into effect with respect to Income Tax chargeable for the year of assessment commencing on 1 January 1998 and for subsequent years of assessment. As a consequence of amendments to Tax Legislation and the consolidation of that Legislation published in July as the Taxes Ordinance 1997 it was necessary to review and revise these and other Tax Rules and Regulations. The Annual Values Rules prescribe a taxable amount in respect of some of the benefits in kind received by employees from their employers. The Rules have been updated and redrafted to be complementary to and consistent with the provisions of the Taxes Ordinance 1997. I beg to move the confirmation of the Income Tax Annual Values Rules 1997.

## **His Excellency the Governor**

The Honourable the Chief Executive seconds. Would any Honourable Members care to speak to this Motion? Do I take it then that there is no objection and the Motion is carried. The Motion is carried. Thank you.

## **Clerk of Councils**

## **ORDERS OF THE DAY BILLS**

The Pensions Scheme Bill 1997

## **The Honourable the Financial Secretary**

Your Excellency, Honourable Members. The purpose of this Bill is to establish the Falkland Islands Pensions Scheme. To make provision for the payment of pensions and other benefits to or in respect of members of the scheme and connected matters. The Bill, together with the explanatory Memorandum, was published in the Gazette on 30 October 1997. The new scheme is to define contribution scheme where contributions are made by or on behalf of members into a funded scheme. The total of those contributions, together with interest earned over the years from the investment of the fund is used to purchase a pension upon retirement. The new scheme is to be administered by a board, completely independent of Government, although initially support both in administration and finance will be provided by Government. There was separate pension provisions for the established and unestablished employees of Government and as part of the review undertaken by Hay Management Consultants Ltd these schemes are to be replaced by this new scheme. The scheme is Islands wide, in addition to Government employees, employees from businesses, the self-employed and any other residents can become members of the scheme and contribute towards a proper provision for their retirement. With regard to Government employees contributions will be made on their behalf, by Government, at the rate of 10% but for employees over the age of 25 on 1 January 1997 at increasingly higher rates from age 40 to retirement. His Excellency the Governor has received nominations for membership of the board and it is hoped that appointment will follow shortly after the Bill is past. In time it is anticipated that some of the board members may be elected by the members of the scheme. The Bill is principally for work of a pensions working group set up by Executive Council with input from Hay Management Consultants Ltd. The group met some 15 times since its conception in March 1997 and Legislative drafting was undertaken by Miss Lesley Furlonger on detailed instructions from the Attorney General. I would like to express my thanks to all the members of the group and Miss Furlonger. There have been four occasions on which Executive Council have debated this matter. The initial debate was in October 1996. A debate on the method of calculation of transfer values to be used for Government employees was in April 1997. In August 1997 the composition of the board and the appointment of members of the board was decided and in November 1997 a further debate when this

Bill was presented. At the November meeting of Executive Council changes to the Bill were suggested and these were the inclusion of employees seconded from the Falkland Islands to work at FIGO as members of the scheme, the inclusion of a definition of relevant earnings for Government staff and the position of Government contract Officers to be clarified. With regard to employees seconded to work at FIGO they are already included under the provisions of clause 17 (2a) of the Bill. The other suggested amendments have been circulated and I would ask that Members bring into this Bill these changes. There are also some minor amendments which are on the circulated amendments. I do not intend to speak further to these amendments and trust that Honourable Members will agree to the Bill being amended accordingly at the committee stage. This Bill will bring into Falkland Islands Legislation a modern pension scheme open to all who are resident here. Throughout the debate there have been several suggestions for a more sophisticated scheme. It is suggested that more complex provisions may be introduced at a later date when the scheme has become established. There is however one change which may be more urgent and that is related to the retirement age. The Bill contains provision for the latest payment of benefits at age 64 in line with the Retirement Pension age. It has been suggested that this may not be appropriate for the private sector. It is therefore proposed that if the scheme is to be amended to take this into account then an early amendment to the Ordinance could be introduced. In the event that the Bill is passed Regulations can then be made, the board can begin to function and the administration can be arranged. The Ordinance would come into force on 1 January 1998 but in relation to Government employees the provisions are to be back dated to 1 January 1997. Until the administrative arrangements are in place it would not be appropriate for the private sector to participate. It is hoped that the arrangements will be completed before the middle of next year. In the new year information on the scheme will be made available by the production of explanatory booklets, radio broadcast and by direct contact with the private sector. Your Excellency, 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? No objection; the Bill will be read a second time.

**The Bill was read a second time.**

### **His Excellency the Governor**

I declare the Council to be in committee.

### **Clerk of Councils**

Clauses 1 to 43.

### **The Honourable the Financial Secretary**

Your Excellency I beg to move that clauses 1 to 43 stand part of the Bill as amended in accordance with the list that was circulated to Honourable Members and with the correction of those errors noted on the front page of the Gazette dated 30 November 1997.

### **The Honourable MV Summers OBE**

Mr President. There are in addition to the suggested amendment that the Financial Secretary has made on the retirement age of 64, I concur with him that that is inappropriate and it ought to be raised to I expect probably 70. There are two other areas, where in our last discussion in the Working Group, we were not satisfied and we will need to pay some attention. I would like to draw your attention to Section 13(4) which requires 'that the Board within 7 days of receipt of the account deliver to the Governor a copy of the accounts together with all notes reports and other information accompanying or annexed to the account' there is no provision for that information, no requirement for that information to be required to the members of the scheme, and I think that should be the case. So I would either propose that an amendment to that effect be made at this stage or be made very shortly as an amendment. There is one other matter, Mr President, under Section 23(1) of the Bill it states 'that the Board shall accept sums representing transfer values of approved units of any kind in or under our pension schemes from employees or self employed persons'. Again in the final session of the committee I believe that we accepted an observation that the board should exclude liability for defined benefits from any other schemes and a provision to that effect would need to be made at an early stage.

### **The Honourable Financial Secretary**

Your Excellency, Honourable Members. I wasn't proposing to amend the Bill to raise the age, the latest age that a pension be paid to age 70 at this stage but take that to Executive Council as an early amendment and I would suggest that those amendments Councillor Summers has raised should be debated at the same time, rather than attempt to do it now.

### **His Excellency the Governor**

Would the Honourable Mike Summers be prepared to go along with that proposal?

### **The Honourable MV Summers OBE**

I will accept that providing it is done at an early stage.

**The Honourable the Attorney General**

I have to ensure that the Bill is presented to the Executive Council at an early stage to accomplish those amendments.

**His Excellency the Governor**

Does any other Honourable Member wish to speak at this stage on the amendments. In that case the Motion is that Clauses 1 - 43 as amended stand part of the Bill. Is there any objection to the Motion. No objection Clauses 1 - 43 as amended stand part of the Bill.

**Clerk of Councils**

**Schedules 1 - 3**

**The Honourable the Financial Secretary**

I beg to move that schedules 1- 3 stand part of the Bill.

**His Excellency the Governor**

**The Motion is that Schedules 1 - 3 stand part of the Bill. Is there any objection to that Motion.**

**The Honourable the Financial Secretary**

As amended Sir, by the list that I circulated.

**His Excellency the Governor**

As amended by the way that The Honourable the Financial Secretary indicated. No, no objection. The Schedule stands part of the Bill. The Council resumes.

**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 Damages Bill 1997**

## **The Honourable the Chief Executive**

Mr President, Honourable Members. 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, does any Honourable Member wish to speak to the Motion?

