

RECORD OF THE MEETINGS  
OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY  
ON 11 & 14 APRIL 2000

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HELD IN STANLEY ON 11 AND 14 APRIL 2000**

**PRESIDENT**

His Excellency The Governor  
(Mr Donald Alexander Lamont)

**MEMBERS**

Ex-Officio

The Honourable the Chief Executive  
(Dr Michael Dennis Blanch)

The Honourable the Financial Secretary  
(Mr Derek Frank Howatt)

Elected

The Honourable John Birmingham  
(Elected Member for Stanley Constituency)

The Honourable Mrs Janet Linda Cheek  
(Elected Member for Stanley Constituency)

The Honourable Darwin Lewis Clifton  
(Elected Member for Stanley Constituency)

The Honourable John Richard Cockwell  
(Elected Member for Camp Constituency)

The Honourable Mrs Norma Edwards  
(Elected Members for Camp Constituency)  
(PRESENT FOR THE SECOND MEETING ON 14<sup>TH</sup> ONLY)

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

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

The Honourable Michael Victor Summers OBE  
(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 Geoffrey Paul Sheldon)

**CLERK:** Claudette Anderson

**PRAYERS:** Padre McHaffie

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**RECORD OF THE MEETING OF THE  
LEGISLATIVE COUNCIL  
HELD ON TUESDAY 11 & FRIDAY 14 APRIL 2000**

**The Oath of Allegiance – Brigadier Geoffrey Paul Sheldon**

(The Brigadier is sworn in.)

I Brigadier Geoffrey Paul Sheldon do swear that I will faithfully bear true allegiance to Her Majesty Queen Elizabeth II Her Heirs and Successors according to Law, So Help me God.

**HIS EXCELLENCY THE GOVERNOR'S ADDRESS  
TO LEGISLATIVE COUNCIL**

Honourable Members of the Legislative Council

Commander British Forces

Ladies and Gentlemen both in this Chamber and listening on radio.

This is the first occasion in which I have had the honour to present to you a Report on the activities of the Falkland Islands Government over the past year. I intend to follow the wise example of my predecessor by giving only a summary of what will appear in full, in written reports, by Departments. I apologise in advance to any Department or individual who feels unjustly treated by my desire to be as concise as possible.

In his address to you last year, my predecessor referred to the inordinate complexity of the Falklands and noted that life here was seldom uneventful. How true. Lynda and I arrived just a few days after all eight Councillors had taken the initiative to seek, through the Foreign Secretary, the start of a dialogue with the Argentine Government. Four days after my arrival, we opened fire for the first time on a Taiwanese jigger which appeared to have been fishing illegally in our waters. Later came the turbulence surrounding the issuing of the Joint Statement by the British and Argentine Foreign Ministers in London in July. There was the theft of arms and ammunition from the FIDF, which could so easily have had more tragic consequences. And in August, the *Queen of Vevey* came to stay.

More recently, we have had the honour and pleasure of visits by Her Royal Highness Princess Alexandra, by the Secretary of State for Defence, and by members of the Parachute Regiment to lay up the colours of 2 Para in Christ Church Cathedral.

I shall say more about some of these events later. Listing them does go to demonstrate how full of the dramatic, the unexpected, the tragic and the uplifting life in the Falklands can be.

Before I turn to the substance of my report, perhaps I can make a couple of personal comments. First, when Lynda and I arrived last May, the local Kosovo Appeal was coming to a close. That I was able to send to the United Kingdom cheques for over £21,000 pounds reflected a quite extraordinary generosity, and of "get up and go" among both the civilian and military communities. If that effort had been matched per capita in the UK, then, very roughly speaking, £275 million would have been on its way to help the people of Kosovo rebuild their country and their lives. And now, the Mozambique Appeal is drawing to a close, and revealing again the willingness of the Falkland Islanders to make an effort and dig deep for those who are most afflicted by invasion or natural disaster elsewhere in the world. It is most impressive.

On a different kind of personal note, it is worth remarking on the number of changes there have been in personalities in key jobs in the Islands over the last year. Dave Morris took over from Ken Greenland as Chief Police Officer in May, and I take this public opportunity to congratulate Ken on all he did to shape the Royal Falkland Islands Police, an achievement which was fittingly marked by the award of the Queen's Police Medal in the New Year Honours. Other changes include my arrival to replace Richard Ralph, Michael Blanch in the place of Andrew Gurr, and Brigadier Geoff Sheldon to replace David Nicholls. I should like to welcome the Chief Executive and Commander British Forces to this, their first meeting of Legislative Council. We had earlier opportunities to sing the praises of your predecessors; you are both, of course, well established in the Falklands but I should like to wish you and your wives well, and hope you will find your posts both professionally and personally satisfying.

Other personnel changes which I should like to mention are the retirements of Patrick Watts, Jimmy Stephenson, Jean Smith and Mike Peake. Each in his or her own way has made a significant contribution to the Falklands and I should like to acknowledge that contribution formally on this occasion.

Turning to the substance of my Report, it may be right to start with Agriculture, so long the basis of the prosperity of the Falklands. Unfortunately, there has been no significant upturn in the international wool market and farms continue to rely on the Agricultural Subsistence and Incentive Scheme in order to remain viable. The Department is engaged in a number of schemes designed to enhance the prospects for those who intend to continue farming sheep, and to open up opportunities for those willing to diversify into other products and other activities.

The recent field day at Brenton Loch/Saladero on 21 March was attended by nearly 200 people. Visitors were able to see first hand areas of forage crops, principally oats, swedes and turnips that were to be used both in a sheep carcass evaluation trial and as a step in pasture development. Also on show were alternative (and cheaper) fencing materials, demonstrations of a disc-plough and cattle handling techniques and the effect of phosphate and calcified seaweed on clover establishment. It was encouraging that so many came to see at first hand progress on practical projects which can bring such benefit to the agricultural community.

The Falkland Islands Development Corporation has this year also focused its resources on the problems of rural diversification and agriculture.

For example, forty tonnes of calcified seaweed have been extracted from Lafonia and the FIDC are conducting trials on grinding and distribution. This project has been delayed by technical difficulties, but there are also significant environmental issues to be considered. Meanwhile, new uses for calcified seaweed have been identified, for example as a direct export product in the horticultural trade and for use in the cosmetics industry.

The abattoir project has been a long-running saga. Following the recent visit to the United States, decisions must be made in the near future, if the project is to come to fruition during the austral summer of 2000/2001.

The need to focus on creating the best machinery to deliver rural economic development was reflected in the recent decision of Executive Council to launch a public consultation about a scheme put forward by the Director of the Department of Agriculture and the General Manager FIDC. It is important to have an informed, open exchange, with Falkland Landholdings fully involved in advancing the Board's own ideas about future arrangements. The aim must be to put in place effective mechanisms for the delivery of economic advice and assistance to the rural sector, and a carefully considered, agreed plan for the future operations of Landholdings.

The other priority for the FIDC, alongside agriculture, has been the development of tourism. In 1992 the number of cruise ship visitors arriving in Stanley was 4000, which prompted the then Tourist Board Manager to predict that by the year 2000 the figure might be "as much as 10,000". What was then perhaps seen as wild optimism has been vastly exceeded by reality with close on 30,000 passengers and crew coming ashore this year and further growth predicted for 2000/2001. At a modestly estimated average of £30 per head, personal expenditure by 30,000 visitors represents an additional £900,000 of turnover to Stanley traders, catering establishments and tour providers.

In consequence of a number of changes in circumstance since the Public Jetty Visitor project was first mooted and as a result of a far-reaching consultative process, FIDC has revisited the concept and is now producing new plans based on the refurbishment of existing buildings close to the Public Jetty. It is hoped that Phase One of this project which will supply shelter, information and much needed toilets for the use of cruise ship passengers will be ready during the 2000/2001 season.

Fisheries of course now represent the main component of the Falklands economy. In 1999, the Falklands Conservation Zones witnessed the highest catches of the decade, with a record catch of *Illex* squid. Unfortunately, this was accompanied by a record amount of illegal fishing by Taiwanese vessels.

This year, the picture so far appears less threatening. The combination of good *Illex* catches last season, robust fishery protection action, and developments on fisheries protection with Argentina may all have been factors in encouraging the take up of



licences within the prescribed conservation targets. As a consequence, licence revenue may reach £24 million this year.

But the threat from illegal fishing remains. Most recently, we have seen the arrest of the *Her Ching 101*, which was brought to Stanley by the *Dorada* and *Criscilla* after a chase in which the *Dorada* opened fire, holing the vessel in the bow. I commend all who contributed to that action – the crews of *Dorada* and *Criscilla*, the FIDF, Fisheries Officers and all involved in bringing the case to court. The courts subsequently delivered a verdict, including confiscation of gear, calculated to deter others from illegal fishing in our waters. The message must go out that the Falkland Islands Government is resolved to act vigorously to defend its marine resources, not only in the economic interest of the Islands, but in the interest too of responsible management of the living resources of the South Atlantic.

Looking to the future, consideration is being given to future port requirements and the need to have a permanent replacement for FIPASS at some point. This should provide better infrastructure to support maritime activities in general.

The six month saga of the “*Queen of Vevey*” or “*Madmal*” as she became, and her unfortunate crew, highlighted the problems of dealing with unscrupulous owners of flag of convenience vessels. Thanks to much hard work from various departments, the Seaman’s Centre, local companies, the ultimate purchasers, and characteristic generosity on the part of the Falklands public, the crew were looked after until a final settlement was reached, enabling the ship to leave the Islands and the crew to receive a large part of their outstanding wages. This operation was by no means cost-free for the Falkland Islands Government, but the outcome was much less costly than often seemed likely. We wish the crew and in particular its Captain well, but vessels carrying debt and seeking to take advantage of British standards of justice and fair play are not welcome in our waters.

Turning to a more cheering subject, the Education Department had another very active year in 1999. Pupil and student numbers increased marginally with much of the increase being brought about by fourteen of the very successful 1998 Year Eleven cohort starting their A Levels at Peter Symonds’ College.

The Falkland Islands Community School continued to thrive and develop. The highlight of the year was perhaps winning the International Section of the Times Educational Supplement’s Newspaper Day Competition for the third year in succession. Another fine effort of which all Islanders can be justly proud.

1999 came to an appropriate end with the awarding of the first Bill Hunter Christie Memorial Prize. This prize, in memory of a loyal friend of the Falklands, is to be awarded annually by the Falkland Islands Government to the overseas student who brought most credit to the Falkland Islands during the year. In a fitting end to a successful year, the first winner, Nina Aldridge, received her prize from Mrs Merle Christie at the Annual General Meeting of the Falkland Islands Association held in London on Battle Day.



It is pleasing to report another very successful twelve months for the Museum and National Trust. One of the many projects carried out this year was the successful removal and installation at MPA of the murals from the 1982 occupation of the former freezing plant at Ajax Bay. This delicate operation was carried out by the British Forces assisted by a team from Dundee University.

The Museum continues to receive positive feedback from our visitors. The new display cases are particularly successful in allowing much more of the collections to be effectively displayed.

The major task undertaken by the Archives this year has been a comprehensive survey of all government departments to assess record keeping practices and discuss archiving requirements. This will allow planning for the future and the establishment of procedures to ensure the long term preservation of essential government records.

A notable event has been the acquisition of one of the most important collections of historic material in the islands, the Falkland Islands Company archives. Without the construction of the new archives building, government would not have been able to accept the custody of this valuable material. The building has also continued to prove its worth by comfortably accommodating an increased number of researchers. Many of these researchers are preparing material for publication which will help to raise the profile of the islands overseas.

Now, Aviation. Following a request from MOD for support at MPA with aviation security duties when civilian aircraft are using the airport, a local company has been formed, personnel trained and this request is now being complied with.

The Falkland Islands Government Air Service continues to provide the community with a popular and reliable means of travel throughout the Islands. The high standard of airmanship and maintenance that prevails in FIGAS are a credit to the team leaders. And aerial surveillance carried out by the Fishery Patrol aircraft continues to provide a high level of real time intelligence to the Fisheries Department, which is invaluable in the policing and conservation of the area. The task now must be to focus on objectives in a way which ensures the most efficient and effective use of resources.

During the period under review, the Customs and Immigration Department conducted two criminal investigations during the year and also assisted the Royal Falkland Islands Police Force in one, which resulted in the prosecution of a person for being in unlawful possession of a class B controlled drug.

The British Antarctic Survey's new research ship the "*Ernest Shackleton*" was registered, on the retirement and de-registration of the "*Bransfield*" after 28 years of service.

It is expected that well over 23,000 ship-borne passengers will have visited the Islands by the end of the season. As you will recall the Tourist Manager reckons it will be 30,000. The introduction of a passenger levy, payable by cruise ship operators under the Cruise Ships Ordinance 1999 will create new revenue in the region of £200,000.

Air links between the South America and the Falkland Islands were re-established with the resumption of the Lan Chile flights on 7 August 1999. In order to offset the Falkland Islands Government's increasing financial obligations associated with the civilian usage of Mount Pleasant Airport, an embarkation tax, payable by passengers departing the Falkland Islands by air, was introduced on 1 January 2000. It is anticipated that approximately £30,000 per annum of revenue will be gained from this source.

The Environmental Planning Department had an active year. The Building Adviser was transferred to the Department from the Public Works Department in June 1999. He is now responsible for both the building and the development control functions within the Department.

All of the 71 house plots in Phases 2-4 of the East Stanley Development have been allocated and, by 1 March 2000, development on 25 of them had been completed and work on a further 22 had started. However, there remains a significant demand for more serviced house plots and rented accommodation in Stanley with over 60 applicants on the Government's waiting list for serviced plots and approximately 30 persons on the Government's waiting list for rented accommodation.

The *Conservation of Wildlife and Nature Ordinance 1999* came into force on 1 November 1999 and will assist in the protection of wildlife and the environment. Under this Ordinance, powers were delegated to the Environmental Planning Officer to issue licences for scientific research, for the collection of birds' eggs for human consumption and for the shooting of birds of prey shown to be causing damage to livestock. To date, 11 licences have been issued for various research purposes but no licences have been issued under the new legislation for the collection of birds' eggs or the shooting of birds of prey.

This year, the Government has funded through its Environmental Studies Budget satellite tracking studies into the foraging range and behaviour of penguins from New Island South, Black-browed Albatrosses from Saunders Island and South American Fur Seals from Bird Island. It has also funded the second of a three-year study into the sea distribution of birds and marine mammals around the Falkland Islands.

Various traffic management measures have been approved as part of a traffic management plan for Stanley and are now being implemented. Other measures are contemplated and will form part of the revised Town Plan for Stanley.

It has been a year of considerable internal change for the Falkland Islands Broadcasting Station. The Station has assumed some of the administrative burden previously carried by Government; budgeting and vote-control is now in-house. Since September 1999 the Station has been run by newly appointed senior producer Tony Burnett; and there has been no change in the relationship between the Station and the Media Trust.

For two years now FIBS has been continuing to provide what Tim Neale described in his report as 'a remarkably good product' despite the prevalent air of uncertainty surrounding the future of the Station. This year there is an almost all new staff and it is to their credit that a high standard of output has been maintained – particularly as none have had previous broadcasting experience or, indeed, training.

When speaking about fisheries protection, I mentioned the contribution of the FIDF. The theft of weapons and ammunition in July and the actions taken subsequently inevitably hit morale hard. That episode, and the recommendations in Sir Gerald Hosker's Report, provide some sober lessons, not only for the FIDF but for the wider community. But the Force will move on; Commander British Forces has spoken warmly to me of the skills exhibited by the Force and the importance of its role in assisting the Garrison in its training.

The Royal Falkland Islands Police have had a very challenging year. Superintendent Morris has now almost completed his first year in post. An Inspection of the Force was conducted by the Criminal Justice Adviser from the Department for International Development; the Force came out very well indeed and the report has been made available to members of the public. Officers have had to deal with some very difficult situations throughout the year, and have acquitted themselves well.

The crime figures show an increase in cases dealt with in 1999, resulting in a total of 354 cases as compared to 296 in 1998. This I am told is partly due to a mini crime wave perpetrated by a very small group of youngsters, who have all been caught and dealt with. The overall detection rate is 96.6%; last year's was considered to be very good at 96.3% and it was thought that it would be very difficult to maintain. However the force has managed to do it, once again demonstrating the return on the investment represented by the creation of a proper operational structure.

The Falkland Islands Fire and Rescue Service had a relatively quiet year. The implementation of the recommendations contained in the review of the fire service, carried out by an officer from the Fire Service College, has begun. This will be an ongoing project and next year the fire service hopes to make more visits to the camp settlements to give advice on fire prevention and fire safety measures.

In the field of justice the Attorney General's Chambers continue to carry a very heavy burden. This includes handling the disputes with Gordon Forbes and with the UK authorities over the legacy of the Property Services Agency, as well as the large volume of new legislation.

The Chief Justice made his regular annual visit to the Islands in November 1999. Ongoing training for the Justices of the Peace is a regular event occurring roughly three times a year but was considerably expanded to accommodate the training of six new Justices of the Peace who were appointed in late 1999. Their appointment prompted some public questioning about the procedures involved. I indicated that I believed these should be examined so that public confidence in the system was maintained. Following consultations led by the Senior Magistrate, detailed

procedures have been worked out which enjoy the support of all the Justices. The main points are:

- (a) a public notice should be issued by Government House when the lay bench needs to be strengthened in number. Any member of the public would be invited to put forward nominees to be considered for selection.
- (b) The list of all persons nominated will be scrutinised by the Senior Magistrate and three Justices of the Peace appointed by him and an initial list in excess of the required number of JPs will be drawn up from the nominees.
- (c) That initial list will be made available to all Justices of the Peace on a strictly confidential basis so that all have an opportunity to comment on the proposed appointees.
- (d) If no sustainable objections are raised, the Senior Magistrate at his/her absolute discretion shall put forward to the Governor the names of the proposed appointees for consideration.
- (e) The criteria of qualifications should be broadly in line with those applicable in England and Wales, and the intention would be that the most up to date form setting out the personal qualities required of a Magistrate would be used as a template to be made available to all nominated candidates.

I believe this is a good outcome, and I thank the Justices for their part in bringing matters to this conclusion.

The Legislature Department has been rather busy over the past ten months. In September of 1999 Councillors Clifton and Luxton accompanied by the Clerk of Councils attend the annual Commonwealth and Parliamentary Association Conference in Trinidad and Tobago. This year the Conference is to take place in London and Edinburgh with Councillor Edwards attending along with the Clerk of Councils.

Councillor Edwards attended the Overseas Territories meeting at Wilton Park in early April and will also be going to the British Island and Mediterranean Regional Conference in the Isle of Man at the start of May 2000.

One of the areas of government business which justifies my predecessor's epithet of "complex" is the provision of health services. The range and quality continues to develop and changes during the year have had a clear focus on improved services to the community.

The programme of specialist visits from NHS Consultants continued this year. During February, the visiting Consultant Ophthalmologist undertook cataract surgery at KEMH on 27 patients, the first time this operation had been performed in the Islands. The practical and logistical problems in the loan and transport of all the necessary equipment were significant - 600 kilograms of freight - and this was a costly exercise.

However, the benefit to those individuals who had their cataracts removed is very real and obviated the need for travel to the UK for treatment. Since some patients would have been unable to make that journey, treatment at KEMH was the only option.

Work has continued towards the smooth transition from military to civilian services for those functions at KEMH currently undertaken by members of the armed forces. The changeover date is 1 July 2000 and plans are now well advanced to ensure proper continuity of service.

The past twelve months has seen the start of development work towards the provision of a range of integrated social services. Key target areas are childcare, unemployment, housing, benefits and alcohol abuse. Much work remains to be done, however, before proper structures are in place to make real progress in these areas.

Perhaps there is less to report from the Department of Mineral Resources this year than in some recent years. Following offshore exploration activity in search of hydrocarbons in 1998 in the North Falkland Basin, 1999 was a year of assessment of well data for oil companies and department consultants.

Drilling data from the offshore exploration area has revealed the presence of a rich organic source rock, the necessary pre-requisite for any oil to be found in the area. Recent calculations by Shell and BGS indicate that the source rock could have formed up to 60 billion barrels of oil within the North Falkland Basin. Further exploratory drilling is now necessary to discover where the oil may be trapped.

Low oil prices in the early part of 1999 inevitably made companies cautious about further costly exploration but confidence in high-risk explorations is now gradually returning. In addition to routine meetings and reporting by licence holders, the department has been developing strategies to attract new companies to explore in the Falklands. The department targeted two major industry conventions in 1999 where highlights from the data acquired during the exploration phase were displayed. Later in the year plans to accommodate out of round licensing were addressed in order to maintain oil industry interest in the region.

Progress was made with the Argentines in formulating a licensing regime for the Special Co-operation Area. Meetings were held in both Buenos Aires and London and work was followed up outside meetings on a number of technical matters. We look forward to sustaining and developing that cooperation with the new Argentine Government.

Onshore activities for the Mineral Resources Department include working closely with the prospecting company, Cambridge Mineral Resources. Their licence was amended to include as new partners the Falkland Islands Company and Falkland Islands Mineral Development Limited. The department had regular meetings and received detailed reports from the company throughout the year and close liaison was maintained with the department with regard to fieldwork activities.

We would be justified in looking forward with some optimism as interest in hydrocarbon exploration grows again and mineral potential onshore is analysed. It may be a few years, however, before the Islands see more offshore drilling activity.

Our Post Office has handled an increase of mail again this year. The resumption of the air parcel service via LAN Chile appears to have been well received by Falkland Islands residents.

The Philatelic Bureau has had an eventful year. Bureau profits have been maintained through the efforts of local staff and Crown Agents, and positive comments from visitors on our Stamps, First Day Covers and the islands in general point to a PR benefits for the Falkland Islands generated by the bureau's services.

Public Works Department continues to provide a range of services to the community, with many of its genuine achievements going unsung. In August 1999 the Government concluded a five year partnering agreement with Morrison International Construction Ltd for its major construction works. Partnering is a best value initiative which is now being adopted by councils in the UK. Early results are encouraging.

Departmental objectives include promoting and influencing improvements on environmental matters in the Department's areas of responsibility, and achievement of the prestigious Investors in People award which is a UK based award for training and development excellence.

The Treasury is undergoing a fundamental review of its financial and management reporting structures and systems as part of the modernisation of Government. A major component of this process is a move away from accounting in cash terms where emphasis is placed on the **cost** of inputs to being more concerned that the outcomes of the services which Government provides are consistently highly **valued** by the public it serves. This has also meant a significant sea change in the way budgets are formulated and the budgeting process for 2000/2001 began earlier than usual with Government Heads of Departments setting out a number of alternative service proposals to elected members in January of this year. These presented Elected Members with a great deal of background information with which they could use to make informed choices as to the way detailed budgets should be prepared for 2000/2001 and to make plans for future years. We are already seeing the results of greater flexibility in capital budgeting whereby funds are being moved over years and between schemes in order to make the best and timely use of resources.

The Treasury has heard from the Royal Mint that the Falkland Island Millennium coin has been nominated for the "coin of the year" award 1999.

The Principal Auditor highlighted for attention in his last Management Report three issues, of which one was the lack of IT support resources, in particular to assist Treasury staff. This has meant that some projects have progressed slower than hoped for.

He also pointed to a lack of resources in the Taxation Office capable of dealing with a backlog of Corporation and Personal Tax cases. Whilst the majority of tax is collected in an orderly and efficient manner there is some concern over a backlog of complex cases. Steps have been taken to resolve this problem which includes approval to appoint a further Senior Assistant Taxation Officer on overseas recruitment. Consideration is also being given to ways of reviewing the areas of corporation tax that cause the most difficulty.

For the Falkland Islands Government Office in London, public and political relations have both been areas of high activity during the year. Three photographic exhibitions have been arranged this year to be held at the National Maritime Museum in Greenwich, Gosport Library and the Discovery Centre in Dundee. These events attract a large number of visitors and provide good opportunities to disseminate information about the Islands.

Plans are well underway for the Falklands Forum, which will take place in London on 12 July and cover economic and development issues of the Islands

Having reviewed the work of the Departments of Government over the past year, I should like to say a few words about some of the other themes I touched on at the beginning of my speech, and about the proposed Constitutional Review.

First, I should like to convey to you and through you, Brigadier, my thanks for the dedication and professionalism of those who are here in the Garrison to ensure the security of the people of the Falkland Islands. Whether in that fundamental task, or in the contribution the Garrison makes in so many ways to the life of the Falklands, or in the practical services you provide for medical evacuation, for Search and Rescue, and for support in other areas, we owe you our thanks.

And of course Falkland Islanders recently had an opportunity to express their thanks to members of the Parachute Regiment who, with the Royal Marines, played the key role in the land battles to restore freedom to the Falklands in 1982. The address which Brigadier Adrian Freer delivered in Christ Church Cathedral will remain in the memories of all of us who were there. For those of you who were in the Islands in 1982, or were stranded elsewhere, desperate for the restoration of your freedom, it will have been particularly moving to hear how the Parachute Regiment approached their task with such zeal, determination and enthusiasm. And it was fitting that Brigadier Freer evoked the words of his Colonel in Chief, the Prince of Wales, speaking in Buenos Aires last year, when he called for the development of mutual respect between Argentines and the Falkland Islanders.

Mutual respect, the building of confidence, reconciliation. All these are necessary if we are to build stable and friendly relations in the South Atlantic. When Councillors embarked on their initiative last July, they told me that this was the beginning of a long road. So it is. The agreements reached in July have brought benefit to the Falklands and to Argentina, but they are not the end of the story. There is much to do. We look forward to the outcome of the meeting which will be held on the 18<sup>th</sup> of this month between Peter Westmacott and Ambassador Cerutti. After the progress that



has been achieved, it was disappointing, to say the least, to hear in recent weeks language from Argentine sources repeating the old canard about the Islanders being some sort of intruders. None of us here deny the right of those who came from Spain, from Italy, from France, from Britain to make Argentina a country they call their own. It is surely no offence to Argentine dignity to recognise that those who came here, who created and developed their own culture, their own way of life, have an equal right to call these Islands their own.

In her speech to a conference on the Overseas Territories at Wilton Park last week, Baroness Scotland set out the principles of the partnership between Britain and the Overseas Territories. The Minister described British commitment to maintaining the right of self-determination as "unshakeable". She went on to make some other points which are relevant to the debate that I know we shall have later today and over the weeks and months to come about the development of good governance and Constitutional Change.

The Minister noted that this was not a matter to be entered into lightly. There must be full consideration and consultation across political parties, where they exist, and the community as a whole, as well as with the British Government. She affirmed that the British Government stands ready to consider ideas that have been fully discussed locally, that command wide local support and are appropriate, realistic and compatible with Britain's international obligations and consistent with good government.

To bring my Report to an end, I should like to say just a word about some recent visits. I have mentioned already that of the Parachute Regiment. It was preceded by the visit of the Secretary of State for Defence, Mr Hoon. He set out very clearly the financial pressures which compel the Ministry regularly to review the disposition of its assets across the world. The Falkland Islands cannot be immune from that process. But I am sure that Islanders welcomed the assurances he was able to give about his determination to ensure that the security of the Islands was maintained by an appropriate level of British forces.

For me, however, and for many Islanders the visit by Her Royal Highness Princess Alexandra was a particular highlight of the year. From the moment that she descended the aircraft steps at Mount Pleasant, the pleasure which Her Royal Highness took in her visit was evident. Wherever she went, she was greeted with warmth and friendliness, and she enjoyed talking to so many of you, both young and not so young. I know from reports from London, following the visit, that her enthusiasm for what she found in the Falklands is maintained and her desire to return is genuine. I am sure that you would all join with me in saying to Her Royal Highness, if I may lapse into Scots "Haste ye back".

And with that, I conclude my survey of a quite exceptional year. The Falkland Islands are prosperous. Democratic governance is developing in a healthy manner. Security is assured by a substantial defence presence, and the political future is underpinned by the British commitment on sovereignty and self-determination. There are difficult problems to tackle. The problems of agriculture throughout the world are taxing governments with many more resources to bring to bear on the problem. The

shift in population from country to town brings its own problems and many mourn the loss of certain features of camp life which gave, and still give, the Falklands culture its special characteristics. But a willingness to try new ideas, to diversify in agriculture, to develop tourism, to develop the infrastructure of communications that are necessary to a thriving, modern community, however small, represent some of the avenues which are being explored in order to respond effectively to these challenges.

It is an honour and a privilege to have been asked to serve as your Governor. I look forward to working with you, the elected representatives of the people, and with the wider community, in the months and years to come.

Thank you very much.

## **MOTION OF THANKS TO HIS EXCELLENCY THE GOVERNOR**

### **The Honourable JR Cockwell**

Your Excellency, Honourable Members, on rising to propose the Vote of Thanks to His Excellency, I think I should just mention one or two points. I would also like to welcome Brigadier Sheldon and Dr Blanch to the Legislative Council. I look forward to working with them in the future.

You, Sir, have covered the events of the last year in fine detail. I don't believe that I should enlarge on them, except that I would like to mention one or two things which reflect on my portfolios, and my responsibilities within the Government. Obviously the first one is Fisheries. This time last year, there was approximately 2,500 tonnes of squid being poached out of our zone every day. We have worked with the British Government, and amongst ourselves, to redress the severe problem that we had and I am glad to say that with the arming of the vessel last year, and the continual work that has been done by everybody since, we have actually been able to reduce the poaching down to something which we hope is negative but is not a major issue at this moment. We are able now to make rapid and effective responses to vessels, which encroach on our territory and start fishing in our waters. In the last ten days or so we have seen the results of this action. Sir, I would like to repeat what you said about congratulating all the people who were involved. The Fisheries Department; the crews of the *Dorada* and the *Criscilla* – who with their seamanship in various times quite considerable difficulties in rough seas and other situations that they were involved with, proved to be very robust and effective; also the personnel seconded from the Falkland Islands Defence Force who were out there and who operated the gun. I think we should congratulate all of them. I am personally very proud of everybody who involved themselves in the engagement which we had to undertake in order to prevent people from poaching. It is quite gratifying to report that at this moment, there is virtually no encroachment into our zone whatsoever. However, we are prepared to respond at any time, to any poaching that takes place.

While thanking people on this issue, I think we should mention the fact that the aerial surveillance of the FIGAS and also the MOD were very solidly behind us at the time and we should thank them for it.

(Hear! Hear!)

This action does allow us to sell licences with confidence and have people buy licences from us with confidence. It shows that we are not going to allow people to just come in and take our resource away, for no payment whatsoever. We can now say that we have fully effective and responsible management of our fishery resource. But this doesn't mean to say that we should be complacent. We have to be prepared to respond to any poaching which may take place in the future and we are prepared to do it.

Moving onto agriculture, we are all very aware of the problems in the farming community. I think that some people in the farming community are getting the impression that we are not caring about the future of agriculture. I am personally extremely concerned about the future of agriculture and I, along with the rest of the Councillors I believe, are adamant that we have got to do everything we possibly can to not only support agriculture, but also to support people who live in Camp. We have a large area of the Islands which at the moment is still not developed in the way that we need to develop it and I believe that we can do so, but there is going to be some very hard times in between. We will do everything we can to support them in this period, however, we cannot just continually subsidise without any change whatsoever. We are going to have to look to change. I think everybody must recognise that.

On tourism, you have mentioned the increase in the amount of tourists, and I am very pleased that we are able to say that the tourism centre will be open next season. It may not be completed but it will be open for tourists coming from the cruise ships. They will actually have facilities, which they can use. I think we should say that tourism has now become a real industry. It is another industry; it's one of the largest, fastest growing industries in the Falklands, and I recommend people who are interested in that industry to look to invest into it.

Camp and internal transport is another issue which we have to address. We are progressing with the roads. Some people think we are going painfully slowly, other people in other areas believe we are spending much too much money on it. I believe that we are doing it as effectively as we possibly can, and I believe that the people who want road building to be speeded up need to be patient. We will do it at a speed that we can sustain and which we can afford.

Camp Education has had a very successful year. We have got some very dedicated teachers out there and we must say to people again, that we will continue Camp Education, we will support Camp Education, in a way that help allows them to remain in Camp supporting rural industry, whether it is agriculture or whatever.

I should mention the contribution of the Ministry of Defence, Brigadier Sheldon and his staff and everybody at MPA. I think they have continued to provide a very useful contribution to the Falkland Islands. Their defence and their presence is invaluable and we couldn't manage without it. However, I believe that we are also working

towards a much more mutually beneficial relationship, where if there are things that we can do for MPA and the people at MPA, we should be doing it. Whether it is in tourism, supplying of services or whatever, we should be investigating ways in which we can actually mutually benefit each other.

You mentioned Constitutional change, Sir. We are looking at Constitutional change but I don't believe that we should be looking at change for the sake of change. We are looking at change for the sake of progressing the Falkland Islands into a more democratic society. There are moods; people around the Islands believe that we should be becoming more democratic. I believe that we are quite democratic, but there are changes which we can make. Whatever we do, people must realise that there will be full consultation on any moves for Constitutional change.

Regarding the budget we will be going through this week, I believe that the main aim is the economic growth of the Falkland Islands while preserving our reserves, we have to take it at a pace which we can sustain. That is the criteria, which I personally and I am sure my colleagues will also be looking at, on any expenditure and any income which we can make but will be maintaining economic growth while preserving our reserves and maintaining our status.

Sir, I wish to propose the Motion.

**The Honourable Mrs JL Cheek**

Mr President, I would like to second the Motion of Thanks for your speech. I am happy to join you in welcoming Dr Blanch, Brigadier Sheldon and their wives, and I hope their time here will be happy and worthwhile.

It is difficult, when running through all the departments, not to single out individuals or individual departments for particular mention. I'll just touch on items related to my portfolio and a couple of other issues of particular interest. But before that, I would like to congratulate everyone, however elevated or modest their position, however glamorous or mundane their job, I would like to congratulate everyone who knows that they have contributed their honest hard work for the wellbeing of all in the community.

(Hear! Hear!)

Education is a source of some pride to us, but we should never become complacent; there is always room for improvement. The eagerly awaited junior school extension will be an imaginative use of the space freed up by the FIDF move, and I hope it will go ahead without any delay.

I congratulate all pupils and staff on the results achieved in the 1999 exams. We can take a lot of pride in our students and hope that our investment in their education will pay dividends for them and for us, as they take up important crafts and professions. I hope that we can now look forward to the smooth running of the Modern Apprenticeship Scheme, and the other courses which will become available here in

the Islands. I know there have been problems with some students caught up in the changes taking place in apprenticeships and other training schemes in the United Kingdom, but I hope that they are all now back on track.

My other main portfolio is the police. I want to add my praise to them for doing a difficult and sometimes unpopular job. As you said, Sir, they acquitted themselves well in dealing with some difficult situations. I find, and I think other Councillors do also, that they are always receptive and helpful when we take questions and concerns to them. I hope that the proposed Police Bill will be supported as it makes provision for a clear procedure for dealing with any complaints that may arise in the future.

As always I talk about agriculture with some diffidence as I have no background or experience in it, but we are faced with a basic business principle here, that if the product doesn't cover costs and produce an income, then clearly, diversification is necessary. I applaud those who are already well advanced in diversifying, and seeking other ways of increasing their farm income.

You sometimes hear criticism of the Agricultural Department – 'of course they can do that, they've got the money to throw at it.' But anyone who has taken the recent opportunity to go and look at Brenton Loch and Saladero like a number of us have on more than one occasion, they will know that many of the experiments are designed to look for maximum output for least cost. There is no doubt that we have to look beyond the traditional sheep and cattle. I hope that people will also look beyond idle gossip and ill informed theory, and find the facts. Of course not all new ideas are going to succeed, but part of running a business is taking those calculated risks.

The key to a number of people's projects is the abattoir, so I hope that we can avoid any further delay on that seemingly endless project. I think people in agriculture, living in Camp generally, should see the measure of our concern, in the measure of resources that we are putting towards improving agriculture and opportunities for people there.

I shall now move on to fisheries. As always I shall declare my interest, but what I am going to talk about today is everyone's interest and not just mine. I would like to add my support to yours, for the work done by the FIDF in fisheries protection in assisting the Fishery Protection Officers. I would ask that employers, including FIG, recognise the importance of the role that those FIDF members volunteer to play in assisting fisheries protection. It is quite intolerable that some of them should have been subject to pressure from their employers not to participate in these vital few weeks when the fishery is under heaviest pressure.

On the FIG side, there has been a clear instruction from Executive Council that priority should be given to fisheries protection. Outside Government, employers would do well to calculate how much of their income derives directly or indirectly from the fishery, and adjust their priorities accordingly.

On another fairly delicate issue, I welcome the formalisation of the proper consultation which had formally taken place in the appointment of new Justices of the

Peace, but I deeply regret that it took the resignation of three well respected members of the Bench to bring it about. A lay justice is a volunteer who undertakes a particularly difficult and sensitive series of tasks. I would like to pay tribute to the work of my former colleagues on the bench, Shirley Hirtle, Ray Robson and Stuart Wallace.

You touched on the subject of Constitutional reform. Our Constitutional development has made great strides since the war in 1982, but there are still areas worthy of consideration. I hope that many people will take an active part in the discussions over the next few months. I remember clearly that the last time there were discussions, there was a public meeting on the Constitution and I think five members of the public turned up, so I do hope that there will be much more active participation this time.

Finally, you noted the unfortunate statements emanating from Argentina. We are accustomed to them. They have gone on for some years now, and we do understand that we can't sweep away the prejudices which have been fed by propaganda for years. At best, we can hope to whittle away at it, until Argentine democracy is sufficiently mature and confident to recognise our rights to our own democracy. In the meantime, we have no doubt of them. I support the Motion.

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

Mr President, I too would like to welcome the Commander and the Chief Executive to this, their first sitting of Legislative Council, and I would hope that both they and their wives will enjoy their time here in the Falklands. Despite regular reviews of troop levels, I hope that the Brigadier and his troops will remain with us for a long time to come. Not only for our security and piece of mind, but also for the excellent training arena that I believe we offer here. Also, there can be no doubt of the benefit of their presence here to the FIDF, with the regular exercises that take place.

The FIDF has taken a lot of criticism and knocks recently, both from within and without Government. A lot of this has been centred around the training that they have undertaken in the United Kingdom to help with the fisheries protection. Bearing in mind that the force is all made up of volunteers, I think it has been very good of them to keep the morale up as they have and continue with this training, despite a lot of pressures as Councillor Cheek has said, from persons they work for. I would certainly like to commend all those who participated in the fisheries protection operations. Not only in the FIDF but all the other people as well. I would also like to thank all those employers who have released people from work. As we heard from Councillor Cheek, it is in everybody's interest to try and secure our main source of income.

I would also like to touch on the Public Works Department (PWD) – another of my portfolios. Sir, you mentioned that many of the Public Works Department's genuine achievements go unsung. We do seem to be very quick to criticise, but very slow to praise. In particular I would like to highlight the North Camp Road Gang, who, like all the road gangs this season, had to work with less overtime than they had previously been used to. Despite this, they completed the road to Salvador under

budget, I am told. I think they should be commended for this and perhaps it could be a lesson to other Government Departments.

The road network often gets criticised from time to time. It's either going too slow, going to the wrong place or we should be doing something we are not doing, but despite all the criticisms, I do believe that it has been of great benefit to the agricultural community as a whole. Perhaps some would argue, as the road is not with them yet, but it is certainly helping them. There is no doubt (in the current climate) that we will have to continue to subsidise the agricultural department. But, when the roads eventually get around everywhere, one would hope that it will help many of the farms to diversify and be able to do other things which some of them are currently unable to do.

The subsidies we have been providing for agriculture, in whatever form, are often criticised but I doubt that we will ever come up with any particular subsidy or scheme which will suit everyone. It is a very difficult area to do the best thing in. There has been much said about the abattoir and there is no doubt that it will help many within the agricultural community. I think it is now time that all the words which have been said about the abattoir, are turned into some action.

You also mentioned the generosity of the Islanders. I think we have been renowned for our generosity over the years, towards causes outwith the Islands. Sadly, we are not always so generous when it comes to matters at home.

Well, Sir, I think I have now covered my portfolios and touched on maybe one other, and I will leave it with other Councillors to deal with their own portfolios.

### **The Honourable J Birmingham**

Mr President, Honourable Members, in rising to speak to the Motion, I am not going to make a long rambling speech today, I will leave that until Friday.

(Laughter).

It is the Budget week, but before I speak on the Budget I would just also like to welcome the Chief Executive and the Brigadier to this House, and their wives to these Islands.

As I said, it is the Budget Session, and towards the end of your speech, Sir, you said that the Falkland Islands are prosperous. Well this is true and it is the duty of Councillors to maintain that prosperity. On occasion this may mean making not so popular decisions, but I think that this Council won't forget its duty. So as I say, enough will be said at the end of the week, Sir, I support the Motion

### **The Honourable DL Clifton**

Mr President, Honourable Members, I too would like to endorse the welcome to Dr Blanch and Mrs Blanch and to the Brigadier and Mrs Sheldon.



In your introductory remarks, Mr President, you mentioned the turbulence that we all seemed to live in about this time of last year. I think it is just worth stepping back in time twelve months to review that period, and to review it in the context of the Budget, and the statement you've made to the House this morning.

Twelve months ago we were attempting, economically, to arrest the end of the 'free spend' era. Had we not objectively driven forward on that front, the political uncertainty surrounding us last year would have, without doubt, brought about hardship and a raft of communication difficulties. There were considerable difficulties facing us with the policing of our marine resources, as my Honourable colleague Councillor Cockwell has reminded us this morning. The recent successes of that campaign to arrest are to be applauded.

Hindsight is often described as a near exact science. Our perseverance of twelve months ago has generated positive results – Island-wide positive results. Economically, politically and socially and in the context of the 14 July agreement we have been able to maintain our cultural identity. Others might argue that this is self praise, however, Mr President, your comprehensive overview of the work of the Government this morning is a testimony to the good work that this Council and, I have to say, also of the officers and staff who support it.

I do not propose to pick up on all the issues that you have raised in your Address but only of those of direct relevance to my own portfolios.