## **The Attorney General**

Your Excellency. The House will no doubt want to have an explanation of the purposes of the Bill. It would be a matter, a Bill which would make a minor, but important reform in the Law relating to damages. It would give effect in the Falkland Islands to provision of the Damages Act 1996 of England which in itself gave effect to the principal recommendations of the English Law Commission in relation to certain settlements of damages in injury and death, in injury actions in the Courts. Section 1 of the 1996, that is the English Act, requires a Court to take into account such rate of return, if any, as is prescribed by an order made by the English Lord Chancellor. Up to that time, the enactment of the Section 1 of the 1996 Act, the plaintiff was normally awarded damages on a real rate of return of between 4 and 5% and this was believed widely to be a low rate of return, and unfair to the person who received damages. Section 2 of the 1996 enabled Courts to make a structural settlement order by way of periodical payments instead of a lump sum order of payment for payment of damages. Section 3 of 1996 Act ensured that where a plaintiff died of his injuries after receiving a provisional award of damages which the Act enabled to be made, the plaintiff's dependants would not be stopped from claiming for loss of dependency and that any award made after death would not result in the same pecuniary losses being taken into account more than once in assessing the damages payable. The Bill therefore proposes that those matters of English Law that are provided for by the Damages Act 1996 in England should be taken into the law of the Falkland Islands with the necessary modifications by the provisions of the Bill.

## **His Excellency the Governor**

Thank you Attorney General; very helpful to have the lucid explanation. So the Motion is that the Bill be read a second time. Does any Honourable Member wish to speak to it.

**The Bill was read a third time and passed.**

## **Clerk of Councils**

### **The Control of Drinking by Juveniles Amendment Bill 1997**

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. At the present time there is justifiable concern within the community over the problem of under age drinking. In place is the Control of Drinking by Juveniles Ordinance 1993, but it is felt that there remains a situation where it is not an offence for a juvenile to be supplied with or to consume alcohol in private premises that are not licensed premises. What this brief Bill does is to prohibit persons under the age of 18 drinking alcohol outside their own homes save in accordance with permission granted by a parent or guardian, as such I commend it to this House.

#### **His Excellency the Governor**

Thank you. The Motion is that this Bill be read a second time. Does any Honourable Member wish to speak to it?

#### **The Honourable Mrs J Cheek**

Mr President, Honourable Members. I just wish to welcome this Bill for two reasons. One as the Honourable the Chief Executive has pointed out it is covering a loophole which was preventing the Police from acting in certain conditions, more importantly in my view, it places the responsibility for these under age people where it belongs, with their parents.

#### **The Honourable the Attorney General**

Sir, there is a minor amendment to the Bill. That is in Clause 2(7) the sixth line the word 'or' has been run together with the word 'consumption' they should be separated, so it's 'consumption or' and not 'consumptionor'.

#### **His Excellency the Governor**

I commend the Attorney General's amazing vigilance. Thank you. Any other Members? I would like to try and invoke the short track procedure with this Bill as well.

**The Bill was read a third time and passed.**

## **Clerk of Councils**

### **The Offshore Minerals Bill Amendment Bill 1997**

#### **The Honourable the Chief Executive**

Mr President, Honourable Members. 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. Does any Honourable Member wish to speak to the Motion? Would The Honourable the Attorney General care to give a brief explanation of the purpose of the Bill.

#### **The Honourable the Attorney General**

There are two purposes of the Bill Mr President, Honourable Members. The first is to extend the ambit, that is the area to which the Offshore Minerals Ordinance, The Principal Ordinance applies so that it includes that part of the special Co-operation Area with Argentina which does not fall within the FICZ and FOCZ so that the arrangements under the Joint Declaration of September 1995 can be fulfilled in Falkland Islands law, in relation to licensing in that area, that is in itself an important purpose and is achieved by the amendment of the definition of designated area which the Bill would make. The second purpose of the Bill is to make a number of amendments to the provisions of the Principal Ordinance in relation to offshore health and safety resulting from discussion we have had with the Health and Safety Executive of the United Kingdom who are our advisers in relation to Health and Safety matters in our offshore mineral waters. The amendments would enable an offshore application order to be made in a very similar manner to that which has been made in the North Sea. Those are more technical amendments obviously than the amendment I have referred in relation to the designated area and those, Honourable Members, are the two purposes of the Bill.

#### **His Excellency the Governor**

Thank you very much Attorney General. The Motion is that the Bill be read a second time. Would any Honourable Member care to speak to it? Are there any amendments? There are no amendments. In that case let's go onto the fast track here.

**The Bill was read a third time and passed.**



**Clerk of Councils**

**The Charging Orders Bill 1997**

**The Honourable the Attorney General**

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

**The Honourable the Attorney General**

Mr President, Honourable Members. This Bill, The Charging Orders Bill 1997 makes provision in the law, or would if an Act would make provision in the Law of the Falkland Islands modelled on the provisions of the Charges Orders Act of the United Kingdom and would assist in enabling persons who have a judgement of the Court to enforce that judgement. If Honourable Members want a more detailed explanation I am happy to give it, but that succinctly is the purpose of the Bill.

**His Excellency the Governor**

Thank you very much Attorney General. The Motion is that the Bill be read a second time. Would any Honourable Member like to speak to it.

**The Honourable Mrs S Halford**

Mr President, I agree with it but there is a minor correction.

**His Excellency the Governor**

Is there a minor amendment?

**The Honourable the Attorney General**

I would be grateful to the Honourable Member if she would draw it to my attention.

**The Honourable Mrs S Halford**

The first line of 2(1) I believe it should be "an" instead of "as" after "needs".

**The Honourable the Attorney General**

I am grateful to the Honourable Member.

**His Excellency the Governor**

Vigilance here is astonishing. Any other amendments, comments? In that case, the Motion is that the Bill be read a third time. If there is nobody who wishes to speak, again the short procedure.

**The Bill was read a third time and passed.**

**Clerk of Councils**

**The Taxes (Falkland Islands Pension Scheme) Bill 1997**

**The Honourable the Financial Secretary**

Your Excellency, Honourable Members. The purpose of this Bill is to make provision in the Taxes Ordinance 1997 for the new pension scheme introduced in the Falkland Islands Pension Scheme Ordinance 1997 which was passed by this House today. The Bill applies the relevant provisions of the Taxes Ordinance 1997 to the new Pension Scheme so that tax relief on contributions can be provided to employers and employees, subject to existing limits. The lump sum benefit is not chargeable to tax and tax can be charged on any repayment of any contribution to an employee. I beg to move the second reading of the Bill.

**His Excellency the Governor**

Thank you very much the Honourable Financial Secretary. The Motion is that the Bill is read a second time. Would any Honourable Member like to speak? No, and there are no amendments? I will invoke the short track.

**The Bill was read a third time and passed.**

**Clerk of Councils**

**The Mining Amendment Bill 1997**

**The Honourable the Chief Executive**

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

**The Honourable the Attorney General**

Mr President, Honourable Members. This Bill will make a number of minor, but important, amendments to the Mining Ordinance which was first enacted in 1918 and would in particular introduce a new provision in relation to restrictions on assignment of mining licences, enable you Sir, or your successor, with the approval of the Secretary of State, to agree with a holder

of a prospecting licence, subject to certain conditions you would consider an application for a Mining Lease following a prospecting Licence. It would also replace reference to the Colonial Secretary, in the original principal Ordinance, with reference to the Chief Executive. It would insert a modern and appropriate definition of mineral. Those, Mr President and Honourable Members, are the purposes that effect the Bill.

### **His Excellency the Governor**

The Motion is that the Bill be read a second time. Would any Honourable Member care to speak for or against. Well in that case fast track procedures since we have no amendments.

**The Bill was read a third time and passed.**

### **Clerk of Councils**

### **The Drug Trafficking Bill 1997**

#### **The Honourable the Chief Executive**

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

#### **The Honourable the Attorney General**

Mr President, Honourable Members. The Drug Trafficking Offences Bill is a Bill which would, if enacted, incorporate amendments to our Law in relation to Drug Trafficking which would give effect to our obligations under the United Nations Convention on Narcotic and Psychotic Substances. It would replace the existing Drug Trafficking Offences Ordinance of 1989 and it would replace certain provisions of the Criminal Justice Amendment Ordinance 1992. Both those pieces of Legislation were modelled on corresponding pieces of Legislation in the United Kingdom. The Drug Trafficking Offences Bill 1997 is in itself modelled on the equivalent United Kingdom Legislation. It is a long and somewhat complex Bill, in saying what I have said I think I have expressed as succinctly as may be the purposes and effect of the Bill.

### **His Excellency the Governor**

Thank you very much. The Motion is that the Bill be read a second time. Would any Honourable Member care to speak. No objection. The Bill will be read a second time.

### **Attorney General**

Mr President, Honourable Members. There are a number of corrections to be made to the Bill where there are some typographical errors, those have

been circulated among Honourable Members, I would be quite happy to read those out if required but otherwise perhaps with the leader of the House those might be incorporated.

**His Excellency the Governor**

I detect that Members of this House are content for those to be read into the record as it were. So I think we have actually moved across onto the Schedule have we not? Could the mover please move that the two Schedules stand part of the Bill.

**The Honourable the Chief Executive**

Mr President I beg to move that Schedules 1 and 2 stand part of the Bill.

**His Excellency the Governor**

The Motion is that Schedules 1 and 2 stand part of the Bill. Are there any objection? No objection. Schedules 1 and 2 stand part of the Bill. Council resumes.

**The Bill was read a third time and passed.**

**Clerk of Councils**

**The Education (Amendment) (Number Two) Bill 1997**

**The Honourable the Chief Executive**

Mr President, Honourable Members. The reason for this amendment is simply to do with the fact that the Education Ordinance 1989 as it stands requires one Camp and one Stanley Councillor to sit on the Board. As all will be aware the change of balance to five/three between Stanley and Camp as far as Councillors are concerned might place an inordinate burden on Members for Camp if this kind of balance is perpetuated. However, the amendment does allow for any combination of Camp and Stanley Councillors to serve on the Board and as such I commend it to this House.

**His Excellency the Governor**

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

**The Bill was read a third time and passed.**

## **Clerk of Councils**

### **The Supplementary Appropriation 1997/1998 (Number 2) Bill 1997**

#### **The Honourable the Financial Secretary**

Your Excellency, Honourable Members. The purpose of this Bill as presented is to authorise a withdrawal of the additional sum of £722,980 from the Consolidated Fund, and, to provide Supplementary Expenditure approved by the Standing Finance Committee, £410,510 of this additional sum has been authorised to be advanced from the Contingency Fund. The Bill provides for the Contingency Fund to be replenished to the extent of any advances made. There are several significant items of Supplementary Expenditure over £50,000 in value which ought to be mentioned as follows. £67,000 is provided to implement increases in Government Service Pensions on a sliding scale to help make up the shortfalls which have occurred between salaries and pensions since Fisheries prosperity started. £82,000 is provided to meet additional costs associated with the review of Government employment conditions by Hay Management Consultants Limited. Unfortunately there will be a need to appropriate more money in due course as indicated in the Chief Executive's reply to Question No: 25/97. £73,570 is provided for the upgrade of computers on the Secretariat Network. This will then allow the release of exist for use on the Internet in Government Departments. £277,00 is provided to enhance the facilities at FIPASS including Healthy and Safety improvements. Following the meeting of Standing Finance Committee this morning, further funding of £29,500 was approved in response to an application from the Secretariat for the purchase and installation of a Computer Software package for the Human Resources Department code named: CHRIS, which is short for Complete Human Resources Integrated System. This Supplementary Expenditure was approved on the advice that CHRIS will make the Department more efficient. At the Committee stage of the Bill I will propose the necessary amendments to incorporate this most recent approval so as to increase the total appropriation from £722,980 to £752,480. 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. Any objection? No objection, the Bill will be read a first time.

## **Clerk of Councils**

### **The Supplementary Appropriation 1997/1998 (Number 2) Bill 1997**

#### **The Honourable the Financial Secretary**

Your Excellency 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? No objection. The Bill will be read a second time.

**Clerk of Councils**

**The Supplementary Appropriation 1997/1998 (Number 2) Bill 1997**

**His Excellency the Governor**

I declare the Council to be in Committee.

**Clerk of Councils**

Clauses 1 to 3.

**The Honourable the Financial Secretary**

Your Excellency. I beg to move that Clauses 1 to 3 stand part of the Bill with the following amendment. In Clause 2 delete "£722,980" and insert "£752,480" the long title to be amended likewise.

**His Excellency the Governor**

The Motion is that Clauses 1 to 3 as subsequently amended in the way that the Financial Secretary has just indicated stand part of the Bill. Is there any objection to that Motion. No objection. Clauses 1 to 3 as amended stand part of the Bill.

**Clerk of Councils**

Schedules 1 to 2

**The Honourable the Financial Secretary**

I beg to move that Schedules 1 and 2 stand part of the Bill with the following amendments. In Schedule 2: 950 Expenditure delete "£301,970" and insert "£331,470" and total Supplementary Expenditure delete "£312,470" and insert "£341,970".

**His Excellency the Governor**

Thank you. The Motion is that Schedule 1 to 2 as amended twice stands part of the Bill. Any objection to the Motion? No objection? Schedule stands part of the Bill. Council resumes.

### **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? No objection. The Bill is read a third time and passes.

### **Clerk of Councils**

### **The Supplementary Appropriation 1997/1998 (Number 2) Bill 1997**

### **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**

The convention hitherto has been that we should start on the right with the three Members of this year on Executive Council and then move progressively to my left and if you are content to proceed that way I am in your hands. In which case the Honourable Lewis Clifton has the floor first.

### **The Honourable DL Clifton**

Mr President, in rising to support this Motion for Adjournment I shall not take up much time at all. What I would like to say at the very beginning is that I was in this room several evenings ago, in the company of two visiting Parliamentarians, and today I would wish to bid a special welcome to Baroness Hooper who is here with us, for that thank you very much. The other guest a number of evenings ago was Viscount Montgomery and there was a robust debate as is well illustrated in the Penguin News today. Viscount Montgomery's views are not necessarily good news for a great many folks here but, nevertheless, I think the opportunity to extend to both him and Baroness Hooper the opportunity to visit the Falklands can do nothing else but cause a Falklands view to be heard and indeed in part to be taken to another place. I now the Viscount admitted it several times that he was a little bruised with his encounters with some folk, but so be it, that is the spirit of democracy. I believe that it is important that we continue to invite Parliamentarians from all persuasions to these Islands because there is nothing like seeing a place for yourself. I say this also in some respect for other visitors, not least Major General and Mrs Pennyfather who also visited

at the same time. Equally it is important for Councillors to undertake visits. I say this by making special mention to the very good visit programme the Commander British Forces afforded Councillors shortly after the Election. I very much welcome that and I wish to extend a public thank you for that. I think it is important that we continue to ensure that visitors come to these Islands. They might not necessarily accept our views but, I think, over the time of a visit views tend to change and I have seen that through a considerable number of Parliamentary visits that I have been closely involved in myself. We must not become complacent here that the Falklands view is the only view, because there are a great number of other views, and we need to be sure that we hear those and we try and persuade them of a different picture.