Last year, when we were debating agriculture, my colleagues firmly indicated that offering cash to the agricultural community was not the way to proceed and that that sector needed a radical overhaul. We have engaged in that already, as my Honourable colleague Jan Cheek has referred, and since that time we have a very successful Incentive Scheme up and running, which is driving diversification, although admittedly, much work is still to be done. In this regard, I think that during this budget session we need to reach a comprehensive, an absolute decision on the future of the abattoir and the funding of that. In my view, funding must come from Falkland Islands Government resources. If we fail in this regard then I think we are denying the agricultural sector, particularly the sheep farming sector, the key to a door of future prosperity. I would say that my statement of last year still stands in terms of the agricultural community. The Government will help financially and technically, we can offer advice and support as you take up the cudgels of diversification. I acknowledge that wool prices remain at a very low level and one farmer telephoned me late last week to say that his production costs this season just past were averaging £2.03 per Kilo. Clearly he is unable to sustain that level of overdraft. If this is symptomatic of other farms, then we will clearly need to re-examine some of the work we have done on looking to fund the agricultural sector over the next few years.

The Honourable Jan Cheek has referred to the Saladero and Brenton Loch programme and I think there is much to be proud of there. I welcome her comments particularly, and I would like to take this opportunity to express my thanks to Sean Miller in particular, for his hard work and dedication since taking up his employment there.

Sir, you have made mention of the bad feeling caused by the recent decision of Executive Council to launch a consultation scheme, an exercise put forward by the Department of Agriculture and the Falkland Islands Development Corporation. I regret that bad feeling may have been generated. The consultation exercise and the paper itself is forward looking. It is a step that is needed to be taken at this particular time because of the overall uncertainty that underlines rural development. I would like to think that we can reach a fairly speedy conclusion on the future of rural development in the Falklands.

I would just like to pick up on Fire and Rescue. Sterling work is still being undertaken by Chief Fire Officer Ford and his crews. I would like to thank all of the volunteers who turn out on a very regular basis in support of Island-wide requests to attend fires and the like. On this particular issue I would like to thank Brigadier Sheldon for all the support that his staff, in particular, helicopter crews, have given the community during this very dry summer. There is obviously a recipe there and that requires lots of rainfall and I am pleased to say that most of the fires have now been put out.

Mr President, I could not conclude without expressing some remarks about the Ministry of Defence and the services. We very much welcomed the visit of Secretary of State, The Rt. Honourable Geoffrey Hoon, and his commitment and the United Kingdom Government's commitment in support of the defence of these Islands. We have thanked him for that, but I think it right to do so publicly. I do so because I feel safe that we can continue to determine our own political future. Mr President, I wish to support the Motion.

#### **The Honourable WR Luxton**

Mr President, Honourable Members, I won't make a long rambling speech either. I would like to pick up though, on the point which has already been mentioned at the end of your speech, when you said that the Falkland Islands are prosperous. This is true, however, the prosperity in these Islands is very unevenly divided and we have heard much about the agricultural sector. All I would say is that an enormous amount of money is being spent on development and incentive schemes, most of which at the moment, are not producing any income. There are people out there who are approaching desperation. I know of one family with young children who have an overdraft which is increasing remorselessly at three to four thousand pounds a year. It is not sustainable and they do not see much light at the end of the tunnel at the moment. They are about ready to walk off. They do not see any future in agriculture because, if something is not done, and if some assistance is not given, by the time we have an abattoir it may already be too late. Some farms living on units of five/six thousand sheep are worth less than the annual salaries for a number of people in this room and in the Government Machine, in their entirety. The Colony's wealth is not evenly distributed by any means. I hope that by the end of this week we will have been able to do something for those people. Mr President, I support the Motion.

## **The Honourable MV Summers OBE**

Mr President, Honourable Members, like all my colleagues before me I would like to welcome the Commander British Forces and his wife Liz here to the Falklands along with Michael Blanch and Penny. I think it is noticeable that we have had the wisdom to appoint a Chief Executive for three years and the Ministry of Defence still lacks the wisdom to appoint a Commander for longer than a year. Despite the protestations of Geoff and all his predecessors, the Commander still only stays here a year. It is not satisfactory and let's hope that that message will one day filter through to the powers that be.

I would like, Sir, to reflect the praise to those in the public service who have provided good service this year and particularly those who have now retired.

(Hear! Hear!)

You mentioned some very Honourable public servants.

I would like to make a small confession, it was I who wildly projected that we would have 10,000 tourists a year. I am sorry to have been so wickedly wrong.

I thank you for your public comments on the selection of the Justices of the Peace. I think it will go some considerable way to allaying the public concern that clearly did exist.

I would like to pay public tribute to the crews of the *Dorada* and the *Criscilla* in the efforts to protect the fisheries zone. I think it is easy to sit and make decisions about what should and should not be done particularly when it affects people who actually work directly for the Government. We were making some pretty serious decisions about what should and should not be done in the fisheries zone and about the work that was going to be done for people who don't actually work for the public service, but are contracted to it. I do pay tribute to the work of those people and I thank them very much.

One other point that is not an area of my responsibility, but I would like to make mention of anyway, is the work done in the hospital by Derek Muhl and his team, in the process leading up to civilianisation of the hospital services. It has been a very substantial task and it appears to me to have been undertaken very professionally with a good deal of wisdom and circumspection. There is the spectre of the cost which we have yet to deal with, but I would just like to thank them for the way they have approached this task in a quite and efficient manner and put in places the changes that will need to be affected.

I am sorry that nobody told me that I had to talk about my portfolio responsibilities, but I will just mention very briefly the Customs and Immigration Department. They do a lot of work, with limited resources, no complaints and produce a lot of income

for the Falklands. I admire the way they go about their work and I congratulate them for it. Would that everybody went about their work in the same way.

I may have some kind words to say about the Treasury in due course. That will rather depend on what happens in the next day or so, but in the meantime it is certainly the case that the Treasury has advanced several leaps in the last couple of years in terms of the quality of output and the quality of thought that goes into the work and I thank them for that.

I had cause to mention when I was stood here some while ago, that we were having a bad day. I can't remember whether it was one year ago or two years ago but we were having a bad day at the time. Now we appear to be having a slightly better day. That is good, but as somebody said before me, let's not get complacent. In this small community things can come and go very quickly, so I think caution will be the watchword when we deal with the budget this week.

On this occasion I would just like to mention that it is not only the Government and public servants that make the community active and vibrant. I would like to thank all those people who engage in organising volunteer services. Whether they are charities, sports or recreational activities like the horticultural show or the craft fair and so on. It is a good time to thank them for the work that they do.

It is also with considerable satisfaction that I see the private sector continue to grow. I think it is testimony to the policies that are put in place over many years, that the private sector continues to be vibrant. I would like to congratulate all those businesses who continue to be profitable and meet the challenges of a growing economy. I think the house builders in particular deserve to be congratulated for their response to the provision of more housing at East Stanley.

(Hear! Hear!)

We often talk about the special circumstances surrounding living in a small community. One of the effects in our community is that change is very obvious. These days we seem to have almost constant change. Whether it is in fisheries; whether it is in the structure of the Government; whether it is in agriculture or wherever else. There has certainly been change in infrastructure – in buildings and roads. There have certainly been changes in the ways that we run the country. We have heard about several of these instances from Your Excellency in your report.

I know that change is sometimes disturbing, almost by definition it is disturbing, but I do hope that the new efforts to open up the business of Government, will help the understanding in the general public of the way we go about running the country. I also hope that the public will be able to support the improvements that we are making to the machinery of Government for everybody's benefit.

Just before closing I would like to pay a brief public tribute to John Rowlands who was previously a member of this House and who passed away recently. I know many

of us attended his funeral and apart from being a Councillor, he was an all round 'good egg' and will be missed.

Sir, there is much to be discussed today and in the next three days, but in the mean time, I support the Motion of Thanks.

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

Mr President, Honourable Members, I would also like to welcome Brigadier Sheldon and Dr Mike Blanch to their first meeting of this House. You will be hearing enough from me shortly on the Budget and I support the Motion of Thanks to your Address, Sir.

### **His Excellency The Governor**

Thank you very much. Any other responses? No, well thank you very much for that. That was a useful review, with additional touches which I very much welcome. May we move to the next item of business? Confirmation of the record of the meeting of Legislative Council held on 16 December 1999.

### **Clerk of Councils**

Sir, I have some amendments from the Attorney General that I have incorporated into the record. They are:

- ❖ At the top of page 1 should read "Legislative Council held on 13 December 1999" was amended to read "16 December 1999";
- ❖ Titles of Legislation at the top of page 2 were changed to read:

Co-operative Societies (Audit) Order 1999  
Animal Health (Additional Notifiable Diseases) Order 1999

rather than

Co-operative Society's Audit Order 1999  
Animal Health Additional Notifiable Diseases Order 1999;

- ❖ On page 7, in the first two lines of the answer to question 22/99 it reads "permission.....are....." when it should read either "permission....is....." or "permissions.....are.....";
- ❖ Page 11, paragraph 1, line 6 the word "express" was amended to read "expressed";
- ❖ Page 19, paragraph 3 line 1 the word "appologies" was amended to read "apologies";
- ❖ Page 21, last paragraph, line 1 "members'" is changed to "member's";
- ❖ Page 23, paragraph 2, line 3 the word "counties" should be amended to read "countries";

- ❖ Page 26, first paragraph, line 7 “acquisition ator” was amended to read “acquisition at all”; and
- ❖ page 45, paragraph 7, line 1 “”continues” was amended to read “continue”.

### **His Excellency The Governor**

They are all essentially non-substance. Are there any other corrections or comments?  
Are you content that I sign them?

(His Excellency The Governor signs the records as correct.)

### **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 Embarkation Tax Regulations 1999  
 The Payments on Account of Tax (Amendment) Regulations 1999  
 The Philomel Street Waiting Regulations Order (Amendment) Order 1999  
 The Registration of Charities (Exemption) Order 1999  
 The Law Revision Order No. 1 of 1999  
 The Disapplication of Enactments No. 2 Order 1999  
 The Commencement and Approval of Volume 5 Order 1999  
 The Law Revision Order No. 2 1999  
 The Revised Telecommunications Tariff Regulations 2000  
 The Coins (Various Commemorative Coins) Order 2000  
 The No Waiting (General) Regulations Order 2000  
 The Disapplication of Enactments No. 1 Order 2000  
 The Commencement and Approval of Volume 6 Order 2000  
 The Registration of Medical Practitioners Order 2000  
 The Fishery Products (Hygiene) (Designated Vessels) Order 2000  
 The No Waiting (General) Regulations Order 2000 (Rectification) Order 2000  
 The Fishing Licences (Applications and Fees) Regulations Order 2000

The Annual Accounts for the financial year ended 30 June 1999 and the Retirement Pension Fund Financial Statements for the period ended 31 December 1998 and Laid on the Table in accordance with section 57 of the Financial Audit Ordinance.

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

Mr President, I formally lay the papers mentioned by the Clerk on the Table.

## **Questions for Oral Answer**

### **QUESTION No 1/2000 BY THE HONOURABLE JL CHEEK**

Your Excellency, Honourable Members, will the Honourable Sharon Halford please give the provisional start and completion dates for the planned Junior School extension?

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

Mr President, Honourable Members, the current programme provided by the Architect for the project shows design complete by the end of June 2000. On the basis of information available at this time, it would not be possible to start work prior to completion of the design. The earliest possible start on site date is therefore July. This provisional start date may be affected by some design decisions that have yet to be made, approval of the final estimate, detailed planning approval and of course the move of the FIDF. However, I am reliably assured that the completion date will be no later than December 2001.

#### **The Honourable Mrs JL Cheek**

I thank the Honourable Sharon Halford for her reply.

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

Mr President, Honourable Members, I thank the Honourable Sharon Halford for her answer. I wonder if she could inform me as to whether plans are already going ahead to dispose of the FIDF Headquarters. Is somebody actually going to take up a contract? Is there going to be a contract or are the Public Works Department just going to demolish the structure themselves?

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

Mr President, I believe that the intention is that the demolition of this building will go out for bids, as have other buildings. This should go out by the end of this month for people to submit bids.

#### **His Excellency The Governor**

Any further supplementaries?

### **QUESTION No 2/2000 BY THE HONOURABLE JL CHEEK**

Your Excellency, Honourable Members, will the Honourable Lewis Clifton please say how many farms have had projects approved under the Incentive Scheme and whether funding is still available for more farms to put forward projects?



**The Honourable DL Clifton**

Mr President, Honourable Members, in the first 12 months following the introduction of the Incentive Scheme, 44 applications were received. At the time of delivering this answer 36 applications have been approved for grant. Approximately ten other farms have indicated their intentions to apply at the end of this season's shearing. This broadly equates to 65 percent of Falkland farmers either indicating an interest in the scheme or who have received financial benefit from the scheme.

The total funding approved to date is £527,643 averaging at £15,519 per farm. Department of Agriculture staff who have visited farms recently, report favourable on the outcome of the scheme, in that the majority of farmers who are already signed up are exceeding projected cash flows in production terms. The first two years of funding – that is £0.5m – has already been utilised. If financial provision of £250,000 is available from Government funds for this forthcoming financial year and succeeding three years, the next allocation of funds will be available as from 1 July. The financial provision stated is believed to be adequate for all the remaining farms to submit projects in the form of whole farm plans and thus receive benefit from the scheme.

**His Excellency The Governor**

Any supplementaries?

**The Honourable Mrs JL Cheek**

May I just thank the Honourable Lewis Clifton for his reply. It gives an interesting view of progress since I last asked a similar question.

**His Excellency The Governor**

Thank you very much. Would anyone else wish to speak further?

**The Honourable J Birmingham**

Mr President, Honourable Members, what was it that the Honourable Lewis Clifton said at the end there? Was it whole farm, or whole income? I can't recall.

**The Honourable DL Clifton**

Mr President, the terminology is 'whole farm plans'.

**His Excellency The Governor**

Thank you very much. No further supplementaries? That concludes questions for oral answer.

## **Clerk of Councils**

### **MOTIONS**

#### **MOTION No. 1/2000 BY THE HONOURABLE MV SUMMERS OBE**

That the Legislative Council establish a Select Committee consisting of all the Elected Members of the Council to be known as the Committee on the Constitution, the functions of which shall be:

- 1) to examine and make proposals to the Council in relation to possible changes or amendments to the Falkland Islands Constitution Order 1985, as amended by the Falklands Islands Constitution (Amendment) No. 2 Order 1997; and
- 2) to submit or request a submission of such proposals, as are agreed by the Legislative Council to Her Majesty's Government for its consideration, and if thought appropriate by Her Majesty's Government, incorporation in a revised Constitution for the Falkland Islands.

#### **His Excellency The Governor**

Does the Honourable Mike Summers wish to propose the Motion?

#### **The Honourable MV Summers OBE**

Mr President, Honourable Members, in proposing this Motion I would like to say a few brief things about the intention behind raising this Motion at this time.

For members of the public the Constitution is perhaps sometimes a dusty document that sits in somebody's office somewhere to be forgotten. It is not that. It is very much not that in the Falklands, where we have what is a very active Constitution. It protects the fundamental freedoms and the rights of individuals in our community. It very firmly establishes the right to self-determination. It sets out in general, how the country should be governed and it sets out the powers and procedures of the Governor, the Executive, the police and the judiciary. It is, therefore, a crucial document which underlies the whole of the way that we govern our country.

So why is there a need to change it? I think somebody mentioned earlier, that we should only change things if they need to be changed. That is clearly correct. The British Government has suggested to all the Overseas Territories that they should review the role of the Governor in their territories, in modern circumstances. There is a need to review that relationship between the Elected Members and the Executive. I think this is a point that many of us made in various ways, in our election speeches just over two years ago. As more responsibility and accountability is taken by Elected Members, this inevitably means changes to the system and we should be conscious about how those changes occur. We believe that there are still some weaknesses in the protection of the individual in the Falklands and there are other matters which occasionally require review. That is what we should do.

The British Government produced a White Paper on the Overseas Territories fairly recently and in that White Paper, Her Majesty's Government confirmed the absolute commitment to self-determination. It also called for a partnership. A new partnership between the Overseas Territories and the United Kingdom based on mutual respect, mutual obligations and mutual trust and we need to ensure that our Constitution, the way it is written, the powers and the privileges that it gives, reflect that new partnership. We need to examine the exercise of democratic practices to allow the people of this Overseas Territory the greatest degree of control over their own lives.

We have to ensure the highest standards of probity, law and order and good governance. They are all required of us by Her Majesty's Government, and we would wish to conform with them.

As the Governor has already mentioned in his opening Address this morning, Baroness Scotland has reminded us that Constitutional change must encompass full consideration and consultation throughout the community as a whole, and to that we are committed. We should promote openness, transparency and should be able to deal with complaints and mal-administration.

So what are the areas to review? Well there are a few that we have identified and there may be others that members of the public would wish to raise with us. This is possibly the only Overseas Territory that doesn't have a Public Service Commission. I think it is unusual that we still operate under a system in which a single person – The Governor – is responsible for the appointment and the dismissal of civil servants; he is also responsible for disciplinary matters and is also the final arbiter of any personnel dispute involving a civil servant. No matter what the qualities of the incumbent Governor, that is an onerous task and indeed it is unsatisfactory, and I think that we recognise that it is unsatisfactory. Therefore, we wish to review that procedure and to ensure that the rights of public servants and the obligations of public servants are properly managed under a system, which reflects modern practice. A public service commission may be the way to go or it may not. That is one of the items we wish to discuss and to seek advice on.

We have talked on many occasions in this House about Councillors taking more responsibility and being more accountable in the process of Government. I think this moves us inevitably forward towards provision for Ministerial responsibility. The relationship between Elected Members and the Executive is blurred at the moment, because we do not have Ministerial responsibility; we do not have Executive power. It is open for question as to whether this country wishes to move forward in that fashion. Whether Councillors should in fact have a degree of Executive power and whether they should have fuller accountability, therefore, for the portfolios which they take on.

The old days of being the elected opposition are way behind us, but the mechanism for achieving what we are trying to achieve has not yet caught up. I think there is also a case for reviewing the role of Commander British Forces in Legislative Council. We ask ourselves whether it remains appropriate, nearly eighteen years after the Falkland's war, for the Commander to sit as of right in the Legislative function. This

does not suppose any change to the role of the Commander British Forces, his relationship with the Government, or indeed his presence at Executive Council, but it may no longer portray the right image to have the Commander in a largely ceremonial role in the Legislative function of Government. Indeed it raises the question that if we were to appoint a Speaker and the Governor were not present, would it remain satisfactory to have the Commander in Legislative Council? I think these matters require debate.

There is the perennial question of the relationship between General Purposes Committee, Executive Council and the Standing Finance Committee. Does that system, of basically running three separate Committees, one after the other, in three days, provide the most efficient and effective form of government for the Falklands? Does it remain appropriate that there are three Elected Members on Executive Council who effectively determine policy? Is it better to have a majority of Members in Executive Council? The question then arises about a scrutiny function of the Elected Members. Perhaps there is an argument for saying that three members on Executive Council, properly scrutinised by the other members, provides the best form of policy making. However, there may be a better way of doing it. It is the interaction between Executive and scrutiny that we need to examine in our government system to ensure that we have it as right as we can get it. It is highly probable that we are not in a position at this stage in our development, to move towards fulltime Councillors. An executive function that included a minority of Councillors might demand that and I think that we have to examine that proposition in considerable detail to see what is most appropriate.

I know that some of my colleagues favour a single constituency in the Falkland Islands. Certainly we all participate in all aspects of the Government of the Falklands. There are a few genuine constituency matters. However, we have to ask ourselves and ask the members of the public, whether they think that a single constituency would in fact provide the best representation of the people of the Falklands, or would some people perhaps feel threatened by that? Again, it would be a matter for open discussion.

There are equally questions of voting systems. Although this is not strictly a Constitutional issue, we legitimately wonder whether the voting system that we have in fact delivers the most representative government. We will be seeking advice on alternative voting systems and putting them forward for discussion.

In our Constitution there remains some citizenship issues which need to be resolved. There remains the anomaly that children born abroad to Falkland Islanders, who themselves were born abroad - in either case for whatever reason - including medical requirement - are not entitled to Falkland status. This is clearly wrong. It, and any other remaining citizenship anomalies should be corrected.

I believe that there is a unanimous view amongst Councillors that in these modern times, and with all the changes that there have been in the accountancy profession, that the Principal Auditor should be -

- a) a body of accountants who can be held properly accountable for the work that they do and not an individual; and
- b) that the appointment should be a term appointment, with renewal at the behest of Executive Council.

This reflects modern practice and it is not the way our Constitution is written.

There is also the issue, which I referred to earlier. This is the issue of protection of the individual of an Ombudsman. We do not have an Ombudsman in the Falklands. It is certainly arguable that there should be a body independent of the Government who can hear complaints and assist members of the public in resolving issues either to do with the Government or other bodies, but so that they can do it in a way that is entirely independent of the Government machine. In a small community, it is a brave person who challenges the Government machine, and I believe that the appointment of an Ombudsman (or something similar) might improve the lot of the individual in this respect. We should examine that.

For those of you who have read the Constitution, you will also be aware that there are a number of areas in which the style and the text of the Constitution remains colonial in aspect and is unsuited to the new modern partnership style espoused by Her Majesty's Government. I think we would wish these to be updated to reflect the true nature of internal self-government, backed up by reserve powers exercised by Her Majesty's Government through the Governor, rather than the starkly autocratic style of some of the current text.

Sir, those are the areas in which we think the Constitution needs some review. There are no preconceptions. There are no firm ideas. Sorry that is not correct. There are several firm ideas but there are no preconceptions. That will do.

So, to the process. Well we think the process for Constitutional review should be similar to that which we adopted for Standards in Public Life. There will be some open public sessions, there will be some closed sessions, and there will be options for written submission. We hope that the public will partake fully in this exercise, and that we are not left in the position we were at the last Constitutional review, of having very small numbers of the public participating in what is an absolutely critical document to these Islands for the long-term future.

I would expect that after, we would set out some draft proposals for further comment, both internally and by Her Majesty's Government, before reaching a conclusion by the middle of the year 2001. It is the wish of this Council to try to conclude this exercise before it finishes its term of office so that the newly elected Council has the option to take up any new provisions that we might recommend. Sir, I propose the Motion.

**His Excellency The Governor**

Thank you very much. I would at some stage like to inject some questions into the discussion so perhaps I can look to anyone to second the Motion at this stage?

**The Honourable DL Clifton**

Mr President, if I may, I have been asked to second the Motion that has been presented. Councillor Mike Summers has spoken well to the matter. There is much yet to be discussed but I think he has set out some of the fundamental issues that we have already given some focus and attention to. I support the process.

**His Excellency The Governor**

Would it be appropriate perhaps if I pose some questions here, and others may want to take the matters up?

I think I have reflected my own feeling in previous discussions, that whether you speak of Constitutional review or a review of the political process, things have developed here in a way which merits the examination of the thought we are embarking on.

There are a couple of areas, which give me a certain concern in which I would welcome some discussion here. As a general political principle, I suppose, in the United Kingdom and reflected here, elected Members are expected to follow a mandate, but also to exercise their own judgement, even on highly contentious issues and then to face the electorate at the end of their period of office. A difference arises of course when one comes to matters effecting the Constitution. There it is normal to have exceptional procedures. Exceptional because, I think it is generally accepted, as has been reflected here, that it is important to engage popular opinion very widely. I would have welcomed the opportunity to be able to put this text to the authorities in the United Kingdom before consideration here for the following reason. Not, I am sure, that anyone would wish to dictate to this Legislative Council the conduct of its business, but because it will be United Kingdom Ministers who, at the end of the day, will be considering proposals which emanate from the Falklands for changes to the Constitution. They will certainly wish to look at the procedure by which such changes emerge.

There is an element there about the public consultation here that causes me concern, and that doesn't seem to me to be adequately reflected, I have to say, in this text. It falls in two parts.

One is Honourable Members have indeed indicated that last time around, as it were, there did not seem to be much public engagement. Now that poses a number of questions. One of course is that in any process which is going to have so much potential impact on people's lives, you want them to be engaged, you want there to be discussion, and obviously Members want to do that and will put themselves to it.

But it raises another set of issues. That is how are proposals made by the people, that are not consistent with what elected politicians would want to see, how are they to be reflected or conveyed? It is entirely possible that in the area of Constitutional reform, there can be that kind of difference. There may be changes which politicians might want to see which are actually opposed by a large section of the population. There may be proposals favoured by a large section of the population which elected politicians are not favourable to. Now, in other context that is dealt with in the normal process of politics, but in the Constitutional process it merits, and I think that is agreed in principle; it merits particular attention.

One particular area where that might arise does concern the public service. I am not entirely sure that I fully recognise the description of my role, or should I say the role of a Governor, which is set out here. It is, however, set out in the letters of appointment of a Governor that the role of Governors, in relation to the Public Service, is partly there in order to protect the public service from political interference. That is an established principle in the United Kingdom and it is an established principle in the Overseas Territories. I therefore ask myself whether the procedure here is adequate for addressing the concerns that may exist in or about the Public Service.

I entirely accept the need to look very carefully at whether the rights of Public Servants, as of others, are adequately protected or whether the protection can be improved, but I do invite consideration of the mechanism by which that process might be advanced. Public Servants who have a concern of the type reflected in the provisions which apply to all Governors and their role in relation to the public service, Public Servants may be reluctant to put their views directly to a Select Committee and may prefer to follow some other avenue. The question then arises whether it is envisaged that the only avenue for proposals to be advanced for constitutional amendment, is through the Select Committee, which quite properly and understandably is being set up, or whether indeed other avenues and other methods of taking into account public opinion and that of Public Servants, are to be reflected.

As I say, I would have welcomed the opportunity in advance of this debate, to put a text to the authorities in the United Kingdom, because of – as I say – the need, at the end of the day, for the Ministers that have to take the decisions in the United Kingdom, to be content with the procedure that has been followed. No one would deny the right of this Legislative Council to establish a Select Committee for the purpose of considering the Constitution. However, I do invite consideration of whether the terms of this text actually fully meet the need for the wide public consultation, for the presentation of a variety of views for the demonstration to Ministers in the terms used by Baroness Scotland, that the public, at large, have been consulted and that the changes proposed enjoy wide public support.

I should welcome the views of any Honourable Members.



**The Honourable J Birmingham**

Let's have a point of order, Mr President. As we all know, this is a small place. A local place some might say, and it is my experience that nobody around this Table – no elected Member – expects to be just driving ahead with any major changes. From what I see all this Motion does is set in train some programme for discussion. The place is so small that we will know, and people will tell us, if we are getting it wrong.

In 1994/95 I think it was, the previous time around, people weren't particularly interested. That is true, but I think that the population as we have seen over the last few weeks, is now interested and becoming more so in local affairs. I don't think there is really too much to be worried about there.

**His Excellency The Governor**

Well, I think I would acknowledge that I wasn't around at the last time of discussion on the Constitution, but I would certainly welcome it if the public interest were there. It must be. I slightly hesitate at your suggestion that this is just to start some suggestions going. I mean that process is underway already and it can be conducted quite informally. There is here, the reference to submission of proposals as agreed by the Legislative Council to Her Majesty's Government. That is looking to the end of the process.

**The Honourable J Birmingham**

Let's not go into the future.

**His Excellency The Governor**

I would say that it is there that looking at what is going to come forward if I were in London, how has this been arrived at? What is the degree of support that exists for that? What degree of assent or dissent is there among the wider population? I think that that is the sort of thing which one would be looking to. I propose no particular solution. Constitutional amendment is a serious business, I mean we don't want to be in the business of Banana Republics who review the Constitution quite regularly.

(His Excellency The Governor and The Honourable J Birmingham begin to speak over one another).

**The Honourable John Birmingham**

I am sorry.

**His Excellency The Governor**

Unfair for me to say allow me to finish, but.....

**The Honourable J Birmingham**

No, no, no, you are right.

**His Excellency The Governor**

I think we need to address the process in a kind of serious way, but looking to the end-state which would have proposals going to London for discussion approval in the Privy Council. That is where I would say I see the weakness in this text.

**The Honourable J Birmingham**

But it is time isn't it? Time is of the essence. Well Governor, over the last few months there have been numerous occasions, letters in the Penguin News, and in fact there was a meeting last week in Stanley, which I believe 30 or more people were at, and one of the points that was discussed was some Constitutional changes. I am not sure what those changes were as I wasn't there, but there is clearly a number of people out there who are interested in at least discussing possible changes. I can see where you are coming from as to maybe we should have spoken more with the Foreign Commonwealth Office. I can see why you are saying this but I don't know whether I agree with it. Anyway, I will let some of the other members have their say - or not.

**His Excellency The Governor**

Thank you.

**The Honourable JR Cockwell**

Sir, I believe that we are setting in process exactly what you are asking for. This Committee is setting in process the consultation procedures which are what we need. I can't see, under our present Constitution, what other way we can do it. I mean if you are suggesting that we are not democratic then I would like to understand exactly what is.

**His Excellency The Governor**

Thank you very much. Well I certainly never used the word 'democratic', or 'undemocratic.' I tried to draw distinction between normal political business and the serious matter of amendment of a Constitution, which should be done with great care and in that context, perhaps one needs to reflect on why it is that we are having to come back to this question, so relatively soon after the Constitution was last amended. That does say something about the process of consultation, and deliberation that may have gone on at that time.

When you are amending a Constitution or affecting political change of this dimension, it would be natural to do so by a mechanism which is different from that involved in taking other difficult, even profound political decisions. The difference is

the need to demonstrate that there is widespread local support for the changes that are proposed, or indeed that changes for which there is an appetite in the populous, but which some might oppose, do have an avenue of expression. That is my concern about the text. I am not at all concerned about the setting up of the Select Committee in principle. I indicated before that that was likely to be an appropriate way to proceed. But, I do think you need to reflect on how, at the end of the day, you intend to take account of a variety of opinions in the Islands, and reflect that in what is presented to the UK Ministers in London.

On which, I would say that it is not just a matter for the Foreign Commonwealth Office, I mean there are other Ministers in the United Kingdom – this would be considered in Privy Council – who have other responsibilities, for example the question of Human Rights. It is not just a Foreign Commonwealth Office issue. I would rather not have it seen as Foreign Commonwealth Office and others, it is touching on the relationship between the United Kingdom Government and the Falkland Islands Government and considering what would be submitted to Ministers at the time, which I expect, their proposals would come forward for amendment to the Constitution. They will be looking for the proposals that have been very fully considered and discussed with the people. That needs to be demonstrated and obviously taken account of. That is my point. I am not trying to obstruct progress on Constitutional debate or exchange at all, but we want to be sure that at the end of the day we are going to have something that will be seen by United Kingdom Ministers as reflecting widely supported proposals for political change.

**The Honourable Mrs JL Cheek**

Your Excellency, I am having some difficulty in not finding what you are saying somewhat offensive to Councillors. The implication that we might be undertaking this lightly, that we might not be prepared to think through how the public should be properly consulted is – dare I say it – insulting. We are talking not about change, as my Honourable colleagues have said. It is not change for changes sake, but development. Constitutional development, which I believe is being encouraged by Britain in its partnership arrangement with Overseas Territories. I am sure, I am absolutely confident, that we can find satisfactory mechanisms to ensure that the public are properly consulted. This is not something that can be done by a rough head count, on an assessment of people at public meetings. I made the point earlier about the few people who turned up at public meetings last time. Apart from the fact that a lot of people don't take an active interest in politics, it was an indication that people were basically content with what was happening. Had they not been, that was the opportunity for them to go and say so. I support the Motion.

**The Honourable WR Luxton**

Mr President, we seem to be talking round in circles at the moment. There are precedents in place for this kind of Select Committee. What I can't remember is exactly what technique, was adopted previously. Perhaps the Attorney General or someone with a better memory than myself can remind us how we arrived at, what seemed at that time, to be a very satisfactory conclusion. I certainly remember that

one Committee was Chaired by the then Honourable Tim Blake, and it seemed to me at that time very, very wide consultation took place with the public. What I can't remember is exactly how the Select Committee was formed. Maybe the Attorney General could enlighten us on that?

### **Attorney General**

On the last occasion I believe that there was a consultation exercise conducted, in that Mr Walter Wallace came and held a number of meetings and discussions with people, and wrote a report. The report was then submitted to a Select Committee because the proposals which were actually made for Constitutional reform, taking into account the views of the Honourable Members, were contained within the Walter Wallace report, (in 1995 I think). He made a number of proposals which did not find favour with elected Members and I assisted elected Members in the drafting of the Select Committee report, which contained full reasons in relation to all of the Constitutional changes which Walter Wallace had proposed, that were not accepted by Honourable Members. It said which ones were favoured by Honourable Members and which other proposals Honourable Members favoured along with the ones that were not in the Walter Wallace report. That report of the Select Committee was then submitted to the Legislative Council and then forwarded, under a resolution of this House, to the Secretary of State with a request that the changes approved by the Select Committee should be incorporated in the Constitution. Indeed that is what happened, but there was of course, a full process with the involvement of a visiting expert, and consultations by the visiting expert to ensure that there was consultation. It was then the report following the visit of the expert which was debated in Select Committee and resulted in the report where the changes to the Constitution were then implemented. That is my memory of the 1995 exercise.

### **The Honourable J Birmingham**

Could I ask the Attorney General a question please? But The Honourable Mike Summers was before me, he has been waiting long enough.

### **His Excellency The Governor**

Yes, I think the Honourable Mike Summers will go first.

### **The Honourable MV Summers OBE**

Mr President. It is some while since I have been lectured like that by a Governor, some decades I expect. However, that is your privilege because that is the way that the Constitution is currently written. I think that that is one of the aspects of it that we would wish to review.

Of course there will be proper public consultation. We have committed to that and we wouldn't dream of proposing that we entered into this process without proper public consultation. I see no problem at all with agreeing the process and the procedures for the Select Committee with appropriate Ministers. Indeed, Sir, you are very well

aware that we have asked you to invite, from the Foreign and Commonwealth Office, the Constitutional Adviser. We also have it in mind to invite the Secretary General of the Commonwealth Parliamentary Association – Mr Arthur Donahoe – to give us some independent advice, both on the process and on the possible changes to the Constitution that we might consider.

I am not sure from where your concern arises. Are you suggesting that this Council is generally in the business of acting against the wishes of the people? Do we generally have a reputation for having done that? I think not. Do we have a reputation for political interference in the public service? I think not. We have been very scarcely involved in the appointment and dismissal of public servants, and indeed we recognise that we have no place in the appointment and dismissal of public servants, and have been very circumspect about the way in which we have approached the issue of appointments. It is for that reason that we have proposed a mechanism like a Public Service Commission, which has been used on many an occasion, in many other Territories, for precisely this purpose. I can't quite see from where the inference comes that there is some attempt to interfere with the public service in a political manner.

The reason for setting up this Select Committee is that we need to give some impetus to the business of reviewing the Constitution. One of the first acts of the Select Committee will of course be to establish its procedures. If there is an interim consultation required in that phase (and I accept that there is benefit in it) clearly there is no point in going along a process with which Ministers are not happy. Of course we can consult Ministers about the process and procedure, and I hope that they will give us their rapid response to whatever procedures we put forward. The suggestion that there should be other mechanisms for seeking public consultation, other than through the Select Committee, may be attractive to your, Sir, but I think it is fraught with dangers in a supposedly democratic society. Are you suggesting that there should be some other mechanism by which the people are represented in the Falklands other than through their elected Members? I know there are organisations like the Civil Servants' Association, the General Employees Union and other groups of people who have views, and they will be invited to submit those views, but to suggest that those views then circumvent somehow, the work of the Select Committee and go directly to some other body who will decide for us what is to be done for the people of the Falklands, I think, is wholly inappropriate.

### **The Honourable J Birmingham**

Could I ask the Attorney General a question, a simple one? I am putting him on the spot. When Mr Wallace came here, does the Attorney General recall whether the Select Committee was already up and running, or was the Select Committee set up after Mr Wallace had been?

### **Attorney General**

I believe that a Select Committee was in being before Walter Wallace came, but that could very readily be checked in the Legislative Council records.

### **The Honourable J Birmingham**

Okay, well your memory is well known so if that was the case then surely this is the same route we are taking now. That is to set up this Select Committee and as has already been said, there is an expert coming down. In fact there is one from the FCO and we have invited one from the Commonwealth.

### **Attorney General**

I think that the Resolution by which the Select Committee was set up may have been in a slightly different form, but I can't rely on my memory. What seems to me has happened here, is that there has been a conflation of the original Resolution of the Select Committee which was set up last time, and the Resolution which was used for the consideration of the Select Committee's report following Walter Wallace's visit. I think that the Resolution the previous time, which set up the Committee, did contain an invitation to the public to submit views for consideration by Members but I don't like relying on my memory without refreshing it in this instance. Certainly all the views that were expressed to the Select Committee for consideration and all the letters from people who wrote in were sent to Walter Wallace. Some of the views were quite wacky obviously and one knows that that is likely to happen.

(Laughter.)

Of course my views are often wacky. But what happened was in fact (and I think what we are talking about is mechanisms here) that there was a direct invitation, there was a direct submission of all the views the public had submitted and I think there were some 40 letters actually, to Walter Wallace, who then went around and held meetings in Stanley. He became ill during his visit but held some visits in Camp. He did talk to people independently of Councillors, and I have no doubt whatsoever that the process which was operated last time did result in amendments which were fully supported by the people of the Falkland Islands.

### **His Excellency The Governor**

If I might respond? First of all, it is not at all my intention to insult Councillors or anyone else by casting doubt on motive or whatever. Indeed in the discussion it has been apparent that the people of the Falkland Islands would indeed be encouraged to develop proposals to meet, to discuss. My problem really, and also I am not, as it were, particularly proposing the same kind of mechanism as the Walter Wallace visit, although I indeed hope that perhaps a Legal Adviser might come to discuss proposals in the near future. I think that was the preference from the FCO. I don't want to block discussion, I don't want to block the setting up of the Select Committee, but rather my concern is that your concern to engage the people is not reflected in the text. It would have perhaps been better to think it through and to do so because at the end of the day, Ministers in the United Kingdom who are going to be looking at this will look at mechanism. They don't know you. They look at this in a sort of neutral way. They will be asking questions about the ways and to the extent to which popular

opinion was consulted and reflected. I think it would have been better to spell that out at this stage of proceedings. Perhaps it can be elaborated later, but it is something that needs to be spelled out for the public and for Ministers at the end of the day who are going to be having the proposals submitted to them.

As I say, what I am suggesting does not actually seem to me to be contrary to your intention, in that way I am neither trying to impose will or less insult, but I think that your intention is not properly reflected in the text and could, with advantage, be so reflected with further thought.

#### **The Honourable MV Summers OBE**

Mr President, I see no difficulty whatsoever in proceeding with the Motion as it stands and in the first instance the Select Committee establishes its procedure. That is perfectly normal. That is what we would have intended to do. It is what we did yesterday in respect of another Select Committee. It is perfectly normal practice to set up the Select Committee and establish its procedure. If there is a perception that it would be helpful to have that procedure reviewed by Ministers then, as I said earlier, I see no difficulty with that. At the end of the day we know, we accept, it is reflected in here, that Her Majesty's Government Ministers will be responsible for accepting, or not accepting the provisions or the proposals that we put forward to amend the Constitution. I really can't see that we are at any odds and I think that the point that you have raised has set a hare running which hasn't actually served the opening of this process terribly well. There is no problem with setting up the procedure for the Committee at an early stage and submitting it for approval.

#### **His Excellency The Governor**

I think that is a very helpful way ahead, and I am content certainly to proceed on that basis. Do we consider this Motion then adopted unanimously?

(The House agrees).

Thank you very much.

#### **Clerk of Councils**

### **ORDERS OF THE DAY – BILLS**

The Appropriation Bill 2000.

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

Mr President, Honourable Members, the purpose of this Bill is to authorise the withdrawal of £47,936,000 from the Consolidated Fund for the service of the financial year beginning 1 July 2000.

As normal, the Schedule to the Bill summarises the appropriation in two parts. £29.2m is allocated to part I – the Operating Budget – which for the first time represents expenditure net of internal charges of £1.4 m. Of course internal charges such as electricity and FIGAS Fares, for example, continue to form part of Departmental budgets, but as no withdrawal from the Consolidated Fund occurs, no appropriation is required.

£18.7m is allocated to part II – the Capital Budget – which includes provision for anticipated under-spends of £3.3 m on this year's Capital Programme.

This year the Draft Estimates are presented in a new format. There are several reasons for this:

- 1) They have been prepared along similar lines to the formats required under resource accounting and budgeting. A major change is that the Estimates now include details of depreciation and capital charges. Capital Revenue and Expenditure is now included under the relevant head of service in order that the true costs of running a department can be established;
- 2) The bringing together of Operating and Capital Estimates assists with the longer term planning as there is in most cases an operating consequence of a Capital Scheme; and
- 3) The Estimates are presented in summary form. This will give Managers more freedom to vire money within each summary head, without having to complete a virement application form in triplicate, and with the consequential reduction in bureaucracy which added nothing of value.

The Budget is designed to support the Islands Plan, with the thrust being to establish a Budget which will help deliver predetermined and measurable aims and objectives towards providing a needs driven investment in Public Services.

Last year there was a slight change in format which assisted the Select Committee in its deliberations. This year's new format and supporting papers prepared by the Deputy Financial Secretary should further assist the Select Committee process. Furthermore, following the outline Budget discussions which took the form of a pre-Select Committee over several days in January, and periodic reviews of the Capital Programme by the Standing Finance Committee, it is scheduled to reduce the time required for this year's meeting of the Select Committee, from the normal three days, to one and a half days.

As usual, before dealing with the 2000/2001 Budget, I will briefly review the current financial year.

The turnout at 30 June 2000 is expected to produce a budget surplus of £4m compared to the £4.4m deficit forecast a year ago. The reason for the improvement is a combination of additional net revenue of £5.3m. This is a result of an increase in fisheries income of £4.1 m; an increase in taxation revenue of £3m - partly offset by a shortfall in capital receipts at £1.8 m; and a reduction in expenditure of £3.1 m, most of which can be attributed to a slippage in Capital Schemes. At 30 June 2000 it is



estimated that the balance of the Consolidated Fund will amount to £78.6m which represents around 20 months worth of proposed expenditure and is an appropriate point to start the report on the 2000/2001 budget.

Total revenue including Capital Receipts for 2000/2001 is forecast at £44.4m and the submissions for total expenditure, including Capital Schemes and transfer payments, are inserted at £49.3m to produce an estimated budget deficit of £4.9m. This projected Budget Deficit should not be viewed with concern as it is estimated that the revised surplus for this year will almost absorb it, to leave the Consolidated Fund in a similar position to what it was at 30 June 1999 – that is £74.5m.