The only other significant point I would like to reflect upon is the Motion today by the Honourable Councillor Mike Summers. I believe this is a necessary step in the right direction. I see it necessary because I believe it is important for the Constitution to be under continual review. I believe it both right and proper that the Constitution is reviewed during the term of this Council and that it should in some point embody the recommendation of the Select Committee and that those recommendations are written into i.e. they are enshrined in the Constitution.

In my own question to the Chief Executive today I did pose the name "the Falkland Islands Government". There was very good reason for that because I am only a very recent member of the Falkland Islands Government so I wish to be sure that the Electorate, who listen to this broadcast, are well aware of what those decisions were. I am also very conscious of the need of this Council to promote greater transparency and, already within the Council, there is some agreement to move a long way down that road. It will take a little time to do so but I personally hope that by the end of the tenure of this Council that there will be full accountability of Councillors who hold their own individual portfolio.

There is only one other matter I think I am duty bound to do today. I will be guided whether the time is correct to do that and if it is may I proceed. It is, I believe, my honour on behalf of all Councillors, to make a presentation to The Commander British Forces who is nearing the end of his tour in the Falklands. I personally would like to thank him for the few weeks in which he has offered, and tendered, advice to me as a Councillor. I realise it is the end of his tour but I would wish to express those thanks and if he would be so kind to accept this small token of our gratitude. Sir, I support the Motion.

### **The Honourable JR Cockwell**

Your Excellency, Honourable Members. In rising to support the Motion I too would like to express my gratitude to the Commander British Forces for the support, and advice, he has given me in the few short weeks that I have been on Council. I wish him well in wherever he is travelling to from here. I have been assured by my colleagues on Council that I should be brief, and as they



know I always am brief. Anyhow, I think I should mention that I fully associate myself with the previous speaker's remarks regarding the visit of Baroness Hooper, I welcome her in this House, and I hope that one of these days we may well be able to visit the House where she holds State. I look forward to meeting her again.

I think I should mention the crisis in Korea. As we all now there is a crisis in Korea which does affect the Falkland Islands quite considerably because quite a large amount of our income comes from the Illex Fishery through the Korean fishing boats. With the crisis we may be affected but, I can assure this House and any person that is listening to me, that I will not be driven into making a panic kneejerk reaction similar to what we had a few years ago. I think it was 1992 when it appeared to be, we had a similar sort of crisis. I think we have to approach this very carefully and sensibly and not make any instant reaction which can affect our capital programmes and the running of this country for quite a considerable time.

Regarding Camp. I believe we are still going to have to continue to make every effort to start the Camp roads programmes both in the South of the East and the South of the West as soon as possible. I know it is going to cost us a lot of money, I know it causes all sorts of manpower problems, but I think we have to address these problems and get on with it. I think it is essential for the development of the Camp to get these roads started.

Agricultural Assistance is another matter which is very close to my heart. I believe, and we are already starting with the Agricultural Department, in looking at the ways of the Agriculture Assistance turning from just helping to keep farmers' heads above water into aiming towards making the farms more profitable and hopefully getting into a situation where they don't require assistance. I look forward to this happening within the next two or three years.

The previous speaker mentioned accountability. I wish to see us become much more accountable, or fully accountable, in lots of ways for our portfolios. I hope by the next Legislative Council that questions for Oral Answer will be answered by the portfolio holders and not all the brickbats by Chief Executive. Your Excellency I wish to support the Motion.

### **The Honourable Mrs S Halford**

Mr President, Honourable Members. I too would like to welcome Baroness Hooper and of course Lord Montgomery, who has now gone, but like Councillor Clifton, I too believe that any visitors to the Islands are actually good news to us; whether or not they agree with our opinions is irrelevant. I think it does anyone good to come here to see who we are, what we are, and I am sure they all go away with a much better informed view. I would also like to thank the Commander for all his interventions and discussion we have had from time to time, and the part he has played at Executive Council as well. I would like to wish him and his wife all the best in their new posting.

As to taking responsibility for our portfolios I'll certainly have to have my voice here I suspect when we come back next time, as having Public Works Department, as it's rather a large Department, I'm sure I'm going to have most of the Honourable Members having a good go at me, or hopefully not me but areas of that portfolio. As I was reminded yesterday, or not yesterday earlier this week, Public Works Department does form one of the largest spending Departments within the whole of the Government network. Earlier this week, as a group, we were discussing our capital priorities and I think what we have to bear in mind is an awful lot is said about roads. It always seems to take up most of any meeting, but as in all the Capital priorities they are all dependent on money, but more importantly, or as equally importantly they are also dependent on manpower. I think we realise now that in many areas we are kind of in a chicken and egg situation, we know we need certain things but we can't do them because we don't have housing and housing seems to be a core of many things. But I am sure with the 60 man accommodation camp that is being built that will ease that situation in certain areas. Getting back to roads, I suppose I will be horribly criticised by two Members that are going to speak later from the West. Having lived on the East all my life I always considered that East Falklands land was awful, we needed roads far more quickly than they did on the West because their land was absolutely wonderful, but having been over there recently, I still think their land is absolutely wonderful. However, I do believe they need roads equally as much as we do because, strange as it may seem, the one thing I came across on the West when driving around was their ditches. Fortunately I didn't manage to get bogged in one but they are much wider and deeper, or they appear to be, than what we have on the East. When they come to their mountains and hills I can tell you I certainly wouldn't like to try and drive a vehicle up or down some of them, and I do believe they need roads equally as much as we do. But having said that I think we will have to wait and see as to whether or not we can actually afford to progress two road gangs at the same time, as desirable as it may be, because listening to the Chief Executive's replies earlier he, I believe, said that the earliest both these roads could be started was October next year. Whether they both will be or not, I'm talking about the Lafonia and the Port Stephens ones, obviously we will have to wait and see.

I somewhat lost the drift on the Hay Question but I believe what I was trying to get at was as to whether or not we would be, once we got into this system, we would pay on the same levels as the people are paid in the United Kingdom. As I understand it when we first set up the whole Hay idea it was realised that there was a great difference between what people were paid here and elsewhere and therefore we couldn't attract people to come in. Now with the Hay process we will be aware of what is paid elsewhere but we will not necessarily have to match it, that choice will be ours. But hopefully we will manage still to keep everybody happy. Sir, I support the Motion.

## **The Honourable J Birmingham**

Mr President, Honourable Members. When I was first elected in the by-election I recall that nobody wanted to be the 'Tail End Charlie' and I ended up being 'Tail End Charlie' but it's changed slightly now I seem to always be number four, but thank you. I would like to speak on the Far Eastern cash crisis which will affect us to some extent, but I would also like to repeat what the Honourable Richard Cockwell said in that I won't be party to any repeat of the panic of 91/92. If I recall in the Soviet days when they had their cash problems they paid in all manner of commodities. Maybe there is scope for somebody in the private sector to bring down Korean made road-building equipment instead of hard currency.

We are half way through the Summer, half way through yet another year and the oil is still there at Albemarle or a fair bit of it, it would be interesting to know what, if anything, is going to be achieved this year.

The Stanley Services monopoly still causes irritation to many, many retailers who still insist that they use their, they call a subsidy, in some ways it is, the monies they get from their fuel monopoly to subsidise their retail sales and at some point this is going to have to be sorted out. It can't really continue the way it is.

The Dependent Territories Review. I hope and I expect, I am sure we will have full consultation with the Elected Members of this Council and I know some people are concerned but I just cannot believe that under New Labour there would be any imperial decrees as there have been in the past.

I must say something about Battle Day. I went to Church on Battle Day, I like to go it's an historic day but, I was a bit concerned that there was very little spoken about the actual battle. If we don't continue to teach the youngsters of the day, what the particular holiday's all about then eventually it will just fall by the way side. I think really we should stick with the idea of Battle Day, and in fact any other Falkland Island Holiday, so that we can teach the people coming through that there is something there and it's not just another day off.

With my Youth Leisure and Sport Hat on I would like to thank the Honourable Members who today agreed that for a trial period to the end of this financial year the charges at the Swimming Pool would be decreased to 10p as from Monday for any children, anybody in full time education, so we would hope to see fewer people on the street and more in the pool.

I would like to say farewell to the Brigadier and wish him well for the future, and his wife, and hope he goes away with some reasonable memories and happy thoughts. I would also welcome Baroness Hooper here and hope that she has had a reasonable week although the weather hasn't been as good as it might have been. I would like to wish Happy Birthday to Councillor Edwards, a very, may I say, a very young 47. Well done Norma. I would like to end with a plea to Taxi drivers around the Town could you please stop and

pick up people quietly, believe it or not, people are irritated by your constant tooting of your horns. Sir, I support the Motion.

### **The Honourable Mrs J Cheek**

Your Excellency, Honourable Members. In rising to support the Motion I too would like to welcome Baroness Hooper to this Meeting and welcome the other Parliamentary guests that we have had this year. I think we can all learn from the visits, of course we hope that we will influence them while they are here but I am sure we can learn a lot from these people as well.

People have mentioned panic. Well, I experience a particular kind of panic when faced with a microphone so, in my last speech at Legislative Council I omitted a very important tribute I wanted to pay to Bill Hunter Christie and I think it is appropriate that I pay it now as we still have on the Table here the wine coasters that he handed to my late husband, when he was given, when Bill Christie was given the Freedom of Stanley, and he hoped that we would be reminded of him by those coasters. We would possibly not be here around this table but for people like Bill Christie and I think we should never ever forget that.

Moving on, the economy has been mentioned by some people and the possible knock on effect of the rumblings in the Far Eastern economies not just Korea, although Korea is the worst affected. It does raise the question, and of course I must declare an interest when I mention anything associated with fishing, it does raise the question of why we had so many eggs, so to speak, in the Korean basket and perhaps we should spread our risks more widely. However, that said, we all view the situation very seriously but I agree with my colleagues not to panic; it is merely a time to take note, take care and try to avoid such situations in the future.

Moving on to more local matters. I asked questions about housing because so much of our development hinges on the availability of housing at the moment. Things are actually being held up because of lack of housing. I know it is an emotive subject especially the allocation, the waiting list, we have to be sure we are making best use of such housing as we have apart from building more in the future, it's up to us when we have the report we're expecting on housing needs to keep that housing programme rolling alongside other Capital Projects. It shouldn't displace others, it shouldn't be displaced by others but like the roads, housing should be an ongoing project.

Something else with which I have been concerned and which has been very interesting to work with is the new Immigration Policy which we hope to have in place before long and there may possibly be legislation required to match that new policy. I agree that we continue with the trickle of immigrants but as in other areas we need to show that the system is transparent and fair and I am hoping that the Policy that we finally come up with will do this, whether we adopt a points systems, or modify a points system or however we do it.

Moving on to my own particular interest, education. I just wanted to take this opportunity to thank all my fellow Councillors for the ease with which they have supported all the recent demands that have been made on behalf of Education, in new teaching staff, a temporary building to relieve some of the immediate pressure on the Junior School, their recognition of the high placing that educational establishments need on our list of priorities.

Finally, I would like to join other Members in saying farewell to the Commander of British Forces as I understand this is his last meeting of Legislative Council and also to his wife, our best wishes to you both. I support the Motion.

### **The Honourable Mrs N Edwards**

Your Excellency, Honourable Members. In rising to support the Motion for Adjournment may I just thank Mr Birmingham for his Birthday wishes and maybe it's because I am another year older that I got the wrong century wrong earlier on when I was answering the question, perhaps that's what I really feel today that I am 110 years old.

Can I mention the medium wave transmission in the Falklands which is very bad. A lot of places are not able to receive this at all and it really is, I think, remiss of us that we can't broadcast to our own people the local news, the announcements and the weather forecast. I think it's time we looked to providing a proper transmitter, perhaps on Mount Maria, which would reach all parts of the Islands rather than having a transmitter down to the east end of the Island, and that would perhaps solve the problem. But it is not good enough in this day and age, when we have got a wonderful phone system now, well sort of, and television everywhere, satellite television and we can't hear our own local news in places. I think we must look to solving that ourselves and having it controlled from Stanley. At the moment the Military can pick up our local news beautifully, which isn't a lot of good to them I am sure, some of them will listen to it I suppose but not many, and our own people can't so perhaps we can look into that in the future.

I mentioned the Camp phone system, it's better, it's a whole lot better, but it's not perfect and can I mention yet again that when we refused the original Camp phone system it was agreed then that we would have an independent person look at the system and accept it, on behalf of Government, after Cable & Wireless had installed it. This happened and the system was refused. Cable & Wireless then said they would up-grade it so that it would be a workable system, that is happening and I would like assurance that we are going to have an independent person look at the system when it is finally in place and accept it on, or advise us on whether we should accept it or not, because it is a lot of money we have paid out for it. It would be a great shame if it didn't work again at the end of all this installation.

Fisheries Revenue has been mentioned in a roundabout way. Namely Korea and how unwise it was to have all our eggs in the Korean basket. Well, all our Loligo eggs are in the Spanish basket so that might bear thinking about.

Baroness Hooper and Lord Montgomery it was very nice to see them both down here, I'm pleased they were able to come. I hope that they have enjoyed it and I hope that both sides of the coin, or at least I hope Lord Montgomery understands now why perhaps people are not as friendly towards the South Atlantic Council as he thought they were. I hope it has been a useful visit for them, it's very nice of them to take the trouble anyway to come all this way to see us.

We have had a Hospital Review, for want of a better word, and that is being acted on at the moment. A new Manager will be appointed to oversee all the Hospital day to day running problems which will free the Doctors up to do what they are supposed to be doing and what they do very well I believe, which is look after the medical side of things. We always talk about the Hospital and people say 'oh the Hospital needs this, or the Hospital needs that', what we are really talking about is the whole of the health care of the Falkland Islands which comes under this little enclave. So, although some people may think it's unwise to increase the numbers, the very fact that the way the Hospital Administration's run in this day and age and the expectations that patients have, which has changed over the years, means that it is necessary to increase the staff and to have a better service.

I was pleased to hear the Honourable Richard Cockwell mention the Camp and the farming situation and that the Agriculture Department is going to take an overview and that hopefully in three years' time we won't need assistance any more, I hope he's right, or is that just, you know, pie in the sky. What I would say is that the wool prices are still at the same level as last year, in some cases I think they have been lower whether they will rise a little bit in January remains to be seen. So the problems are still there and I suspect will still be there in three years' time. So I would say, on behalf of the farmers, yes we would really like a review sooner rather than later this year and some assistance may still be necessary.