Operating revenue is inserted in the Draft Estimates at £43.8m, which is only marginally lower than the revised estimate for this financial year of £44.1m. This is an optimistic forecast, but is considered achievable provided economic stability is maintained. Dependence on the major contribution from the Fisheries sector remains a concern, having regard to the fragile nature of the industry.

The intention is to maintain the base Operating Expenditure as currently identified at the 1999/2000 recurrent level of £29.4m, absorbing inflation, including an approved pay increase of 4.8 percent. The Draft Estimates reflect this, although there are some minor issues to resolve during Select Committee.

I should also remind everyone that there was no pay increase and that the 4.8 percent pay increase for next year represents the movement in the United Kingdom industrial and services sector base index as surveyed by Hay Management Consultants Limited for the 12 month period to October 1999. There are also target savings identified for the following two financial years 2001/2002 and 2002/2003, which are currently shown at 3 percent of expenditure and from which it is intended that future inflation will be funded.

The base line of £29.4m has then been adjusted for a number of items, which I will now explain. There are a number of expense items currently allocated within the Capital Budget. The more probably fall to be accounted for under Operating Expenditure. The opposite is also true, in that a number of transfer payments, are currently accounted for under Operating Expenditure. The opportunity has been taken to correct this situation.

Costs associated with the collection of additional revenue have been allowed. This in the main, covers the costs of providing fishery protection for the Government of South Georgia and the South Sandwich Islands, and for the collection of additional Medical Department revenue. The Customs and Immigration Department is forecasting additional income of £250,000 in 2000/2001. Much of this is to do with additional demands on the service. A sum of £10,000 has been added back to the Budget, to provide support during the busy summer months. The effect of these changes is to strike a new base line of £30.6m of Operating Expenditure.

The Draft Estimates do not currently include any items for growth in respect of activities and services Honourable Members have agreed should be developed. These include:

- ❖ The development of an Open Learning Centre;
- ❖ Agricultural wealth creation schemes;
- ❖ Improvements in Health and Social Services;
- ❖ Economic development of the Fisheries Industry; and
- ❖ Improvements in public information.

A list of possible additions for both growth items and other cost pressures is before Honourable Members, and it is proposed that they be considered by the Select Committee.

Capital Expenditure for 2000/2001 is inserted at £15.4m. This is £723,000 greater than anticipated in the approved 1999/2000 Estimates. Throughout the year, the Standing Finance Committee has taken the opportunity to review the Capital Budget on a regular basis, with the intention of equalising the expenditure over a seven year period.

A significant number of changes were made in October 1999 and January 2000, when a public document outlining the schemes and transfer payments was made available. Over a four-year period, including the current year, the Capital Programme shows a small reduction from that estimated a year ago. With the exception of a £2m fund transfer in 2002/2003, to finance replacement engines at the Power Station, and £82,000 for STABAX projects in 2000/2001, the demand is all on the Consolidated Fund and is some £7.7m above the £11m per annum new money target that was set by the Budget Strategy.

It has now been proposed that the abattoir project should be met from the Consolidated Fund and as such, any call down of the remaining STABEX funds of around £1.7m has been slipped to 2001/2002, to allow time for alternative schemes for the best use of this money, to be drawn up. It is possible that some existing agricultural schemes can be met from STABEX funds, thus reducing the projected overshoot on the Consolidated Fund. The opportunity has been taken in this year's Budget, to propose that £3.3m be appropriated in respect of estimated Capital under-spends this year. It is proposed that options be considered in relation to Capital Expenditure, to ensure that it remains both achievable and affordable.

When I report back from Select Committee I will provide an overview on what the Capital Programme for next year contains and what changes, if any, have been made.

The operating surplus for this year was originally estimated at £7.8m. Additional revenue forecast for next year from fishery licences, corporate taxation, investments in Customs has been added to this figure. After adjusting for the transfer between Capital and Operating Budgets, it is proposed that £13.3 m should be regarded as the Operating Surplus from which Capital Expenditure for next year is funded.

The balance of all other Operating adjustments, brought about by efficiency gains and amounting to around £700,000 has been allocated to a central vote known as the Islands Plan Reserve, in order to provide for the cost of the suggested development, growth in services and activities I mentioned earlier.

Turning now to revenue measures. It is proposed to increase Customs Import Duty on tobacco products by 10 percent to once again endorse the health warning related to smoking. This increase would, for example, add an extra 12p on a packet of 20 cigarettes. It is estimated that additional revenue of £20,000 would be raised. There is no proposal to increase duty on alcoholic beverages this year, as it is considered that the current duty rates are at an appropriate level in this point in time.

As a result of a review of the costs of production of the Stanley Power Station, and following a 24 percent increase in the price of diesel fuel since the last review a year ago, it is proposed that the Electricity Tariff for both non-domestic and domestic consumers should be increased from 12p and 11p respectively, to 13p per unit with effect from 1 July 2000. It is unfortunate that it is necessary to propose such an increase, but this is a reflection of the world oil price of which there is no protection. It might be some comfort to note that the price of electricity was even higher at 13.5 p per unit from 1991 to 1996, and that the buying power of most consumers today is greater than it was during that period.

It is proposed to increase harbour dues by 10 percent with effect from 1 January 2001. The last increase was 6 years ago. Additional revenue from this source is estimated at £70,000.

It is also proposed to waive, by extra statutory concession, charges for vessels under 50 tonnes where the loss of income would be insignificant.

Problems have been experienced in the implementation of the Conservation Levy by the application of the threshold of 100 passengers below which the levy is not payable. It is therefore proposed to remove this threshold. A small increase in revenue of around £10,000 should accrue from this minor amendment.

Vehicle Licence fees were last reviewed with effect from 1 July 1998. It is proposed that they be increased by approximately 15 percent with effect from 1 July 2000. This would, for example, increase the annual fee for a car or a Landrover from £60 to £70. Taking into account the proposed increase, revenue from vehicle and driving licensing fees is estimated at £130,000. It is worth noting that the Expenditure Budget for roads maintenance, including the MPA road, is inserted at £480,000.

Overseas airmail and local mail postage rates were reviewed last with effect from 1 July 1991. It is proposed that these rates be revised with effect from 1 July 2000. For example, it is proposed that the postage on the first 20gms for an airmail letter should be increased from 40p to 43p, and for a local letter from 17p to 20p. With the proposed local printed paper rate, represents a reduction of 2p on the cost of posting a Penguin News weighing 60 to 70gms to Camp. The additional revenue anticipated from this proposal is estimated to be in the region of £12,000.

Now I can report on some more positive measures. On the initiative of my Colleague the Chief Executive, it is proposed that personal taxation be reduced, by increasing both the personal allowance and wife's earned income relief from £5,500 to £6,500 to take effect from income from 1 January 2001. The gross cost to Government revenue is estimated at around £350,000 for a full year. This action would remove more than 90 taxpayers from the tax net. The majority of taxpayers are subject to tax in the 20 percent bound, this proposal would therefore reduce tax by up to £200 for a single tax payer, or up to £400 for a married taxpayer with a working wife.

This proposal also provides the private sector with an opportunity to keep the extra disposable income within this economy.

There is no proposal to increase water charges this year. Executive Council did not support any increase as concern was expressed about the possible waste in expenditure from suspected leakage. Executive Council requested that this be investigated urgently if it was not already underway as part of the Public Works Department's responsibility for infrastructure maintenance.

Domestic and business rates in Stanley were abolished six years ago. Excluding the cost of water supply, the cost of other municipal services which might legitimately be funded from a property or a Council tax system, amount to around £665,000 per annum. I can report that Executive Council confirmed that these services should continue to be funded from general revenues.

Executive Council was asked to consider a scheme of student contribution to further and higher education, with students being reimbursed, perhaps through the tax system on return to work in the Falkland Islands. I can report that the idea for such a scheme was not supported by Executive Council.

I can also report that Executive Council confirmed that there is no intention to reintroduce the Medical Services Levy in the next financial year. It will be recalled, that the Medical Services Levy was a form of employment tax imposed as a percentage of payroll and self employed net income, in return for free of charge medical services and was abolished five years ago. It had the reputation of being a popular tax, but apparently not that popular for us to want it back – at least not at this stage. Free of charge medical services will continue to be provided for the benefit of entitled patients.

Executive Council supported a proposal to charge a penalty for the late payment of debts to Government. It was also agreed, on the advice of the Attorney General, that such a charge should be statutory and should also apply to debts owed to the private sector. As a result, Executive Council has requested the Attorney General to draft Legislation to apply similar principles to those that apply in the United Kingdom.

I now turn to specific benefit proposals. Under the provisions of the Retirement

Pensions Ordinance, it is proposed that the weekly rates of contribution and pension be increased as follows, with effect from 1 January 2001:

- ❖ Employer contribution from £6 to £7;
- ❖ Employee contribution from £6 to £7;
- ❖ Self-employed contribution from £12 to £14;
- ❖ Voluntary resident contribution from £12 to £14;
- ❖ Voluntary overseas contribution from £18.30 to £19.20;
- ❖ Standard rate of pension from £86 to £90; and
- ❖ The married couple supplement from £48.50 to £50.50.

Retirement Pension Contributions are paid into and the pensions are met from the Retirement Pensions Equalisation Fund. It should be noted that for voluntary contributors overseas, the proposed increase matches the proposed percentage increase in benefits, whereas for resident contributors, the proposed increase is greater. This will reduce the subsidy to requirement in order to match the fund transfer provision inserted in the Capital Estimates.

A report from the United Kingdom Government Actuary on a review of the fund as at 31 December 1998 has been completed, and will be submitted to Executive Council for information once bound copies of the report are received. It is clear from the report that the fund is in a favourable position towards reaching actuarial balance. In this respect, the Falkland Islands are in a unique position. We are advised that very few, if any, national Retirement Pensions Schemes in the world are in, or are approaching actuarial balance. Many countries operate on the largely 'pay as you go' basis in which Retirement Pensions are paid partly out of general taxation and ultimately guaranteed by the National Government.

The present level of the fund can be regarded as providing an additional safeguard in the special circumstances of this small economy. At this stage it is considered that the current strategy should be maintained. As a result of the proposed increase in retirement pensions, the maximum ex-gratia pension would increase by £4 from £77 to £81 per week in order for it to remain at the agreed 90 percent value of a retirement pension.

It is proposed that a Christmas bonus should continue to be paid to resident pensioners at the equivalent rate of one week's pension. Ex-gratia pensions and the Christmas Bonus are payable from the Consolidated Fund.

It is proposed that Public Service Pensions in payment under the final salary scheme provisions of the 1965 and 1979 Pensions Ordinances be increased by 4.8 percent, the same as the pay increase, with effect from 1 July 2000. The estimated cost of this increase is £20,600 and would be met from the Pensions (Old Scheme) Fund which was established this time last year to meet those pension liabilities.

There is no proposal to increase the child allowance. The current allowance, which was reviewed with effect from 1 January this year, is £52 per month, per child and the annual cost to Government is estimated at £345,000. However, it is proposed in the

Finance Bill, to amend the Family Allowances Ordinance to confirm that allowances are not payable in respect of a child living as part of a household, in respect of which any income of any member of that household is exempt from the liability to pay Falkland Islands Income Tax.

In accordance with existing policy, other benefits, allowances and charges will be kept under review and, where appropriate, recommendations will be made to adjust them.

Following the arrival of the new Chief Executive, the public service has been given new direction and purpose. This includes the introduction of tried and tested modern disciplines and concepts to make efficiency gains in order to finance improvements in the service to the public and thus provide better value for money. It is early days yet but he has made an impressive start.

Once the system of measuring performance of needs driven outcomes is in place, which will be the tool to drive the principles and aspirations of the Islands Plan, the input process of budgeting will require less detail but will become more meaningful, in particular, when resource accounting has been fully implemented.

I am pleased to be able to report at the start of the new Millennium that the state of the public finances is healthy and can remain so if all those involved in management maintain a responsible, and responsive attitude. As Government is such a major player in this small economy the stability of the public finances is crucial to our wellbeing. It seems that every year I become more indebted to the efforts of others to produce the budget on time. To provide options and adequate information to help Honourable Members in their decision making, it is necessary to start the budget process early, which demands considerable time from all those involved. I am grateful to Heads of Departments for their contributions and to Mike Luxton, Lynda Lyse and Lesley Waite in the Treasury for all the time they have devoted to producing the Draft Estimates and accompanying information. In particular, I thank my Deputy – John Parker – for his tireless assistance in preparing papers and for taking the lead on many issues. Without this team effort I would not be in a position to present the budget today. Mr President, this concludes my Budget Presentation and 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 to the Motion? No objection so the Bill will be read a first time.

#### **Clerk of Councils**

A Bill for an Ordinance to provide for the service of the financial year commencing on 1 July 2000 and ending on 30 June 2001.

#### **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?

**Clerk of Councils**

A Bill for an Ordinance to provide for the service of the financial year commencing on 1 July 2000 and ending on 30 June 2001.

**The Honourable the Chief Executive**

Mr President, I beg to move the Bill and the Draft Estimates be referred to a Select Committee of the House and that the Honourable MV Summers 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 Honourable MV Summers be appointed Chairman. Any objection to the Motion? No objection so the Bill is now referred to a Select Committee of the House.

**Clerk of Councils**

The Finance Bill 2000 – this Bill has not been published in the Gazette, and is being presented under a Certificate of Urgency.

**The Honourable the Financial Secretary**

Mr President, Honourable Members, the purpose of this Bill is to introduce those statutory amendments necessary to implement revisions I proposed in my Budget Presentation. These are:

- ❖ **Clause 2** – an increase in vehicle licence fees;
- ❖ **Clause 3** – an amendment to the Family Allowances Ordinance;
- ❖ **Clause 4** – an increase in Retirement Pensions Contributions and earning limit;
- ❖ **Clause 5** – an increase in Harbour Dues;
- ❖ **Clause 6** – the removal of the Conservation Levy threshold; and
- ❖ **Clause 7** – an increase in postage rates.

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? No objection so the Bill will be read a first time.

**Clerk of Councils**

A Bill for an Ordinance to amend:

- ❖ The Cruise Ships Ordinance 1998;
- ❖ The Family Allowances Ordinance 1960;
- ❖ The Road Traffic Ordinance;
- ❖ The Harbour Regulations;
- ❖ The Retirement Pensions (Prescribed Rates) Regulations 1996; and
- ❖ The Post Office Order 1981.

**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?

**Clerk of Councils**

A Bill for an Ordinance to amend:

- ❖ The Cruise Ships Ordinance 1998;
- ❖ The Family Allowances Ordinance 1960;
- ❖ The Road Traffic Ordinance;
- ❖ The Harbour Regulations;
- ❖ The Retirement Pensions (Prescribed Rates) Regulations 1996; and
- ❖ The Post Office Order 1981.

**The Honourable the Chief Executive**

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

**His Excellency The Governor**

The Motion is that the Bill be referred to the Select Committee on the Estimates – any Objection to the Motion? No objection, so the Bill is now referred to the Select Committee on the Estimates.



In the absence of other business the Council is adjourned until 2pm on Friday 14 April.

## **SESSION ON 14 APRIL 2000**

### **His Excellency The Governor**

Good afternoon. You all have the Order Paper, which contains a couple of Bills on which I have signed Certificates of Urgency – The Crimes (Amendment) Bill and the Police Bill. Let's crack on.

### **Clerk of Councils**

The Appropriation Bill 2000.

### **His Excellency The Governor**

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

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

Mr President, Honourable Members, this report covers both the Appropriation Bill and the Finance Bill referred to the Select Committee on the Estimates on Tuesday of this week.

The Committee spent a little less than one and a half days reviewing the submissions from departments and budget proposals, compared to the three or more days these meetings have usually occupied in the past. As scheduled this was achieved over a shorter period, because of the time devoted to the pre-Select Committee meetings, held in January and the regular reviews of the Capital Programme by the Standing Finance Committee. The Committee concentrated mainly on those growth items which Honourable Members had indicated they wished to see costed that I mentioned in my budget presentation and other unavoidable cost pressures. As a result of the consideration of these issues, the following decisions of particular public interest were made after they had been discussed with the Heads of Departments concerned.

#### ***The Fisheries Department***

Provision of £77,000 to develop the fishing industry was approved. This will include a Fisheries Economist on contract terms.

#### ***The Falkland Islands Defence Force***

As a result of a recommendation in the Hosker Report, provision of £72,000 to recruit a Permanent Staff Instructor on secondment terms was approved. It was noted that an

application to the Foreign and Commonwealth Office to matching funding for this appointment has been made.

### *The Education Department*

Support was given to the concept of an Open Learning Centre, and the Committee asked the Director of Education to put a formal costed proposal to Executive Council. On the recommendation of the Director of Education, supported by the Education Board, the Committee approved a revised charging structure for the Leisure Centre facilities.

### *Health and Social Services Department*

The Committee discussed several growth issues with the Director of Health Services. This included the provision of a modest mental health care service, a system of mobility allowances, combined with a review of other welfare allowances and the concepts of a family center and a sheltered workshop facility. In respect of all these issues the Committee asked the Director of Health Services to put forward formal costed proposals to Executive Council, once estimates have been established.

The Committee noted that no financial provision had been made for the civilianisation of the hospital, which was expected to result in a cost neutral position having regard to the shared music facilities within the specifications agreed with the military.

### *The Department of Agriculture*

Provision of £25,000 was approved for training farmers in pasture improvement. £65,000 was added to the assistance budget to enable a scheme for meeting the estimated cost of retirement pension contributions for farmers and farm workers, to be put to Executive Council for consideration. The Committee noted several ideas for fast track wealth creation schemes put forward by the Director of Agriculture. It was agreed that these schemes should be developed further and be worked up into formal cost benefit proposals for consideration by Executive Council.

I can now report on what major projects and schemes the Capital Programme contains and what changes were made.

- ❖ With regard to public buildings and lands a total of £4 m is allocated. Provision is inserted to enable both the new Falkland Islands Defence Force headquarters and the Junior School extension to be completed in the next financial year.
- ❖ The new police station and prison also remains a priority, but funding has had to be rescheduled to allow building works to commence at around the time the Junior School extension nears completion.
- ❖ There is also some urgency for the new abattoir to be built during the course of the next financial year and provision is inserted for this purpose. Because of difficulty over European Union rules, the Committee decided that STABEX funds previously identified for the abattoir project should now be allocated to other agricultural schemes which will need to be agreed with the European Union.

- ❖ Provision is inserted to enable a start to be made to developing a tourist centre at the Public Jetty site. This work is to be programmed over two years and will be managed by FIDC.
- ❖ Major modifications are planned for the Town Hall and £250,000 has been inserted for an enhanced programme of maintenance of public buildings and housing in order to catch up with the backlog.
- ❖ Housing remains a priority and is allocated a total of £0.5m. This includes provision for the construction of a disabled accommodation unit at St Mary's Walk and the start of a new programme for more housing for rental. It is planned that the first site to be utilized will be the old Barney's Garage site, followed by the further phases of East Stanley in subsequent years. Unfortunately, a firm site for more sheltered housing has not been decided by Executive Council. Therefore, funding has been reduced for next year but adequate provision remains to meet architect fees and site preparation. Funds are inserted in subsequent years for the building works. The Committee agreed that this project must progress with urgency so that there is no further delay to the programme. I should add that further phases of developing plots for private build at East Stanley beyond the current phases, are programmed to start in the 2001/02 financial year.
- ❖ Roads are allocated a total of £1.2 m. Out of this figure £800,000 is identified for Camp roads in accordance with the programme recommended by the Transport Advisory Committee and approved by Executive Council. Stanley roads, pavements and services are allocated £320,000. It was agreed that £600,000 projected for next year for an access road from West Stanley to the Sapper Hill road, should be deferred until other developments such as the location of the new port become clearer.
- ❖ After some discussion it was decided that the surfacing of the MPA road should remain projected in the programme to commence in the 2001/02 financial year rather than be brought forward to next year. It was considered that Public Works' resources would be stretched to manage the existing programme. In any case, maintaining the current schedule would allow the time originally deemed necessary for options for the MPA road project to be developed, costed and tested and put to Executive Council for a decision. Caution was expressed about rushing ahead with this major project having regard to the waste in expenditure experienced by the previous abortive attempt.
- ❖ Transfer payments are allocated £4.5 m. These payments are shown under the Capital part of the Budget, but unlike true Capital expenditure, do not create public assets. A transfer payment is the economic term used for money transferred to an individual or an organisation for their benefit, rather than in return for goods or services rendered to Government.

Under this category, the following is included;

- £1.3 m is inserted under various schemes to support the Rural Community. This provision is programmed to reduce to zero on an annual basis by the financial year 2004/05 as benefits start to accrue from those schemes designed to completely replace the need for ongoing assistance. This might be an over-ambitious forecast and as mentioned previously other wealth creation schemes

are being investigated. It was agreed that the whole matter of support to the Rural Community should be kept under review.

- £475,000 is inserted for the annual Coastal Services subsidy, which represents indirect support to the Rural Community.
- £700,000 is inserted for general funding for FIDC.
- £600,000 is inserted to meet the estimated annual accruals under the passage scheme or holiday credit scheme as it is now known.
- £345,000 is inserted for family allowances. This was previously show under the social welfare operating budget, but is more properly categorised as a transfer payment.
- Other smaller amounts are inserted for grants and subsidies to such organisations as the Pensions Board, the Media Trust, the Museum and National Trust and Falkland Conservation.
- For the first time the projected annual contribution of £250,000 towards the civilianisation costs of South Georgia, is inserted for appropriation. However, this amount was reserved by the Select Committee to enable the benefits to be examined further.
- Also included under the Capital Budget is £1 m for transfers from the Consolidated Fund to Special Funds.
- £0.5m is inserted for the Retirement Pensions Equalisation Fund and £0.5m for the Pensions Old Scheme Fund.
- A small number of other adjustments were made to both the Operating and Capital Estimates.

In summary, Operating Revenue was adjusted downwards slightly by £78,000 to £43.7m. Operating Expenditure was increased by £328,000 to £30.9 m, to produce an estimated operating surplus of £12.8 m. Estimated Capital receipts remain at £581,000.

As a result of the rescheduling of the Capital Programme, Capital Expenditure for next year was reduced by £2.5 m to £12.9 m, to produce a small budget surplus of £0.5m. However, as proposed in my budget presentation, opportunity was also taken to include in the Capital Budget Appropriation, the estimated under-spend from this financial year. This was reduced by £400,000 to £2.9 m. Therefore, the estimates for next year will show an overall deficit of £2.3m, which is more than compensated by the revised estimated surplus for this year of £4m.

At 30 June 2001 the balance of the Consolidated Fund is now forecast to reach £76.3m compared to the actual balance at 30 June 1999 of £74.6 m.

The Select Committee approved the following revenue proposals made in my presentation:

- ❖ An increase in customs import duty on tobacco products;
- ❖ an increase in electricity charges;
- ❖ an increase in harbour dues;
- ❖ an increase in vehicle licence fees;

- ❖ the removal of the Conservation Levy threshold; and
- ❖ an increase in overseas airmail and local postage rates.

The Select Committee supported the proposal for a reduction in personal taxation and requested that a Bill be drafted to amend the Taxes Ordinance accordingly. The proposed increases in retirement pension contributions, retirement pension benefits, ex-gratia pensions and the Christmas Bonus were all approved. The proposed increase in public service pensions was also approved. The Committee approved the proposed amendment to the Family Allowances Ordinance.

I am particularly pleased with the outcome of the Select Committee deliberations. Disregarding the appropriation for this year's projected capital under-spends, a balanced budget has been achieved. I believe that we have also struck a fair and reasonable balance between service provision Operating Expenditure, expenditure on a wide variety of Capital schemes, and expenditure for social and economic development purposes. I can assure everyone listening to this report that the balancing act by all those involved is no mean feat having regard to the competition for limited funds and other resources.

The Estimates, once approved, form a series of promises in financial terms to the general public. The job of the public service is to deliver those promises and obtain best value for money for the benefit of all residents.

As usual, Honourable Members will be able to monitor progress through the monthly meetings of the Standing Finance Committee. A paper summarising the adjustments made to the Draft Estimates at Select Committee was presented to Executive Council earlier this afternoon. I can now report that the Executive Council recommends to Legislative Council, the amendments to the Appropriation Bill necessary to accommodate those adjustments.

I would like to thank all officers and Honourable Members who took part in the Select Committee. In particular I thank Lesley Weight for taking the minutes, John Parker for keeping an accurate and timely record of adjustments and Mike Luxton and Lynda Lyse for their work behind the scenes. This concludes my report of the proceedings of the Select Committee on the 2000/01 Draft Estimates.

**His Excellency The Governor**

Thank you very much The Honourable the Financial Secretary.

**The Honourable MV Summers OBE**

Mr President, Honourable Members, I thank the Financial Secretary for his presentation and I would like to echo the thanks to those people in the Treasury who have done sterling work in these last few days and indeed, the weeks leading up to the presentation of the Estimates. There is a substantial amount of detail to be worked through and it has been done with accuracy and good humour. I thank them for that.

I think that we are all very pleased to see the Operating Budget held at its current level. Heads of Departments and others who have identified efficiencies in their departments and helped to eliminate waste are to be congratulated on that. I think the Chief Executive is to be congratulated as the driver of this philosophy. But we will need to continue to push it through in the next year and the year after, because the plan of this Council for so long as it stays in Office, is to try and maintain the Operating Budget at its current level and to find further efficiencies. I think we can already see the benefits of this by having achieved a balanced budget this year, which has been our objective since we took Office. It is satisfying to be able to achieve a balanced budget, at the same time as provide the level of services that have been outlined by the Financial Secretary and to provide a reasonable pay award to Public Servants.

On the Capital side, I would just like to reiterate the importance that we place on the construction of the Infant Junior School extension and the abattoir. On the abattoir side particularly, it is an important decision that we have taken to move the funding of that project from the STABEX fund to our own Capital Budget, so that we can take full control of the project and make sure that it is forced through quickly. It is a crucial part of the reconstruction programme for the Camp. I think it is regrettable that the police station has to be pushed back a little bit further yet again, but it does make a great deal of sense that we have a steady programme of Capital Works and that it starts after the Infant and Junior School. In this way we can make best use of local resources local, capabilities, and not run the risk of importing too much labour, and making the economy overheat to an extent. It is partially the same reasoning that leads us to leave the Mount Pleasant Road surfacing in its current place in the Capital Estimates rather than bring it forward as had been suggested by some. We do require methodology statements from the Director of Public Works as to how he is going to carry out that project, before we can determine whether it is possible in fact, to bring it forward to any extent at all. But it does remain in the Estimates as a firm target for the year 2001/02.

There will continue to be cost strains in the budget. We have reached a balance, but there are a number of areas that the Financial Secretary has outlined where there are still uncertainties. We would like to be able to approve some additional growth in the forthcoming months if the details provided to us by the various departments lead us to think that way. But we must forever take care, that current expenditure doesn't create future commitment and get ourselves back into the position of deficit budgeting. That will not be to our advantage. I think overall, the balanced budget leaving aside the rollover from last year, gives us both a manageable Capital Programme and a manageable budget economy for the future. As in future years, I think we do expect a certain amount of under-spend both in the Operating and in the Capital budgets and I look forward to another contribution to the reserve next year. Sir, I commend this budget to the House.

#### **His Excellency The Governor**

Thank you the Honourable Mike Summers. Does anyone wish to second the Motion for the adoption of the report?

**The Honourable Mrs JL Cheek**

Your Excellency, Honourable Members, I would like to second along with my Honourable Colleague. At the risk of being boring, I think that every time I have spoken on the economy over the last two and a half years it has been to voice caution, so I do welcome the healthier state of affairs that we can see now. I just hope that the extra cash doesn't start to burn a hole in the corporate pocket. We should continue to build our reserves, not just maintain current levels. That said, I would like to thank the Financial Secretary and his staff for the thoroughly professional and efficient way, which all the detail was presented to us so that we could work through faster than usual, bearing in mind that we had already had a look at these in January. I support the Motion.

**His Excellency The Governor**

Thank you very much. Unless there are any other contributions I understand that we should now move into Committee.

**Clerk of Councils**

Clauses 1 and 2.

**The Honourable the Financial Secretary**

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

**His Excellency The Governor**

The Motion is that Clause 1 stands part of the Bill, any objection? Clause 1 stands as part of the Bill.

**Clerk of Councils**

Schedule.

**The Honourable the Financial Secretary**

I beg to move that the Schedule stands part of the Bill, with the amendment, as circulated.

**His Excellency The Governor**

The Motion is that the Schedule, as amended, stands as part of the Bill, any objection? The Schedule, as amended, stands part of the Bill.

**Clerk of Councils**

Clause 2.

**The Honourable the Financial Secretary**

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

Delete the words and figures "£47,936,000" and insert "£45,252,570".

**His Excellency The Governor**

The Motion is that Clause 2 stands part of the Bill. Any objection? Clause 2, as amended, stands as part of the Bill.

**The Honourable the Financial Secretary**

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

**His Excellency The Governor**

Honourable Members, the Motion is that the Bill be read a third time and passes. Any objections? The Bill will be read a third time and passes.

**Clerk of Councils**

A Bill for an Ordinance to provide for the service of the Financial year commencing 1 July 2000 and ending on 30 June 2001.

The Finance Bill 2000.

**His Excellency The Governor**

Does the Honourable the Financial Secretary wish to report on the proceedings of the Select Committee on the Finance Bill?

**The Honourable the Financial Secretary**

Mr President, Honourable Members, I covered the report on the proceedings of the Select Committee on this Bill when I reported on the Appropriation Bill and the Draft Estimates. It is confirmed that the Select Committee approved the provisions of the Finance Bill, which provide for increases in vehicle licence fees, Retirement Pensions and contributions, harbour dues and postage rates, an amendment to the Family Allowances Ordinance and the removal of the Conservation Levy threshold. I reported the details of these changes in my budget presentation.



**His Excellency The Governor**

Would any Honourable Member wish to move acceptance of the report? (The Honourable Mike Summers moves). Would anyone like to second? (The Honourable Richard Cockwell seconds). I declare the Council to be in Committee.

**Clerk of Councils**

Clauses 1 to 7.

**The Honourable the Financial Secretary**

I beg to move that Clauses 1 to 7 stand as part of the Bill.

**His Excellency The Governor**

The Motion is that Clauses 1 to 7 stand as part of the Bill. Any objection to the Motion? No objection, Clauses 1 to 7 stand part of the Bill.

**Clerk of Councils**

Schedules parts 1 to 3.

**The Honourable the Financial Secretary**

I beg to move that Schedule parts 1 to 3 stand as part of the Bill.

**His Excellency The Governor**

The Motion is that the Schedules part 1 to 3 stand as part of the Bill. Any objection? No objection the Schedules stand part of the Bill.

**The Honourable the Financial Secretary**

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

**His Excellency The Governor**

Honourable Members, the Motion is that the Bill be read a third time and passes. Any objections to the Motion? The Bill will be read a third time and passes.

**Clerk of Councils**

A Bill for an Ordinance to amend the Cruise Ship Ordinance 1998, The Family Allowances Ordinance 1960, the Road Traffic Ordinance, the Harbour Regulations, the Retirement Pensions Prescribed Rates Regulations 1996 and the Post Office Order 1981.

## **MOTION No 2 /00 BY THE HONOURABLE THE FINANCIAL SECRETARY**

That it be resolved from midnight tonight, customs duty payable on tobacco products under the provisions of the Customs Ordinance, are increased as follows:

- ❖ On cigars from £113.48 per Kilo to £124.83 per Kilo;
- ❖ On cigarettes from £82.08 per Kilo to £90.29 per Kilo; and
- ❖ On tobacco from £74.59 per Kilo to £82.05 per Kilo.

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

Mr President, Honourable Members, this resolution will bring into force from midnight tonight the increases in duty I proposed in the Budget presentation. I beg to move that the resolution be adopted.

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

I second.

### **His Excellency The Governor**

Does any Honourable Member wish to make comments? The Honourable Norma Edwards, welcome back.

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

Thank you very much. Just as a non-smoker to say that I still will speak on behalf of the smoking population. I think this is pretty awful. It hits them hard in the pocket. I didn't give up smoking because of the cost of cigarettes, I gave up because my daughter nagged me into it, but it wasn't because of the cost. If cigarettes are so awful why aren't they banned like drugs.

(Other Honourable Members agree that would be a good idea.)

I will tell you why – because Governments make a lot of money out of the tax and this one is no exception. I think it is appalling. Thank you, Sir.

### **His Excellency The Governor**

I do have to comment that the Clerk to the Council read out this Motion without a tremble of emotion in her voice. Thank you for that! Does any other Honourable Member wish to comment? No, so the Motion is then passed.

## **Clerk of Councils**

### **ORDERS OF THE DAY – BILLS**

The Supplementary Appropriation 1999/2000 Bill 2000. This Bill requires a first reading.

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

Mr President, Honourable Members, the purpose of this Bill is to authorise the withdrawal of the additional sum of £1,125,180 from the Consolidated Fund, for Supplementary Expenditure approved by the Standing Finance Committee. The Bill provides for the Contingencies Fund to be replenished to the extent of any advances made for urgent or unforeseen expenditures. The Bill makes provision of £375,440 for additional Operating Expenditure, which includes the following items over £50,000:

- ❖ £135,000 for the Power Station as a consequence of the recent increases in fuel prices; and
- ❖ £70,000 for medical treatment overseas, to cover the cost of urgent referrals to Montevideo and referrals to the United Kingdom following visits by specialist surgeons.

The Bill also provides £749,740 for additional Capital Expenditure. The most significant Capital approvals are as follows:

- ❖ £374,340 in respect of revotes for various capital schemes under the control of the Director of Public Works;
- ❖ £108,200 to pay the balance due to Hay Management Consultants Ltd, in respect of the Employment Consultancy Contract which was awarded in 1995 and which has cost a total of £933,189;
- ❖ £80,000 to complete the purchase and installation of a new oxygen concentrator system at the Hospital, at a total estimated cost of £140,000; and
- ❖ £73,000 for continued research into the distribution of seabirds and marine mammals around the Falkland Islands.

I beg to move the first reading of the Bill.

#### **His Excellency The Governor**

Any Honourable Member wish to second? The Chief Executive seconds. Does any Honourable Member other than the proposer and the seconder wish to speak on the Bill or shall we move to the short track procedure? No apparent wish, so then if I recall correctly we move to proposing it to be read a third time.

## **Clerk of Councils**

The Supplementary Appropriation 1999/2000 Bill 2000.

The Committees Access to Information Bill 2000. This Bill has been published in the Gazette and does not require a first reading.

## **The Honourable the Chief Executive**

Mr President, we had a debate a few days ago about the whole issue of Constitutional change and Honourable Members will be aware that this Bill represents a major move forward in putting in place a platform for Constitutional change in the Islands. It encourages a greater openness and accessibility of Government. It is modelled on a successful Act in the United Kingdom – The Local Government Act 1972 – which is tried and tested. It opens up the businesses of Committee to the public by encouraging and facilitating public access and attendance at Committees and, with some exceptions, to the documents which are published at Committees.

There will be some textural amendments to some misprints that have been put in the Bill which my Honourable Colleague the Attorney General will give details of. Other than that I think it is a very sound piece of Legislation. I hope the House is minded to accept it and I formally move the Bill.

## **His Excellency The Governor**

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

## **The Honourable MV Summers OBE**

Mr President, Honourable Members, this as the Chief Executive has said is an important piece of legislation, because I think it moves us forward in our desire for more open Government in the Falklands. It forms one more piece of a number of moves that we propose to make to ensure that the public is better informed of Government affairs.

The Bill is due to come into effect on 1 July 2000. I think that that means that there is going to be a tremendous amount of work for public servants to do to prepare themselves for the coming into force of this piece of legislation. Indeed, I think there will be a lot of work for Honourable Members to do in working out how they are going to Chair new open Committees.

I am delighted that this Bill has reached the House and I hope that in short time we too will be able to move to the position that has already been mooted and mentioned in public, of placing in the library for public inspection, papers from Executive Council that do not contain information which couldn't reasonably be released to the public.

Sir, I do have one small query for the Attorney General in relation to this Bill and I would ask him to assure the House or propose an amendment, to the definition of employee in Part III of Schedule II, which may be not quite sufficient. Otherwise, I thoroughly commend this Bill to the House.

**Attorney General**

I am happy to do so at the Committee stage.

**His Excellency The Governor**

Thank you Attorney General. Does any other Honourable Member wish to contribute to the debate at the present stage before we move into Committee?

**The Honourable Mrs JL Cheek**

Your Excellency, Honourable Members, of course I support this Bill having voted more openness since I came into this Council. The public should be aware that the kind of information that is withheld is withheld for very good reasons, such as the privacy of individuals, the security of private business information that may be divulged to certain Committees for certain purposes. Even some of the Councillors would not expect to have access to that kind of information, if there might be any suspicion that it could be misused in any way by them. What I think it will bring home to the general public (some of whom love conspiracy theories and have wonderful ideas of the strange things that go on behind closed doors) is that most of it is very routine. Most of it is very dull and involves a lot of reading and a lot of papers. I wish them great enjoyment over them.

(Laughter.)

**His Excellency The Governor**

Thank you very much the Honourable Jan Cheek. Does any other Honourable Member wish to contribute to the debate before we move into Committee? If there is no objection the Bill will be read a second time.

**Clerk of Councils**

Committees Access to Information Bill 2000.

**Attorney General**

Mr President, Honourable Members, in accordance with my promise to do so, I invite the Committee to consider an amendment to part III of Schedule 2 to the Bill in relation to the definition of 'employee'. I am obliged to the Honourable Mike Summers for drawing to my attention the need for this amendment. Mr President, I asked that the definition be amended to read: "employee means a person engaged

under a contract of service or under an engagement of service with the Crown.” That is so because technically, Civil Servants may not be under a contract of service that the definition of employee extends so as to cover Civil Servants. That is the only reason for that amendment.

Mr President, Honourable Members, I also ask you to consider another amendment which is due to an oversight on my part, and I cannot think that I deliberately drafted the Bill in this way. If the Honourable Members will refer to the definition of ‘proper officer’ (page three or the second page of the Bill, in Clause 2, at the foot of the page). I believe that it would be more appropriate that the words “Chief Executive” should appear there rather than the words “Financial Secretary”. I can’t think why the words Financial Secretary got there in the first place. I can only think that I must have had a temporary mental aberration.

### **His Excellency The Governor**

I shall not rise to the challenge to make humour on that point. Thank you very much the Honourable Attorney General. Might I first ask the Honourable Mike Summers if he has anything to say on the amendment that he suggested?

### **The Honourable MV Summers OBE**

I am satisfied with the amendment as suggested.

### **The Honourable J Birmingham**

Mr President, Honourable Members, on page 5, number 5 (informing the public as to meetings) the following provisions will apply in relation to a meeting of a committee—

“The Public Notice at the time and the place of the meeting shall be given by posting it on the notice board in the foyer of the Secretariat building. Would that only mean that there was no obligation to inform the public on the radio or in the newspapers?

### **Attorney General**

Well, I think the difficulty, Mr President and Honourable Members, is that the length of time available on FIBS might not enable all the information to be given over the broadcasting service, and there has to be a legal place to publish it. Now I obviously share the Honourable Member’s intention that FIBS should be used to give information. The Bill is draft as it is because the availability of time on FIBS and the convenience of a broadcasting service may not enable all the information which is required to be published, to be published over the radio. That is all.

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

Would it not be possible Attorney General, to do exactly what we do with the Planning and Transport Committees? That is to advertise it in the Penguin News a week in advance.

### **Attorney General**

Mr President, Honourable Members, there is no reason why any information should not be published in the Penguin News on a voluntary basis, in advance, but it is already difficult enough for public servants and members involved with committees to make sure that everything is available to the public three days before the date of the meeting. If one were to make it all available in the Penguin News published before the meeting, in view the publication deadlines for the Penguin News, quite apart from any other consideration, it might in fact hamper the working committees and the work of Government unreasonably.

In practical terms, certainly since the Penguin News is published on a Friday and there has got to be three clear days notice, it would mean that it would have to be published the previous Friday. Then you are almost getting to two and a half weeks notice or three weeks notice of a matter to be considered by the Committee. I think while I go along with the Honourable Member's obvious sentiments here, I do think that a practical difficulty would be occasioned if her suggestion were to be implemented. While I would certainly encourage the maximum information to be published in advanced in the Penguin News.

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

Thank you.

### **His Excellency The Governor**

Would any other Honourable Member wish to comment on this or may I take it that Honourable Members are content with the amendments proposed?

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

Mr President, I believe there is just one correction on page three, under exempt information on the last line, I think an 'o' should follow the 't'.

### **Attorney General**

Yes, something has happened it should be 'of this ordinance' quite clearly. I arise to the Honourable Member.

### **Clerk of Councils**

Clauses 1 to 10.

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

I beg to move that Clauses 1 to 10 stand part of the Bill as amended.

**His Excellency The Governor**

The Motion is that Clauses 1 to 10, as amended, stand part of the Bill.

**Clerk of Councils**

Schedules 1 and 2.

**The Honourable the Chief Executive**

I beg to move that the Schedules stand as part of the Bill.

**His Excellency The Governor**

The Motion is that the Schedules stand part of the Bill, any objection to that Motion? No objection so the Schedules stand part of the Bill. The Council resumes.

**The Honourable the Chief Executive**

Mr President, 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 to that Motion? No objection so the Bill is read a third time and passes.

**Clerk of Councils**

The Committees Access to Information Bill 2000.

The Crimes (Amendment) Bill 2000. This Bill is being submitted under a Certificate of Urgency and requires a first reading.

**His Excellency The Governor**

Therefore we require an Honourable Member to move the first reading of the Bill.

**The Honourable the Chief Executive**

Mr President, this is a short but very necessary Bill, introduced to recognise a small hole in our legislation. It came to our notice when we were contacted by somebody from outside the country to ask whether it might be possible for there to be set up in this country an organisation to sell human organs – particularly kidneys – for sale, and transplant, whether directly, or by internet. This is clearly in breach of law in Europe and in the United Kingdom and in breach of common sense, therefore this is brought for you to the House, Mr President, in order that we can outlaw this practice so that it absolutely does not happen here. I beg to move the first reading of the Bill.



**His Excellency The Governor**

Does anyone wish to second that Motion? The Honourable Lewis Clifton will second the Motion. The Motion is that the Bill be read a first time, any objection to the Motion? No objection so the Bill will be read a first time.

**Clerk of Councils**

The Crimes (Amendment) Bill 2000.