I would like also to say good bye to Commander British Forces. I hope one day Sir, you will return and see us perhaps as a visitor, good wishes in the future, to you and your wife Bebe and I hope you enjoy your little break in Ascension. One thing that I did forget to mention, and I should, is my thanks, and I'm sure all thanks of people in the Camp, anyway to BFBS for being able to have first day television. It really is rather nice and it's lovely to get up in the morning and find out what is happening at the beginning of the day rather than wait until the end of the day. Sir, I support the Motion.

## **The Honourable WR Luxton**

Mr President, Honourable Members. I'm quite pleased with the reaction from my colleagues as far as the Camp is concerned; there is a good deal of support, I think, for assistance for the farming community and it was also good to hear the Chief Executive say that we are looking to start the roads on the South of West and East in October 98. Councillors have recently discussed this at length and I think this is what we would like to see. I hope it will be in the next year's budget and that we will insist that it does happen. I realise that there might be some financial constraints but it's also good to hear all Councillors saying they do not intend to panic and have a repeat of the situation some years ago. It is interesting to note that there are only two Councillors who were on that Council, and they are both back here, who didn't panic. We have enough money in the bank to tide us over any temporary shortages, and even if the revenue drops considerably for one to two years, which I believe is all it's likely to be, we have more than enough in reserves to continue with our planned level of expenditure.

I too would like to welcome Baroness Hooper to this House and it was good to see her with Lord Mont Gommery and our recent Parliamentary visitors. We always try to change their minds and hope they will go away as friends. I fear we might have failed to have changed the mind of at least one of our recent visitors but at least he now has a clear view I think of what Falkland Islanders think and feel. I don't think I have anything else really to comment on except to thank the Commander for all he has done for us in his year here. I am sorry it will be his last Council but no doubt wherever he wears that tie he will have to explain why he is entitled to wear it with pride I hope. I wish you and your wife well and perhaps we will see you back here one day. Sir, I support the Motion.

## **The Honourable MV Summers OBE**

Mr President, Honourable Members. It's traditional for the last Member around the table to complain about having nothing left to say but I am sorry to tell you.

The mention of Fisheries revenue and the financial problems in Korea is very apt at this stage and it is a matter that we are going to have to pay particular attention to. But I am pleased we have at least made some progress with the planning process and that will give us I think a clearer vision as to where we are going with our economy and what resources we do have to devote to the projects that we all would like to complete in the next four or five years. So we will continue with all haste, particularly the economic aspect of the planning process and make sure that we are clear about what we are able to devote resources to now, and what we might have to postpone.

I am a great supporter of the Campers as everybody knows and it's nice that there at least four Wester's in the Council to be able to support the Camp. I was quite amused at lunch time today to open the latest edition of the Wool

Press and to see a very black faced hairy ram that sold for £85,000 recently in the United Kingdom auctions, so perhaps all is not lost, particularly around the North Arm way.

There are a number of priorities that we have been setting for ourselves within the last few days and some of them have been mentioned around the table already, particularly the completion of the immigration process, or the immigration mechanics.

I must just mention once again the importance of completing the Legislation on Protection of Wild Life and the Environment. We are entering a critical time with oil exploration, the focus will be upon us and if we don't have modern up to date legislation for the protection of the environment we are open to some criticism.

One other element of legislation that we have determined that we would like to see moving fairly quickly is a new Harbours Bill, another area in which there is going to be substantial movement and activity in the next couple of years and we need to bring that up to date.

I am sorry that I missed some of the more exciting parts of the Baroness Hooper and Viscount Montgomery visit but, unfortunately I was elsewhere, but I did have the opportunity of meeting with some other Parliamentarians during my visit.

I am disturbed about the way the Dependent Territories Review has been handled. It's difficult to say whose fault it is because I think the Foreign Office were taken by surprise by it and it's still not exactly clear who is reviewing what to be honest with you. But there are some generic issues to do with the Dependent Territories that will affect us and it certainly isn't true to say that we will not be affected by the Dependent Territories Review. The discussion on the management of the Dependent Territories in the future, items to do with the appointment of Governors and other management matters of the Dependent Territories and most particularly Constitutional Status and Constitutional Development could well effect the Falklands. What we don't know is in what form the report is going to be presented and whether we are going to have the opportunity of putting our input into what is proposed. We did manage to extract a promise from Donald Anderson MP last week that we would have the opportunity of commenting on the draft report but there would be very little time available. So, what we must do is to encourage all our supporters to make sure, that if they have any influence at all over the process of the Dependent Territories Review, that the message is given that we must be able to respond to any proposals that are put.

I also managed to see Bruce George who is the Chairman of the Defence Select Committee and he made some similar remarks in respect of the Defence Review. We have been told in the past that we are not affected by the Defence Review, that is clearly not the case. Again there are certain strategic generic issues to the Defence Review that are bound to affect us,



depending on what decisions the Labour Party make. And once again we did manage to get a promise that once there was a draft to be read we would be able to see it and comment on it and I welcome that.

I very much accept the comments the Commander made, when we made our tour of Mount Pleasant the other day, that there is a real need to determine the long term future of Mount Pleasant, both for the people who are managing our defence at Mount Pleasant, and for ourselves to determine what the long term future is going to be of that site. If there is a long term plan then more people in the private sector can look at opportunities there, but on a short term basis it is very difficult.

I, also while I was away, had the opportunity of going down to Peter Symonds and looking at the facilities there and of course most of us have seen them now, I think they are marvellous. I was given the honour of digging up the first sod for the construction of the new Falkland Lodge to which we have contributed a very significant amount of money. That construction has now started and is promised to be finished within 36 weeks, so I think we look forward to a splendid new facility there.

One final word on constitutional development. There are a number of issues that everybody is aware of that we are considering in terms of constitutional development. There will be more activity by Councillors I think in their portfolio areas. We will continue to encourage more public activity in the Government of the Falklands and I would just like to say that in this process of change there will be some tensions created. There will be some difficulties for some people, but I think we all have to accept, and acknowledge, that the development of the Falklands is in the hands of the Elected Members and they must be able to determine how it is that they want to carry the Government of the Falklands forward, and I very much look forward to developing that process. Sir, I support the Motion.

### **The Honourable the Financial Secretary**

Your Excellency. In rising to support the Motion for Adjournment I am particularly pleased that the Pension Scheme Bill was passed today. There are many countries who would be envious of our existing and generous Retirement Benefit System and the way it is funded and protected. The introduction of another Islandwide Pension Scheme which is flexible, transferable, fully funded and properly regulated will provide opportunities for an added bonus in retirement.

Although we must be concerned about the Far Eastern financial crisis I confirm that it will not result in a panic crisis here. It is important that we have healthy cash reserves and a sensible balance of investments both local, and overseas. We must be careful not to convert too much of our cash to 'concrete'. The proper economic planning will ensure, should ensure, that this does not happen. We will always need cash and if we don't have the

cash reserves, and we don't get the income, then we won't be able to use the bit of road and so on to pay for our expenses.

During Question time the matter of maintenance of Camp roads was raised and I would support the suggestion of setting up of road maintenance gangs in the Camp. It would represent economic diversification and should help to reduce the levels of subsidy that are needed at present.

I would also extend by best wishes to the Brigadier and thank him for his contribution to the Falkland Islands. Sir, I support the Motion.

### **The Honourable the Chief Executive**

Mr President, Honourable Members. I too would like to thank Baroness Hooper for her time and for her intelligent interest during her visit. I am sure, Ma'am, that you will take back positive thoughts from your time with us.