**The Honourable the 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, so does any Honourable Member wish to speak to this Motion? If there are no intentions to speak then we can move to the short track procedure. We'll go straight to the Motion that the Bill be read a third time and do pass. Any objection to the Motion? No objection – the Bill will be read a third time and passes.

**Clerk of Councils**

The Crimes (Amendment) Bill 2000.

The Police Bill 2000. This Bill is also being submitted under a Certificate of Urgency and requires a first reading.

**The Honourable the Chief Executive**

Mr President, this again is a very important piece of legislation in front of you, because it modernises a litigation under which our very efficient police service is conducted and controlled. Members will see a new Code of Police Conduct enshrined in the Bill and in particular, very much in line with the last piece of legislation we considered concerning right of access right of recourse for the public against complaint. In particular, in terms of the Constitution, it strengthens the role and powers of a new Police Committee, bringing it much more into a form of democratic accountability.

Mr President, if I may defer to my colleague the Attorney General for the technicalities of this matter, but I do commend it to you and beg that it be read a first time.

**His Excellency The Governor**

Could we have someone to second that Motion? The Honourable Norma Edwards, thank you. Does any Honourable Member in fact, wish to speak in relation to the

Bill? Yes, you would, so we will not take the short track procedure in that case. The Motion is that the Bill be read a first time - is there any objection to the Motion? No objection so the Bill will be read a first time.

**Clerk of Councils**

The Police Bill 2000.

**The Honourable the Chief Executive**

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

**His Excellency The Governor**

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

**The Honourable Mrs JL Cheek**

Your Excellency, Honourable Members, I welcome this Bill because although the main object for which the police force works is unchanged, this modernisation was long overdue. The transparency in dealing with complaints from the public is welcome, as is the fact that the rights of the officers who are subject of any complaint are not ignored. Apart from those welcome provisions, this replaces an antiquated Ordinance and I think it is time that we looked at the regulations that go with that Ordinance, because I see that they have provision for anyone recruiting a new police officer to check that their legs are fully developed so that they can stand for long periods. I support the Motion.

(Laughter.)

**His Excellency The Governor**

Thank you very much. Does any other Honourable Member wish to contribute to the debate?

**Attorney General**

May I assure the Honourable Member that one of the side effects of the Bill since those provisions of the Police Regulations are not specifically preserved is that it will no longer be the duty of a police officer to examine a potential recruit to see that his legs are fully developed.

**His Excellency The Governor**

Great assurance to the modern police service. Thank you very much. Any other Honourable Member wish to contribute to the debate at this stage?

**Clerk of Councils**

The Police Bill 2000.

**His Excellency The Governor**

I declare the council to be in Committee.

**Clerk of Councils**

Clauses 1 to 62.

**The Honourable the Chief Executive**

I beg to move that Clauses 1 to 62 stand as part of the Bill, Mr President.

**His Excellency The Governor**

The Motion is that Clauses 1 to 62 stand part of the Bill, is there any objection to the Motion? No objection so Clauses 1 to 62 stand as part of the Bill.

**The Honourable MV Summers OBE**

Mr President, I have one typographical error to point out and a couple of questions I would like to raise in relation to this Bill. In section 11, part 2(b), there are some words missing there which are evident when you have a look at it. I think it should say "established by the Governor under section 13" rather than "by the Governor 13".

**Attorney General**

Yes, the Honourable Member is of course correct.

**The Honourable MV Summers OBE**

Sir, there are two pieces of information I would seek before we pass this Bill. I note the complaints procedure in Clauses 18 to 48, but I see no reference to a right of appeal on behalf of the officer concerned. Could the Attorney General please explain for my benefit and for that of the public, what rights of appeal remain to an officer after a hearing?

Then in respect to section 59, could I please ask the Attorney General if he has any knowledge as to what Trade Unions or Associations the Governor might have in mind to approve in relation to the police force?

**Attorney General**

I shall answer those questions in order. The position in relation to appeals by police officers if they are dissatisfied with the decision of the Governor, is the same as that

in relation to public officers generally. I take this opportunity since it is not generally known to draw attention to all public officers, including police officers, that the situation is, that any person dissatisfied with the decision of the Governor, in relation to disciplinary proceedings against him, or the sentence or punishment imposed, has under Colonial Regulations, a right of appeal to the Secretary of State. That right of appeal has rarely been exercised, but would appear to still be in existence.

There is present, a member of this House who some years ago in very unfortunate circumstances, had occasion to exercise those rights of appeal and I recall well the then Falkland Islands Department, in answer to a query by the then Governor as to whether the rights of appeal did indeed exist, was informed that the Secretary of State regarded the existence of those rights of appeal as a most important safeguard for the public officer. Of course under the Constitution, the definition of public officer includes a police officer. I am grateful for the opportunity the Honourable Member's question has given me to clarify this matter.

The second matter, if you remind me.....

**The Honourable MV Summers OBE**

The second matter, Sir, was what trade unions or associations is the Attorney General aware of that the Governor might have in mind to approve, for members of the police force to join?

**Attorney General**

I am aware from approaches from members of the police force that they would believe it appropriate to form a local police federation. They have made enquiries of the United Kingdom Police Federation and under the rules of that federation they cannot be affiliated, as they would prefer to the United Kingdom Police Federation. They propose, if this Bill is enacted, to ask the Governor to approve the establishment of a local Police Federation. In principle, I believe that there could be no good reason for that request to be refused, but it would of course be a matter for the Governor on the advice of the Executive Council to consider whether it should be approved.

**The Honourable MV Summers OBE**

Thank you.

**His Excellency The Governor**

Does any other Honourable Member wish to raise any points?

(Nobody indicates).

**Clerk of Councils**

Schedules 1 to 4.

**The Honourable the Chief Executive**

I beg to move that Schedules 1 to 4 stand part of the Bill.

**His Excellency The Governor**

The Motion is that the Schedules 1 to 4 stand part of the Bill, any objection to the Motion? No objection so the Schedule stands part of the Bill. Council resumes.

**The Honourable the Chief Executive**

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 to the Motion? No objection so the Bill will be read a third time and passes.

**Clerk of Councils**

The Police Bill 2000.

**THE MOTION FOR ADJOURNMENT**

**The Honourable the Chief Executive**

Your Excellency, I beg to move that the House stands adjourned *Sine Die*. I am told at this time that it is something of a tradition that the Chief Executive makes a speech I intend to abolish that tradition. However, I will make two points if I may, but what I will say will be commendably brief.

The first is that I wouldn't want the moment to pass without thanking Honourable Members on my, and my wife Penny's behalf, and on Geoff and Liz Sheldon's behalf for your welcome to us earlier in this session and for the welcome that people in the Islands have shown to all of us as we have gone through the first three months. We have been made welcome and we rejoice in the friendliness and companionship that we have received. I think we are particularly looking forward to service here. I know Geoff will only be here for another nine months, I for another two years and nine months, other things being equal, and in that time I hope that both of us can make a significant contribution to improving the quality of life for people on these Islands.

The second point I would like to make is a congratulations because we seem to have plenty of them today, but I seem to think it is important, that I congratulate Honourable Members on bringing in a budget which – at a stroke – reduces Government expenditure in real terms, produces a net budget surplus and cuts the Income Taxes. I dare say that your services could well be in core in the United Kingdom shortly. The prudent approach the budget adopted this year will, as the

Honourable Councillor Mike Summers has said, be our target for future years, that we will hold down public expenditure in order that private expenditure in this economy can grow.

I too would like to thank colleagues in the Treasury for the immense amount of hard work they put into this, and the efficiency with which they have delivered the information to Members who have taken the final decision. This of course the approach for the next few years of course will be linked to the next stage for the civil service, which is to bring together flesh on the bones of the Island Plan, in order to put before Members and before the public for consultation the way ahead for the next few years to deliver real service improvements, and real improvements in our quality of life according to the twelve principles set out in the Island Plan by Honourable Members last year. I hope that we can come back to that matter very soon and bring it back to Honourable Members well before the summer recess. I move the Adjournment.

### **The Honourable Mrs JL Cheek**

Your Excellency, Honourable Members, I shall change my name to move further down the alphabet.

(Laughter).

I, of course, support the Motion. I have been surprised by the amount of heat generated by the recent proposal to look at combining FIDC, the Agricultural Department and Landholdings. I actually await more substantial details, including the plan of how it will work in practice and what are the long-term implications for staff. Then we will be able to make an informed judgement. In the meantime I welcome this initiative because it is taking a new look at a number of perennial problems. It won't solve them at a single stroke, but if we can work together on it, rather than us all going off with an attack of the vapours, maybe we will come out at the end with something that is considerably more efficient than that which we have now.

I would like to make a passing mention of the Hosker Report. It was admirably clear and concise. I hope a lot of people will read it and learn from it, and as someone else pointed out earlier, it tells us about more than the actual incident, and raises many questions about past inadequacies in the communities handling of social welfare problems. I hope that we are, at last beginning to get to grips with it.

Turning to my hat in education and training, there is a problem which has been cropping up intermittedly and that will undoubtedly continue to do so. This is the concern about placing returning graduates. We can't guarantee employment for anyone, nor are we in the business of creating jobs to match peoples' aspirations. Most of our graduates have already given careful thought to choosing a career before they embark on the training for it. They look for opportunities here, if that is their intention to make their life here. Most who have returned so far have found good jobs. Many because they took good advice and gained some relevant experience before returning. A simple degree is often not sufficient. They need to go beyond

that. We must be sure that our young people are getting the best possible advice before they undertake this sort of training. They mustn't think that they will automatically slot into something the day they graduate. It simply can't work like that. They've often taken five to ten years, if you count work experience, before they can take up a post here. It takes a lot of determination and commitment for a young person to be away from home for that length of time and we need to ensure that the set-up here is flexible enough to assist them in taking the right route, so that no one feels they have wasted their time and our money in gaining that sort of education.

Next, another item which is always of interest to me - and I should declare my interest here as a Director of Falklands Conservation. This is that it seems that the complaints which I have been receiving in recent months, that the track to Gypsy Cove has created more problems than it has solved. With increasing numbers of tourists, especially the day-trippers who arrive on cruise vessels, we need to ensure that sensitive sites like Gypsy Cove are protected. Some of those day-trippers have no more idea of how to conduct themselves on a wildlife site, than I would have to know what to do in their on-board casinos. More work is needed to achieve the right balance or we will end up with a concrete car park instead of a beautiful site. I support the Motion for adjournment.

#### **The Honourable JR Cockwell**

Your Excellency, Honourable Members, it appears that we are going alphabetically on this occasion so whilst rising to support this Motion, I think I should take this opportunity to express my thanks to the Honourable the Financial Secretary and his staff, for the extremely efficient way in which they furnished us with the financial information during the Select Committee deliberations. In particular, to the Deputy Financial Secretary who spent many hours, even going without meals I understand, to update the budget proposals as decisions were made. I think we all owe him at least one meal.

Direct and indirect assistance to Camp was discussed at length and I am pleased that we agreed to finance the abattoir ourselves, in order that the building can move ahead quickly, as this project is a vital part of the development of Camp. This project has been delayed over and over again due to the bureaucracy of the EC and if we had been able to finance it ourselves originally, most likely it would have been in place and operating by now. Also vital to the development of Camp is the rural road programme. I am pleased to agree that road building would continue to be a priority. Little rural development can be achieved effectively without proper communications.

I was also pleased that money has been put aside for the tourist information centre at the Public Jetty, and I think I should inform the House that it is hoped that the first stage will be completed in time for this season. These will be tourist information facilities in particular and adequate toilets, which is, I am sure, dear to an awful lot of people's hearts.

I am very proud to have been a member of the Select Committee, which has managed to propose a balanced budget at last. A balanced budget is vital if we are to maintain the standard of public services over the long term.

Finally I would like to express my thanks to my colleagues for the way in which we were able to conduct our deliberations speedily and effectively and to the Honourable Mike Summers who very ably Chaired the Select Committee. Sir, I beg to support the Motion.

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

Mr President, Honourable Members, I would like to say that my voice is a result of all the arguing we did in Select Committee, but that would be untrue because it was a very swift process as other people have already said. It was very well prepared and presented but, like all budget processes that we go through there are always areas that we would like to see more done in, and we don't always get what we want.

In the Capital Projects, I think the tourist centre will be as welcome to the tourists who visit the Islands as the abattoir will be to the farming industry, but on the abattoir, I am sure that we will shortly be reminded by Councillor Edwards that she told us some years ago that the only way to get this project done and done speedily, was to forget about STABEX funding. This we are now doing.

It is disappointing that the MPA road resurfacing is not going to be undertaken this year. We may have to wait until next year, but as I said, not everything can be done as and when we want it. The road to the west-end of Stanley has also been delayed. Although we hope to get a new deep port put in place, I think the delay in the road is caused by more than just port reasons. If you recall when Princess Anne was here some time ago, she visited the racecourse and at that time said it was far too short. She said that we needed to select a new site. This was discussed at that time and I believe may have been since, but it seems to have fallen along the way somewhere. Perhaps it would now be time for the Chairmen of the Stanley Sport's Association and the Golf club to get together to discuss whether these two facilities could be put together. Maybe joined by other facilities in the area. This might lend itself to us as to where it is best to put the road, because if the racecourse is to be shifted, it would certainly free up a lot of land for suitable development.

Yesterday's news from the United Kingdom informed us of a number of weapons being missing from a Royal Artillery establishment in Wiltshire, which to me highlighted security matters. In light of the Hosker Report I hope we will be sensible and not emotive with the security surrounding the new FIDF building. Whilst we must ensure that we put in place a very good security system, as yesterday's news shows, whatever the system, it is never one hundred percent.

I hope that the personal tax reductions will certainly be a benefit for many in the community, especially those on the lower incomes. Obviously it will help the higher incomes, but it will be of more value in the long term, to the people who earn less.



From my Environmental Committee stage, I noticed that there is still a lot of dumping on Stanley Common. This is dumping of garden waste. Surely if people in the community have the energy to take it out of their garden, they can have the energy to put it in a refuse bin or take it to the tip.

I sympathise with what Councillor Cheek said about Gypsy Cove. I think she was possible talking about the vehicles more than the tourists, but it is hoped to extend the facilities and hopefully have a one way track around the area which people will walk. Hopefully this will help, as I notice that the facilities that are in place now are not really adequate for them.

Also in the budget we have put up electricity rates. A lot of people will be wondering why, bearing in mind the power cuts we have been having recently. As I am sure most people are aware, it is because of the fuel. Recently those of us who live in Stanley seem to have been experiencing a number of power failures. Obviously the Power Station are sorry for these disruptions in power, but inform me that these have been caused by bird strikes on the lines. The Power House personnel, who have been spending long hours working as a result of these incidents, are not ruling out the possibility that these strikes, which generally cause the smaller outages, are actually resulting in equipment failure as a result of the stress caused with the sudden surges of power. The power cut of last evening was as a result of a chain breaking in the main engine.

As of Tuesday, we have an additional Select Committee in progress, the first having been set up to discuss the finer points of the Land Acquisition Bill. I am pleased to report that the Committee has met on this issue and we will shortly be calling for written submissions from members of the community. In addition to this it is hoped to have some phone-ins on this matter and also, depending on the level of interest, at least one public session. However, please be assured that there will be plenty of opportunity for members of the public to make representations. Much was said on Tuesday about the setting up of the Select Committee to review the Constitution, and perhaps this in itself showed the need for this process to be undertaken. We heard how civil servants are currently protected from political interference and long may they continue to be protected from such interference, but from my own personal experience, I do not find the current process to be wholly democratic when one person, rather than a properly constituted body of people, can decide one's fate. I suspect if those who have been unfortunate enough to follow through the same process as myself or asked their views, they would like to see this particular area revisited.

When we last reviewed the Constitution, members of the community had plenty of opportunities to be heard and to put their cases forward. This type of process is surely democratic and allows for a wide range of views and opinions to be considered in addition to those of the Committee. We also made provision for a speaker – a role that we have not, as yet adopted. Sir, I support the Motion.

## **The Honourable J Birmingham**

I was going to continue to look down and try to be last, but the Honourable Mike Summers knows his place.

Mr President, Honourable Members, I would also like to join my colleagues in thanking the Financial Secretary and his staff for the works done, not just this last week but, the work put in over the months, both by him, his staff and the Heads of Departments.

I don't think that anybody could call it a hard or a tough budget. I am sorry that the cost of electricity has gone up, but if anybody has any difficulty then there is assistance available, subject to assessment. On the other hand, the increase in tobacco duty doesn't worry me one little bit. What does sadden and worry me is the number of young people taking up the habit. I still wonder why, and I wonder when the effects of smoking which are well known will actually sink into people.

Sir, so keen is the Financial Secretary on looking after the Islands finances, I was surprised that he didn't try to impose a tattoo tax this year, following the tattoo fever that hit Stanley a few weeks ago. Perhaps he has something to hide!

(Laughter).

On Tuesday we were told of the plan dates to begin the Junior School extension. I repeat my concern that the FIDF will not have moved out of their present hall in time for the new build to begin in the spring. We cannot let this project slide. Some members of the public have suggested that we should be building a new school. Well, in an ideal world we would be doing that, but with a cap on spending, compromises have to be made.

Every Councillor has his or her particular subject close to their heart – mine is housing, and I would like to thank the other Councillors for their continued support on the allocation of funds for some more public housing. Also for the support in going ahead with phase 5, down at East Stanley. This will, in time, make up to 50 serviced plots available.

On housing loans and the assistance given by the Falkland Islands Government, there seems to be some problems with the scheme that is in at the moment, but as has already been made public, the present scheme comes to an end soon and Councillors are going to review the way house buyers, especially first time buyers, are assisted.

I said in this House the other day that this is a prosperous community. Well, so it is and so may it continue to be so. But one of my colleagues pointed out that there are also some not so well off people. I agree. Surely we have a duty of care to those who feel that they are left out, and those who truly are excluded. Councillors recognised this when they agreed to fund the recruitment of two professional social workers. What is becoming apparent is a level of input needed to help. Nothing is cheap and I feel that if we deny them the support, both financial and otherwise, then they might

just as well pack up and go away. To those who think we don't have any problems, I suggest a drive past Victory Green on any day will open your eyes.

There is another sector of the community that is worth mentioning and they are the working mums. Sir, I don't have to declare an interest on that. There is a view that mothers should stay at home and look after their children. Well, again, in an ideal world that would be wonderful. But I suggest that if every working mum stayed at home, we would certainly see a decline in services pretty quick. Today's families have many commitments, and there are few households where one income is enough. This means that childminders and nurseries are the only option. I have asked for, and have been given the green light by Councillors, to look into ways of helping with fees. This may come as maybe a tax allowance, or more likely some sort of voucher system payable to registered minders or nurseries.

The public will be aware of the discussions taking place at the moment on the future of Falkland Landholdings Limited. Well there is nothing new in that. Sir, I can see some merit in some joint work between the FIDC and the Agricultural Department. I am totally against the absorption of Landholdings into a new, larger organisation and it will be large, of that I don't have any doubt. There is nothing that can't be done on FLH land now that would only be possible within a new structure. Maybe a little bit more co-operation at the coal-face wouldn't go amiss. I can assure the Honourable Jan Cheek that I don't have a case of the vapours.

In eighteenth century Britain - as the Attorney General will recall - the political discussions were between the Tory's and the Wigs, (I have seen the advert in the Penguin News today and I hope that the item which is missing, will be returned soon) here it is between Councillors and Councillors. In a letter to Councillors only last week, it was suggested that Legislative Council was a charade. Maybe this week has altered that view.

On the subject of the changes in the Constitution, my thoughts are that there are a few loose ends left over from the last review. I personally don't see any major changes and as I pointed out the other day, time, Sir, is of the essence. Not to rush anything through, but to make sure, that by the time the next election comes along in eighteen months time, there will be a range of recommendations for the new Council to push ahead or not. I repeat - I do not see any major, or want to see any major changes in our Constitution.

On a minor matter that is an irritant, not only to myself, but to many people in town. The Public Works Department put in such a wonderful car park outside the KEMH when practically every day you see staff continually parking along St Mary's Walk. Those vehicles are there for up to eight hours at a time. As it is a health service I wonder whether they would perhaps like to become a little more healthy and park their cars in the car park.

Car parks lead me onto tar and the sale of Bitchumen to the public. The public, if not already aware will be now, that Public Works Department are willing to sell black top to you, but you will have to pick it up yourself. They won't deliver.

Sir, just out of interest for the public, I hear today that the Mozambique fund has now passed the £15,000 mark and I think the general public deserve a pat on the back for that.

Leaving the Islands tomorrow, is the Director of Mineral Resources. She is going to the Association of American Petroleum Geologists Exhibition in New Orleans (I wouldn't like to have to say that again). Sir, as you know and as you mentioned on Tuesday, there is interest in the waters around the Islands and there has been interest in additional acreage being available for exploration. The Falkland Islands Government is considering introducing what the industry call 'out of round licensing' to match the demand. It is planned to be able to consider bids later this year. I thank the FCO for supporting the Falkland Islands Government in these matters and for their continued assistance with the proposals.

As Chair of the Oil Committee we also look forward to the first meetings of the Hydrocarbon Commission who, we hope, will meet with the new Argentine Government shortly, when issues of mutual interest can be discussed in relation to the special area of co-operation.

Sir, I don't have a great deal more to say, in fact I have nothing more to say. I support the Motion.

#### **The Honourable DL Clifton**

Mr President, Honourable Members, I will be brief. I would like to congratulate the Financial Secretary and his staff on their diligence and hard work over the last wee while. I think we are all pleased with the outcome of our deliberations, but we should not be complacent. There is much by way of service to be delivered.

I am particularly pleased that at long last we have reached a decision to finance the abattoir from our own reserves.

Tuesday seemed to kick-start the discussion on the Constitutional review. We all have views on this. My Honourable Colleague on my left suggested that perhaps there wasn't much wrong with it. Indeed there is a saying – 'if it ain't broke, don't fix it.' – but I often wonder whether we have not reached the point where perhaps we couldn't take stock from some other smaller communities, whereby we might learn something that better promotes our political business here, and perhaps better enhances and takes forward Good Governance. With that in mind, because the Falklands is devoid of the Political Party system, there are some other similar places like Jersey, Guernsey and Alderney which we might take stock of as we go down the road to see what we need to change in the Constitution. With that, Sir, I beg to support the Motion.

## **The Honourable Mrs N Edwards**

Mr President, Honourable Members, in rising to support the Motion for adjournment, I also thank the Financial Secretary and his staff for all their hard work and diligence. I am sorry I missed the opening day as it sounded like quite an exciting one. However, we were told the next day that the reasons for the power cuts was that the Governor had a broken spring which my colleague on my left commented on.

(Laughter).

He said he thought that that had happened on the first day of this Legislative Council. However, as I wasn't here I can't comment on that. But what I would say to the general public is don't miss this opportunity to put forward your views on the Constitution. It is your Constitution; it is everybody's Constitution. Not just Councillors', but everybody's, and it is important that you make your views known, whether you are for it, or against it, whether you want changes, or you don't. Since I have been on Council we have rewritten the Constitution, we have amended the Constitution and we are perhaps about to amend it again. If there is a need to do so I am all for it, but I am rather tempted to feel like the Honourable John Birmingham, that we have to look very carefully. Constitutions are things that you don't mess with lightly. We have to be very careful that we make the right decisions when we do amend it. I can assure the general public that I am sure that there will be plenty of opportunity for public consultation with the Councillors and to put their views in writing if they so wish.

The Health and Social Services Committee has been commented on. I look forward with interest to the estimates that they are going to provide, for the increase in the services that they want to provide. I would remind people that we are only a community of just over two thousand and ask them to bear that in mind when they look to extending social services and health services and all the rest of it. We have got a good health service. What I don't want to see happen is that we become a mirror image of the National Health Service. That is rapidly becoming a failed system. I don't want to be part of a failed system. We have got a good system here which we can improve on but without aping Great Britain.

I am delighted to hear that there is going to be provision made for training farmers to learn how to use the equipment that the Argen..... Argentine – I beg your pardon.....

(Laughter)

.....equipment that the Agriculture Department are going to provide! That will be well worthwhile. I believe the suggestion is for a month's training for farmers, which may prove to be rather a long time for them to leave their farms. Please don't get me wrong, I am not shouting it down in any way and I think it is an excellent idea, but I wonder if we couldn't perhaps split it up into smaller lengths of time for those who wish to partake in this service.

As the Honourable Sharon Halford said, there are always things that you want that you can't have in a budget, and I am delighted to hear that the Junior School will be going forward along with the abattoir at last. Also the tourist centre. But of course I am bitterly disappointed that we are going to have to wait yet another year for sheltered accommodation to begin. However, we have been assured that the preliminary work will be done on sheltered accommodation in this coming year and hopefully, funding will be increased and it will be able to start the following year.

£1.2 m for roads is very welcome, with £800,000 for Camp roads and we have been assured, by the Transport Committee, that there will be a better contract for Camp road gangs next year which I welcome greatly. I think it is a great waste of money to spend over £500 a week bringing men in to Stanley every two weeks.

Gypsy Cove has been mentioned by a couple of Councillors. I would just say that I think it is commendable that it is properly looked after by Falklands Conservation for day-trippers to visit. I was appalled though, to hear lately that Falklands Conservation were not happy that a local girl wanted to marry on Gypsy Cove Beach. I think it is appalling that they said 'no you can't' first of all. This was a small wedding party. She was eventually married there, but I think that she was a bit miffed to be told by Falklands Conservation, that she couldn't be married there. She said "This is the beach that I played on when I was a child and it is where I want to get married." Good luck to her. I think for all their good works, they might take into account local activities and not close it off to everybody. Sir, I think that is all I have got to say. The Honourable Mike Summers told me this morning that he was going to do a Fidel Castro on us and speak for seven hours, so I wait in anticipation and I give you fair warning that half way through I will ask leave to go home. Thank you, I support the Motion.

#### **The Honourable WR Luxton**

Mr President, Honourable Members, I would like to add my little bit of polish to Financial Secretary's halo and add my congratulations to him and the department for the speedy way that they took us through this week; commendable efficiency.

I am also glad that we are going to fund the abattoir ourselves and get away from the STABEX proposal. I still think it will be a very brave farmer who changes his farming practice confidently, in the expectation of being able to market his produce in 12 months time. I would be delighted to be proved wrong. In the meantime, there is an awful lot of money being poured into various aspects of agriculture. This is most welcome, but I hope we don't lose sight of the fact that there are people who will depend on wool for some time. Also, that these people have to be able to survive until they are in a position to take advantage of the developments which are taking place.

It is not often I find myself in total agreement with Councillor Birmingham.....

**The Honourable J Birmingham**

Steady.

**The Honourable WR Luxton**

.....but over the matter of the Constitution I do. I don't think we should rush it through, and I hope there is very, very full public consultation. There needs to be. It is important. I also feel that what proposals we make should be put forward in time for the next Council to take it on if they wish. I think it may not look entirely attractive to the general public if this Council is perceived to have rushed through changes for compensation.

(A Tornado plane flies over the Court and Council Chamber).

Finally, Sir, that was an appropriate noise and long may they be with us.

(Hear! Hear!)

**The Honourable MV Summers OBE**

Mr President, You will be delighted to hear that I have discarded my idea to speak for seven hours, although I could if you wanted me to.

I worry a lot about the Camp and how we are going to bring about the changes that we need to affect in Camp. We have allocated something like £1.3 m this year in the budget to support agriculture, including those areas that have been specifically mentioned. I think there is a lot to do and I hope that we get the philosophy right. There has to be a balance between supporting people who need funding in an interim changing phase and rewarding successful business units, because each farm is a business unit. They have to be seen as business units. In terms of development I am much more in favour of rewarding success than I am of supporting failure. I hope that we can get that balance right, to give people enough to live on until they can effect the changes they need.

I think the discussions that surround the Agriculture Department, the Falkland Islands Development Corporation (FIDC) and Falkland Landholdings Limited (FLH) are largely structural in nature. We will have to see whether in fact they save us any money or deliver a better service. I don't think that they are that important in that they are going to make a huge difference to peoples' livelihoods in the rural areas, so I think we need to keep it in its true context.

(Hear! Hear!)

But there is a need to ensure that there is the fullest co-operation between those three operations and that there isn't duplication of effort.

Whilst talking about the Camp, I would just like to mention – because I am astonished that none of my colleagues have – the continued failure of Cable and Wireless to provide a proper service to the Camp and I only wish that they would devote a little more engineering time to that service, instead of trying to prevent other people from benefiting from lower cost services – allegedly.

(Hear! Hear!)

On a slightly rural related matter, you will all be pleased to hear that the Stanley Sports Association does still have in mind the development of a new racecourse, and the Honourable John Birmingham will be pleased to hear that we have a vision for its future.

On Foreign Affairs, I think it is worth reflecting at the end of the tourist season, what the effect of the 14 July agreement was. We didn't have vast numbers of Argentines flooding the town and causing disruption. I think we are pleased about that. I think most of us anticipated that that would be the situation. I think it is clear that co-operation in fisheries is working well. The Argentines have now arrested three Taiwanese jiggers this year so they are three/one up. It is not a competition but it is good to see that both sides are working together to defeat people who are, in this instance, a common enemy.

I look forward to proposals for the next South Atlantic Fisheries Commission, because there is still more to do in terms of securing a scientific base for the long-term and in terms of securing the long-term plan for the South West Atlantic Fishery. That needs to be pushed forward with vigour. Some members of the Argentine Government are indeed flexing their muscles, or at least their vocal cords in terms of our Hydrocarbons area to the north. I am pleased to hear that we do have a policy for an open licensing round. I am also pleased to hear, that whatever they might say, it is likely to continue, and we will not buckle under pressure and not proceed with what is our sovereign right.

Finally on Foreign Affairs, I would just like to once again urge HMG not to allow Falkland issues in Argentine politics to be split from other bilateral issues. There does seem to be a tendency these days to try and sort of slap the Falklands issue off to the side whilst other bilateral issues are being discussed. I am assured from time to time that this is not a deliberate policy but it is pure incompetence. I am not so sure about that and we have to be sure that the Falkland issue remains central to British Government policy towards Argentina.

We have talked a lot about the economy, but just a brief word to round up. I think that we are in a position of satisfactory growth, and I think the new capital programme will create plenty of work and plenty of employment opportunities. I look forward to seeing the private sector thrive as a result. There will continue to be new and extra demands on our budget and people get their budgets squeezed all over the place. It was interesting to do a bit of counting up earlier today, and see that our cash payments now to Mount Pleasant exceed £250,000 a year. It is not resented by any means. We do it willingly, but it is interesting to note that it now exceeds our payments for the



costs of running the Customs and Immigration Department. I think the point I want to make really is that I think the time has come, I think the time has actually long since passed, when we spend more time actually looking at how we – that is the Military Community and the Civilian Community - can work together to give each other better value for the services that we both provided to our own community separately.

A few words before I finish on Constitutional reform. I would like to thank the many people who have called me up in the last day or so, after having proposed the Motion in Legislative Council on Tuesday. For the avoidance of doubt, there will be exhaustive public consultation. We are committed to that. I will be suggesting to my colleagues when we meet to discuss this issue, that what we should actually do is to write a paper setting out the areas which might be considered. Then let the public respond to it, so we don't find that we are either pushing at closed doors, or beating our breasts about open doors. I think that the final report on the Constitution, which will be submitted to Her Majesty's Government for consideration, should contain minority views as well as majority views. That would be the correct way to proceed and ensure that all avenues that have been explored are put in front of those Ministers who will finally make the decision.

Amending the Constitution if and when the people of the Falkland Islands think it needs to be amended is surely the right thing to do. It is the exercise of good Government. I was fascinated to see, in a speech delivered to the Overseas Territories Conference at Wilton Park recently, which the Honourable Norma Edwards attended, an excellent speech by Chief Minister of Gibraltar – Peter Caruana – and if I may paraphrase a little piece from what he said. He said –

“Good government should not become a concept by which Her Majesty's Government should seek to impose its policies, views and cultural and ideological values on Overseas Territories. This would negate real democracy.”

I think that is a very perceptive remark and I think in the new partnership that the Secretary of State has proposed between the United Kingdom and the Overseas Territories, that sort of approach is to be avoided at all costs. I believe that Her Majesty's Government will be receptive to any new ideas that we have to put to them and we should and we will ensure that those ideas are first fully passed around the general public here and have their general approval. Sir, I support the Motion.

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

Mr President, Honourable Members, on behalf of my colleagues at the Treasury, I thank Honourable Members for their kind words on the production of the Budget. Our task is to live up to our promises and repeat the same standard of work next year. Prior to Councillor Birmingham's suggestion I had not grasped the revenue potential of a tax on tattoos. This idea could be extended to cover body piercing too. I can advise that I would not need to spend money on any staff to carry out the inspections necessary for assessments to be raised. I support the Motion for Adjournment.

(Laughter).

### **Commander British Forces**

Mr President, Honourable Members, although the Chief Executive spoke very eloquently on my behalf, I would also like to repeat my thanks for the kindness that Liz and I have received. It is the most wonderful place to be, we enjoy it enormously and your kindness is much appreciated.

In reply to the point made by the Honourable Mike Summers, perhaps I should say that I too, share a deep desire to get the best possible value for the taxpayer of the seventy odd million pounds I spend here on their behalf. We have already started to explore ways where perhaps, in the medium term, we can do business better together. I am sure that mutually there is money to be saved and business to be got that way. I support the adjournment.

### **His Excellency The Governor**

Would anyone else like to speak? Well I assure you that I won't say more than just a few words in conclusion. I would like to endorse the words of praise to all involved in the budgetary process. It has been a very impressive process and outcome. Very different, I understand, from last year. In fact I think my predecessor warned me not to arrive in April so as to avoid this part of the process and to delay until May. It seems to me that things have been very well structured and that is a tribute to all concerned, manifestly the Financial Secretary and his team at the Treasury deserve a large vote of thanks from everyone for the way they have supported Honourable Members in their successful work.

I think that the only other thing I want to say is apropos of Constitutional matters, that from early on here I have been slightly uncomfortable in playing two roles. That is, in previous debates, not about the Constitution but other issues, when there have been matters addressed to Her Majesty's Government or others, it was rather difficult to combine mutual Chairmanship and either advocating a position or responding to comments. The solution of course is, as has been pointed out, in place, in principle. I think it is a good amendment that was made to the Constitution and it might be no bad thing if it were put in place.

I will make only two other comments about Constitutional matters. I welcome the interest that is evoked in the public and the way that it has been indicated we would now proceed. There was a point in the speech by the Chief Minister of Gibraltar to which the Honourable Mike Summers has already referred which needs to prompt quite a lot of thought. He says that Gibraltar's political systems, like the United Kingdom's, are adversarial and party-based. Now much of the debate in Overseas Territories about Constitution is about a system, which is derived from United Kingdom practice.

Looking at that sentence you immediately think that the political culture of the Falklands is not adversarial and it is certainly is not party-based. I think that is one of the themes, which needs to be teased out in public when people are thinking of a way ahead.

The only other point that I would make on the Constitution, as we are tending to say, is that actually not all the points that were listed on Tuesday for example, by the Honourable Mike Summers, would require Constitutional amendment. It is therefore, for consideration whether some of the items which would not require amendment, could be pursued on some kind of faster track. I don't know. I put it to Honourable Members to reflect on that. It might be possible to achieve certain things before the end of next year when other achievements might require more discussion. I venture that thought.

I will say no more. Congratulations again for all the work and for the outcome on the budget. I thank you for your attention. The meeting stands adjourned *Sine Die*.

**RECORD OF THE MEETING  
OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY  
ON 1 SEPTEMBER 2000**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY ON 1 SEPTEMBER 2000**

**PRESIDENT**

His Excellency The Governor  
(Mr Donald Alexander Lamont)

**MEMBERS**

(Ex-Officio)

The Honourable the Chief Executive  
(Dr Michael Dennis Blanch)

Elected

The Honourable John Birmingham  
(Elected Member for Stanley Constituency)

The Honourable Mrs Janet Linda Cheek  
(Elected Member for Stanley Constituency)

The Honourable Darwin Lewis Clifton  
(Elected Member for Stanley Constituency)

The Honourable John Richard Cockwell  
(Elected Member for Camp Constituency)

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

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

The Honourable Michael Victor Summers OBE  
(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 Geoffrey Paul Sheldon)

**CLERK:** Claudette Anderson

**PRAYERS:** Monsignor Agreiter

**APOLOGIES:**

The Honourable the Financial Secretary  
(Mr Derek Frank Howatt) (absent – overseas business)

The Honourable Mrs Norma Edwards  
(Elected Members for Camp Constituency) (absent – overseas business)

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# MEETING OF THE LEGISLATIVE COUNCIL HELD ON 1 SEPTEMBER 2000

## PRAYERS

### His Excellency The Governor

Good afternoon to Honourable Members, it is good to be back in Legislative Council after several months and I can formally say a word of welcome back to the Islands to the Monsignor who has been travelling. It is very good to see him back here.

With no more ado, I think we do have a hefty agenda so I will ask the Clerk to begin to guide us through it.

### Clerk of Councils

Confirmation of the record of the meeting of Legislative Council held on 11 and 14 April 2000.

### His Excellency The Governor

Any comments, any amendments? May I sign the record?

### 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.

- ☐ Crozier Place, John Street and Reservoir Road Waiting Regulations Order 2000
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- ☐ Fishery Products (Hygiene) (Designated Vessels) (No 2) Order 2000
- ☐ Crozier Place, John Street and Reservoir Road No Waiting Regulations (Amendment) Order 2000
- ☐ Coins (Various Commemorative Coins) (No 2) Order 2000
- ☐ Offshore Petroleum (Licensing) Regulations 2000

### The Honourable the Chief Executive

Mr President, I beg leave to lay the papers so mentioned on the Table.



**Clerk of Councils**

**QUESTIONS FOR ORAL ANSWER**

**QUESTION No 4/00 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members, would the Honourable Mike Summers please explain the role of the Falkland Islands Government Office in London?

**The Honourable MV Summers OBE**

Mr President, I believe that the role of the Falkland Islands Government Office in London is best described in its mission statement which is –

‘to represent the interests of the Falkland Islands and the Falkland Islands Government to the United Kingdom Government, Members of Parliament, media and the general public; to complete recruitment and immigration requirements; to provide a civilian passage booking service; and to promote tourism to the Islands.’

I have no doubt that if the Honourable Member wants more and better information he will ask for it shortly.

**The Honourable J Birmingham**

I thank the Honourable Mike Summers for his answer. I wonder if he could clarify whether the Office in London is also the point of contact if any Falkland Islanders are in difficulties overseas or rather overseas in the United Kingdom?

**The Honourable MV Summers OBE**

I believe that the Office is frequently used for that purpose.

**The Honourable J Birmingham**

Thank you.

**QUESTION NO 5/00 BY THE HONOURABLE MIKE SUMMERS OBE**

Would the Attorney General please outline for the House, the current regulations covering the licensing and insurance of public service vehicles (PSV) and public service vehicle drivers? Could he please give the operative definition of a PSV and advise in particular, whether it is required for PSV drivers to hold a special PSV licence and insurance? Does he, after consultation with the Chief Police Officer, consider the current regulations to be adequate for the protection of the general public?

## **The Attorney General**

Public service vehicles (PSVs) are defined by the Road Traffic Ordinance as motor vehicles constructed or used for the carriage of more than 12 persons in addition to the driver. In effect, only coaches, buses and large mini buses are PSVs. The Ordinance requires a person to obtain annually a licence to use, cause or permit a motor vehicle to be used as a public service vehicle. This appears to be a requirement for the owner or operator to be licensed and not the driver, who must, of course, hold a driving licence including the relevant category. I believe the present law to be unsatisfactory because it does not provide for annual inspection of PSVs. It does not require special insurance to be held but only the same insurance as a private vehicle, and it does not require special licensing of PSV drivers.

While taxis (unless they have at least 12 passenger seats) are not PSVs the Ordinance is, in my view, defective also in not making similar provision in relation to taxis and taxi drivers. The Chief Police Officer saw this answer in draft and has told me that he agrees with its terms.

## **The Honourable MV Summers OBE**

Thank you Attorney General for that answer. Can I ask the Attorney General whether he would agree that it would be appropriate for himself and the Chief Police Officer to prepare recommendations for the Executive Council, in due course, on this matter?

## **The Honourable the Attorney General**

I am sure that we would be happy to do so.

## **QUESTION NO 6/00 BY THE HONOURABLE MIKE SUMMERS OBE**

Would the Honourable Sharon Halford please outline for the House, current plans and timetable for the creation and operation of alternative waste disposal sites for the Eliza Cove tip?

## **The Honourable Mrs S Halford**

Mr President, waste disposal at Eliza Cove tip, which has an estimated life of 5 years was the subject of the Halcrow Report, which covered all aspects of waste disposal in the Islands. The Halcrow Report recommended that the options for development of an alternative to Eliza Cove were to –

- 1) enter into an arrangement with the Ministry of Defence at Mount Pleasant to use their proposed new landfill;
- 2) Develop a new site in the Stanley area; and
- 3) Establish an incinerator.

Option 1 was seen as impractical and option 3 was ruled out as uneconomic. Option 2 (develop a new site in the Stanley area), with controls on the type of waste permitted in the land fill, is the favoured option.

Before any progress can be made on this option, the waste management strategy needs to be developed. The Public Works Department intends to conclude this in conjunction with the Environmental Planning Department in the next 12 months – possibly earlier.

Options and recommendations will be presented to Executive Council for a decision. A Waste Management Ordinance may also be required. It is envisaged that the waste management strategy could be implemented prior to the introduction of such an Ordinance. Whilst actions and a timetable are conditional on the recommendations arising from the waste management strategy, it is envisaged that an alternative to the Eliza Cove tip will be in place well in advance of its remaining five year life.

**The Honourable MV Summers OBE**

I thank the Honourable Member for that answer. Is the Honourable Member aware, whether increased resources are required for the production of the waste management strategy, or are they already in place?

**The Honourable Mrs S Halford**

I am not aware at the moment that that would be necessary, although it may be possible for an additional one person to deal with this particular matter.

**QUESTION No 7/00 BY THE HONOURABLE MIKE SUMMERS OBE**

Could the Chief Executive please advise the House whether Honourable Members were informed of the terms upon which the new fisheries patrol contract and the new FIPASS contract were to be let?

**The Honourable the Chief Executive**

Mr President, a paper setting out the argument for two patrol vessels and the sub-chartering of the vessels to the Government and the Government of South Georgia and the South Sandwich Islands (SGSSI), on a cost sharing basis, was submitted by the Director of Fisheries to Executive Councillors for consideration at the meeting held on 24 February 2000.

Honourable Members agreed that the Government of SGSSI, should enter into a two year agreement to share patrol research vessel charter days, in the approximate ratio of 75 percent FIG and 25 percent SGSSI and tenders should be invited for provision of a suitable second vessel. Subsequently, a tender document was issued to interested parties containing a specification attaining to the optimum vessel requirements, based on the Baltic and International Maritime conference uniform time charter document.

Turning to FIPASS, a paper was submitted to Executive Councillors for consideration at the 25 November 1999 meeting, concerning the future options for the operation of the port facility. Honourable Members agreed that an open tender on a lease or management basis, or a combination of the two, was the way forward. Therefore, a tender document containing a data pack based upon the previous draft lease and

management agreements, approved by the Attorney General's Chambers was issued with some slight amendments to effect current requirements.

After consideration of the financial implications of both operations, the Tender Board, which does not, of course, include Elected Members, was of the view that there appeared to be little difference financially between options for lease and options for a management contract. They concluded that a management contract retaining Government control of the assets, was the best option. Members were not informed of the terms on which the contract was to be let.

As a result of these matters, the Government Management Team are of the view that there is a case to review tender procedures for certain large contracts and where there is a question of policy to be settled, proposals will be brought to Executive Council in the next round.

**The Honourable MV Summers OBE**

I thank the Chief Executive for that comprehensive answer. Can I clarify please that one of the issues that the Government Management Team are to review, is that there is a Clause in all Government tenders that tenders may be awarded in the best interests of the Falkland Islands. Does he agree, as I am sure he will, that Honourable Members should not be included on any Tender Board, but that somebody needs to be able to judge what is in the best interests of the Falkland Islands, and if necessary, bring it to Honourable Members?

**The Honourable the Chief Executive**

That is exactly the substance of the discussion which we have had within the Government Management Team and that matter will be addressed in the report that goes to Executive Council.

**QUESTION No 8/00 BY THE HONOURABLE SHARON HALFORD**

Would the Honourable John Birmingham please inform the House -

- a) what policy, if any, is in place to encourage the users of Government vehicles to look after them; and
- b) are the drivers of Government vehicles liable for any damage caused to these vehicles whilst in their care?

**The Honourable J Birmingham**

Mr President, Members, the answer I have is quite long so I shall be brief and ask that the answer be submitted in writing to the media.

Responsibility of drivers – It is the duty of the Head of Department to nominate an officer or an employee to be designated driver of each vehicle under their control. An inspection is supposed to be carried out on a daily basis, and a log book is to be filled in under stores regulations 2202.

All drivers must be informed that it is their duty to report to their immediate superior, any mechanical defects immediately as they become known. No disciplinary action will be taken against any driver on the grounds of refusal to operate a vehicle, considered by the driver to be un-roadworthy, unless after due investigation, the Head of Department considers the refusal to be frivolous.

When a nomination of a designated driver is being made, the Head of Department is then the designated driver, the maintenance and repair of Government vehicles is down to the Head of Department and the Public Works Department or a private garage approved by the Chief Executive will do the maintenance.

The responsibility for ensuring that there are sufficient funds available for maintenance is the Head of Department.

On the question of who pays if there is an accident, I will refer you to General Orders where it says –

‘In any case where it is established that the driver of a Government vehicle has been guilty of negligence in any respect, he may be charged with the cost of carrying out any necessary repairs.’

The words ‘may be charged’ are significant because in recent cases, the Government Secretary has decided against such action. As I say, Mr President, I will get the full text printed up if the Honourable Member is happy with that?

**The Honourable Mrs S Halford**

Yes, Mr President, we shall look forward to the lengthy reply in writing.

**The Honourable J Birmingham**

With respect, Mr President, I will also get it in large type for yourself.

**His Excellency The Governor**

Thank you very much.

**QUESTION No 9/00 BY THE HONOURABLE JAN CHEEK HAS BEEN CHANGED TO A WRITTEN QUESTION (No 11/00) SO WE THEREFORE MOVE ON TO QUESTION 10/00 BY THE HONOURABLE JAN CHEEK**

In that case there appear to be two number elevens. Will the Honourable Lewis Clifton please explain how Agricultural Incentive Payments are now administered? Will he indicate how many payments, to what total value were made before this payment system was implemented, and is all this money now correctly accounted for?

**The Honourable DL Clifton**

Mr President, Honourable Members, incentive grants are now paid upon the receipt, by the Department of Agriculture of approved invoices. The payments are either

made as a reimbursement to the farmer if the invoice has already been paid, or direct to the retailer if the farmer's cash flow situation does not allow him to pay it himself.

38 farms have had whole farm plans approved and grants have been allocated to the value of £619,938. £510,053 has been advanced under the original administrative scheme of which the Department of Agriculture holds invoices to the value of £250,924.

Where invoices are not filed at the Department of Agriculture they have been accounted for during officers visits to properties when invoices and purchases have been inspected. In general, these invoices are held on the farms, until project transactions are complete before they are sent to the Department of Agriculture for filing. In this particular case this would for example mean freight invoices not yet issued or for goods still in transit.

**The Honourable Mrs JL Cheek**

I thank the Honourable Mr Clifton for his reply. He will be aware as I am that at least some of the money has not been correctly accounted for. I am in difficulty now as to whether I am going out of order by asking if he would agree that there was clearly a breakdown in Government financial rules to allow that to happen?

**The Honourable DL Clifton**

Mr President, I think what I can say is I know the position the Honourable lady is coming from as all Honourable Members are aware of the background of a particular case. There were six cases where full monies were advanced under the incentive scheme and of those six there has only been a problem with one and that is the issue I think to which the Honourable Member is referring.

**The Honourable Mrs JL Cheek**

I thank the Honourable Lewis Clifton.

**His Excellency The Governor**

Any Supplementaries? I think on the question of numbering I have to respond to the concern that there is a parallel series for written and for oral questions.

**The Honourable Mrs JL Cheek**

I understand – coincidence prevailed there.

**QUESTION No 11/00 BY THE HONOURABLE MRS JAN CHEEK**

Will the Honourable Richard Cockwell please indicate what, if any, powers are available to the Falkland Islands Government to ensure that Falkland Islands registered ships operate legally, and to internationally recognised standards?

**The Honourable JR Cockwell**

Mr President, Honourable Members, the Falkland Islands had comprehensive legislation to ensure that vessels registered here, have to meet exactly the same standards as they would have to if they were registered in the United Kingdom.

This legislation in its application for the Falkland Islands, is contained in the Merchant Shipping Act of 1894. Provisions of the United Kingdom Statutes apply to the Falkland Islands by ordering Council. Also the vast body of additional United Kingdom statutory provisions and statutory instruments are applicable here, by virtue of the Merchant Shipping (Adoption of Legislation) Ordinance 1992.

Section 3(a) of the Merchant Shipping Registry Ordinance, as amended in 1995, enables the Governor to make regulations providing for the removal of ships from our register, in circumstances similar to those which ships may be removed from the register in the United Kingdom.

As a last resort, these powers include powers to remove a ship from the register when the obligations under the Merchant Shipping Legislation have been seriously breached without any effort being made to remedy the breach. No such regulations have yet been made. However, within the course of the next few months after consultation with interested parties, draft regulations are likely to be presented to Executive Council.

**The Honourable Mrs JL Cheek**

I thank the Honourable Richard Cockwell for his reply.

**The Honourable DL Clifton**

Mr President, if I may ask a supplementary about this argument. May I ask who is the initial point of contact or the initial regulator, in terms of ensuring that those regulations are upheld to?

**The Honourable JR Cockwell**

Mr President, I thank the Honourable Lewis Clifton for that supplementary question. I understand that it is the registrar ships that is the first point of contact on that subject.

**The Honourable MV Summers OBE**

Mr President, may I ask the Honourable Member if he knows what is thought to be the fate of the crew of a vessel when it is removed from the flagged state?

**The Honourable JR Cockwell**

Mr President, Honourable Members, this is a very technical question and I am afraid that at this stage I am not aware of the answer to this question. I am, however, prepared to put this answer in writing as soon as I am finished with the details.

**QUESTION No 12/00 BY THE HONOURABLE RICHARD COCKWELL**

Mr President, Honourable Members, can the Honourable Sharon Halford please give a progress report on the building of sea truck ramps in the Camp. Are there any delays in the programme and if so, what plans are in place to bring the programme back on schedule?

**The Honourable Mrs S Halford**

Mr President, the construction of sea truck ramps falls within the project which includes the repair of jetties. The project currently comprises the construction of eight sea truck ramps and the repair of seven jetties. The first sea truck ramp at Carcass Island, was completed recently and the construction equipment and crew moved to West Point Island to commence work on the ramp at that location. The location and sequence of construction for the remaining ramps is Saunders Islands, Dunnose Head, Spring Point, Bleaker Island, Albermale and Golding Island.

The work at Carcass Island was completed approximately eight weeks behind programme. This was due to a number of factors that are not expected to occur at the remaining locations. The completion of the final ramp at Golding Island is scheduled for August 2001. Repairs to the existing jetties are already underway and will be completed within the same time frame. Jetties included in the project are Pebble Island, Weddell Island, Beaver, Speedwell, Lively Island North Arm and Walker Creek.

The jetty at Pebble Island is practically complete and work at Weddell Island has commenced. It is envisaged that there will be no further slippage on the programme. Progress is being closely monitored and should any further delays occur, then consideration would be given to bringing in the additional resources that would be required. Current programme details are being circulated to users who will be advised if any changes occur.



**The Honourable JR Cockwell**

Mr President, I thank the Honourable Sharon Halford for that reply. I am sure that the people on the West Falkland who are recipients of ramps and jetty repairs, will be very pleased to hear that the programme is now under way and will be completed within 12 months.

**Clerk of Councils**

**ORDERS OF THE DAY: BILLS**

The Electoral (Amendment) Bill 2000. This Bill has been published in the Gazette and therefore, we move to the second reading.

**The Honourable the Chief Executive**

Your Excellency, this Bill is to facilitate the bringing forward of the General Election to August or September next year, so as to avoid a clash with the overseas commitments of current Councillors. Therefore it will enable us to bring forward the Electoral Register by two months. I beg to move a second reading of the Bill.

**His Excellency The Governor**

Can I check whether any Member wishes to speak on this Bill? If so, fine but if not we will move to the short procedure.

**The Honourable J Birmingham**

Mr President, I would just like to say for information to the public I originally asked that this be looked into as.....

**His Excellency The Governor**

Sorry, the Honourable John Birmingham, we can move to the discussion later. I was really just checking at this point, whether anyone would wish to speak. I need to get a seconder for the Motion, and then there can be discussion.

**The Honourable J Birmingham**

I will slowly sit down.

**His Excellency The Governor**

No problem the Honourable John Birmingham. Can I have a seconder to the Motion in that case? The Honourable Lewis Clifton seconds the Motion. The Motion is that the Bill be read a second time, does any Honourable Member wish to speak to the Motion? I call upon the Honourable John Birmingham.

**The Honourable J Birmingham**

Mr President, Honourable Members, just for information to the public, I asked that this be put to Council, as in previous years it has been seen and in fact has been unfair for the Council of the day, to send people away to the Party Conferences which very often clash with the Election dates. It has been recognised as being unfair that the people who would go to those conferences don't get a fair say in the electoral process. This is the reason why it is being brought forward.

**His Excellency The Governor**

Thank you for that explanation. Does no one object to a second reading? No, then the Bill will be read a second time.

**Clerk of Councils**

The Electoral (Amendment) Bill 2000.

**His Excellency The Governor**

The Council is in Committee.

**Clerk of Councils**

Clauses 1 and 2.

**His Excellency The Governor**

Would someone like to move that they stand part of the Bill?

**The Honourable the Chief Executive**

In beg to move that Clauses 1 and 2 stand as part of the Bill.

**His Excellency The Governor**

The Motion is that Clauses 1 and 2 stand as part of the Bill, any objection to the Motion? No objections so Clauses 1 and 2 stand as part of the Bill.

**Clerk of Councils**

There are no Schedules.

**His Excellency The Governor**

We are back to full Council, would someone like to move a third reading?

**The Honourable the Chief Executive**

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

**His Excellency The Governor**

The Motion is that the Bill be read a third time and do pass – any objection to the Motion? No objection so the Bill is read a third time and passes.

**Clerk of Councils**

The Electoral (Amendment) Bill 2000.

The Livestock (Amendment) Bill 2000. Again this has been published in the Gazette and does not require a first reading.

**The Honourable the Chief Executive**

Mr President, this Bill enables us to replace the format of the annual stock return form required to be submitted by farmers, to the Department of Agriculture under section 40 of the Livestock Ordinance. The new form makes provision for more detail on the types of livestock on farms and other matters to be submitted. I beg to move the second reading of the Bill.

**His Excellency The Governor**

Before I seek a seconder can I ask if any Member wishes to speak to the substance of the Bill? If not we can move to the short procedure.

**The Honourable DL Clifton**

Mr President I second this.

**His Excellency The Governor**

I'm not sure that I need a seconder for going into the short procedure but thanks for that.

Are there any amendments anyone wishes to propose? No, the Bill is read a third time and passes.

**Clerk of Councils**

The Livestock (Amendment) Bill 2000.

The Supplementary Appropriation (1999/2000) (No 2) Bill 2000.

This Bill requires a first reading.

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

Your Excellency, this Bill enables us to top up the Contingencies Fund back to its level of £0.5m in relation to last year's expenditure, to replenish the Contingency Fund in the sum of £130,330 which, in particular, pays for in last year, medical treatment overseas, fisheries expenditure, and a small level of Capital Expenditure to finance the Holiday Credit Scheme. I beg to move the first reading of the Bill.

### **His Excellency The Governor**

Does any Member wish to speak on the substance of this Bill? If not we can proceed to short procedure, otherwise uphold for a seconder. We move to the short procedure and go straight to saying that the Bill is read a third time and passes.

### **Clerk of Councils**

The Supplementary Appropriation (1999/2000) (No 2) Bill 2000.

The Supplementary Appropriation (2000/2001) Bill 2000. This requires a first reading.

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

Mr President, this is to propose supplementary expenditure amounting to £2,298,390 predominately, formed by a carry-forward of £1.87m capital from last year, which has already been approved, together with new capital expenditure on the provision of a family centre for Health and Social Services and £250,000 for an Agricultural Special Fund to give this vote and mean tested support to individual farmers. I beg to move the first reading of the Bill.

### **His Excellency The Governor**

On to Standing Orders after the explanation, I invite again, any Member who wishes to speak to the Bill. In which case I will seek a seconder, otherwise short procedure. The Bill is read a third time and passes.

The Supplementary Appropriation (2000/2001) Bill 2000.

The Stanley Common (Amendment) Bill 2000. This Bill has been published in the Gazette so we go straight to the second reading.

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

Mr President, in brief, this Bill is to enable us to put on the Stanley Common land a magazine to hold ammunition for our Falkland Islands Defence Force. It is necessary to put this somewhere away from the current buildings. Therefore, it is necessary to put this on Stanley Common. A Bill is therefore required. I do move the second reading of this Bill.

### **His Excellency The Governor**

Again, does any Honourable Member wish to speak to the substance of this Bill? If not the short procedure again. So the Bill is read a third time and passes.

### **Clerk of Councils**

The Stanley Common (Amendment) Bill 2000.

The Agricultural Incentive and Subsidies (Land Charges) (Amendment) Bill 2000. This Bill has been published and we go to the second reading.

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

Your Excellency, this Bill has two objects both of which are to do with payments to farmers. The first is to remove the liability to repay subsidies and the second is to provide for a liability to repay the unexpended portion of any incentive payment, in certain circumstances. I move the second reading of the Bill.

### **His Excellency The Governor**

Can I invite a seconder to that Motion? The Honourable Lewis Clifton has seconded the Motion. The Motion is that the Bill be read a second time, does any Honourable Member wish to speak to the Motion?

### **The Honourable WR Luxton**

Mr President, Honourable Members, I think this Bill in essence has the support of the whole House, however, I do not like retroactive legislation being brought in designed to catch somebody specifically. I would ask that the date 9 December 1998 be amended and that the Ordinance should come into force if and after it has been passed by this House.

### **His Excellency The Governor**

Perhaps we should address that in Committee. I think I can take it that there was no objection to a second reading? We are in Committee. Would you like to move the Clauses and I will invite the Attorney General to respond to that.

### **The Attorney General**

It is of course a matter entirely for the House as to whether it supports retrospective legislation or not. I accept that, but the Clause which would make the amendment may well in fact be of little utility if it isn't made retrospective because the money has already been received and may have already been applied. The Agricultural Incentive Scheme is over, the present one. So it occurs to me that if the Bill is not made retrospective, as far as that is concerned so that it applies to the grants already made, then there is little purpose in the amendment to section 3 of the existing Ordinance.

**His Excellency The Governor**

Does any Honourable Member wish to respond to that comment? Is the Honourable Bill Luxton content to accept what is, in principle, the awkwardness of retrospective action in this case? Or, pursue the point further? Do you accept the fight?

**The Honourable WR Luxton**

No, if there is a doubt I don't support the Bill as it stands.

**His Excellency The Governor**

Do you wish to pursue an amendment on which we then might have a vote or have a Motion?

**The Honourable WR Luxton**

I have no further support for my position.

**His Excellency The Governor**

Right, understood. In that case, Clauses stand as part of the Bill.

**Clerk of Councils**

Clauses 1 to 4.

**His Excellency The Governor**

No Schedule?

**Clerk of Councils**

No Schedule.

**His Excellency The Governor**

The Council resumes. Does someone wish to move a third reading?

**The Honourable the Chief Executive**

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 to the Motion? No objection; the Bill is read a third time and passes.

**Clerk of Councils**

The Agricultural Incentive and Subsidies (Land Charges) (Amendment) Bill 2000.

The Taxes (Amendment) Bill 2000. This Bill has been published and we move to the second reading.

**The Honourable the Chief Executive**

Mr President, I have great pleasure in reading this. It probably gives me more pleasure than it would do the Financial Secretary if he were standing in my place. Its purpose is to put in place numbers of changes to tax rates in order to increase the level of personal allowances, from £5,500 to £6,500 for an individual, as of 1 January next year. I beg to move a second reading of the Bill.

**His Excellency The Governor**

Would any Honourable Member wish to speak to the Bill, otherwise we can move to the short procedure. The Bill is read a third time and passes.

**Clerk of Councils**

The Taxes (Amendment) Bill 2000.

The Taxes (Amendment) (No 2) Bill 2000. Again we move to the second reading.

**The Honourable the Chief Executive**

Mr President, the purpose of this Bill is to amend the Taxes Ordinance 1997 to confirm the position as we understand it, that bunkering activities in the Falkland Islands territorial waters are subject to Falkland Islands taxation. Also, that provision should be made to recover any unpaid corporation tax owed by sub-contractors from the licensee. This will apply – if it is passed – with effect from 1 January 2001. I beg to move a second reading of the Bill.

**His Excellency The Governor**

Can I have a seconder for that Motion?

**The Honourable the Chief Executive**

With respect, Sir, I ought also to declare an interest in this matter as a Director of Stanley Services.

**His Excellency The Governor**

Thank you for noting that. Can I have any assent to the Motion for a second reading? The Honourable Sharon Halford will second the reading. The Motion is that the Bill be read a second time, so does any Honourable Member wish to speak to that Motion for a second reading. If there is no objection we then go into Committee.

**The Honourable MV Summers OBE**

Mr President, may I record my formal interest as Chairman of Stanley Services on behalf of Government?

**His Excellency The Governor**

Thank you for that.

**The Honourable JR Cockwell**

May I also as a Director of Stanley Services?

**His Excellency The Governor**

Thank you the Honourable Richard Cockwell. If there is no objection, the Bill will be read a second time.

**Clerk of Councils**

The Taxes (Amendment) (No 2) Bill 2000.

**His Excellency The Governor**

The Council is in Committee.

**The Attorney General**

Mr President, may I draw the House's attention to three minor errors in the Bill?

- The reference to subsection 5 in the definition of exemption certificate in the new section 104(a) should be a reference to sub-section 9;
- In 4(d) the last line of the new section 104 (a) 'his' should read 'this' – it should be 'this subsection' and not 'his subsection'; and
- Again in subsection 9, the second line, it should be 'by this Ordinance' and not 'by his Ordinance'.

I apologise for those errors for which I take responsibility.

**The Honourable Mrs S Halford**

Mr President, may I suggest to the Attorney General that in 4(d) it should actually say 'to this' rather than just 'this'?

**The Honourable the Attorney General**

4(d)? I am sorry, I can't quite find the passage to which the Honourable Member is talking about.



**The Honourable Mrs JL Cheek**

The last few words of the line.

**The Honourable Mrs S Halford**

It is the one that you just suggested should be changed. 'his' should be substituted to 'this'. Should it not be 'to this'?

**The Honourable the Attorney General**

Yes 'To this' is indeed the last line of 4(d). I agree. I am obliged to the Honourable Member.

**His Excellency The Governor**

Thank you, any other comments? No other Honourable Member wishes to speak?

**Clerk of Councils**

Clauses 1 to 2.

**The Honourable the Chief Executive**

I beg to move that Clauses 1 to 2 stand as part of the Bill.

**His Excellency The Governor**

The Motion is that Clauses 1 and 2 stand as part of the Bill. Any objection to the Motion? I should have said, I think, no objection to the Clauses 1 to 2, as amended, stand as part of the Bill. No Schedule?

**Clerk of Councils**

No Schedule.

**His Excellency The Governor**

Council resumes. Does someone wish to propose a third reading?

**The Honourable the Chief Executive**

May I propose a third reading, Mr President?

**His Excellency The Governor**

The Motion is that the Bill be read a third time and do pass. Any objection to the Motion? No objection so the Bill is read a third time and passes, as amended.

## **Clerk of Councils**

The Taxes (Amendment) (No 2) Bill 2000.

The Criminal Justice (Evidence) Bill 2000. This Bill requires a second reading.

## **The Honourable the Chief Executive**

Your Excellency, this is a detailed piece of legislation, modelled upon legislation passed in the United Kingdom in 1999. Its primary purpose is to facilitate a proper conduct of trials, by the giving of evidence by young people and children, particularly in circumstances where the trial itself may be threatening, such as in cases of child abuse. It also covers other categories of evidence, given by people who have been threatened or who are vulnerable.

It is a significant piece of legislation. I beg to move the second reading of this Bill.

## **His Excellency The Governor**

I don't think it is appropriate in this to contemplate the short procedure, so may I have a seconder for that Motion for a second reading? The Honourable Richard Cockwell will second the Motion that the Bill be read a second time. Does any Honourable Member wish to speak to the Motion?

## **The Honourable MV Summers OBE**

Mr President, as has been mentioned, this is a very substantial piece of legislation. It has been introduced, I believe under a Certificate of Urgency, I am not sure if that was mentioned – it certainly should have been. In any event, whether it was or it wasn't, Councillors have had very little time to consider the detail of this Bill. We are, I think, in sympathy with its purpose, most particularly in relation to the proper treatment of young children in the court and to ensure that evidence is properly taken and properly given, without intimidation for children and young people in court.

However, the Bill does go beyond that in its scope, in that it refers to other vulnerable people and to other offences, other than abuse of children. In that respect I am aware that a number of us have reservations about passing such a substantial piece of legislation at such short notice and without further consideration. I therefore, believe that it is the wish of Councillors to refer this Bill to a Select Committee of the House.

## **His Excellency The Governor**

Does any other Honourable Member wish to speak to that proposition, or to other aspects of the Bill?

## **The Honourable Attorney General**

We will need a seconder.

## **His Excellency The Governor**

The Honourable Sharon Halford will second the Motion that it goes to a Select Committee of the House. I see no dissent. There is recognition of the urgency so without perhaps formalising a date today, I think it would be appropriate to consider a rather earlier meeting of the Legislative Council in which the report of that Committee can be considered. Is that a fair view?

(The House agrees).

I thank Honourable Members.

## **Clerk of Councils**

The Dogs (Fouling of Land) Bill 2000. This Bill requires a first reading and is being presented under a Certificate of Urgency.

## **The Honourable the Chief Executive**

Mr President, this Bill is intended to ensure that the owners of dogs clean up after them if a dog defecates at any time on land to which this Ordinance applies. The land to which this Ordinance applies can be changed by direction and therefore, although it is intended at the moment it should be for Stanley, it will no doubt be moved to other areas too. It is brought forward, giving the problems of health hazards arising from dog faeces in respect of children, and therefore, I beg to move a first reading of the Bill.

## **His Excellency The Governor**

Would any Honourable Member wish to speak to the Bill or can we move to the short procedure. They will, so in that case I look for a seconder for the Motion for the first reading. The Honourable Jan Cheek seconds the Motion. The Motion is that the Bill be read a first time, any objection to the Motion? No objection so the Bill will be read a first time.

## **Clerk of Councils**

The Dogs (Fouling of Land) Bill 2000.

## **The Honourable the Chief Executive**

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

## **His Excellency The Governor**

Does any Honourable Member wish to speak to the Motion?

### **The Honourable J Birmingham**

Mr President, youngest first, thank you. I would like to make it plain that I am not against this Bill, but in 1989 there was a litter law enacted and the fine for dropping litter as you see around Stanley on telegraph poles, was £60. To my knowledge, nobody has ever been taken to court, but there is still litter dropped around the Town. I am a dog owner, and when I go around I take a plastic bag and the vast majority of dog owners look after their animals and pick up whatever the animal drops. I think that I really object to it coming to this House on a Certificate of Urgency. I think you do that when there is really something important such as the Criminal Justice Bill which we just heard of. I don't think that there is a real urgency for something like this. I think it is going to be unpoliceable. It will be on the statute books but it will be unpoliceable.

Are the police going to require extra funding so that they can do DNA testing? The question arises, how are you going to know who it belonged to. Let's put it that way. It is true that some people do allow their dogs to mess the pavement, but it isn't just dogs now is it? Everybody surely must see horses walking around the street in the summer time. I have nothing against horses at all, I think they taste rather nice, but you often see horses walking along pavements, and you can see up to ten metres of pavement covered in something you wouldn't like to be tread into your house. But that seems to be treated differently.

Sir, I am not against this Bill, but I just cannot see how it can be policed in the future.

### **His Excellency The Governor**

Thank you very much. I also saw the Honourable Lewis Clifton wished to speak.

### **The Honourable DL Clifton**

Mr President, if I may, I have empathy with what Councillor Birmingham has said and the point I wished to raise in particular was the Certificate of Urgency, under which this Bill has been placed before the House. I believe that other legislation would be more deserving under a Certificate of Urgency than this, thank you.

### **The Honourable MV Summers OBE**

Mr President, it was I who asked the Attorney General to draft this piece of legislation. I very much regret it. I think it is a great shame actually, that we have to pass legislation of this sort to encourage one or two disgusting individuals to do what most proper-thinking citizens would do.

However, there is a health hazard involved to children and we have been considering the welfare of children in other circumstances. Of course there is a health hazard to children if dogs defecate, particularly in children's playgrounds. It is a disgusting habit that one or two individuals allow their dogs to do. I agree with my colleagues that perhaps a Certificate of Urgency seems a little over the top, however, it was a short Bill, it was easily brought and I think we should deal with it.

### **The Honourable Mrs JL Cheek**

Mr President, Honourable Members, obviously I support this Bill. To address some of the concerns expressed by my colleagues, there is growing evidence, and it has been brought to our attention by the vet amongst others, of the health risk to children, of dog faeces on the pavements, in playgrounds. I believe that this is the case, but I would like to be assured that it can and I believe this is the case, be extended without difficulty to Surf Bay, which is unfortunately used by the same irresponsible dog owners which my colleague, the Honourable Mike Summers, has referred to. Down there, children play on the beach, they build sand castles, their hands are in the sand and heaven knows what they might find.

Addressing other concerns of the Honourable Mr Birmingham, in the first instance of how will it be policed, well, I say that we will have to catch them in the act.

On the other matter – the Certificate of Urgency – perhaps child health is an important issue, however we look at it. I support the Bill.

### **His Excellency The Governor**

Thank you very much to the Honourable Jan Cheek. Perhaps I might look to the Honourable the Attorney General to respond to the question about whether it can be extended first and then I will ask the Honourable Bill Luxton to speak?

### **The Attorney General**

The Bill contains provision for its extension by Order by the Governor, made on the advice of Executive Council, to other land and that provision could, if the Bill is enacted, be used to extend it so as to apply to Surf Bay.

### **The Honourable WR Luxton**

Mr President, Honourable Members, I think I support this Bill as well, but I would point out that although there is danger in dog faeces, the dogs in this country are all dosed regularly and I believe that they are well looked after from a veterinary point of view. Cat faeces is very much more dangerous to young children in my understanding, and there are all sorts of potential dangers there. I don't know quite how we would go about it, but I think that is worth pointing out.

Finally of course from the second point of view, you only have to go up to the playing field to see the Upland Goose makes its contribution to an unpleasant environment as well.

### **His Excellency The Governor**

Noting the reservations about the use of the Certificate of Urgency my understanding is that Honourable Members who had those reservations were not wishing the Bill to be deferred. In which case, if there is no objection the Bill will be read a second time.

**Clerk of Councils**

The Dogs (Fouling of Land) Bill 2000.

**His Excellency The Governor**

I declare the Council to be in Committee.

**Clerk of Councils**

Clauses 1 to 4.

**The Honourable the Chief Executive**

I beg to move that Clauses 1 to 4 stand as part of the Bill.

**His Excellency The Governor**

The Motion is that Clauses 1 to 4 stand as part of the Bill, any objection to the Motion?

**The Honourable J Birmingham**

No way am I against this Bill, of course I am not, but I am unclear as to the Surf Bay extension being totally opposed to that myself, I am not sure how that would happen. Could the Attorney General please explain again?

**The Attorney General**

My belief is that Executive Council, yesterday, on considering this Bill, decided that if it were enacted an Order should be made, extending the Bill to cover Surf Bay. If any Honourable Member disagrees with my interpretation of what Executive Council decided – the minutes have not yet come out, so there is no official version. Otherwise if it is not the case, the matter would have to be referred to Executive Council to consider, and then on the advice of Executive Council, the Governor would make an Order extending it to Surf Bay. The Order would then come to this House, and on a negative Resolution – that is when the Papers are Laid on the Table – it would be up to any Member if he wished or if she wished, to move that the Order in Council be disallowed. If that Motion were to be passed it would cease to have effect.

**The Honourable J Birmingham**

Thank you, I would just like to place it on record that I am very much against any extension to Surf Bay.

**His Excellency The Governor**

There be no specific provision in the Bill in that sense. I take it again that that is not interjection on the proceeding to the adoption of the Bill as such.

**The House**

No.

**His Excellency The Governor**

In that case, the Motion is that Clauses 1 to 4 stand as part of the Bill. Any objection to the Motion. No objection so Clauses 1 to 4 stand as part of the Bill.

**The Honourable MV Summers OBE**

It seems to me that there is a little bit of confusion about this amongst my colleagues. There is a lot of nodding, shaking of heads and wagging of tails. The issue of whether this should be extended to Surf Bay or not, has not been properly discussed I don't believe, by all Councillors and I know from discussion of a couple of days ago that there is a significant amount of apprehension about doing so. Unless someone wishes to propose an amendment to the Bill to include Surf Bay, I suggest that we proceed with the Bill as it is. If the matter of Surf Bay is to be brought to Executive Council, then it should be brought in the proper manner and not brought before the Bill is passed.

**His Excellency The Governor**

May I speak with different hats on? I would have to say that my personal recollection of the discussion in Executive Council, is that there was a view taken on whether extension was possible. It is not my recollection that we actually decided that in substance. In my view, something would have to come separately and would be presumably preceded by discussion amongst Councillors. I haven't seen the minutes either, but that is my recollection, and I think we would certainly take account of the views of Honourable Councillors.

**The Honourable J Birmingham**

Well thank you for clearing that up, Governor, because you can be sure that if we're a little bit confused then the general public will definitely be.

**His Excellency The Governor**

I look to those Members who are on Executive Council.....

**The Honourable Mrs S Halford**

That was my view as well, that we had discussed that yes it could be done in future, but it wasn't done yesterday.

**The Honourable Mrs JL Cheek**

My recollection is that I asked how it could be done in the future.

**The Honourable JR Cockwell**

Sir, I recollect the same.

**His Excellency The Governor**

That is cheering that the memory hasn't quite gone and thank you for that. No decision of substance has been taken on extension to Surf Bay. The present Bill allows for extension without specifying Surf Bay. So further action would be necessary in Executive Council which would presumably follow discussion amongst Councillors about that option.

I think, if I have not lost the place totally, we resume Council. Would someone wish to Move that the Bill be read a third time?

**The Honourable the Chief Executive**

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

**His Excellency The Governor**

The Motion is that the Bill be read a third time and do pass. Any objection to the Motion? No objection, so the Bill is read a third time and passes.

**Clerk of Councils**

The Dogs (Fouling of Land) Bill 2000.

The Fisheries (Conservation and Management) (Amendment) Bill 2000. This Bill requires a first reading and is being presented under a Certificate of Urgency.

**The Honourable Mrs JL Cheek**

May I have my interest declared before we start?

**His Excellency The Governor**

The Honourable Mike Summers and the Honourable Bill Luxton also declared interests.

**The Honourable the Chief Executive**

Mr President, this Bill adds two new sections to the Fisheries (Conservation and Management) Ordinance 1986. A new section 4(a) would require a licence to be obtained by any person undertaking fishing in internal waters, with a view to profit or using any net other than a catch net to fish in internal waters.



Under the present law, a person only needs a licence to fish in those internal waters if he does so from a fishing boat. Internal waters includes all the waters to landwards of the baseline of the territorial sea. Including, for example, Berkeley Sound and Stanley Harbour, all rivers, brooks, lakes and ponds.

It is brought forward under a Certificate of Urgency, because there are proposals currently being made in order to engage in commercial fishing on inland waters – internal waters.

When you get to the second reading, Mr President, it may well be that I shall be coming to you to propose an amendment. For the moment, I beg to move the first reading of the Bill.

**His Excellency The Governor**

Would someone wish to second that Motion? The Honourable Mike Summers seconds the Motion. The Motion is that the Bill be read a first time. Is there any objection to the Motion? No objection so the Bill will be read a first time.

**Clerk of Councils**

The Fisheries (Conservation and Management) (Amendment) Bill 2000.

**The Honourable the 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 this Motion?

**The Honourable the Chief Executive**

Mr President, if I could ask Members to turn to page 3 of the Bill, and to look at section 4(a), the amendments I am bringing to you now, follows a discussion by Members in Executive Council, the purpose of which is only to apply this Bill where a catch is being taken with a view to it being sold for export. Therefore, if this amendment is passed, it will mean that this Bill does not apply to those people who currently use nets to fish in rivers where they will not be exporting or where they will just be selling to the local shops.

In order to give effect to that amendment, you would need to change 4(a) little 2 and you would do so by striking out subsection (a) and (b) and re-writing 4(a) 2 so that it reads as follows –

‘Subsection 1 does not apply to fishing which is undertaken with a view to the catch being consumed in the Falkland Islands.’

**The Attorney General**

Can you put an 'only' before 'in the Falkland Islands'?

**The Honourable the Chief Executive**

'.....being consumed only in the Falkland Islands.'

Thank you. We believe, Mr President, that this gives effect to the concerns that have been expressed by Honourable Members. I move, well no I don't move, I sit down.

**His Excellency The Governor**

Which involves movement but of a different sort. Thank you very much the Honourable Chief Executive. In debate, does any other Honourable Member wish to take the floor?

**The Honourable WR Luxton**

Mr President, Honourable Members, I would just like to give my support to the amendment as proposed by the Chief Executive.

**The Honourable MV Summers OBE**

I simply want to second the amendment.

**The Honourable Mrs JL Cheek**

Mr President, Honourable Members, I just wanted to explain the thinking of Executive Council Members in this. We don't want this new legislation to interfere with the traditional fishing which has gone on for many, many years on a very small scale, and without damaging the resource.

**The Honourable Mrs S Halford**

Mr President, I would actually propose one further amendment if that is allowed.

**His Excellency The Governor**

I suppose that we should perhaps deal with amendments in principle, in the Committee stage. We will raise this one as well. I think it was useful to have that put forward as it rather changes the thrust of the Bill, but if yours is appropriate for discussion in that context, the Honourable Sharon Halford, we will look to you when we are in Committee stage. Any other Member?

**The Honourable DL Clifton**

Mr President, I understood the thrust of this being to cover for the catching and selling of mullet and I may have been mistaken, but perhaps the way the amendment might read now is that it would cover at least, mullet, smelt and sea trout. Would that be the case?

**The Attorney General**

The amendment covers any species of fish which is caught in the Falkland Islands. So that no licence would be required under the Ordinance if the catch was to be consumed only in the Falkland Islands. It doesn't matter which species. Whether it is trout, mullet, smelt whatever, anything.

**The Honourable DL Clifton**

Mr President, I think that begs a question in so much as the taking of trout by a net has never been permitted before in the Falklands and this would certainly signal to me a significant change.

**The Attorney General**

It doesn't permit it. Mr President, the Bill seeks to control what is at present, not controlled. It doesn't relax controls that already exist and there are controls. I haven't particularly researched the point elsewhere in relation to the methods that may be used in catching trout.

**His Excellency The Governor**

Is the Honourable Lewis Clifton prepared to accept that explanation?

**The Honourable DL Clifton**

Mr President, I may have to, but it does raise a certain question in my mind.

**The Attorney General**

I have been taken by unawares, Mr President. I am talking as my belief rather than my knowledge at this stage, but if I put it this way – if the taking of trout is permitted by use of net, it would be committed now, and the Bill will not permit it – in other words it would already be permitted, the amendment to the Bill would not make that permitted.

**The Honourable DL Clifton**

Mr President, I will just watch this space.

(Laughter.)

**His Excellency The Governor**

I was wondering quite how to sum up. I don't think I can improve on that. I think we would have to take it to proceed on the basis that if our judgement here somehow proves flawed in respect of what you are concerned about, we would have to come back here with some appropriate action.

Unless there are any others which wish to speak in general terms on debate, the Motion having been that the Bill be read a second time and there be no objection, the Bill will be read a second time.

#### **Clerk of Councils**

The Fisheries (Conservation and Management) (Amendment) Bill 2000.

#### **His Excellency The Governor**

I declare the Council to be in Committee.

#### **Clerk of Councils**

Clauses 1 and 2.

#### **His Excellency The Governor**

Perhaps for the sake of good order it would be appropriate for the Honourable the Chief Executive to repeat the amendments so that we have that clearly in Committee and then I will call on the Honourable Sharon Halford for her proposal.

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

The Amendment is to paragraph 4(a)2 which is to strike out little (a) and little (b) and to reword the first line which says 'sub-section 1 does not apply to fishing which is undertaken with a view to the catch being consumed only in the Falkland Islands.'

#### **His Excellency The Governor**

We have discussed that and we are not looking for a seconder on that.

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

Mr President, could I propose a further amendment under 4(a)3. On the last line of that it says 'to a fine of £100,000.' That is absolutely extortionate as I would read it and could we have the words 'not exceeding £100,000' inserted in there please?

#### **His Excellency The Governor**

From memory, that information is consistent with a later formulation but it is perhaps not for me to say.

**The Honourable the Chief Executive**

My Colleague the Attorney General is perfectly relaxed on that.

**The Attorney General**

That was intended.

**His Excellency The Governor**

May I take it that the amendments proposed by the Honourable the Chief Executive and the Honourable Mrs Sharon Halford are acceptable? That appears to be the case. Does anyone else wish to propose any amendments? I ask someone to move that the Clauses stand as part of the Bill – as amended.

**The Honourable the Chief Executive**

I beg to move that the Clauses, as amended, stand as part of the Bill.

**His Excellency The Governor**

Clauses, as amended, stand as part of the Bill. Any objection to the Motion? No objection so the Clauses stand as part of the Bill. The Clerk informs there is not Schedule. We are back in Council so can I have a Motion for a third reading?

**The Honourable the Chief Executive**

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

**His Excellency The Governor**

The Motion is that the Bill be read a third time and do pass, any objection to the Motion? No objection so the Bill, as amended, is read a third time and passes.

**Clerk of Councils**

The Fisheries (Conservation and Management) (Amendment) Bill 2000.

**THE MOTION FOR ADJOURNMENT**

**The Honourable the Chief Executive**

Your Excellency I beg to move that this House stands adjourned *Sine Die*.

**His Excellency The Governor**

Any Honourable Member wish to speak to that Motion?

### **The Honourable MV Summers OBE**

Mr President, I believe that there is revolution in Executive Council and they are refusing to speak first so we will go backwards. I will be fairly brief.

I have three topics really. The discussion on the review of the Constitution is now underway and we have had some interesting discussions already. It was very useful to have the legal advice from the Foreign Office here recently, and I think we are all very gratified that after the shenanigans in the last Legislative Council, the British Government has expressed itself very satisfied, at least through him very satisfied, with the procedure that we have adopted for the review of the Constitution. I believe that he thought that the procedure was exemplary. I think that is excellent news for us all. Now we can get on with the real debate.

It is not long since we opened up a number of Government Committees to public scrutiny. I think that the reaction we have had is disappointing. There have been very few occasions where members of the public have attended and as few occasions in which the media attended. This begs I suppose, a number of questions- whether we were not as secretive as we thought we were; whether people are not interested; whether the media are not interested in informing the public in what is going on; or what? I don't know. But it is disappointing. I hope that the media will be able to react to what I think is, for them, quite a challenge and rise to the occasion of attending at least the principal committee meetings and helping the people to be informed about what is going on. It is otherwise, a somewhat pointless exercise.

On a much more positive note than that, I would like to pay public tribute in this House, to the students who achieved excellent examination results in the last round of A'levels. They deserve our sincere congratulations. Not to detract from that we must remember of course, that it was an exceptional year and we can't always expect the same sort of results, but they do deserve our particular praise. I hope that nobody is disappointed if future years are not able to live up to their very high standards.

The test of whether folks have done really well, is whether they have fulfilled their potential, and I think that as years go by, we see a great number of young Falkland Islanders fulfilling their potential because of the education programme that we have. I think that is very gratifying. Sir, I support the Motion.

### **The Honourable DL Clifton**

Mr President, I will be brief. The last time I spoke here I said I would be brief and I think I spoke for something like five and a half minutes. My colleague, who spoke after me, said I had spoken for far too long, then she went off and spoke for nearly twice the amount of time. I will be brief, Sir, I support the Motion.