There were one or two important issues raised by Councillors in their summing up and I believe the one that is probably the most prevalent was this business of 'don't panic, don't panic' and I certainly share that. It's worth looking at what the total assets were in 1992, between 60 and 70 million and what they are now, about 140 million and just the difference on the interest earned, or the interest earned on that difference will almost certainly be more than any potential loss which we might suffer in one year. So even if there was a logic for the activities in 1992, which I don't believe there was, it certainly doesn't exist now in the economy that we have got at the moment.

I look forward very much to the next Legislative Council and the sight of Brick Bats being fired in front of me rather than at me. I was glad too to hear of Councillor Halford's very robust approach to her portfolio within the Public Works Department and I look forward to that. I would like to speak very highly of her ditch driving, certainly the ditches on the East are more than big enough for me but if the ditches on the West, she has some awe at them they must be something.

I can assure Councillor Birmingham that the Albemarle issue is actually out to tender at this moment, under the steady hand of the Environmental Planning Officer.

I believe that what Councillor Cheek said also about the potential panic illustrates to us that we are not alone in this world. They say 'No man is an island' I think 'No island is an island' in a sense in our case. We are at this instance at the mercy of a foreign economy which is way outside our influence, we can have no slight impact upon the Korean economy as things stand. And we are also, I would suggest, at the mercy of El Niño. We don't know what the effect of this is going to be, but it could, some forecasters say, have a very substantial impact, not upon the economic ability of people to come here and take Squid, but upon the Squid themselves. So it emphasises, I think, our vulnerability which we have always maintained when

we talk about the vulnerability of fishing and volatility and it brings that lesson home to all of us.

As far as Councillor Edwards' contribution was concerned, I would assure her that I will be discussing the radio transmission situation with the Broadcasting Officer in the near future, and I hope that something will come out of that. I would also advise her that this issue of having an independent person to advise us on the Cable and Wireless microwave system is actually somewhat inappropriate in the light of the way that we contracted this particular enhancement. We have to bear in mind that we only paid for half of this enhancement, Cable and Wireless themselves paid for the other half, and there is in fact no mechanism in that situation for withholding cash. The mechanism is that the performance characteristics of this system are very clearly specified in the contract, and, if the performance doesn't match that which is specified, then we have every right to get them to match it, or to better, and that is a matter of fact not a matter of subjective judgement and we will of course insure that those parameters are met by the new system.

I have to confess I agreed with almost everything, well everything Councillor Luxton said. Councillor Summers did us the honour of talking about the environment and oil. I would like to just comment on the success of the Environmental Forum held in Stanley yesterday, Chaired by Professor MacIntyre and thank the Environmental Planning Officer for the work that he put in in organising that. That's a very important forum for us as far as oil exploration is concerned and I think to be able to house that kind of forum with eminent people coming down is something that we should be justly proud of.

I would also like to just give a point of information to Councillors, by way of a signing off, that the Taxi Drop Off Point Legislation has been drafted and we now only await the signage before the whole thing can actually be in place. So congratulations too to my learned colleague the Attorney General.

Finally I turn to Brigadier Campbell. I think I should go on record as saying that he is not going soon enough and the reason for that is that he is staying on for the annual cricket match. It would be much, much better, we would be far better off, the Governor's team, if he weren't here because he did star in last year's match, and I am sure he's in heavy training at the moment to star in the one early in January. But we have found, I am sure, his style to be robust and refreshing and indeed most acceptable in our midst. They say don't they that every Private has a Field Marshall's baton in his knapsack I suspect that this Brigadier has a few stars up his sleeve. But Iain, we do wish to thank you for your wise counsel and we do wish you and Bebe all the very best in your next appointment and onwards in your career.

## Commander British Forces

In particular can I thank you all for the honour of the gift of the tie, and for your generous words. It was with some disquiet that I drove home after yesterday's Executive Council Meeting that I realised today was going to be my last Legislative Council. Disquiet for a number of reasons. Firstly because my time as Commander British Forces has passed far too quickly. There is also disquiet because inevitably there is still unfinished business, because I have not yet managed to get to every settlement in Camp and because I have been unable to persuade the system that I should be extended down here. I could go on listing reasons as to why BB and I should not go on the 28 January and I suppose not least because there somewhere exists in your rivers a large fish that remains uncaught.

Mr President, in rising to support the Motion for Adjournment allow me to address one or two issues if I may. Having assumed command on Friday the 13 December, and I am not superstitious, let me really assess what has been achieved from a Military point of view and from my perspective in the last year. Firstly, the change over of Command from Sandy Backus to me was to be seamless, and only you can judge that but, inwardly I feel that it was. Furthermore with the transient nature of the Military community it is vital that changeovers of Commanders and key staff do not result, or must not result, in significant heaves on the tiller. And in this respect, and for all the obvious reasons, I personally, and I suspect many Commander British Forces before me, hold the view that my appointment should be longer or should be for longer than one year, and that is something that I shall be saying firmly to my own chain of command.

In the early days I carried out a root and branch review of what we did and how we did it. That resulted in me making a judgement that I needed to increase the tempo of how we went about our business at MPA. That is not just a case of extending the working day but rather more innovation, more imagination in the use of our resources. As a result we have been more efficient. I've borne down on costs and wastefulness, let us call it good housekeeping. Additionally I foresaw, or saw that step change was necessary to keep people busy. For busy people the time passes quickly, morale is higher and people are happier, and I now hear talk of 'I had no idea I would enjoy it quite so much down here', and this is from my own people, 'and time has passed really quickly'. Such comments are testament to the fact that the tempo at MPA has indeed increased. Let me turn to some of the ingredients of this tempo. Firstly, 'jointery' or tri-service co-operation. My Command is unique in the Services it represents a model of co-operation between the three services and the civilian component. Because we live and work in one place the willingness, the enthusiasm and the ease with which we can get the job done are very evident. Everybody who visits us is struck by this 'jointery', by this example and by the enthusiasm and I have to tell you that they take that experience away with them, back into the Ministry of Defence, back into the single Services and that is not only for the good of the

Services but also for the good of the Falkland Islands and the defence commitment down here.

Next:- training. There is currently nowhere else in the world where Forces can train together quite like the Falklands. A low flying area that is two thirds the size of Wales, much larger if you include over water, as well. Live firing ranges, albeit unsophisticated in terms of targetry, allows the fusion of the many different components of combat power. The relative ease with which we can plan and execute this joint training gives us a very high return on the planning effort and the investment involved. For RAF aircraft to exercise with a ship in the United Kingdom waters would take months of planning and co-operation, here it takes a couple of hours to fix it up and I labour this exercise point because I believe it is one of the most important benefits, we the Forces, get from our deployment down here.

Still under a general banner of tempo there have been four specific projects, if you will, that I set out to achieve and I am pleased to report that I have achieved all four. The first has been the minor garrison reductions that are now in the process of taking place. Minor reductions in the Infantry, the Engineers and the Rapiers. There has been no reduction in the Defence capability under my Command and for such measures to become more efficient and more cost effective must be allowed to continue.

The next achievement is same day television. I visited the Managing Director of the SSVC group before I came down here and came away with a clear aim of achieving same day television and live news and sports before I left this command. I can tick this one off as having achieved it but not without saying there are still commercial and private sector opportunities at MPA to complement the SSVC product.

The next is Sea Lion Airstrip. I am aware that not all are, or were in favour of this project but armed with an Executive Council mandate and a promise to pay the bearer, I went ahead with this project. Construction for us represented a superb engineering training task, and imagine the next place those Sappers might be building an air strip is deep in Africa to support a humanitarian aid project. When I fly to Sea Lion on 3 January I rather hope that FIGAS might be able to land me on that new strip.