(Laughter).

### **The Honourable WR Luxton**

Mr President, Honourable Members, I will be brief as well. The Honourable Mike Summers has mentioned the Select Committee on the Constitution. We are just

starting a consultation process. I strongly urge, in particular, my constituents, in the Camp, to make their views known, because there are proposals afoot which I believe will effectively disenfranchise them. If we go to a one constituency situation, then I think that the people in the Camp will effectively lose their voice. There is probably only one present Camp member who would almost certainly be elected at the top of the pole if it was one constituency – that includes Stanley people. That is probably the Honourable Norma Edwards, who is not with us today.

I think the prospect of any younger Campers becoming well enough known in future in the political arena to be elected to a one constituency Council are pretty poor, so I do hope that the Camp population will make their views known, very firmly, to the Select Committee. Then through the Committee to the Privy Council.

The Islands have just had another rather serious blow with a huge increase in fuel prices. I don't think we can really blame Stanley Services. It is just a factor of world prices, but it is going to affect the budgetary situation of the Islands quite seriously, I guess, and will certainly be another serious kick to the farming industry.

I am very glad to see that we have Spring Point water on the tables here, and at least the other stuff isn't French.

(Laughter)

But I commend the Spring Point water to my colleagues and indeed to anybody else. It is infinitely better than the jugs of Stanley stuff that gets dished up at other meetings.

One other bit of bad news lately – someone who was well known in the Camp, who was largely responsible for the jetty construction programme, particularly the one at Fox Bay, Civil Engineer for the Public Works Department, Mr Martin Young. I think most of my colleagues know and probably a lot of people around the Islands, that just recently he was travelling in the Himalayas with his fiancée and her son. They were attacked, and his fiancée and her son were killed. They were all seriously beaten, thrown into a gorge and left for dead. Martin, I think, managed to crawl out and he survived. He was picked up and I understand that he is very seriously injured in hospital. I am sure that this House, indeed the whole population of these Islands, will want to extend our best wishes to him for his recovery and our condolences on the loss of his fiancée and her son.

(Hear! Hear!)

Mr President, I support the Motion.

### **The Honourable J Birmingham**

Mr President, Honourable Members, things were getting too cosy there, I don't agree with that. May I make a point the Honourable Bill Luxton brought up there about a one constituency. As far as I am aware, there are no proposals at all being put to the electorate on anything. I think we are just discussing things at the moment.

Sir, there are many who live overseas who give assistance to these Islands, and I hope there never comes a time when it is forgotten and brushed aside as a nothing. I would, therefore, like to place on record my thanks both as a Councillor and as an

individual, to the late Alicia Battistoni, an Argentine no less, who did a great deal of good work for the Falkland Islands, especially with her film '*Letter to my Mother*'. The film did a very good job of showing to an Argentine audience, the real Falklands for the first time.

Can I say well done to all those connected to the organising and running of the recent Forum on the Falkland, held in London, especially the speakers, some of whom I know made a special effort to get there. I look forward to the presentation that the Chief Executive is putting together, to show the public what it was all about.

It is pleasing for me to see more FIG housing units being built and I hope that we can continue to build some more in the following year as there is still a need, especially for small units. I am only sorry that there are still people on high salaries living in low cost Government housing, when they could well afford to buy or build. This would certainly free up housing for low income families, of which there are more than quite a few.

There are two months until the start of the football season here in Stanley, less than. I am not sure who is responsible for the pitch at the Leisure Centre, but whoever it is they should take a look at it because if nothing is done soon, I can see it being closed at some point in the very near future.

I wonder if all leisure activities shouldn't come under one head, including the outside play areas. Maybe that is food for thought.

Reading in the paper last night I came across an article on wind generated electricity in Scotland. Scottish Power (the Company) have now put online nine wind farms in the past few years. People still ask me what is being done here. Well, although I am involved with Camp projects through the Energy Advisory Committee, I have no idea what is going on in town other than wind data is being collected. I don't even know whether there is much interest. What I do know, is that the cost of power is a big disincentive for anybody wanting to set up a business that uses up a lot of electricity. I also know that the Falkland Islands Government import a lot of oil, just to make electricity.

There has recently been a survey sent out on the subject of childcare. I have had a few phone calls from people who are none too happy about some of the questions. Well, with any survey there is going to be some that are not to everybody's taste. Can I just ask that the forms are filled in. Even if you don't put your name to them, please fill them in. It is difficult to show that there is a real need if not many forms are returned.

We all like a story. I know the Honourable Lewis Clifton does. I wonder if anybody has heard of the consultant who contacted a senior contract officer here in the Islands, with the offer of a rare breed that had the potential to make the Islands rich and famous. Apparently, he has had 30 years experience and he has made a good living



out of it (mainly by advising other people on how much money they will eventually make in the long-term of course). Now I don't know if this consultant (apparently a Mr B Faulty – perhaps Basil) will get here with his Siberian hamsters, but you never know.

(Laughter).

What I do know is that I have seen the goats and I have had a hand in stopping the ostriches coming here and people don't believe this, but ostriches were on the way. What I am not going to do, I am not and I would like it on record that I am not going to support the spending of up to £200,000 of taxpayers' money, on the importation of reindeer from South Georgia, just because some few, short-term contract staff feel it is a good idea and will make money in the long-term. I don't believe it. Import these beasts if you like, because they look nice, but please don't say that they will ever make any money.

I have supported rural development, and I have no real problem with financially supporting the farming community until the uplift, but I think that we can get carried away with the idea that by pouring money into schemes such as this reindeer project we can somehow stop the flow of people from Camp to Town. As far as I am aware, there is no country in the world that has succeeded in reversing that kind of drift. I believe that now is a time to take stock of what has been done in the last few years in Agriculture.

There are two hundred employed persons in the Camp – this is an FIG figure. I was told at the Senior School yesterday, that out of 25 leavers last year, three were interested in a career in Agriculture. The Camp will always be a part of Falkland Islands life, yes, but the way of life is changing and we can't turn the clock back. Employment prospects in other areas other than agriculture are, in my mind, not getting a fair crack of the whip.

This is, I know, a major fear when I am spoken to about the proposed merger of the Agriculture Department and FIDC. Mr President, I would just like to finish now and support the Motion by thanking Mr Dickie for his kind letter in the Penguin News today.

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

Mr President, Honourable Members, just to pick up on what Councillor Birmingham said about wind power around Stanley. I believe there is a feasibility study being done on this. I will see where it is at and get back to him on it.

To pick up on one article in the Penguin News today, they were talking about the recent meeting we had of the Select Committee on the Land Acquisition Bill. They said that it was agreed in the meeting that the Bill would be redrafted and debated in the October meeting of Legislative Council, when members of the public could put forward their views. This is not the case. Members of the public do not participate in meetings of this House. What was actually agreed at that meeting, was that the Bill would be submitted to another sitting of the Select Committee towards the end of October to coincide with the regular monthly meetings.

One of the reasons for the redrafting was to take out the section which I think most people thought was offensive along with some other bits and pieces. That was the section which allowed Compulsory Purchase by the Government and then the land be passed onto somebody else to develop it. We will be having another meeting of the Select Committee, though, in October.

Much has been said about the state of the MPA Road and no doubt it will continue to be said until such a time as it is surfaced. I know this road can deteriorate quite rapidly when we experience prolonged periods of wet weather, despite the efforts of the maintenance team. However, it must be said that their efforts are appreciated and that the current state of the road is a reflection of their persistence. The Military have recently upgraded the L'Antioja section of the road and this must be an improvement to all those who use it.

This is perhaps one of my old chestnuts which I am going to get onto again this time of year. Having mentioned roads, it is perhaps time to hope that we are about to encounter some finer weather, which will enable people to get out and about even more but earlier this afternoon we were concerned about keeping our streets and open spaces clean. With the ever increasing amount of roads being built, I believe that we should be consciously trying to keep the countryside free of litter as well. Whilst many of us drive along the roads and in some areas, off road, we should not forget that land owners do not appreciate bottles, cans and general litter being left on their land. If we have a capacity to carry things away from home, then we should also have the capacity to carry them back home.

Also when the roads are built, and in some cases press along more quickly than cattle grids can be erected, is it necessary to totally disrespect someone else's property and drive through the gates, rather than stopping to open them? Prior to the roads being there, I would suggest that many would have welcomed a gate stop, albeit an excuse for some refreshment.

Recently I was listening to the auction for the Falkland Islands Association and a considerable amount of money was raised. I would just really like to thank everybody that did support this and it is nice to see that there is still such support for that kind of organisation within the Falklands. Sir, I support the Motion.

### **The Honourable JR Cockwell**

Mr President, Honourable Members, I shall be very brief. In rising to support the Motion, I think I should draw Members' attention to the Honourable John Birmingham's remarks regarding the future of Camp. I feel that he had a very black view to put forward there and that I believe, with all the support that is going in to Camp, there is already a change to be seen. There is a change visible in Stanley. You can now buy fresh meat and vegetables from Stanley. There are people who are actually getting on and doing things. I think that what we have to concentrate on now, is making sure that the people in Camp with the initiative to do things, actually get sufficient funds to keep going, until such a time as their projects come to fruition.

Part of the requirement is to make sure that they have adequate jetties and ramps, particularly on West Falklands and the islands. We have to make sure, and there are proposals going forward now, to equalising the cost of bringing their produce into Stanley in from their outlying homes. I look forward to the report from the Development Corporation, which is due next month, on how they propose to move livestock from West Falkland to East Falkland.

I think these are all good things for people to look forward to. I think we need to be very positive from this end, that there is life in Camp, there is a future in Camp – not necessarily purely in agriculture, there are other enterprises that can be started and some people are doing so. I would like to refute the argument. I would like to say that maybe no one else in the world has managed to reverse the drift, but I believe that we should make every effort to do so. I am quite certain that given the enterprise that we have in the Falkland Islands, it is also quite possible.

Talking about enterprise, I would like to congratulate the A'Level students on their very successful results. I am personally very proud of the younger generation of Falkland Islanders. I think that we have a wonderful younger generation and it really holds well for the Islands in the future.

So, Mr President, Honourable Members, rather than carrying on for too long like some of us do, I would like to support the Motion.

#### **The Honourable Mrs JL Cheek**

Mr President, Honourable Members. I note my Honourable colleague (John Birmingham) watching the clock so I shall too.

I would like to support his remarks about Alicia Sadistoni and I have already sent my condolences to her partner, Peter Pepper. I also associate myself with the Honourable Bill Luxton's remarks on the terrible accident – sorry no – not accident, but the terrible misfortune that has befallen Martine Young.

Moving on, I hope people will take up the invitation to discuss Constitutional development. We had an encouraging public meeting the other evening. I hope that anyone who wants to be involved in a smaller discussion forum over the next few months (there will be a number held in Stanley and Camp) will contact the Councillor's Office, if they haven't already done so, so that we can contact them and arrange a mutually agreeable time.

As the Honourable Mike Summers has said, it has been our aim to open up Government and it has been somewhat disappointing that so few people have been able to come to the newly opened up meetings. Perhaps people are not yet taking advantage of the fact that they can get the agendas of these meetings and see if there is something that really interests them, perhaps they will find that they can afford an hour or two in which to go and listen to that particular subject, of that particular meeting. They are not chained to their chair for three hours. As long as they move discretely I am sure they could come and go once the item of interest to them has happened.

Many people have mentioned the recent A'Level results. I would like to include all the recent results gained by our students, including the City and Guild ones mentioned in the Penguin News today. All those results – GCSE, A'Levels, degrees – represent good, solid, long-term achievement and they are a credit to the students, the teachers and the parents who play a part in instilling a good work ethic in their offspring. Also a positive attitude to education which helps them gain maximum benefits from the opportunities that are now available.

The thing I hear most often from most adults is 'if only those opportunities had been available when I was younger.'

The foundation work for the achievements we are all celebrating is, as I have said, done first at home, then in the pre-school, Junior and Infant School. For too long the Junior School has been the poor relation in our system in terms of facilities. Two extensions have barely kept up with expansion. This is partly because we have been ahead of Britain in keeping Infant and Junior classes below 30 in number. The result of this has been not a requirement so much for larger classrooms, as for more classrooms. The planned extension will not only supply those additional classrooms, but it will also give dedicated space for a speech and language unit and the Camp Education system will be brought in.

I hope, following decisions we have made today, that the project can now go ahead and that the junior school will become a more pleasant and exciting place for everyone to work in, as well as being more spacious. I hope we don't see any further delays. We all want best value for money but the cheapest option isn't always the best.

I was privileged to be one of those at the Forum held not so long ago. One of the interesting things that came out of that was the very clear reiteration by the Minister John Battle, of Britain's commitment to the Islands. The Forum itself was even more successful than we could have hoped. I was happy to be part of the team involved and I would really like to congratulate the officers on the presentations that they did. We have already had good feedback and there is a lot of follow through.

The Honourable John Birmingham mentioned hamsters and reindeers and ostriches. I am in favour of giving reindeer a try. I am concerned that because they have been isolated in a disease-free environment for so long, that they may actually struggle when they are brought here. They won't make any farmer a fortune, but I hope that they will be a good sideline. We can't encourage diversification on the one hand and try and stifle every experiment on the other hand. They are not dangerous. Of the introduced species, they do no more damage than beef and very much less than man. With careful monitoring, I believe they are worth a try.

What has not been mentioned, and may prove controversial, is a proposed trial of a one-way system. It is our hope that this will be well publicised and signed. If it doesn't work, because we have just set it up for an initial six months, it can be ended.

(Yes! The House sounds unsure)

I believe that once people get used to it, it will ease the traffic flow. I know change is difficult, new ideas are often even more difficult. If people feel they have to use the Bypass to avoid it, so much the better. I will double the effect of the one-way system.

Finally, I would just like to briefly mention the debate in Penguin News about Falkland Islander's interests verses their wishes.

Looking back to the 14 July, only history will tell whether the interests of Falkland Islanders have been served, but I for one, and I am sure my colleagues felt the same, felt they were also working to the wishes to those constituents who bothered to let them know what they thought of the proposal.

I urged constituents to phone or speak to their Councillors long before the 14 July. Those who spoke to me or phoned us in good time, to discuss the issues, to ask what we were planning were supportive I can tell them more, in person or on the phone than I would ever say at a public meeting, were supportive. We proceeded on that basis. I would repeat that the only negative calls I received were on the eve of the signing and after the event. Those callers were in the minority. So, I would like to quash, once and for all, that we were not ignoring the wishes of the people of the Islands as certainly I understood them. I support the Motion.

#### **His Excellency The Governor**

Thank you. I have to apologise to Honourable Members for an oversight which we can perhaps quickly correct, Honourable Members decided to remit the question of the Criminal Justice (Evidence) Bill to a Select Committee. Select Committee can debate its own procedure, but we ought to decide here about its Chairmanship. It is not a matter to be left to the Select Committee. If there is no decision here, the Standing Orders provide that it shall be the Attorney General.

#### **Attorney General**

Who does not, Sir, wish to be the Chairman.

#### **The Honourable DL Clifton**

Mr President, I would like to propose the Honourable Jan Cheek.

#### **The Honourable Mrs JL Cheek**

I don't have a lot of choice do I?

#### **His Excellency The Governor**

Not a lot no. Thank you very much. My apologies that I overlooked that. Thank you for that. I am not going to say very much, other than on the question of the Constitution and procedure, I saw the Deputy Legal Advisor, Ian Henry, when he was back in London, in fact we flew back on the Tristar and I saw him just before returning here. He too thought his visit was very valuable and would be very pleased to return, if asked, at an appropriate opportunity, as the date is maturing. The satisfaction that

he expressed about the procedures which were effected and correspondence and set out in Penguin News at the time, reflect my own satisfaction that there is a public debate that is being engendered and I think there has been a good discussion on certain aspects, quite recently at the Town Hall. So I am very content that that is the way that we are proceeding.

I thank Honourable Members.

Confirmed this 24th day of  
October 2000

Donald A. Lamont

Governor

**RECORD OF THE MEETING  
OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY  
ON 18 SEPTEMBER 2000**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY ON 18 SEPTEMBER 2000**

**PRESIDENT**

His Excellency The Governor  
(Mr Donald Alexander Lamont)

**MEMBERS (Ex-Officio)**

The Honourable the Financial Secretary  
(Mr Derek Frank Howatt)

Elected

The Honourable John Birmingham  
(Elected Member for Stanley Constituency)

The Honourable Mrs Janet Linda Cheek  
(Elected Member for Stanley Constituency)

The Honourable Darwin Lewis Clifton  
(Elected Member for Stanley Constituency)

The Honourable John Richard Cockwell  
(Elected Member for Camp Constituency)

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

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

**PERSONS ENTITLED TO ATTEND**

The Attorney General  
(Mr David Geoffrey Lang CBE, QC)

The Commander British Forces Falkland Islands  
(Brigadier Geoffrey Paul Sheldon)

**ACTING CLERK:** Mrs Maria Strange

**PRAYERS:** Padre McHaffie

**APOLOGIES:**

The Honourable Mrs Norma Edwards  
(Elected Members for Camp Constituency) (absent – overseas business)

The Honourable Michael Victor Summers OBE  
(Elected Member for Stanley Constituency) (absent – overseas business)

The Honourable the Chief Executive  
(Dr Michael Dennis Blanch) (absent – overseas business)

Clerk of Councils – Claudette Anderson (absent – overseas business)



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# Meeting of the Legislative Council

## Held on 18 September 2000

### **PRAYERS**

**His Excellency The Governor**

Good morning, Honourable Members, members of the public and those who may be listening on the radio. Welcome to this session of the Legislative Council. May I hand straight over to the Acting Clerk of Councils?

**Acting Clerk of Councils**

Papers to be laid on the Table by the Honourable the Financial Secretary.

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 Fitzroy Track (Designation and Speed Limits) Order 2000
- Canache (Mooring of Water Craft) Development Regulations 2000
- Fishing Licences (Applications and Fees) Order 2000

**The Honourable the Financial Secretary**

I beg to lay on the Table the papers named by the Clerk.

**His Excellency The Governor**

Thank you the Honourable the Financial Secretary.

**Acting Clerk of Councils**

### **ORDER OF THE DAY: BILLS**

The Criminal Justice (Evidence) Bill 2000. Report of the Chairman of the Select Committee the Honourable Mrs Jan Cheek.

**The Honourable Mrs JL Cheek**

Mr President, Honourable Members, as you know Council went into Select Committee on this Bill because it is a major piece of new legislation which required

extra detailed consideration. The Bill seeks to protect young witnesses and other vulnerable witnesses that might be intimidated in some circumstances.

It would introduce special measures; for example, a child's evidence could be given through a video link or evidence in chief from a child, be recorded and secured for future use.

It would also prevent someone charged with a sexual offence from cross-examining their alleged victim in person, although, of course, their legal representatives can cross-examine them on their behalf.

Another category of witnesses whose rights would be upheld is those with learning or physical disability in that special provisions would be made in the taking of their evidence.

There was a degree of concern amongst Councillors that the balance might be tipped too far against the accused. But I believe that his or her rights are protected by a number of safeguards in the Bill. The Attorney General was at Select Committee to give advice on the many aspects of the Bill that caused concern, and has since drafted a number of amendments to address the concerns expressed at that meeting.

Although this is relatively new legislation in England, I welcome it because it will introduce enlightened practices to protect the interests of the young and other vulnerable witnesses.

I hope that we will be able to bring parts of the Bill into force now and that there will not be an inordinate delay in bringing the other measures, as deemed appropriate for the Falkland Islands.

The Attorney General has prepared detailed written amendments for our consideration now.

### **His Excellency The Governor**

I thank the Honourable Chairman of the Select Committee and I believe that when we addressed this matter in Legislative Council and established the Select Committee, subject to advice from others – I look to my right – we may not have completed the second reading. If that is the situation, there ought to be a second reading in my view, before we consider this report in the Committee of the Whole.

Would the Attorney General perhaps advise on whether my recollection and my thoughts on procedure are sound?

## **The Honourable the Attorney General**

I believe that the Select Committee was moved before a vote was taken on the Motion for the second reading. The Standing Orders provide to the contrary, so we seem to have dropped a stitch in that we haven't had the vote on the second reading. If Honourable Members share my recollection on this point, then perhaps the best course is to move to the vote on the second reading of the Bill now and to take the amendments which I have circulated to all members of the Select Committee in the Committee stage.

## **His Excellency The Governor**

I thank the Attorney General. I think that the second reading is normally one which people may express an opinion in general upon the principle of a Bill. That opportunity was not fully given I think, during our last session of Legislative Council because of our decision. If we followed the rules normally of the Select Committee and went straight into a Committee of the Whole, Honourable Members would not have the opportunity, if they so wished, to express a view on principle of the Bill. I therefore believe that the Attorney General's advice is sound and I shall now look for someone to propose a Motion for a second reading.

## **Attorney General**

That has been proposed, Sir.

## **His Excellency The Governor**

It has indeed been proposed you are quite right. We started it but we did not conclude it. Is there anyone who wishes to speak in general terms on the principle of the Bill before we go into a Committee of the Whole? I see no indication. If that is the case the Motion for second reading has been moved and has been approved and we can now proceed to be in Committee of the Whole and take detailed consideration of the Bill.

## **Attorney General**

Mr President, Honourable Members, I circulated some suggested amendments to the Bill and I don't know whether it would be the will of the House that I should read out all of those amendments or ask an Honourable Member to move the amendments that have been circulated and for that to be seconded. I am entirely at the will of the House in that respect.

## **The Honourable DL Clifton**

Mr President, I wonder in terms of public perception and understanding of this, whether the Attorney General might simply take the Committee through the note he has prepared on this matter, rather than the full detail?

## **Attorney General**

I would be very happy to do that, Sir. I have circulated to Honourable Members an amendment to Clause 1 of the Bill. The effect of that would be to provide for the Bill to come into force by a number of stages. The first stage would be a number of sections that would come into force under sub-clause 2. Then under sub-clause 3 – a number of other provisions which only relate generally to children and young people – would be brought into force so far as they only affected children and young people.

The third provision would be sub-clause 4, which would enable the rest of the Bill to be brought into force by Order made by the Governor, and approved by resolution of the Legislative Council. The sections which would come into force immediately – that is if Honourable Members accept the amendments – would be sections 1 to 3, 9, 10, 19 to 23, 26, 27, 31, 32 and 35 to 48 and Schedules 1 to 3 of the Bill.

That would be under Clause 1 sub-clause 2. Under Clause 1, sub-clause 3, so far as concerns a number of named matters which are set out in the sub-clause, the provisions of the Bill would come into force on the commencement of this Ordinance and the other provisions, as I have said, would come into force in stages by Orders made by the Governor and approved by the House. A second amendment is one that would be made (if Honourable Members approve) to Clause 2 of the Ordinance, which would clarify that a person should not be taken as being unable to understand questions put to him as a witness, or to give answers to them which can be understood by reason of his inability sufficiently to understand or speak the English Language, if the Court believes that were he to be provided with a competent interpreter, he would, through such interpreter, be able to understand such questions and give such answers. In other words – provisions of the Bill which relate to the ability to comprehend questions and give cogent answers, don't apply to a person who is unable to do so simply because he doesn't speak English.

There is an amendment to Clause 17 (sub-clause 1) because there was a concern about the provision, insofar as it used the word 'interpreter' so that the Clause now relates to an intermediary by a person approved by the Court.

In Schedule 2 a missing, closing parenthesis would be inserted, and in Schedule 3, a number of amendments would be made consequent upon the other amendments to the Bill.

**His Excellency The Governor**

Any further requests or responses from Honourable Members on amendments now before us and the explanations we have had?

**The Honourable Mrs S Halford**

I was wondering whether the Attorney General could tell us whether or not all these sections he proposes to bring into force, are currently in force in the United Kingdom?

**The Attorney General**

I can't say that they are all in force in the United Kingdom. I haven't looked at the ones in relation to children and young people. Which ones are in force in relation to children and young people? I believe a number of those that relate to children and young people are not at present in force in the United Kingdom, but one has to understand that in the United Kingdom, there is predecessor legislation under the Criminal Justice Act 1988 (as amended by the Criminal Justice Act 1995) which is in force and is not in force here and that enables video evidence to be given by children and cross examination of children to take place by video and provides for remote link. So there is already legislation which is in force in England on those points, which is being replaced by this Bill which makes greater safeguards and makes a number of detailed amendments. The number of the repeals in the English Act are of that legislation. That legislation isn't in force in England so that new legislation has not yet been brought into force to some extent in England.

Sections 22,23 and 27 of our Bill, in fact, correspond to provisions which were brought into force in England on the 4 September, and indeed only amend provisions which are already in force in England. That is as fully as I can answer the question, Mr President.

**His Excellency The Governor**

Thank you very much, the Honourable the Attorney General. Any other questions or comments? Then I think I would look to the Clerk to take us through the Clauses, as amended.

**The Attorney General**

Perhaps, Sir, we need to put those amendments to the vote and have them proposed and seconded and put to the vote and then to take the Bill as amended.

**His Excellency The Governor**

And then as amended, right. I accept that advice. I don't in fact have a text of the amendments available to me, but perhaps the Clerk can take us through the procedure. Honourable Members, I think, have the text of amendments before them.

**The Attorney General**

Because I have read out the effect of those amendments, I wonder if an Honourable Member would like to move that the amendments (as circulated) be made to the Bill, then that seconded would be, then passed so we can take the Bill as amended. I can read out the amendments as we go through each Clause, Sir, whichever is preferred by the House.

**His Excellency The Governor**

Would it be satisfactory to take this as a block?

**The Honourable DL Clifton**

Mr President, Honourable Members, if I may move that.

**His Excellency The Governor**

As I look around I think I see general assent – it is seconded. So these are being taken as one. Are there any comments or dissent from the amendments put forward by the Honourable the Attorney General? Then I take it that these are adopted and we shall now go through the Clauses of the Bill, as amended by the proposals, as advanced by the Honourable Attorney General.

**Acting Clerk of Councils**

Clauses 1 to 46.

**His Excellency The Governor**

Can I have a mover that they stand?

**The Honourable JR Cockwell**

As amended.

**The Attorney General**

As amended – stand as part of the Bill. An Honourable Member needs to move.

**His Excellency The Governor**

The Motion is that Clauses 1 to 46, as amended, stand as part of the Bill, any objection to the Motion? No objection so Clauses 1 to 46, as amended, stand as part of the Bill.

**Clerk**

Schedules – Schedules 1 to 3.

**His Excellency The Governor**

Also as Amended?

**Attorney General**

As amended.

**His Excellency The Governor**

The Motion is that Schedules 1 to 3, as amended, stand as part of the Bill. Any objection to the Motion? No objection so Schedules 1 to 3, as amended, stand as part of the Bill and now we resume Council.

Can I have a proposal for a third reading?

**The Honourable the Financial Secretary**

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

**His Excellency The Governor**

The Motion is that the Bill be read a third time and do pass. Any objection to the Motion?

**The Honourable Mrs JL Cheek**

I would like to second.

**His Excellency The Governor**

Now that is approved, no objection? The Bill will be read a third time and passes.



**Clerk**

The Criminal Justice (Evidence) Bill 2000.

## **MOTION FOR ADJOURNMENT**

**The Honourable the Financial Secretary**

Mr President, Honourable Members, I beg to move that this House stands adjourned *Sine Die*.

**His Excellency The Governor**

Would anyone wish to speak to the Motion?

**The Honourable DL Clifton**

Mr President, I was brief last time, I perhaps won't be so brief this time. Sir, there are some issues that need to be addressed, I believe. The first issue is one that is quite perplexing for the future of agriculture and the Department of Agriculture in particular at this time. This is the question of calcified seaweed. Is it a vegetable or indeed is it a mineral? Calcified seaweed is absolutely critical – I need to underline 'absolutely critical' – to Falkland Islands agriculture. The laboratory and other trials have proved that beyond doubt. It is used for ensuring that the Falkland Islands Agriculture is kept in the organic mode. There is a huge farmer demand for the use of calcified seaweed. There are presently 56 farms who wish to use calcified seaweed as part of the pasture improvement programme of which the Government has already spent hundreds of thousands of pounds, it has committed, perhaps, over the next 10 years, several million pounds more. We have found the appropriate legumes to use; we have found the key to the legume modulation; we have managed to get the essential grass seeds we require for the pasture improvement programme; and we have secured a cheap source of rock phosphate.

We all know that the sweetener to the soil improvement in the Falklands is calcified seaweed. Everything, therefore, is in place for the pasture improvement programme to move ahead. In many respects we are something like 18 months ahead of schedule, but the current rate of progress will ensure that, unless there is an immediate solution to whether we can extract calcified seaweed, then we are rapidly falling behind. It seems to me that legislation which may have been proposed in 1918 is no longer fit for our future. Certainly for the future of agriculture in the Falklands.

It seems also that there is some shilly-shallying in terms of whether the British Government or Departments within the British Government have a view on this and whether that view should be an overriding factor. I am saying that enough is enough – it is time to move ahead. The summer is virtually upon us. Some folks might not

have thought so by events of last week, but nevertheless, in terms of growth in the soil, spring is well here.

The essence of what I am saying Mr President is that we need action, we need action P.D.Q. to put it rather bluntly, because if we don't get it, we may as well wrap our hands now on the pasture and improvement programme. I will underscore, again, what I said at the beginning, that the use for calcified seaweed is absolutely critical to the development of Falkland Islands agriculture.

I would ask that we would try to find a way to move all this ahead, because it seems to me that the only other alternative at this time, is that at the next sitting of the Legislative Council the House indeed should move a Motion in fairly blunt and explicit terms, to kick-start the process by which we can extract the calcified seaweed, and put it to good use on our currently poor agricultural lands.

There is another issue, Mr President, which I need to speak out about. I felt strongly of it. One of my colleagues has suggested that my speaking out on this is the equivalent to Councillor Birmingham's reindeer comments. But I cannot, indeed I will not accept, that a one-way traffic scheme is the answer to a few minutes traffic congestion in Stanley during Monday to Friday.

(Hear! Hear!)

I understand that there is a need for vehicle users to be able to drive rather quickly to and from work, but I also know that there are a greater number of users on the street in any one day and those are the pedestrians. It seems to me, Mr President, that the view of the pedestrian has not been taken into account, certainly not the several hundred school children who walk daily to and from John Street. They have not been taken into account.

John Street is already heavily congested. It is at two points in particular. The ingress and egress of the Infant/Junior School and the areas along St Mary's Walk, the Fire Station and the King Edward Memorial Hospital. Along parts of that street, the pavement is too narrow – far too narrow, for two people to walk side-by-side and in some areas there is no pedestrian walkway at all. It seems to me that it is an absolute nonsense to propose a one-way system along that road, which is excessively busy at the peak periods, when people are looking to drive home quickly or drive back to work quickly. I would ask that Executive Council review this matter before it is too late.

A third issue I would wish to raise, Mr President, is that some members of the public are in the know of recent events in the North of the FOCZ. I am a little dismayed at the Argentine poaching that has taken place. I don't think that we should disguise that as any other thing. It was blatant poaching in my view and we seem to be unable to do anything about it.

Had those vessels not been Argentine flagged, I suggest that they would have been taken in hand, arrested and brought into Stanley for trial. I don't know what has been the outcome in terms of diplomatic telegrams that may have moved down the wire, but it seems that this matter needs to be addressed very robustly. An Argentine internal Government issue should not become a significant fishery management issue for the Falkland Islands Government. I would ask that all matters be taken in hand to address this problem, because we are shortly going to move into the high season of 2001. We have had enough poaching incidents in the past to keep us preoccupied with oriental vessels without having some Argentine vessels coming in as well.

The fourth and final point, Mr President, is one of the United Kingdom National Memorial to the Royal Marines. Honourable Members are aware that there is to be a rededication of the Royal Marines National Memorial in the United Kingdom, in October next month. This has been a rather costly exercise for the Corps. Something like £87,000 in funds have been sought. There is a shortfall and I believe it incumbent upon the Falkland Islands to contribute towards that cause. I do so because the Royal Marines National Memorial was first erected because of the services of the Corps during two World Wars. Since that time the Corps has been deployed in other places such as Palestine, Malaya, Korea, Cyprus and the Falkland Islands, where nearly half of the Corps was deployed. I think that is significant in itself. The shortfall of funds required at the moment, so that the rededication can go ahead at the end of next month is £17,000. I would look to my Honourable colleagues to consider this matter and that we find a reasonable sum of money that can ensure that the rededication proceeds, as planned, for the end of next month. Mr President, I support the Motion.

#### **The Honourable JR Cockwell**

Mr President, Honourable Members, I am rising to support the Motion. I too would like to draw people's attention to the problems we – or Agriculture – have regarding the extraction of calcified seaweed. There has been a massive amount of work put in in the past to try and improve the pastures in the Falkland Islands. There is no question that this work has always fallen short on the application of nitrogen and trying to find nitrogen. The Agricultural Department, through their efforts recently, have found a way in which we can actually produce nitrogen cheaply and efficiently, but the one item that we require is calcified seaweed. I honestly believe that we need to remove calcified seaweed from the Mining Ordinance so that the farmers can extract this material from the foreshore, without having to go through huge complicated applications which have to be taken all the way to the United Kingdom.

Regarding Councillor Clifton's remarks on the one-way system, I wasn't going to speak about this but he has obviously goaded me into just making one comment. He talks about the size of the pavement and the problem of pedestrians. If you only have one stream of traffic, you actually reduce the pressure on pedestrians, you don't

increase the amount of traffic right across the road, you actually reduce it. So it would make it easier for the pedestrians. I think this concept which has been referred to as half baked in a certain sectors really needs.....

**The Honourable J Birmingham**

A point of order, Mr President, some people might say that it is not half-baked but that it shouldn't even be in the oven.

(Laughter)

**His Excellency The Governor**

I am not entirely sure that is a point of order the Honourable Member. The Honourable Richard Cockwell extends a generous understanding of .....

**The Honourable JR Cockwell**

I understand that Mr Birmingham's concept is not quite the same as mine, however, I believe that people need to look at it with a much more far reaching manner than thinking about what happens today, but what happens in the future. The traffic is increasing; the amount of vehicles is increasing; the requirement for repairing roads is becoming very great. If we continue in the way we are going we will have to expend a lot of money on parking spaces. Parking spaces are extremely expensive. We only have to look at the Government House car park which cost £32,000 alone.

(Laughter)

If we can repair the roads to a good surface, and make suitable provisions for pedestrians which would be much easier without having two ways of traffic. I think it would be a great improvement.

Just so that Councillor Clifton doesn't think that I am here to oppose him totally, I would agree with his sentiments regarding the Memorial for the Marines. I think it is a very worthy cause and I think that we should try and find a suitable and appropriate amount of money for that cause. Mr Chairman, I support the Motion.

**The Honourable Mrs JL Cheek**

Mr President, Honourable Members, I would like to support the words of my Honourable Colleague Mr Clifton on poaching. We can't be wishy-washy in our approach to this, whoever is responsible for it.

I also support him in feeling that we should look at giving a substantial sum to the Royal Marines Memorial. Their connection with the Islands historically is an

important and valuable one. It is already symbolised by the fact that they have the Freedom of Stanley. I support him in that, as I do on the question of calcified seaweed. There we have lying on the beaches, an inexpensive and effective dressing for the land. Provided that reasonable environmental impact surveys are done and proper restoration of areas required, I think we should cut the bureaucracy and get on with it.

I want to briefly mention the Junior School extension because I find that after two years of debate, proper planning, consultation at every stage, there are people who are still not satisfied. I just want to make a plea for no more delay.

(Hear! Hear!)

We have been on the brink for some months now, of having to take the hall out of commission to turn it into two classrooms. The need for that extension is urgent. It is being carefully thought through, it is being discussed in detail with the Education Department, it fits into the funding that we have now agreed to allow for it. Of course a new school would be wonderful, but it would also take up the greater part of a whole years money for developments of that kind. I wonder what other developments people would like to give up in order to have a whole new Junior School. I suspect there would be a very strong argument against it.

I would like to say a word in praise of the Falkland Islands Broadcasting Station (FIBS). They are in the throes of major change, they are all working very hard to improve it. We have had – certainly I as a Councillor over the last year – had a huge number of complaints before they started their changes and I have actually had very few since the changes have been undertaken. The local content that they are now putting in is very important. We do have a local culture, and it is good that in programmes like Castaways, we are starting to hear a little bit of that on the radio again. I would encourage people to sit back, listen and let them try to improve as they seem to be doing and give them every encouragement to do so.

Obviously, someone else will have the last word on the one-way system, but I would like to support the remarks of the Honourable Richard Cockwell. I believe that a one-way system will make for more orderly traffic. There will be less diving in and out from behind vehicles, and people will only have to watch one direction.

In any case, in terms of the Junior School, I have discussed this with the Headmaster and we believe that a one-way road system, when it is combined with the new drop-off system that is proposed and with the new extension, it will actually make things safer for children in that area.

It seemed reasonable to me as the Council was split four/four, that the system be tried rather than thrown out. It worked very well in 1982. It was not, as someone has suggested, imposed by the Military, it simply took account of the greatly increased

traffic at that time, and we now have a matching increase in traffic which needs to be dealt with in a similar way. I support the Motion.

### **The Honourable J Birmingham**

I rise to speak to the Motion. In the interest of fair play, Mr President, Honourable Members, I have to say on the subject of one-way systems, that as we are outnumbered today the last word is definitely going to go to a one-wayer.

I would like to align myself with the previous few speakers who have mentioned a few things of importance. One of these being the unfortunate poaching toward the North of the Islands and we mustn't just brush it aside. We do expect there to be something happening in the future on that. I would also like to express my support for any assistance that we can give to the Royal Marines, because of the long association with the Islands.

I shan't speak for too long because I believe there is a war going on and it is only smoko time at the moment. I have been asked a couple of questions over the last few days about housing and why the Falkland Islands Government are advertising for private accommodation. The reason is simple – since the civilianisation of the hospital and the losing of two local nursing staff, we have had to employ some more people from outside. We had to house them. We have also created two new posts. Those two new posts are – 1) a secondment, a senior post for the Tax Office; and 2) the Fisheries Economist – all of which are totally supported by the Council. Both of those appointments were needed and they are both connected, in that it is all to do with collecting monies and I look across at the Financial Secretary and I know his eyebrows are going up when I mention the word money. We do need these two people.

Unfortunately, there really is pressure on the housing stock, but over this summer five new properties are going to be built and hopefully two more – so that will be seven new properties for the FIG housing stock, the majority of which will be used for local people. I hope that it is going to ease the burden somewhat. We do have a bit of a trickle of returning Islanders who are certainly more than welcome, but unfortunately some of them are coming back with more than they left with, if I might put it that way.

Something which is dear to my heart is serviced plots. We can't build anything unless we have serviced plots and I know that the Public Works Department are looking towards the next stages down at East Stanley and beyond. We must have serviced plots for housing or we can do no more.

At the last meeting in this Council I mentioned the football pitch and I don't think that anything has been done other than the notorious geese are pecking and pulling up the new grass. The Honourable Member to my right, Lewis Clifton, has mentioned that

spring has sprung. Well it certainly has and the geese are doing terrific damage to that football pitch, that play area. The stones are coming through and if something isn't done soon I can see the football season being shortened due to the number of injuries.

Could I say a public thank you to all of the people involved in sorting out the swimming pool problems? There have been a lot of people involved in this. The electrical department, the staff in the leisure centre and the main Public Works Department office have all been involved. I am not sure whether the general public are aware, but the pool temperature is now back up to what it should be. School children can now go to swimming lessons.

On the subject of support, and we all like to support things, last year I was hoping to set up a cinema here in Stanley, but for personal reasons I had to pull out of the project. But it has come to my ears that there is now a group of people who want to start up the project again, and I hope that the Falkland Islands Government and Councillors will be supportive once the proposal comes to Council.

I can't support everything, so obviously I shan't mention the beasties that are going to be imported from South Georgia in the near future, but what I will mention is the one-way system. We are two standing against the majority in this House today, but if there was a full complement of Councillors, then the public should be aware that this is the first in the life of this Council that this Council, truly is, four and four on this. Without going on too much I would just like to say that as far as I am concerned it is very much a big hammer to crack the proverbial small nut.

The calcified seaweed is causing a fair bit of excitement. Perhaps the Attorney General if he can speak later, might put me right I know that, but I am sure that but for the remarks and the comments of a relatively inexperienced person, the calcified seaweed would not have been termed a mineral, it would have been a vegetable. I don't think we would have had much of a problem. But if it is going to be a mineral then I agree with the Honourable Members who spoke before me: we should start cutting the bureaucracy and just get down to doing the work. Sir, I support the Motion.

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

Mr President, I too would like to support what Councillor Clifton said about poaching. I think it is one area where we certainly can't afford to be fickle, no matter who the poacher.

I would also like to support his comments on the Royal Marines Memorial.

On calcified seaweed I think it is a case of the farmer out there has a tough enough time and there is no doubt about it that we do need to improve the pastures. We

should be keeping this simple. We shouldn't be trying to make it complex. We should just get on and do it.

As for the serviced housing plots I really feel that we should be pushing ahead and having more of these put in place. I believe that we did put it back for a year for the next phase, but if you go and look at all the plots down at East Stanley now, you can see that they are almost all full up. As soon as the next ones come on line I am sure that they will all be taken too. I do think it is essential that we keep this moving because if we stop you certainly get a backlog.

One thing that does concern me at the moment, is that we seem to be having a lot of best value reports within Government and within the Administration. This is across the board. It is on capital projects. It is on all sorts of things. It can be seen in some ways as a delaying mechanism, certainly on some of the capital projects. But my concern is, who is doing these best value reports? I thought everyone who we employed was supposed to be fully employed doing what they are meant to be doing, so I am really wondering where they can afford the time to undertake these best value reviews. I certainly wouldn't want to see any slippage on the Infant and Junior School, nor on the Police Station which is proposed.

The poor old FIDF at the moment, are never sure quite when they are going to shift, having being told they can shift for some time. They had been given a date but I am beginning to wonder which year it will be. Hopefully though, seen as things are still ongoing, it won't be too far down the line.

As for the one-way system, I am afraid I do support that. It is something that has been tried and tested previously and it did work. At the time it was tried and tested we had an enormous amount of vehicles in and around Stanley. We are getting more and more now. I agree with Councillor Cheek that if you have a one-way system the traffic is going to be more orderly, and not having people jumping in and out and running the gauntlet to see if they can get past somewhere, where they perhaps shouldn't. I am definitely in favour of the one-way system and I would like to thank all those people who have said what a sensible idea it was and it was about time. It should have been done a long time ago.