The fourth area of achievement or activity concerns the whole aspect of what we the Military can contribute to or put back into the community and what you do for us. And what I am really talking about is partnership. It would be very easy for us to sit at MPA and do our own thing but by encouraging and making use, making transport facilities available to my people they have been able to get out and about. To experience the hospitality of the people but at the same time contribute to your livelihood whether it be in the retail sector in Stanley, FIGAS, the Tourist Lodges and so on. Linked to this is the future and here I have deliberately not allowed ourselves to compete against emerging commercial interests and ventures particularly at MPA. Neither have we blocked such enterprise. It would have been very easy for me to

say 'handle your own aircraft' but whilst we have the capacity to cope with that extra load we will. When did RAF Movers last handle 108 rams, part of life's rich experience. We gain much from this sort of activity not only as a part of tempo but it teaches service men and women to be flexible, responsive to change and able to cope with the unexpected. And perhaps best of all it teaches them not to rely on the manual or the written procedure, because every problem or challenge is unique. As you well know the Services are about people and the more we can do to enrich people the more satisfied, content and motivated they become. The Falklands is a place where people are enriched. We will and must continue to ride this partnership as you seek to develop commercially; equally you must feel that your commercial interests are not threatened by those in place contractors supporting the military effort.

The final strand of the partnership is the significant contribution you make to us and for the first of this year's houses, if I may be allowed to call them that, occupied earlier this week, your financial contribution towards same day television and the Met Office, thank you. My departure would not be complete if I did not mention, or my departure would be incomplete if I did not mention the Strategic Defence Review. As you know the Government has reaffirmed that its commitment to the Defence and Security of the Islands will be maintained. The SDR has not yet resulted in substantive announcements but with the Falklands there can be no greater demonstration of that continuing commitment of British Forces than the replacement programme of my Air Defence Radars. This hugely expensive programme, just short of £50M has already commenced with Mount Kent rebuild and will continue with the West Falklands sites. The FIADGE 2000 project is intended to provide an Air Defence Radar capability for the next 15 years. Air Defence Radars on their own are not credible, they need reactive and supporting combat aircraft. I would suggest that you have your guarantee.

Let me close by turning to the more personal side and say that it has been an honour and privilege to be the Commander British Forces. To be part of the community, to be a Member of Executive Council and Legislative Council has been hugely rewarding. I have enjoyed the experience, got much out of it and equally I hope you feel that I have put much back in. It remains for me and on behalf of my wife BB to thank you all for your warmth and welcome and your hospitality in the too short a year that we have been here. Sir, I support the Motion for Adjournment.

### **His Excellency the Governor**

Commander thank you very much indeed. Well, before I bring this session to a close may I just pick up on one or two points. First of all Happy Birthday Norma, Councillor Edwards to be formal about it, but Norma to everybody, you're looking extremely well preserved if I may say so, never looked better. Secondly, a very warm welcome to, I would just like to echo the warm welcome that has been extended by all Members of this body to Baroness Hooper, who's been an extremely agreeable house guest if I may say so. I

was going to say posthumously to Lord Montgomery but I, *ex post facto* to Lord Montgomery. He probably feels a bit as if he's been battered and bruised but he too was an entertaining and stimulating guest. I think in the Falkland Islands, and I suspect Members here are right in saying that he went away with quite a lot of food for thought, even if it was a bit bitter in some cases. Although they have gone it would be wrong of me not to say what a pleasure it was for us all to have Major General David Pennyfather and his wife down here as our special guests for Battle Day, particularly given the very long standing warm and affectionate link between the Royal Marines over what amounts to be about two centuries actually, and the Falkland Islands. I would like to just say also formally, but also personally and very warmly farewell and thank you to you Iain and Bebe too for an immensely successful and important, I was going to say reign as Commander down here. One does sense that there has been a sort of quickening and a greater definition and sense of purpose over at MPA under your command and that's not making invidious comparisons with predecessors, but it is something that I think I found very encouraging and if it has, as indeed you say, resulted in an improvement in the morale, particularly of people who come down on short term unaccompanied tours then I think we must all welcome that. In any case, thank you very much indeed formally and informally for your comradeship, advice, assistance and through you for the continued security that you and your men and women provide for this rather far flung Dependent Territory of the United Kingdom.

May I pick up on one or two last points. On the Dependent Territories Review I rather sympathise with Councillor Summers' slight sense of mystification about what it all means, might mean, where it's coming from and where it's going to. I suspect that he may actually be ahead of me in what he knows about this as he has just been in London and I haven't. I'm confused because there was an assurance that the Falklands and Gibraltar were explicitly excluded from the ambit of the Review, but I am now informed that the generic issues will have some implications for us. I don't think we need to be alarmed, that would be my message. Because I think that the fundamentals of British policy will remain and the fundamental thrust will remain unchanged, I have yet to see any indication to the contrary. I do not incidentally, believe, contrary to what may or may not happen in relation to the Caribbean Dependent Territories where the problems are rather different, I find it very hard to believe that there will be a reversal of the trend in relation to the Falklands, of your taking more and more responsibility into your hands, indeed to the point where you have virtually, well 99%, responsibility for your own affairs, your own finance, budget and so on, I cannot see that being reversed. I do understand however, that the magic target date of the 04 February for the publication of the Review may not now be met so that the Foreign Secretary's speech at the Dependent Territories Conference, which I know some of you intend to attend, may be more in the nature of a trailer for the final report than the occasion for unveiling the report itself. And I hope you will indeed make a contribution to the thinking which is going on in the United Kingdom and British Government in this whole context.



I was going to say something about the Strategic Defence Review picking up the point that Mike you had raised but I think the Commander has said it all, and I can't improve on that.

My last point really is to do with Government here. May I just say since this is sort of an end of year moment I have been very impressed if I may so with the very businesslike and positive and constructive and purposeful approach of the Members of this Legislative Council both in Legislative Council and Executive Council; again, no comparisons are being made with previous Councils but this is particularly a purposeful one and I think that the people of the Falkland Islands are in good hands, as it were, with all of you in office today. I welcome, and I think the British Government would welcome, the greater accountability that you want to take on yourselves. I think that is a very good move and it was heralded by Wallace. I'm a bit surprised that you didn't want to take more onto yourselves earlier than this, but I welcome it that you're doing it now. I note what Councillor Summers said about possible slight sort of friction at times, I'm sure everybody here has the Falklands' people and economy and so on, interests at heart and would therefore subsume or subordinate any personal feelings about this to the great good of the Falkland Islands and its future. On the Korean and Far Eastern financial instability, yes it is a problem, I would simply like to echo and warmly applaud the remarks that have been made by people around this table today that there are no grounds for panic, we should not over react; to the extent that I can help in this area I will make sure that we don't. We have got a good cushion as it were, we have got much bigger reserves as has been pointed out. I suspect this will be a spur to even greater prioritisation in our spending, remember the valedictory remarks of my predecessor. I applaud the rather tangibly more rigorous and conservative with a small 'c' approach to spending by all of you, because although we have got plenty in the bank it is amazing how quickly it could go if we squandered it so I think that is an extremely responsible position you are all taking if I may say so.

I would like to wish all of you a very Happy Christmas and a very Good New Year. I am sorry I am not going to be in the Islands to share in the festivities with you all but I'm sure you'll make "whoopie" anyway. But on that note thank you and good wishes to you all and everybody in the Falkland Islands and I now declare this House Adjourned.

*Completed*

*23/3/98*

*Ralph*

*Governor*