**The Honourable J Birmingham**

Two.

**The Honourable DL Clifton**

Two.



**The Honourable Mrs S Halford**

Sir, I support the Motion.

**The Honourable WR Luxton**

Mr President, this has been quite an educational meeting for me. Contrary to what Councillor Clifton said, I had no idea that there had been any Argentine poaching in the FOCZ, but I certainly do think that we should be dealing with it if there is. I know I live in the boondocks but the news never seems to travel.

I also had no idea that there was a problem with calcified seaweed. Maybe I have missed something or haven't read something but I had no idea that there was a problem there, but if there is then let's certainly cut the bureaucracy.

I too support the idea of us contributing to the Marine Memorial and I hope that perhaps next week we will be in a position to do something definitive about that.

On the one-way system, having taken about 15 minutes to get up the front road this morning I support it even more than I did before. I know it was a bad thing to do, having hit it at just the wrong time but coming up that road you get people, as Councillor Cheek said, making a quick dive to see if they can make it. Then other slightly more aggressive person facing them down and making them give way. Perhaps, as it is a four/four split it would make sense to try it for six months and try it without for six months, or something like that to see what the comparison is.

Councillor Birmingham referred to it as a very large hammer to crack a small nut. We are pretty good at that. The last meeting of this Council had the entire Government and legislative might of this Government in retroactive legislation, to ensure that two very small nuts in the Camp were thoroughly crushed. I support the Motion.

(Laughter)

**Commander British Forces**

Mr President, in rising to support the Motion I shall certainly avoid getting caught up in the one-way system, but I did think that it might be appropriate to say on behalf of the Royal Marines, how much they will welcome the warm and heartfelt support expressed by Councillors and without prejudging the outcome, if it is found possible to support their memorial I am sure they will be extremely grateful. I thank you on their behalf.

## **The Honourable the Financial Secretary**

Mr President, Honourable Members. I will make sure that an item is put on the Standing Finance Committee Agenda for a donation towards the National Memorial to the Royal Marines in the United Kingdom. I am sure that we will be able to reallocate some existing funding for that. I would just like to assure the House too that neither the best value process or the option appraisals are holding up the Junior School extension scheme. The best value studies are taking place on particular service areas. As far as capital schemes go, we use option appraisals to make sure that the Government does get best value, or the best value that it can, on capital schemes.

I would like to say that, I think, in connection with creating more serviced plots, that we do need to look at an option appraisal there and find out what the housing need is before we go building too many plots. I'd just like to say that if we had had that system in place before we built the accommodation camp for contractors, then we may not have built a camp for 60 people, when the maximum number that it has held at any one time is about 15. Where we are losing, it is costing us about £120,000 a year for that. The idea of option appraisals in the future is so that we don't waste money in that way.

## **His Excellency The Governor**

Can I thank Honourable Members for a good humoured, constructive, and very businesslike Legislative Council? We have adopted today a very important and complex legislation. I would like to thank the Honourable Jan Cheek for Chairing the Select Committee, which did such significant work on that legislation.

If I may be allowed to say it, I think it is very good in terms of the functions of the Legislative Council that we have had the sort of discussion and airing of issues which I am sure people in the Falklands want to hear discussed and debated publicly. I am also sure that that sort of background is very helpful to decisions that then may be taken at Executive Council and the Standing Finance Committee. So thank you very much for those contributions.

I don't think I will comment on any of the other substance except, if I may be also allowed to say a word about the Falkland Islands Broadcasting Station(FIBS). The organisation has faced difficulties over the past months. We are all very pleased to see Tony Burnett back and I know that Steve Johnston wants to build an audience, therefore he is very receptive to the concerns and ideas that his listeners may have. But with a full team I wish them well. To those who coped over a difficult period, I think also a word of thanks is due.  
(Hear! Hear!)

I thank you for that. The meeting stands adjourned *sine die*.

Confirmed this 24th day of October  
2000  
Donald A. Lambert  
Governor

**RECORD OF THE MEETING  
OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY  
ON 24 OCTOBER 2000**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY ON 24 OCTOBER 2000**

**PRESIDENT**

His Excellency The Governor  
(Mr Donald Alexander Lamont)

**MEMBERS**

(Ex-Officio)

The Honourable the Chief Executive  
(Dr Michael Dennis Blanch)

The Honourable the Financial Secretary  
(Mr Derek Frank Howatt)

Elected

The Honourable John Birmingham  
(Elected Member for Stanley Constituency)

The Honourable Mrs Janet Linda Cheek  
(Elected Member for Stanley Constituency)

The Honourable Darwin Lewis Clifton  
(Elected Member for Stanley Constituency)

The Honourable John Richard Cockwell  
(Elected Member for Camp Constituency)

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

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

The Honourable Michael Victor Summers OBE  
(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 Geoffrey Paul Sheldon)

**CLERK:** Claudette Anderson

**PRAYERS:** Padre McHaffie

## C O N T E N T S

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<b>Confirmation of the minutes of the meetings held on 1 and 18 September 2000 – with amendments</b>	<b>2</b>
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17/00	The Honourable Mrs N Edwards (Weekend Overtime for West Roads Gang Mechanic and Foreman)	7

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**RECORD OF THE MEETING OF LEGISLATIVE COUNCIL  
HELD ON 24 OCTOBER 2000**

**His Excellency The Governor**

Good Morning Honourable Members, Commander British Forces, Ladies and Gentlemen and those who are listening on the radio. We have a varied agenda for the Legislative Council this morning so without more ado, I shall hand over to the Clerk to take us to the first item.

**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. Are the papers distributed?

**Clerk of Councils**

Yes they are, Sir.

**His Excellency The Governor**

The papers are distributed. The first vote which takes place is for a Stanley representative. Will Honourable Members please complete the ballot papers accordingly?

(The first election takes place.)

The result of the first ballot – Stanley representative on Executive Council for the next year – is the Honourable Jan Cheek; congratulations.

The second vote is for a representative of Camp. Will Honourable Members please complete the ballot papers accordingly?

(The second election takes place.)

The Member who gained the most votes for the Camp representative was the Honourable Richard Cockwell; congratulations.

Finally, the third vote is for a representative for Executive Council for either Camp or Stanley. Will Honourable Members please fill in the ballot papers accordingly?

(The third election takes place.)

The Honourable John Birmingham is elected as representative of Stanley or Camp; the third representative on Executive Council. So those Honourable Members elected

to serve one year on Executive Council are:

The Honourable Jan Cheek;  
The Honourable Richard Cockwell; and  
The Honourable John Birmingham.

Congratulations to those. I look forward to working with you all on Executive Council, God willing, over the next year, and thanks to those who have served on Executive Council over the past year.

That completes the first item on the agenda. We pass now to confirmation of the minutes of the meetings held on 1 and 18 September 2000. Are there any? Yes, there are some amendments which have been passed to the Clerk of Councils:

**Confirmation of the minutes of the meetings of Legislative Council held on 1<sup>st</sup> and 18<sup>th</sup> September 2000.**

The minutes were approved with the following amendments:

**Record of 1<sup>st</sup> September**

- ☐ Page 36, second paragraph, first line – Alicia “Sadistoni” should be “Battistoni”;
- ☐ Page 36, second paragraph, last line – “Martine” should be “Martin”;
- ☐ Page 36, fourth paragraph, eighth line – “discretely” was amended to read “discreetly”;
- ☐ Page 38, first paragraph, third line – the last sentence begins with “It” and not “I”; and
- ☐ Page 38, second paragraph, second line amend “verses” to read “versus”.

**Record of 18<sup>th</sup> September**

- ☐ Amend date on the front cover from ‘1 September’ to ‘18 September.’

Are they essentially non-problematic? May I then sign the minutes as amended?

**Clerk of Councils**

**QUESTIONS FOR ORAL ANSWER**

**QUESTION NO 13/00 BY THE HONOURABLE J R COCKWELL**

Can the Honourable Sharon Halford please state what is the established Public Works Department consultation process for alterations to roads and footpaths?

In view of the controversy involving alterations to East Fitzroy Road, are there any proposals to involve local residents in the future?



**The Honourable Mrs S Halford**

Mr President, there is no established consultation process for alterations to roads and footpaths. Generally, new roads in Stanley are constructed to long agreed standards, which include width of the carriageway, width of footpaths, minimum radii and slight distances.

Regarding the subject road, the design was originally to these standards. Unforeseen ground conditions precluded these standards being adhered to without incurring considerable expense in moving a substation and a buried high voltage cable. As a result, a compromise solution was reached. Numerous alterations and upgrades have been carried out previously without consultation or objection. Examples are:

- Dairy Paddock Road;
- Jeremy Moore Avenue;
- Capricorn Road; and
- Beaver Road.

There are no plans to involve local residents in future, as it is felt that lengthy stalemate situations could arise from individual objections.

Under the General Development Order 1991 (part 4, Schedule 2, class H) road maintenance and improvements are specifically excluded from the requirement for planning permission. If a consultation process is required, then the simplest way forward is to include any alterations to roads on the agenda of the Planning and Building Committee. This committee is already set up for public consultation, so it would appear to be the obvious choice, rather than setting up a separate body.

**The Honourable JR Cockwell**

I thank the Honourable Sharon Halford for her reply. I personally welcome the concept of alterations such as this going to Planning and Building. Do you agree that it would have been useful if that had happened on this occasion?

**The Honourable Mrs S Halford**

Hindsight is a wonderful thing and I would say 'yes, it would have been.'

**The Honourable DL Clifton**

Mr Chairman, if I may, I think that answer which the Honourable Sharon Halford has given does beg further question. Indeed, the reason why I raised the whole Snake Hill complex some time ago, was to ensure that pedestrians had a footpath up that hill. We now have a footpath that goes so far up the Hill and it stops halfway leaving pedestrians without a footpath at the top. Therefore I would suggest and I would indeed ask the Honourable Lady to ensure that perhaps the exclusion that currently stands for road works and footpaths not to go before the town Planning and Building Committee, that we look at that and ensure that it does. It seems to me that that would prevent a lot of the unnecessary, public comment that arises.

(Hear! Hear!)

**His Excellency The Governor**

Did I hear the question at the end of what was obviously...

**The Honourable DL Clifton**

Do the town Planning Building Committee have regard for all of the works that are planned by Public Works Department and will she ensure in the future that there is the fullest consultation within the draft town plan as it currently exists?

**The Honourable Mrs S Halford**

Mr President, I will do my best to ensure that this happens, but on the footpath issue, I have mentioned before, that I think it is something that does need to be addressed, because where we do have footpaths around Stanley, they are not always necessarily wide enough, in my opinion anyway, but yes we will try to pursue this in future.

**His Excellency The Governor**

I thank the Honourable Sharon Halford. Any more supplementaries? The Honourable John Birmingham, this is a supplementary question isn't it?

**The Honourable J Birmingham**

Of course, Mr Chair, would the Honourable Member agree that it would be useful for the public to have access to a list of the programme, because I am sure that everyone would agree that there is a programme of improvements to the roads and the pavements around Stanley. Would it be that outrageous to suggest that it could be published?

**The Honourable Mrs S Halford**

Mr President, I believe that at the last meeting of this House, or maybe even the one before, I did say that that list was available to the public if they wished to see it.

**His Excellency The Governor**

Thank you the Honourable Sharon Halford. No more supplementary questions?

#### **QUESTION NO 14/00 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members, can the Honourable Mike Summers please tell me if the Transport Advisory Committee agreed with another Transport Review and also what date was this agreement reached?

**The Honourable MV Summers OBE**

Mr President, the Transport Committee has not been asked whether there ought to be another Transport Review, and therefore the answer to his question is in the negative.

**The Honourable J Birmingham**

I thank the Honourable Mike Summers for his answer. Could he tell me as Chairman whether the subject will come up at the next meeting of the Committee?

**The Honourable MV Summers OBE**

I don't doubt that the question will arise on Thursday afternoon when the next meeting of the Committee takes place. I would expect that the Committee will take cognisance of the progress that has been made so far in the transport policy of the Islands, and there does appear to be a need for a review and update of transport policy. This job is the constant responsibility of the General Manager, FIDC, and has been for many years for the re-evaluation of time scales and capital costs and perhaps a further review of possible co-operation with the Military on coastal shipping services. We will discuss these issues at the TAC. As the Chair though, I do not foresee a need for a whole scale transport policy review.

**The Honourable J Birmingham**

I thank the Honourable Mike Summers for his reply. I can't quite recall whether that meeting is open to the public. Is it?

**The Honourable MV Summers OBE**

It is.

**QUESTION NO 15/00 BY THE HONOURABLE J BIRMINGHAM**

Mr President, can the Honourable Sharon Halford please inform me of the progress in the disposal of the remaining oil from Albemarle sealing station?

**The Honourable Mrs S Halford**

Oil contaminated with water is presently stored in 81, 50 gallon drums in one of the fenced lay-down areas at FIPASS, Gordon Lines. There has been no progress in the actual disposal of this oil.

**The Honourable J Birmingham**

I thank the Honourable Sharon Halford for that reply. Obviously I have a supplementary and the supplementary is this – What can we expect in the future?

**The Honourable Mrs S Halford**

Avenues for disposal being explored include:

- 1) Exporting the material to the United Kingdom for final disposal in the same way that the Military propose to dispose of their waste oil;
- 2) Separating the oil from the water and incinerating the remaining oil;
- 3) Separating the oil from the water and mixing the remaining oil with a lighter fuel to render it suitable for use by Stanley Growers; or
- 4) Mixing the oil and water with a lighter fuel and burning it at the proposed fire training facility to be built at the airport.

Of these possibilities, option 1 will be expensive; options 2 and 3 may be difficult to achieve because of the difficulty with separating the oil from the water; and option 4 is likely to be the cheapest solution and the one easiest achieved but is likely to be less environmentally clean than the other options.

**The Honourable J Birmingham**

Mr President, I thank the Honourable Sharon Halford for that answer. My second supplementary would be when would we see any progress?

**The Honourable Mrs S Halford**

I am not sure just how soon we would see this. As I said, these avenues are actually being explored at the moment.

**QUESTION NO 16/00 BY THE HONOURABLE J BIRMINGHAM**

Mr President, Honourable Members, will the Honourable Norma Edwards please tell me if planning permission was given for the dumping of spoil on the north side of the Airport Road, east of the Trough?

**The Honourable Mrs N Edwards**

Mr President, Honourable Members, I am informed that no soil has been dumped on the north side of the Airport Road, east of the Trough. On the north side of the Airport Road bunds have been formed to act as a windbreak and to reduce the noise of vehicles on Airport Road reaching the residential development of East Stanley, Phase 5. These bunds were shown on the plans for the East Stanley Development, phase 5 and have been approved by the Planning and Building Committee, in association with the construction of the new FIDF Headquarters and the development of the East Stanley Development, phase 5, land on the south side of the Airport Road is being used by Morrison as a working area. Before Morrison started to utilise this area, it resembled a moonscape, and was visually not particularly attractive. But it is my understanding that when Morrison vacate the site, soil from the East Stanley

Development will be used to landscape the area, and leave it in a neat and tidy condition. Planning permission for this work has not been sought and is not thought necessary.

**The Honourable J Birmingham**

I thank the Honourable Member for her reply, and I must apologise, as I don't know how I got to thinking it was the north side of the airport road, it was the south side and it was spoil.

**The Honourable Mrs N Edwards**

Good, I thought I was going mad, because I went up there yesterday.

**The Honourable J Birmingham**

No one would ever dream, no one would ever think, no. It is spoil not soil: a mixture of anything and everything. But with your permission, Mr President, I do wonder on the idea that the Public Works Department, or a partner of the Public Works Department, can just do this kind of thing on the Common, when I would suggest that a normal member of the public or a building company who did that, would have to get permission from somebody. Perhaps the Honourable Member, as Chairman of the Planning and Building Committee, would look into that further?

**The Honourable Mrs N Edwards**

Yes, I certainly will and I agree with you. Perhaps that should be taken in the same context as the pavements around Stanley, and it should all go to Planning and Building for approval before any of this happens. I will certainly bring it to the attention of the Planning and Building Committee.

#### **QUESTION NO 17/00 BY THE HONOURABLE NORMA EDWARDS**

Mr President, Honourable Members, would the Honourable Mike Summers please tell us if it was a decision of the Transport Committee that only two of the West Roads Gang are allowed to work Saturdays, namely the Foreman and the Mechanic? If it was not the decision of the Road Transport Committee can he enlighten us as to who made this decision?

**The Honourable MV Summers OBE**

Mr President, the decision that two of the West Road Gang should work on Saturdays is not a decision of the Transport Advisory Committee. Such decisions are operational matters and they are not within the Terms of Reference of the Transport Committee and rightly so. They are the responsibility of the Accounting Officer for the project, which in this case, is the Director of Public Works.

He has given me the following supplementary information:

"The Public Works Department is operating within various constraints including budget allocations and overtime restrictions. At the same time it seeks to ensure a degree of parity, between the hours worked by the teams on East and West Falkland. Some leeway has to be made for people whose normal place of residence is East Falkland, but who are required to work on the West. It is considered unreasonable to expect them to stay in the road camp all weekend and they are therefore permitted to work on Saturdays. The remainder of the West Road construction team returns to their normal place of residence on the weekends, as does the entire team on East Falkland.

The Public Works Department will be optimising working hours within the constraints referred to and it may be that plans will be changed once the construction season is fully underway."

**The Honourable Mrs N Edwards**

Thank you for that answer. Can I ask the Honourable Member if the Transport Committee could in the future look at the possibility of planning the contract with PWD, because it makes no sense to me, to have a couple of the gang working. There is an allocation of money made for a contract and it makes no sense to have just two of them working at weekends.

**The Honourable MV Summers OBE**

Mr President, we are straying into operational matters, which are not the responsibility of a Committee that is set up to advise on transport policy. I think if such a consultation is required between the Transport Advisory Committee and the Director of Public Works, then the Honourable Member would have to sponsor a change to the terms of the Committee. From a personal point of view, I can't see that a Committee set up to advise on transport policy is necessarily the right body to discuss with the Director of Public Works, how he carries out his duties.

**The Honourable WR Luxton**

Could I ask the Honourable Mike Summers if he thinks that it will be more appropriate for matters like this to be referred to the Standing Finance Committee, rather than the Transport Advisory Committee?

**The Honourable MV Summers OBE**

Mr President, that may well be a useful thing to do. It is a question as to whether Honourable Members feel that the resources that they have allocated to projects are being used to the best effect. If there is a view amongst Honourable Members that the Director of Public Works is not using the resources that he has been given in the most efficient manner, then they should take that up either through the Public Works Management Committee, or the Standing Finance Committee.

## **Clerk of Councils**

We have one Motion -

### **MOTION 3/00 BY THE HONOURABLE JOHN BIRMINGHAM**

"It is moved that -

"This House calls upon the Government to abandon its proposals for the introduction of a one-way traffic system in central Stanley."

Proposer: The Honourable J Birmingham

Seconder: The Honourable DL Clifton

## **His Excellency The Governor**

Before I ask the Honourable John Birmingham to speak, let me just set out what I understand of the procedures.

Let me first of all say that I am a fairly flexible President when it comes to the character of supplementary questions, which sometimes drift into the form of a debate. I therefore welcome the fact that an issue has been put forward for debate under a Motion and there can be a proper discussion, without putting me in a position of having to stretch my own interpretation of Standing Rules and Orders.

The procedure that I envisage is that the proposer of the Motion will of course introduce it, the seconder then has the option of merely seconding, seconding and making his speech of support then, or he may also make a speech in support at a later point. No one may speak twice in substance on the debate, except the proposer of the Motion who may speak again at the end of the debate before I put the matter to the vote. That is my understanding of the rules and if no one dissents then we will proceed on that basis and I will invite the Honourable John Birmingham to propose the Motion.

## **The Honourable John Birmingham**

Mr President, Honourable Members, to some this would appear to be a strange Motion, but we are often accused of just rubber-stamping and never openly debating or rarely debating anything in this House.

Domestic issues play the largest part in Council work, and a decision to create a one way system in downtown Stanley, I feel, is a fine subject for open debate. I am not against one-way systems as such, in fact it was I who proposed the extension of the Drury Street one-way some years ago after, I might add, getting the full backing of the residents along the street. That was seen by all as the right and sensible thing to do under the circumstances. However, the decision to create the one-way route around central Stanley is, to my mind, the wrong one – but, not only to my mind. At the last public meeting, at which there were at least 45 people, the show of hands overwhelmingly showed the way the public were thinking of the idea.

**The Honourable DL Clifton**

(Hear! Hear!)

**The Honourable J Birmingham**

I could give many reasons why I think the decision was the wrong one, but I shall only give one. That is the poor cyclist (and I declare an interest.) Both adults, but mainly the youngsters who ride around the town. I don't think that anybody has given a thought to them at all.

So, Sir, I move that this House calls upon the Government to abandon its proposal for the introduction of a one-way system in central Stanley.

**His Excellency The Governor**

I thank the Honourable John Birmingham. The Honourable Lewis Clifton is down as a seconder so would he like to take the floor now to speak on the Motion or reserve his intervention until later in the debate?

**The Honourable DL Clifton**

Mr President, if I may reserve my intervention until later in the debate.

**His Excellency The Governor**

Thank you very much. Would anyone like to respond to the Motion?

**The Honourable Mrs N Edwards**

Yes, as Chairman of the Planning and Building Committee I have to say that this was a request from Councillors I believe, to look at the possibility of a one-way system. Personally I agree wholeheartedly with Councillor Birmingham. I don't think it is needed and I don't think it is right. If there is to be a one-way system at all then it would make more sense to me to go up and down the hills rather than the main streets. That way you would avoid the traffic build-up outside of schools at lunchtimes and so on (or going past Schools).

So I wholeheartedly agree with him – for a change.

(Laughter).

I would support the Motion, thank you.

**The Honourable MV Summers OBE**

Mr President, I too oppose the introduction of this daft scheme and have long said so. I think there has been insufficient thought to the very many consequences there will



be, of the introduction of a one-way system, and I believe that that has already started to filter through to Members of the Executive Council, who hadn't thought about how they will inconvenience very many people by the introduction of this initiative. It will create inconvenience for many; it will undoubtedly increase the speed on the front road and on John Street, because if you don't have counterbalancing traffic, people will be free to move more quickly.

The amount of inconvenience to the public at the moment, is restricted to about five or ten minutes, once or twice a day. That is not a very serious inconvenience, I don't think, for anybody. However, the decision was debated at some length in General Purposes Committee where there was a clear split, and the matter was properly referred to Executive Council who made their decision. I think, therefore, that members of the public should know that the Members of the Executive Council take all the credit for this scheme if it turns out to be successful and all the opprobrium if it turns out to be a disaster.

### **The Honourable JR Cockwell**

Mr Chairman, I hear what the previous Members have said about this, however, I believe they are taking a very short-term view. The problems of traffic management in Stanley have been recognised and I think all the members of the General Purposes Committee agreed that traffic management need to be looked at. The issue of what was done, was that there was public consultation and the consultations were referred (I understand) to the Planning and Building Committee. The paper came from that Committee recommending a one-way system (and I believe that the Honourable Norma Edwards is the Chair of that Committee.) The problem is that it may only be a short-term problem at this moment. However, we have to take the long-term view. The long-term view, as far as I can see it is that traffic is going to build up, we are going to have problems. We all know that off-street parking is possibly the answer, but you also know that it is extremely expensive. We only have a certain amount of money to spend, and to spend all this money on off-street parking which could be spent on other roads which are required; on road works which are required; to maintain the roads; to improve our roads. We know there is a lot of work to be done. It is just unacceptable. We cannot find sufficient money to do both jobs, without something else suffering.

The long-term view – as far as I can see – we are going to have more vehicles, we are expecting more tourists to come to the Falklands, there is a possibility in the next five years that the increasing numbers will be something between three and fivefold visiting the town. If this is the case and we have the traffic situation that we have now, we are liable to have severe problems, and somebody is liable to get injured. We all know that an injury to a tourist is a very serious problem, or can become a very serious problem and very expensive. So then, Sir, I believe that we should ask the Members not to look at the short-term, not what is happening this afternoon when they go down and there is nothing there, but to think what is going to happen. Let's put the system in before the problem arises, not after the problem arises. I beg to oppose the Motion.

**The Honourable Mrs JL Cheek**

Mr President, Honourable Members, for the benefit of those members and others who were not here in Stanley to see the previous system operating successfully in the eighties, I point out that it would almost certainly have continued had John Street not collapsed under the weight of the extra traffic that was around at that time. A six month trial, which was all that was agreed in EXCO, seemed to me a reasonable compromise. No great expenditure would be involved if simple temporary signs were used. Right now the need is even more clear. It seems that we can anticipate several months of disruptions with road works and other works along Ross Road, with three separate building projects going on.

I believed, and still firmly believe that a one-way system is a sensible and a safer way to keep traffic flowing and to reduce the potential for chaos. The issue of safety – the suggestion that traffic will speed up greatly is a bit of a red herring, because everyone knows that as soon as it is along John Street it would have to give way to the hills going north/south through the John Street crossings.

However, if my rather short-sighted Honourable Colleagues are unable to see the benefits of a one-way system, then I think.....

**The Honourable J Birmingham**

Point of Order, Mr President, as somebody who is short-sighted I resent that prejudice.

(Laughter.)

**The Honourable Mrs JL Cheek**

I am overcoming the handicap John. I fear that we will see Ross Road virtually grind to a halt, and the public at large will suffer from that short-sighted view.

**The Honourable Mrs S Halford**

Mr President, I too wish to oppose this Motion. I think that the Honourable Jan Cheek probably doesn't realise how true she is, in saying that traffic on Ross Road will grind to a halt. I believe that it is important that we have a one-way system, if only for the six-month period. We have the public jetty complex being built at the moment and there is an awful lot of construction traffic around there. With the tourists coming in as well it is posing to be somewhat a nightmare for this season.

We also have the FIC building and new store, just off Ross Road. We have the Town Hall car park under construction as well. In line with the Town Hall car park for those of you who may have driven down Ross Road in the last couple of days you will have noticed several cones down there in various places. These are there because they have been taking samplings to see what is under the road surface, because Ross Road itself, is to be repaired this season as well.

Having attended a meeting last week to look at how traffic will flow around Stanley during all of this, it seemed to me that the one-way system actually, the one-way system makes an awful lot of sense. Think of when Ross Road is repaired. What are the alternatives for Public Works? Do they close off entire sections which really would cause havoc or will they be able to repair it in such a way that they can leave one side open only? If they do this and we know that it is not going to be done in a couple of days, because road works do take some time, do we then employ someone to be a lollypop man or do we have traffic lights?

**The Honourable J Birmingham**

Good idea.

**The Honourable DL Clifton**

Yes.

**The Honourable Mrs N Edwards**

Why not?

**The Honourable Mrs S Halford**

Quite a nonsense. If we had a one-way system it wouldn't be affected at all it would simply continue to flow. Sir, I oppose the Motion.

**The Honourable WR Luxton**

Mr President, this decision was taken after proper debate amongst Councillors and made by Executive Council, and I suggest that we should stick to it. The Honourable Jan Cheek made the point that a one-way system worked extremely well in 1982, and I fail to see any reason why it shouldn't now.

**The Honourable MV Summers OBE**

Good old theory.

**The Honourable WR Luxton**

The point has been made about cyclists. I think it would probably be safer for cyclists to be going with the flow of traffic rather than fighting their way through opposing traffic, ducking in and out of parked cars.

**The Honourable J Birmingham.**

That is exactly what they will do, they will go against the flow.

**The Honourable WR Luxton**

Cyclists will be breaking the law if they go against the one-way traffic.

**The Honourable J Birmingham**

I apologise, yes.

**The Honourable WR Luxton**

As for the increase in speed, well I think that would be welcome, because it would be the difference between zero and at least some forward motion in many cases. Sir, I oppose this Motion and suggest that we give it the six-month trial and see how it works after that.

**His Excellency The Governor**

Thank you the Honourable Bill Luxton. Other Members having spoken, I look to the Honourable Lewis Clifton to see whether he would wish to exercise this.

**The Honourable DL Clifton**

Mr President, as Honourable Members are aware and as is contained in the minutes of the last meeting I did raise the issue then. My goodness I have never seen so many red herrings come out of the can at once around this Table. Sir, it is peculiar and we have hypothesising on road traffic in 1982 on the basis that John Street collapsed and otherwise it would have gone on. We have got a whole bundle of road works and other construction programme works that nobody knew about when the decision was made. Clearly there was no thought at all given to the cyclist. Absolutely none at all being given to pedestrians, because we are going to introduce a one-way system along John Street where there is no walkway. Now if the Honourable Richard Cockwell is flagging to us questions of insurance and expense then therein must lie an issue in itself. What happens if a child is knocked down; or a pedestrian is knocked down on a road which we are putting through a one-way system, and there is no pavement to walk on. I'll just leave that.

**His Excellency The Governor**

Point of Order?

**The Honourable DL Clifton**

Yes.

**The Honourable Mrs S Halford**

Could the Honourable Lewis Clifton tell us where there is no pavement on John Street?

## **The Honourable DL Clifton**

St Mary's Walk, Mr President, it is the extension of John Street, through where you are proposing the one-way system. I would simply ask the Honourable Lady to check later on and she can see for herself.

It was rather interesting at the last public meeting where the Chairman called for a show of hands. Out of the 40 or so people there were four in the audience who supported it. I think that is a sufficiently good indicator to say that it doesn't have the support of a good representation of the public. One member of the public at the meeting said 'who the hell wants to be a masochist? Don't travel on Ross Road for the four periods of the day when there is some congestion.' Perhaps we should all learn from that and try and avoid it during the busy times, as most of us do.

We shouldn't be governed by a public meeting, but the whole point of public meetings is that we need to take soundings from time to time. I think that was more than a reasonable sounding.

Where are we with the traffic management scheme? The Honourable Richard Cockwell has flagged that as well. There was a public consultation about two and a half years ago. A number of members of the public spent an awful lot of time replying to proposals put forward, and the good old government machine hasn't even had the decency to reply to their comments. Now we have got another half-hearted, indeed I call it a half-baked, concept coming forward that is going to cause considerable disruption during the summer, more so because there are a whole range of works underway.

I just propose another idea with the Members of Executive Council who support this nonsense, in that do they want additional heavy traffic routing through the centre of town? Because under the scheme they have just put in place, they are denying access to the east jetty complex down Philomel Hill. I would ask Honourable Members to have some further consideration of that point, because the proposal as it currently is at the moment, is causing further congestion. It will not alleviate what is already a very difficult problem. And where are we with the off-street parking? Well, how long has it taken to have this wonderful 35 car park slot to be put in place outside of this building? Where are we with all the other car parking places? Indeed where are we with the residential homes off-street parking? We are three years down the road of this Council and we are still no further ahead about putting a scheme in place or putting monies in place. We have yet another discussion paper coming forward so the whole thing has to be gripped. It can only be gripped by having a long-term view and not a short-term, illogical situation. That is how I put it.

Mr President, I described it as a half-baked idea, I can only conclude by the discussion this morning that it is a half-baked idea. I support the Honourable John Birmingham and the Motion that has been put forward this morning. Thank you.

## **His Excellency The Governor**

I thank the Honourable Lewis Clifton. Now with all Members having spoken, I now

look to the Honourable John Birmingham, as proposer of the Motion to take the opportunity of concluding?

**The Honourable J Birmingham**

Mr President, Honourable Members, there is no way I can compete with that. If I may say so, the Honourable Lewis Clifton put it all as I would dearly like to. The Honourable Members who are still convinced that a one-way system is the right way, seem to be missing the whole point.

I was very surprised at Councillor Luxton and his attitude to public meetings. I thought that public meetings were very useful and gave us an idea as to what the public are actually thinking. It is true – you cannot rule by what is said at a public meeting, but I would suggest that out of a meeting of 40 plus people, when only 4 put their hands up as being in favour of something, you can get a pretty good view as to the way the general public is feeling.

Enough is being said, enough is being aired. People are aware and, Sir, I would just like to say again and propose that this House calls upon the Government to abandon its proposals for the introduction of a one-way system in central Stanley.

**His Excellency The Governor**

I thank the Honourable John Birmingham. That calls to me to put to the vote the Motion that this House calls upon the Government to abandon its proposals for the introduction of a one-way traffic system in central Stanley. It is a voice vote so will those of you in favour of the Motion say 'aye'.

Those against the Motion say 'no' the Motion is not carried.

**The Honourable J Birmingham**

There was one abstention there I think you will find. I don't think Councillor Luxton said anything.

**The Honourable Mrs N Edwards**

Yes, he did.

**The Honourable WR Luxton**

You must be deaf as well as short-sighted.

(Laughter).

**His Excellency The Governor**

Amidst this trading of amicable insults I believe that the outcome was that the Motion was not carried, in fact they were evenly split.

Thank you for that. We move to the next item of business.

**Clerk of Councils**

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

The Supplementary Appropriation (2000/2001) (No 2) Bill 2000. This Bill has not been published in the Gazette and requires a first reading.

**The Honourable the Financial Secretary**

Mr President, Honourable Members, the purpose of this Bill is to appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £1,782,250, to meet supplementary expenditure approved by the Standing Finance Committee for the current financial year.

The Bill provides for the Contingencies Fund to be replenished to the extent of £324,600 in respect of any advances made for urgent or unforeseen expenditure.

Significant items of expenditure are £100,000 or more, provided by the Bill. Included under the Operating Budget are:

- £785,900 for the Medical Department to cover the additional estimated costs of civilianisation. It is anticipated that this will be partly offset by revenue arising from a revised cost-sharing arrangement with the Ministry of Defence.

Under the Capital Budget:

- £620,000 for Government housing. This represents the capital allocations for the financial years 2001/2002 and 2002/2003 brought forward for housing to be constructed at Barney's Garage site and East Stanley for rental;
- £125,000 for the safe removal and disposal of hazardous sheep dip; and
- £100,000 to allow the Government to take over the L'Antioja Road and rebuild it to Government standards.

I beg to move the first reading of the Bill.

**His Excellency The Governor**

In order to determine whether we move to the fast-track procedure, does any Honourable Member wish to speak on this Bill? In that case we will not move to the fast-track procedure. Is there a seconder for the Motion on the first reading? The Honourable Michael Blanch has seconded it. The Motion is that the Bill be read a first time. No objection, so the Bill will be read a first time.

**Clerk of Councils**

The Supplementary Appropriation (2000/2001) (No 2) Bill 2000.

**His Excellency The Governor**

Can I have the Motion for the second reading?

**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 MV Summers OBE**

Mr President, the additional amount of funds allocated to Health and Social Services for the civilianisation of the Hospital, is a very substantial amount indeed and will put a huge strain on our proposals to maintain the Operating Budget within defined limits just short of £30 m per annum. Can the Honourable the Financial Secretary advise to what extent he currently expects that amount just short of £786,000 will be offset by income from the MOD?

**The Honourable the Financial Secretary**

The precise amount is still subject to negotiation, but the Government was looking at a net additional cost of about a quarter of a million pounds.

**The Honourable JR Cockwell**

Mr President, Honourable Members, can the Financial Secretary also confirm that the expenditure on the L'Antioja Road will have matching revenue?

**The Honourable the Financial Secretary**

Yes I can confirm that.

**The Honourable DL Clifton**

Mr President, is the Financial Secretary suggesting it becomes a toll road?

**The Honourable the Financial Secretary**

No he isn't – for the moment anyway.

**The Honourable Mrs N Edwards**

Can I ask the Honourable the Financial Secretary where he supposes that this revenue is coming from?



**The Honourable the Financial Secretary**

The matching revenue will come from the Ministry of Defence.

**His Excellency The Governor**

Any other Member wish to speak? The Motion is that the Bill be read a second time, no objection? The Bill will be read a second time.

**Clerk of Councils**

The Supplementary Appropriation (2000/2001) (No 2) Bill 2000.

**His Excellency The Governor**

I declare the Council to be in Committee.

**Clerk of Councils**

Clauses 1 to 3.

**The Honourable the Financial Secretary**

I beg to move that Clauses 1 to 3 stand as part of the Bill.

**His Excellency The Governor**

The Motion is that Clauses 1 to 3 stand as part of the Bill. Any objection to the Motion? No objection so Clauses 1 to 3 stand as part of the Bill.

**Clerk of Councils**

Schedules 1 and 2.

**The Honourable the Financial Secretary**

I beg to move that Schedules 1 and 2 stand as part of the Bill.

**His Excellency The Governor**

The Motion is that Schedules 1 and 2 stand as part of the Bill. Any objection to the Motion? No objection so Schedules 1 and 2 stand as 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.

**His Excellency The Governor**

The Motion is the Bill be read a third time and do pass. Is there any objection to the Motion? No objection so the Bill will be read a third time and passes.

**Clerk of Councils**

The Supplementary Appropriation (2000/2001) (No 2) Bill 2000.

The Cruise Ships (Amendment) Bill 2000. This Bill is being presented under a Certificate of Urgency.

**The Honourable the Chief Executive**

Your Excellency, this Bill has two purposes, both of which relate to the Conservation Levy. The first, which is in Clause 2, is to ensure that cruise vessels which visit the Islands are not put off from visiting parts of Camp by having to pay both a levy to Government and a contribution to private landowners in Camp. The proposal is that if a fee is paid or is to be paid to visit privately owned land of at least 15 US Dollars the Government will not itself charge the Conservation Levy.

The second purpose of the Bill, which is in Clause 3, is to bring about a change of name of the Conservation Levy itself. This is at the request of members of the public, those people who operate and manage cruise ships and also at the request of Falklands Conservation. Rather than 'Conservation Levy' the name which is suggested in this Bill is that it should be called a 'Passenger Tax'. The Government is happy to do this since it also makes the point that Government spend, considerably more on conservation than it would ever collect in a Conservation Levy. Indeed Government spends five times more on Conservation than it would ever collect on this Conservation Levy. Therefore, the suggestion to Honourable Members is that this be changed to a 'passenger tax.'

Mr President, there is a small change of detail to the wording which, with your permission, I'll just draw to Members' attention now. That is in 2(ii) where it says 'no Conservation Levy.' In order that the Bill shall be properly complete, it should say 'no Passenger Tax shall be payable.'

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

**His Excellency The Governor**

Would any Honourable Member wish to speak on the matter, otherwise we will go into the short track. I see there is a desire to speak so we will go onto the long-track. The Motion is that the Bill be read a first time. Any objection to the Motion? No objection so the Bill will be read a first time.

**Clerk of Councils**

The Cruise Ships (Amendment) Bill 2000.

**The Honourable the 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 this Motion?

**The Honourable J Birmingham**

Mr President, Honourable Members, as somebody who was quite happy with the old term Conservation Levy, I would just like to pick up the Chief Executive on one point. As we have heard today from the Honourable Richard Cockwell, it is generally felt that there is going to be an increase of maybe fivefold in tourists visiting the Island, so when the Chief Executive tells us that the income from the Conservation Levy will no way pay for all the monies FIG are spending on Conservation, I wonder whether he might like to sit back and have a chat to the Councillor with responsibility for tourism.

**His Excellency The Governor**

Does the Honourable Chief Executive wish to respond?

**The Honourable the Chief Executive**

I believe that the current numbers are about 35,000. They are expected, within the next few years to rise to 70,000. I am sure that the Honourable Richard Cockwell is right, but they may well go up to five times, but possibly not in the living memory of Councillor John Birmingham.

**The Honourable Mrs N Edwards**

Can I ask the Chief Executive whether there has been any direct response to this Conservation Levy (or Passenger Tax now) and how many ships have cancelled because of it – do you know?

**The Honourable the Chief Executive**

The information that we have is really subjective and we understand that there has been a downturn in a number of smaller cruise ship vessels, which normally would have called at the Islands. I think we are in a very competitive situation here. There are many others who would like our business and if we can do this small thing in order to encourage them, I think it is right to do so.

**The Honourable Mrs JL Cheek**

Mr President, Honourable Members, I would like to just make the point that it wasn't

a unanimous decision of Councillors by any means to change this. I feel there was a certain amount of panic generated as one or two tour operators, I personally can't see the cruise ship passenger, who is paying between, £3,000 and £30,000 (a very conservative estimate) for his or her voyage being put off by such a small amount.

(Hear! Hear!)

### **The Honourable MV Summers OBE**

Mr President, I was not much in favour of changing the name of this particular impost. It was raised in this way some time ago because it was the belief of the Government of the day that a Conservation Levy was more acceptable, in fact to the industry than a Passenger Tax. I believe that that remains the case.

I have asked questions of a number of people about the effects of these changes and one of the questions I asked was 'of those vessels who said they wouldn't be coming, will they now come because of the changes we have made to this Bill?' I suspect the answer is in the negative.

The other question was to Falklands Conservation, who made quite a noise about the name 'Conservation Levy' and said that people on cruise vessels thought that because they were paying a conservation levy already, they didn't feel inclined to make any further contribution to conservation in the Falklands in their little penguin jar. When the lady was asked whether changing this would enable Falklands Conservation to raise more money and enable the Government to reduce its subvention to Falklands Conservation, the answer was in the negative. So it is difficult to see how you reconcile one with the other. However, I will not object to the change in name, but we will wait and see whether it makes any difference.

### **The Honourable JR Cockwell**

Mr Chairman, I do support the Motion wholeheartedly. I believe – as the Chief Executive has said – we are in a very competitive situation here and we have to be very positive about our approach to cruise vessels in general. It isn't just this, it is the price of fuel that they get here and there are all sorts of other issues which make the place attractive. I said when we debated this in another place, that I didn't believe that the name 'Conservation Levy' in itself did prevent these vessels from coming but it is another factor. We have to reduce the amount of factors, which have a negative effect on people who are trying to decide whether or not to bring a cruise here. I think that is the issue.

It is a single factor, there are a lot of factors but this is one of them, one which we can remove very easily. I propose that we do so.

### **The Honourable MV Summers OBE**

The Honourable Member has completely missed the point. This levy is not being withdrawn other than in a specific set of circumstances. It remains the same. It is a

tax instead, well perhaps it was a tax before, but simply changing the name of it doesn't make the level of cost to the cruise vessel operator any less.

**The Honourable JR Cockwell**

The Honourable Mike Summers and I have frequently come to crossed thoughts on this subject. I have not missed the point. I was talking about the issue of the Conservation Levy when vessels visit the Islands first. That was one of the approaches. I believe the other issue was brought up by various people at the Forum in London – that if there is a perception from the public, if that is the case, there is a perception that having a conservation levy does have a negative effect. That is what I was trying to say.

**His Excellency The Governor**

Any other Honourable Member? No other Honourable Member is asking for the floor at this stage. I think those who have expressed reservations we are not pushing to proposing amendments but reservations noted. On that basis I assume there is no objection, the Bill will be read a second time. The Bill – I should say – as amended, by the Honourable Chief Executive will be read a second time.

**Clerk of Councils**

The Cruise Ships (Amendment) Bill 2000.

**His Excellency The Governor**

I declare the council to be in Committee.

**Clerk of Councils**

Clauses 1, 2 and 3.

**The Honourable the Chief Executive**

I beg to move that Clauses 1, 2 and 3 stand as part of the Bill.

**His Excellency The Governor**

The Motion is that Clauses 1, 2 and 3 stand part of the Bill, any objection to the Motion? No objection, Clauses 1 to 3, as amended, stand as part of the Bill.

**Clerk of Councils**

No Schedule.

**His Excellency The Governor**

We are back in Council, in that case.

**The Honourable the Chief Executive**

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

**His Excellency The Governor**

The Motion is that the Bill be read a third time and do pass; any objection? No objection, the Bill, as amended, will be read a third time and passes.

**Clerk of Councils**

The Cruise Ships (Amendment) Bill 2000.

**THE MOTION FOR ADJOURNMENT**

**The Honourable the Chief Executive**

Mr President, I beg to move that this House stands adjourned *Sine Die*.

**His Excellency The Governor**

Would any Honourable Member like to take the chance to speak to that Motion?

**The Honourable Mrs JL Cheek**

Mr President, Honourable Members, I notice that not everyone was leaping to speak there so perhaps we have reverted to Executive Council in alphabetical order.

I wanted to say a little about Constitutional development. Time is flying by towards the end of the year and we will be looking to draw together all the ideas that are coming forward. I thought I would take this opportunity, when we are actually on air, to remind people that there is still ample time to have their ideas put forward and discussed.

Some of the interesting suggestions that we have received and discussed so far with quite a cross-section of the community, include as well as matters in the Constitution, also matters concerning the arrangement for voting and of constituencies. There is considerable support, for example, for the idea of a single constituency. The town has a majority of Members on this Council, and that has not prevented massive support being put into farms over the life of this Council.

I can understand that some Camp residents fear that being in a single constituency might have the affect of disenfranchising them. I doubt that would happen. I believe they would have a much larger pool of candidates from which to choose, and already residence in Camp is not a requirement for a Camp Member. I would still prefer that system. I have spoken about it before and I believe it could unify the Falklands in a way that I regard as very important.

Another suggestion that I have found more difficult to support which has come up, is the idea that we should reintroduce a Town Council, or something similar. This morning was a good example of where there would be some merit in removing the municipal matters from the aegis of Councillors. I can see the value and merit in providing training ground for would-be politicians. However I cannot see what would be gained by adding another layer of bureaucracy to an already complex system. Already things get bogged down.

(Hear! Hear!)

In looking back over my three years on Council, my frustration with the way bureaucracy can slow things down grows day by day. Funding would also be problematic, as would setting up a system that worked. Would everything still have to come to Council if someone objected to a decision of the Town Council?

Another part of the workload of Councillors is dealing with complaints and various pleas from members of the public. In some cases, these matters have not been drawn to the attention of, say, the relevant Government department, and it is a case of complaints to Councillors being the first, rather than the last resort.

I am wondering whether the proposals for an ombudsman and on the public service side, for a public service commission could solve some of that problem. At least individuals would have another option. What I do strongly favour is more responsibility for Councillors for their portfolios. It would be nice occasionally to take credit for things – even a one-way system if we were allowed to introduce it – instead of simply being blamed for things for which we often have no control. I know there is an argument in giving more power to Councillors, that a crooked Councillor could do untold damage, but surely that is a warning, to be careful who they elect. It is pretty fair to say that it would be foolish to elect somebody whose probity is in doubt.

In the meantime I would ask those who have not made views known to do so in writing or verbally. There are still discussion groups going on in Stanley and in Camp, and now is your chance to add to that.

A couple of other brief points – I wanted to clear up a misunderstanding which might have followed the one-to-one broadcast, when I gave a figure of approximately 25 for the Police Force. This does include the reserve part-timers. The establishment of full-time Police, not including the Jailer and Clerical staff is 17. There is provision for up to ten reserve Constables to be used on a part-time basis, when there is a shortage.

Another item I heard on the radio which might have been slightly misleading, was regarding the new FIC complex, north of Ross Road. It didn't make clear that the new public toilets incorporated in that project are being funded by the Government and not by the FIC.

I would like to conclude by saying that I am pleased that people had the good sense, to keep a recent, possibly controversial visit, low key and sensible. A cool and

dignified response is always more effective and gets the message across much better than incoherent abuse. I believe that we should have the confidence in our position, which grows stronger with every month and year that passes. I have said before, here and elsewhere, eight generations have earned the right to our country and no reasonable person could question that in the 21<sup>st</sup> century. Take every opportunity to reiterate that to visitors, wherever they come from. I support the Motion.

**The Honourable JR Cockwell**

Mr President, I too would like to support the Motion. I will not speak as long and eloquently as the Honourable Jan Cheek. I just have one or two things to say. I do recognise that people with objections about the one-way system have a right to be heard, but I also make the plea that they actually give it a chance to work. We get a lot of rather silly remarks sometimes about it. I seriously believe that it is what we need to do. It is not something that I have thought about frivolously.

I would like to commend people who went around Camp recently for the Camp roadshow; also the people who attended it. I believe they listened to what members at the roadshow had to say, they gave them some very searching and hard questioning, but I think it was a very useful exercise. I think it does help the people in Camp who don't get much contact, to have a forum where they can speak out and discuss matters of interest to them, particularly in the agricultural sector.

I also recommend people the review of the Constitution. I personally went out to Hope Cottage the other day. We had a very useful meeting. It was unfortunate there weren't more people there, but it was a very useful and interesting meeting and people are obviously showing an interest in our Constitution. The only thing which I think I do wish to say, is that it is not the intention – at least I believe it is not the intention of any of us – to alter the Constitution for the sake of it. But if there are anomalies or issues that require to be dealt with, they should be changed, but if it is not broke, don't fix it.

Mr Chairman, if I could just finish up by mentioning the visit last week of Dr Di Tella. I think I should clear up a matter which appears to be in doubt. The press seem to have implied – in fact, some of the Argentine press stated – that I did meet the Doctor and I changed my mind. I did not. I respect the people who did so. Everybody should do what they feel is the right thing, however, my personal feeling was that it gave the wrong message to the people of the Falkland Islands. He was welcome to come for a visit; I hope he enjoyed his visit and I hope he has gone away from the Islands with a better idea of the fact that we own the right to determine our own future.

Mr Chairman, I beg to support the Motion.

**The Honourable Mrs S Halford**

Mr President, Honourable Members, in rising to support the Motion, I would like to say that I agree with what Councillor Cheek has said on the Constitution. I think by now most of us have probably had meetings with various members of the public on



the Constitution and its possible changes, and various things have come out. One thing in particular that came out in our group, was that Councillors are frequently accused of having sloping shoulders. This is seen by a lot of people because Councillors now answer questions in this House, when they don't actually have that much responsibility for the portfolios that they have. I think it certainly came out that people feel that Councillors should be having more responsibility and that they should be more answerable as well.

I would like to clear up one thing, as I was not able to speak to the Motion a second time on the one-way system. I was accused that certain things have come out that haven't been known of before. There is currently a working group looking at what signs will be needed and where, if the system is to be operable. I was not aware that access had been denied to the East Jetty down Philomel Hill. That is certainly not the intention. The one-way system was to be on east/west on two streets. It wasn't meant to be north/south, as far as I was aware. Looking at the signage that is being proposed at the moment, it will still be possible to access the East Jetty down Philomel Street.

**The Honourable DL Clifton**

A point of Order, Mr President, the Honourable Member is talking about an Executive Council paper, which Honourable Members subscribe to.

**The Honourable Mrs S Halford**

Well, I am just saying what the Working Group are looking at, because somebody will have to come up with the signage.

Another point there, I am still at a loss to know where there is no pavement on John Street. There is pavement on two sides of John Street, as far as I am aware, from Philomel Street to Barrack Street and on the north side along St Mary's Walk. If we are to look around the streets in Stanley, there are many streets that only have pavements on one side. I think I have mentioned before, and I certainly mentioned it earlier today that pavements are something I believe needs to be looked at when road works are carried out, because around Stanley, there are lots of areas where there are wide grass verges, along the sides of roads, and I am sure that pavements could be added when works are undertaken in those areas. That is something for Council to determine.

As to the recent visitors, with any visitors, I believe that we should be proud of what we have here and be prepared to show it to all our visitors. It is ours after all, and why are we not proud of what we have? Sir, I support the Motion.

**The Honourable J Birmingham**

Mr President, Honourable Members, in rising to speak to the Motion, I have only got a couple of items.

I will speak of the visit last week of Dr Di Tella. The agreed line was to keep it low key. Except for the beginning of the week, I think that that was generally the case.

May I say on the subject of Councillors meeting the man, surely it is a duty of Councillors to know what is going on in the Argentine republic. Surely it is sensible for Councillors to try and find out what policies, if any, the Government of Argentina is going to pursue when it comes to issues that concern the Falkland Islands. By the way, as far as I am concerned, it is also the responsibility of Councillors to make sure that we at least honour the new partnership arrangement, that the British Government have so publicly announced as the way ahead for the relationship between HMG and its Overseas Territories.

By the way, as is well known, the 'old seducer' as he is now apparently, affectionately called by some, also met opponents of last July's agreement, and why not indeed.

Today the public will have heard that there has been money allocated for more public housing at the Barney's Garage site, East Stanley. This will not cure the current problems because they are ongoing, but it will certainly ease the problem within the next 12 months. An old chestnut, is that it would also help if those people in Falkland Islands Government properties who are well able to afford to buy or build, and there are more than half a dozen who are able to either buy or build, actually did so.

Childcare for working parents is now a recognised problem, and I hope to see some progress very soon and I am sure that we will.

I will finish with a plea on behalf of all pet owners. November 5<sup>th</sup> is soon upon us and I would ask those who enjoy fireworks as I do, to spare a thought for the animals. Last year there were fireworks for days before the 5<sup>th</sup> and for up to two weeks after the 5<sup>th</sup>. Please think of the animals when you are setting off your fireworks. Sir, I support the Motion.

#### **The Honourable DL Clifton**

Mr Chairman, I will be brief. In rising to support the Motion for Adjournment I would like to applaud Councillor Birmingham on his speaking notes for the Motion for Adjournment. I look forward to his active participation in Executive Council – some overturning of the half-baked, one-way road system. Sir, I support the Motion.

(Laughter).

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

Sir, in rising to support the Motion for Adjournment, may I just say that when I came back from the United Kingdom recently, I picked up the *Penguin News* and thought I had died and gone to Argentina. There was Dr Di Tella in the middle of the paper, and on the front of the paper. Then I walked down the road and came across four young Argentine politicians who were over here. Now I have got no objection to young Argentine politicians coming over, but I just make the point that we are pretty open and welcoming to everybody and there is no reason why we shouldn't have let Dr Di Tella have a good time while he was here. He said he was coming as a visitor just to have a look at the place. Normally you don't bring your PR man with you on

holiday, so I would query that. However, there we are.

I had a look at the car park out here and was hopeful that maybe they would take a few big swipes at it and knock a nasty hole in the Town Hall, so that we could get rid of that at the same time. Of course then we would be able to solve the eternal problem of the cockroaches in the mail. However, I think that is wishful thinking. Seriously though, the poor old Post Office staff badly need more space to sort mail. Particularly parcel mail now that it comes in on Lan Chile. They really could do with a cockroach-free area to deal with fresh produce that comes through the Post Office via FIGAS or passes through the Post Office to FIGAS. The Post Office does all it can to deal with these pests. They are as careful as they can be and there is regular deinfestation programmes, but they still pop up every now and then. It seems impossible to rid the place of them. More space for the mail to enable sorting, and a cockroach-free area for fresh produce, must be seriously considered I believe, acted upon sooner, rather than later.

You may be interested to know, that in 1954 they actually measured up for an extension to the Post Office for sorting space. So I don't think that it is too much to ask that this be seriously considered now, after nearly fifty years. Perhaps we could have a stamp issue saying 'our fiftieth anniversary of trying to cope with cockroaches'.

You will no doubt know, and I am sure the public will want to know, whether Dr Di Tella met with me. He phoned me up, I happened to just have read that particular morning that he had been on Sea Lion, giving the victory sign saying 'this is the Peronist day.' So I said 'no.' When Dr Di Tella is going to tell me that they have given up their claim to sovereignty I will speak with him. I have no objection to anybody talking to Dr Di Tella if they want to, but I do think that it was wrong, and I was quite amazed actually, that people have condemned you for going, and I had for going to MPA to meet Dr Di Tella, then to find that the Councillors were going to take him into the Councillors' Office and meet him there. If they had wanted to meet him no objection at all. I don't mind who talks to him, but I don't think they should have done it in the Councillors office under the auspices of Councillors.

It is true what John Birmingham says. You have got to keep an eye on what is happening in Argentina, you have got to listen and be aware of it, but Dr Di Tella used this visit to stir up a little bit of trouble in Argentina for the party in power at the moment and I hope he enjoyed his visit. I suppose now, we have got to look forward to Menem have we, after his rather rambling letter to the *Penguin News*. I suppose that is the forerunner for the Menem visit. I won't welcome him any more than I welcome any other Argentine until such time as they drop their claim to sovereignty. Sir, I support the Motion for Adjournment.

#### **The Honourable WR Luxton**

Mr President, taking my due term. I don't much care about Dr Di Tella, what he did, or who met him. I didn't. I didn't want to. In fact, I am quite pleased that the one-way system seems to have raised more dust than Dr Di Tella did.

**The Honourable J Birmingham**

Calcified Seaweed.

**The Honourable WR Luxton**

Calcified seaweed even, yes. So he has gone back to his country and I hope he stays there. I hope his ex-President does as well, actually.

**The Honourable Mrs N Edwards**

I doubt if he will.

**The Honourable WR Luxton**

On the subject of our Constitution, there is I am afraid, a division of opinion and I have to say that so far, I have found unanimous opposition to the concept of a single constituency amongst Camp residents.

**The Honourable Mrs N Edwards**

(Hear! Hear!)

**The Honourable WR Luxton**

But we shall see. I just hope that the Privy Council doesn't decide to overrule a minority of a population if they feel that way unanimously and very strongly. With the time remaining, I do urge Camp constituents to make their feelings known about this subject and any other alterations to the Constitution as loudly and as often as they can.

Mr President there is just another small matter I would like to raise. Unfortunately I shan't be participating much this week from now on, because we start shearing at the beginning of next week and so I am afraid it is flat out until then. I have raised with my colleagues though, the subject of legislation affecting local co-ops. I hope that they will look sympathetically on that and start some process going to make it somewhat simpler. I am puzzled as to why the matters dealing with co-ops have been taken away from the Registrar General and moved to the Attorney General's Office. I would have thought that office would have had enough to do without that. The legislation always says that the Registrar General shall etc, etc. It was fairly relaxed and flexible. We now discover that from the end of last year that if the legislation is followed absolutely, very stringent requirements will be placed on small co-ops which are going to be a financial killer. So I do hope that we can look at that again. There is provision in the legislation for exemption, in the meantime I hope that such application for exemption from the stringent conditions will be treated sympathetically. Perhaps some of my colleagues newly elected to Executive Council might like to pursue this.

The last item I would like to bring up is the question of call-backs and the fact that they don't work at the moment. I think the public meeting this evening might be quite lively and interesting on this subject. At the present moment, Cable & Wireless deny that they are stopping them. I really don't know why they have a piece of machinery then which is actually marketed as an 'anti call-back system.' It is a bit like finding a guy standing in the middle of a field with a sub-machine gun, surrounded by dead Johnny Rooks and you say 'What are you doing with that? It is an illegal piece of machinery anyway, it is disgraceful.' Then he said 'Oh no, I'm not shooting Johnny Rooks I am just using it to aerate the soil. They must have died of fright or something.'

If you have got a piece of equipment which is designed for doing the job, inevitably, members of the public who could be affected and are being affected in one way or another, must suspect that you are using it. I would suggest that if Cable & Wireless want to be absolutely above suspicion, they should get rid of this piece of kit. We should actually ask the Attorney General to determine whether any such possible interference with international phone calls is illegal. I don't know what is going on but I think we should know what is going on. With that, Your Excellency, I support the Motion.

#### **The Honourable MV Summers OBE**

Mr President, I have a few comments, they all fall under either the heading of Constitutional development or the operation of the existing Constitution. I would like to see the right to self-determination enshrined in our Constitution, in such a way that it is an obligation of the British Government to defend our right to self-determination. I am not yet convinced that its presence in the preamble serves this purpose. I think it is an issue that we need to take up with legal advisors at the FCO and to determine a firm and strong recommendation from here.

I will make three comments about the Di Tella Visit under the same heading. I wholly support what my colleague said about learning what goes on in Argentina. It would be daft not to take the opportunity to find out what is going on in political development in Argentina. Whilst I was at the Labour Party Conference I picked up a copy of the New Labour joke book and the sort of description that you would have found for not taking these sorts of opportunities is 'Cranial Rectal Inversion Syndrome.'

(Laughter.)

We should take every opportunity we can to learn what is going on, to try to affect what is going on and to push our views and our rights to self-determination. I think in the fullness of time we will probably find that Dr Di Tella is more useful in this purpose than he is obstructive.

(Hear! Hear!)

The big issue that has been going on in Argentina over the last few days as a result of Di Tella's visit, has been about the recognition, or the not recognition of the Falkland

Islands Government. What Di Tella did last year in the July agreement, was to effectively recognise the existence of the Falkland Islands Government. That is a major step forwards; it was one of our aims when we set out on this programme of discussions with the Argentines. What he did by coming here and meeting with the Governor and Councillors in their offices, was to recognise the Administration of the Falklands Islands as it exists here. That is a significant step forwards. What Giavarini is objecting to is this recognition. That is the problem which the Alliance has been having with what happened last year, that they keep complaining that the last Government provided too much recognition of the Falkland Islands Government. For me that is just fine.

The other issue is a Constitutional issue and it was the issue about whether the Governor should or should not have gone to Mount Pleasant to meet Dr Di Tella. I don't have a really strong opinion one way or the other, although I did write to the Governor to express my opinion that I thought he should not go. The issue was that it wasn't discussed with Councillors and when you set out with a policy to deal with a thing in a particular way, then that is what you should do. No member of the Government, I don't think, has the right to then go on and do something different which creates difficulties for those who are left. I think that that was a mistake.

I wasn't going to mention the single constituency but I do just want to make a procedural point. It is this – that we are committed in the Constitutional review process, to ensure that any significant minority opinions are included in the submission to the Privy Council. I think it is important that those members, particularly from the Camp who are dealing with this issue and are finding significant pockets of opposition in the Camp, try to quantify that, so when we create the report for the Privy Council, we can quantify the size of that view.

My other point is about the issue of the development of ministerial responsibility. I know that some people have a degree of difficulty with this because they worry about power. I did raise this question in my discussion paper, but the issue really is not about power and it should not be about power. It should be about responsibility and accountability, because if you want to run a proper democracy your representatives must be responsible for what they do, otherwise they can't be held accountable. Those are the key issues. How can the public hold us accountable for what we do if we don't have responsibility? So, I think that we have to move in that direction to improve the quality of our democracy.

My final point is also a procedural point but it is more than that. It is to do with a programme for the Constitutional review. Folks will recall that the date of the next election has been brought forward by some considerable period. That shortens the period available to complete a Constitutional review, before the next election. The programme was already pretty tight; it is now even tighter. I did not favour in the first instance, trying to complete the Constitutional review this side of the election, I think it should cross an election. I would like to see that issue openly debated in public and amongst Members, because I think it is important. I think it is important that the public should have the right to express their opinion at the Ballot Box about what people have to say about Constitution and Constitutional development, when they stand for election. I would like to see any proposals that are made by this group, by

this Select Committee, cross the next election. I think particularly because the period has been shortened it would be a useful thing to, consider now. Sir, I support the Motion.

#### **His Excellency The Governor**

I thank the Honourable Mike Summers and I will continue if I may. I know the Commander British Forces would wish to take the floor.

#### **Commander British Forces**

Mr President, Honourable Members, in supporting the Motion I just want to touch on two things. The first is, on behalf of the Royal Marines, I would like to extend their thanks and our thanks for the very generous contribution that Council, Government and the people have made to facilitate the United Kingdom Memorial for the Corps. It was a tremendously generous gesture and I know that it has been very much appreciated.

Secondly, I would just like to touch on how much I value the steps we are taking to provide business opportunities for the economy here. Avid readers of Penguin News will have seen the – admittedly modest but I think useful – requests for people to come forward to help with such services as removals for people leaving here, the running of a bus service between Stanley and MPA, and the servicing of our rather substantial photocopying inventory up there. These are modest but I hope useful ways in which we can start to transfer work from uniformed manpower to local business people here. I think in the future, there is much further we need to go in this area, embracing all sorts of issues like power, transport and so on, building on the earlier work of Stanley Growers. I need to make sure that I am releasing uniformed Servicemen and women, and it is much better to find that money and put that money towards people in the Islands who can provide the services. I am absolutely delighted with the steps we are taking and I very much hope that in the months, indeed years ahead, we will overcome all bureaucratic difficulties and of course matters of real principle that stand in the way of continuing that process, and continuing to provide work on the Islands to support the Military presence here and reflect the perhaps unique, close nature of the genuine friendship and relationship that we have. Thank you.

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

Mr President, in just responding to one comment and that is of Councillor Richard Cockwell. It drew to mind the visit to Camp. I think I just want to say one thing there. From those people who went out and did the road show, all together we met about 110 people from Camp. I think what came over to us more than anything was that despite the enormous pressure that there has been on people in Camp through the very low wool price and the struggle they have had over these many years, there is still a very considerable spirit of optimism out there, that is committed to going forward and seeing things change. I think that is the one thing that came over to all of us on our side and one that I think would be a testament for me to say.

**His Excellency The Governor**

Thank you the Honourable the Chief Executive. No other comments, the Motion is approved and the House stands adjourned accordingly.

*Confirmed this 26th day of  
January 2001*

*Donald A. Lamont*

Governor



**RECORD OF THE MEETING  
OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY  
ON 24 NOVEMBER 2000**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL  
HELD IN STANLEY ON 24 NOVEMBER 2000**

**PRESIDENT**

His Excellency The Governor  
(Mr Donald Alexander Lamont)

**MEMBERS**

(Ex-Officio)

The Honourable the Chief Executive  
(Dr Michael Dennis Blanch)

The Honourable the Financial Secretary  
(Mr Derek Frank Howatt)

Elected

The Honourable John Birmingham  
(Elected Member for Stanley Constituency)

The Honourable Mrs Janet Linda Cheek  
(Elected Member for Stanley Constituency)

The Honourable Darwin Lewis Clifton  
(Elected Member for Stanley Constituency)

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

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

The Honourable Michael Victor Summers OBE  
(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 Geoffrey Paul Sheldon)

**CLERK:** Claudette Anderson

**PRAYERS:** Padre McHaffie

**APOLOGIES**

The Honourable John Richard Cockwell  
(Elected Member for Camp Constituency)(Absent Overseas)

## **C O N T E N T S**

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### **QUESTION FOR ORAL ANSWER**

18/00	The Honourable MV Summers OBE (Guaranteed Maximum Waiting Times for Appointments at the Hospital)	<b>1</b>
19/00	The Honourable MV Summers OBE (Shortage of Bitumen – Impact on Capital Works Programme)	<b>2</b>
20/00	The Honourable Mrs JL Cheek (Features of FIDC's Energy Efficient House)	<b>3</b>

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

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# **MEETING OF THE LEGISLATIVE COUNCIL HELD ON FRIDAY 24 NOVEMBER 2000**

## **PRAYERS**

**His Excellency The Governor**

Thank you Alistair McHaffie. Good morning, welcome to Honourable Members and those who are listening on radio to this meeting of Legislative Council. I shall hand straight over to the Clerk.

**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 the General Clauses Ordinance 1977.

- ☐ The Fitzroy Track (Designation and Speed Limit) Order (Rectification) Order 2000
- ☐ Annual Accounts and Auditors Report in Relation to the Media Trust Penguin News for the Year Ended 30 June 1999 and laid on the Table pursuant to section 9(2) of the Media Trust Order 1989.
- ☐ The Insurance Fund Payment Report No 1 of 2000 laid on the Table pursuant to section 7 of the Public Funds Ordinance 1990.

**The Honourable the Chief Executive**

Mr President, I beg to lay the aforementioned papers on the Table.

**Clerk of Councils**

## **QUESTIONS FOR ORAL ANSWER**

### **QUESTION NO 18/00 BY THE HONOURABLE MIKE SUMMERS OBE**

Will the Honourable Norma Edwards please advise the House what are the guaranteed maximum waiting times now available for appointments and non-emergency outpatients?

**The Honourable Mrs N Edwards**

Yes, I should be pleased to do that. Since 17 October, the minimum waiting time has been no days at all. They have been seen on the same day. The maximum waiting

time has been two days. 16 days out of 23, there were non-urgent appointments available on the day. The Medical Department views a waiting time of more than five working days as undesirable.

Waiting times for specialist clinics such as Well Woman, Acupuncture etc. will obviously be longer. Because of the rota it is inevitable that waiting times to see a specific doctor may well be two weeks or more. The changes put into place in early October have had a significant impact and waiting times are monitored on a daily basis now. I hope that satisfies the Honourable Mike Summers.

**The Honourable MV Summers OBE**

Thank you for that, I have two supplementary questions; if I may, I will ask them both at the same time. Can the Honourable Member please give me assurance that the improvements in waiting times are not due to the exhortations for patients not to go to the Hospital and to indulge in self-diagnosis and self-treatment and that patients should be very well aware that they are very welcome at the Hospital at any time, if they have any doubt at all about their health?

The second is that is the five days a guarantee now for patients or is it a guideline?

**The Honourable Mrs N Edwards**

I can't give him the assurances that he wants. I would hope that what he says is correct and I will certainly consult with the Medical Department to assure that that is so – that patients are welcomed, that they are made welcome. Again the five working days is, in the view of the Medical Department, undesirable. Again I can't give you a guarantee on that but I will seek these answers for you and I will, in due course, let you know.

**QUESTION NO 19/00 BY THE HONOURABLE MIKE SUMMERS OBE**

Would the Honourable Sharon Halford please advise the anticipated impact on the Capital Works Programme, of a reported shortage of bitumen?

**The Honourable Mrs S Halford**

Mr President, Honourable Members, a number of projects have been rescheduled. One item will not now be completed this season and that is the section of Ross Road in front of the Town Hall. This area, which was previously scheduled to be undertaken in late February/early March, was to be reviewed in any event, following a recent ground investigation.

The Public Works Department has diverted human and plant resources to other work which will include footpath repairs, outstanding maintenance on surfaced roads and an improvement of a dangerous bend on the North Camp track at Teal Inlet.

**The Honourable MV Summers OBE**

Thank you for that. Could the Honourable Member please inform the House what action is being taken to ensure that this shortage doesn't occur again? I think it is the view of all of my colleagues, that this is most regrettable and probably avoidable. Can we be assured that it cannot happen again?

**The Honourable Mrs S Halford**

Mr President, we can never be assured that it cannot happen again. We would hope that it would not happen again. Bitumen requirements were estimated in July prior to the start of the construction season. The Department has completed more surfacing work than was programmed at that time. Supplies of bitumen were scheduled to arrive in the Falklands week ending 19 November. Unfortunately, the ship transporting the material from Santiago to Punta Arenas broke down and the shipment missed the sailing of the Tamar. That is why we are currently in the situation we are. However, bitumen has now been ordered and some is due to arrive, on shipment from the UK. It is currently scheduled to arrive 26 December, and the outstanding lot is also due to arrive on the Tamar in January. Therefore, we have much more in stock now than we would previously have had and hopefully, we should not run out again.

**QUESTION NO 20/00 BY THE HONOURABLE JAN CHEEK**

Mr President, Honourable Members, will the Chief Executive please provide the following information about the energy efficient house built for FIDC:

The total cost, what innovative energy saving features are incorporated into the design and how and when the general public will be able to view these features and obtain advice on their use?

**The Honourable the Chief Executive**

Mr President, I thank the Honourable Member for her question. The cost of building the energy efficient house of 8 Biggs Road is £88,365. The design follows the guidelines in the Department of the Environment Good Practice Guide number 14 and many energy saving features included already do feature in some modern houses. This building incorporates all current major energy saving features into one house.

The main difference in design is that the living rooms and the kitchen are upstairs with the bedrooms downstairs. In any building with a high degree of insulation, the upper rooms tend to get hotter than the downstairs. This design tries to take advantage of this to provide comfortable temperature levels at lower cost. A sunroom, or conservatory, has been added upstairs to the north-west corner to maximise solar heating gains in the upper living accommodation.

Insulated plasterboard has been used throughout and the floor and loft insulation specified exceeds the guidelines. All internal pipe work has been insulated and a

Thermomax hot water system, driven by roof-mounted solar panels, will be incorporated to offset heating costs. The heating system will have both thermostatic radiator valves and a central programmable thermostat.

As far as possible, low energy electrical equipment will be used and the possibility of adding solar electricity would be considered next year. Everything within the house should be achievable without huge expense by someone building a new house for themselves and many features could also be applied to exist in older properties.

Once the house has been constructed, it will be used as private accommodation, but viewing of the features will be possible by arrangement with the occupants through the Energy Advisory Officer at FIDC.

**The Honourable Mrs JL Cheek**

I thank the Chief Executive for his reply.

**Clerk of Councils**

## **ORDER OF THE DAY: BILLS**

The Falkland Islands Development Corporation (Amendment) Bill 2000.

**The Honourable the Chief Executive**

The Bill before the House extends and expands, the role of the Falkland Islands Development Corporation. While the Corporation continues to fulfil its original mandate of promoting a prosperous economy, it will be further charged to work with the Department of Agriculture, in order to help solve our most challenging economic problem, which is that of returning our farming and agricultural business into profit. A new Board – The Falkland Islands Development Board – will be created, with a wide brief encompassing both economic and rural development; bringing together the work of the FIDC with the Department of Agriculture. The new Board will be advised by subcommittees drawn from the Chamber of Commerce and from the newly formed Rural Businesses Association.

Mr President, this body, proposed after extensive consultation, offers us the opportunity to make a real difference to the economy, and also to Camp. I move the second reading of the Bill.

**His Excellency The Governor**

A seconder?

**The Honourable the Financial Secretary**

I will second it, Sir.

**His Excellency The Governor**

I thank the Honourable the Financial Secretary. In order to determine whether we go to the short procedure, does any Honourable Member wish to speak to the Bill? Yes, so we will follow the normal procedure. Does any Honourable Member wish to speak to the Motion?

**The Honourable MV Summers OBE**

Mr President, I have some amendments to propose. Is this the right time....or?

**His Excellency The Governor**

I think, in principle, it is general themes in the present debate, and specific amendments perhaps, when we go into Committee. I think that would be the right way, if anyone wants to make a general statement about the Bill or its purpose, that would be now. If there are no Members who wish to speak in that sense then I would declare the Council to be in Committee.

**Clerk of Councils**

The Falkland Islands Development Corporation (Amendment) Bill 2000.

**His Excellency The Governor**

I declare the Council to be in Committee.

**The Honourable MV Summers OBE**

Mr President, I have one typographical error to query, and two amendments to propose. In section 2 of the Bill, after Falkland Islands Development Corporation Ordinance, there is a small 'a' in brackets and I presume that that is a typographical error?

**Attorney General**

Mr President, no it is not a typographical error, it is a note to the footnote at the bottom which is title 28(1) which gives the reference to what the proper title of the Falkland Islands Development Corporation Ordinance is.



**The Honourable MV Summers OBE**

Thank you for that clarification. I would like to propose now two amendments to the Falkland Islands Development Corporation Ordinance. The first falls into section 4 and whilst we accept the purpose of the Bill, which is to perhaps concentrate more fully on rural development and to create a deal of cohesion between the Development Corporation and the Department of Agriculture, it is important not to lose sight of the wide remit that the FIDC has.

(Hear! Hear!)

But I am not sure that section 4 of the Bill, adequately sets out the breadth of its activities. I would, therefore, like to propose the following:

- that item (b) in section 4 should read – “..advise the Government on the development of all sectors of business, in or associated with the Falkland Islands, including Tourism and Fisheries and other existing or proposed areas of economic activity.”; and
- that the subsequent sections be renumbered c, d, e and f.

I have passed that wording to the Clerk.

**His Excellency The Governor**

Any comment on that amendment? Does it enjoy general support?

**The Honourable Mrs N Edwards**

Yes, Sir, just to say that I wholeheartedly support that amendment. I think it is an important amendment, that we shouldn't overlook the business community in Stanley. Also that it should be taken into account in the same vein as the rural community is.

**The Honourable the Chief Executive**

As the mover of the Bill, Mr President, I have no objection to that insert.

**His Excellency The Governor**

May I take that then as generally acceptable? I think that amendment is accepted.

**The Honourable MV Summers OBE**

Mr President, I have another amendment to propose in section 6 of the Bill. It doesn't actually appear in the Gazette. Section 6 of the Bill is entitled “Corporation to be responsible to the Executive Council.” I will read the existing part 2 of that and then propose my amendment:

Existing part 2 of section 6 says – “In exercising its functions the Corporation shall have regard to and so far as may be possible, so to do, act in accordance with such policies as the Governor, on the advice of the Executive Council, may notify to the General Manager.”

Sir, there have been occasions in the recent past, when Councillors have been uneasy about some of the directions that have been taken by the Falkland Islands Development Corporation, in particular appearing to act against very clear policy set down by the Government. We therefore propose the following amendment: that section 6(2) would now read:

“In exercise of its functions, the Corporation shall have regard to and so far as maybe possible so to do, act in accordance with such policies, and political directives as the Governor, on the advice of the Executive Council, may notify to the General Manager.”

A new section following on from that –

“and the Corporation shall not do anything which it knows to be contrary to any policy decided upon by the Executive Council.”

**His Excellency The Governor**

Does anyone wish to comment on that proposed amendment? The wording again I presume, is with the Clerk, yes?

**Clerk of Councils**

The Clerk and the Attorney General.

**Attorney General**

Sir, to achieve that amendment, to the existing Ordinance, what the Honourable Member would need to do, I think, is to add another paragraph to the Schedule to the Bill, which would add the words: “and the Corporation shall not do anything which it knows to be contrary to any policy decided upon by the Executive Council” to section 6(2) of the Ordinance – that is to say the existing Ordinance.

**His Excellency The Governor**

Is that an addition to the amendment proposed, or an alternative way of dealing with the matter?

**Attorney General**

What I am saying is that the Honourable Member has read the whole of section 6(2) of the existing Ordinance, as he wishes it to read. Most of that text already exists in

the existing Ordinance. To make it read as he wishes it to read, it is necessary to amend the existing Ordinance in 6(2). The convenient way of doing that is adding a paragraph in the Schedule to the Bill which would be, I suggest – paragraph 2 section 6(2) of the Ordinance, is amended by adding after the words “General Manager” the words “ and the Corporation shall not do anything which it knows to be contrary to any policy decided upon by the Executive Council.” That will have exactly the effect that the Honourable Member wishes.

**The Honourable MV Summers OBE**

Mr President, I am content with that, but we would need to do something a little more than that because in the new wording we have also added “...and political directives” after policies. So we would need to reflect that also. Otherwise, I am happy with that.

**Attorney General**

Then you just add the words “and political directives.”

**His Excellency The Governor**

So I think we have reached an agreement on the formulation as to how that will be handled, thank you. Does any other Honourable Member wish to make comment on the proposed amendments or other matters? Does anyone wish to therefore move that these Clauses stand as part of the Bill, as amended?

**The Honourable MV Summers OBE**

I so move.

**Clerk of Councils**

Clauses 1 to 2.

**His Excellency The Governor**

The Motion is that Clauses 1 to 2, as amended, stand as part of the Bill. Is there any objection to the Motion? No objection, so Clauses 1 to 2, as amended, stand as part of the Bill.

**Clerk of Councils**

Schedule.

**The Honourable the Chief Executive**

I beg to move that the Schedule stands part of the Bill, as amended.

**His Excellency The Governor**

The Motion is that the Schedule, as amended, stands part of the Bill. Any objection; no objection to the Motion so the Schedule, as amended, stands as part of the Bill. The Council resumes.

**The Honourable the Chief Executive**

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, as amended, be read a third time and do pass, any objection to the Motion? No objection to the Motion, so the Bill is read a third time and passes.

**Clerk of Councils**

The Falklands Islands Development Corporation (Amendment) Bill 2000.

The Falklands Landholdings Corporation Bill 2000. The Bill has been published and requires a second reading.

**The Honourable the Chief Executive**

Mr President, this Bill changes the status of Falklands Landholdings from that of a company, to that of a statutory corporation. Falklands Landholdings, if this is passed through the course, will still be run as a farming business. It will still be required to operate without subsidy on its farming business. This Bill would also allow Falkland Landholdings to take a full role working on projects on behalf of the agricultural community. Projects such as using its land to support the abattoir, or putting up its large wool sales to support new initiatives across the Islands in marketing. It will work, therefore, in partnership with farmers, not in competition. I hope Members will feel able to support this Bill.

**His Excellency The Governor**

Anyone wish to second the Motion? The Honourable the Financial Secretary seconds. Thank you. Can we deal with this by short procedure or do Members wish to speak on the Bill? Not the short procedure then is the scope, I think. The Motion is that the Bill be read a second time. Does any Honourable Member wish to speak to the Motion? No objection, so the Bill will be read a second time.

**Clerk of Councils**

The Falklands Landholdings Corporation Bill 2000.

**The Honourable MV Summers OBE**

Mr President, I have a couple of matters.

In section 2 of the Bill under "interpretation", it sets out the operative date being the date fixed by the Governor, by Order, under section 7(5). There is, I think, a certain amount of unease amongst many of us about the date at which this Bill becomes operative. I would just, please, like some assurance that the operative date will be further discussed and agreed by Executive Council, subject to agreed transition provision so that the concerns that people still have can be properly addressed before the operative date.

**His Excellency The Governor**

May I perhaps ask the Honourable the Chief Executive to address that?

**The Honourable the Chief Executive**

Executive Council, in discussing this yesterday, took the view that the operative date, subject to further discussion, should be 1 January, but that we should look at certain provisions for working together with the old Board and the new Board in ensuring a proper transfer.

**The Honourable MV Summers OBE**

I am satisfied with that. I also have a couple of amendments to propose in due course.

**His Excellency The Governor**

Are there any further general points that wish to be made? I declare the Council to be in Committee.

**Clerk of Councils**

Clauses 1 to 14.

**The Honourable the Chief Executive**

I beg to move that Clauses 1 to 14 stand part of the Bill.

**His Excellency The Governor**

The Motion is that Clauses 1 to 14 stand part of the Bill.

## **The Honourable MV Summers OBE**

Mr President, I wish to propose the following amendments to Clause 3 of the Bill. After item 4, in Clause 3 of the Bill, I propose that the following two additional Clauses should be added.

The first is to reflect the amendment which has just been made to the Falkland Islands Development Corporation Ordinance, and that is that the following should be inserted:

“(5) in the exercise of its functions, the Corporation should have regard to, and as far as it may be possible to do so, shall act in accordance with such policies and political directives as the Governor, on the advice of the Executive Council, may notify to the Executive Chairman and the Corporation shall not do anything, which it knows to be contrary to any policy decided upon by the Executive Council.”

That exactly reflects the provision we have just made in the other Bill.

Mr President, the second item is somewhat technical, but it is to be hoped that in due course this Corporation will, in fact, make a commercial profit. I had observed that there wasn't, I don't think, a mechanism in the Bill for any excess funds generated by Falklands Landholdings Limited, either from commercial activity, or from the sale of land to be passed to Government if we so wished.

Sir, I propose an additional item 6 which would read:

“The Governor may, at any time, if he is of the opinion, on the advice of the Executive Council, that there are surplus funds in the Corporation's hands, direct that the whole, or any part of the surplus specified by and be paid forthwith into the Consolidated Fund. The Corporation shall comply with that direction. Any money so paid into the Consolidated Fund will be the property of the Government.”

## **His Excellency The Governor**

I thank the Honourable Mike Summers. Does any Honourable Member wish to comment on either of these amendments?

## **The Honourable the Chief Executive**

As the mover of the Bill I have no problem with those amendments and I congratulate Councillor Summers on his boundless optimism.

## **His Excellency The Governor**

I thank the Honourable the Chief Executive. I take it that those two amendments are generally acceptable? So be it. Does anyone else wish to move any amendments? If

not, then the Motion is that Clauses 1 to 14, as amended, stand as part of the Bill; is there any objection to the Motion? No objection, so Clauses 1 to 14 stand part of the Bill.

**Clerk of Councils**

Schedule.

**The Honourable the Chief Executive**

Mr President, I beg to move that the Schedule stands as part of the Bill.

**His Excellency The Governor**

The Motion is that the Schedule stands part of the Bill, is there any objection to the Motion? No objection, the Schedule stands part of the Bill. Council resumes.

**The Honourable the Chief Executive**

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 to the Motion? No objection, so the Bill is read a third time and passes.

**Clerk of Councils**

The Falklands Landholdings Corporation Bill 2000.

The Organic Foods Bill 2000. This has also been published and also requires a second reading.

**The Honourable the Chief Executive**

Yet another Bill to do with agriculture and all part of a general theme. This Bill seeks to establish a new and voluntary Code of Practice for organic standards in producing agriculture products. This will give our customers assurance that our meat, wool, vegetables or inland fish, from the Falkland Islands meet proper international standards of organic production.

It will, of course, be a matter for individual farmers and producers whether they sign up to this. The standards, which are European Union standards, are demanding, and it will take at least a year, if not longer, for individual farms to be able to meet those standards. On the other hand, farmers selling organic produce, are likely to get a premium on the price. This initiative as well, is linked to Government's and the Falkland Islands Development Corporation's initiative on branding the Falklands as

one of the cleanest and greenest countries in the world. It is linked next year, to the launch of our new internet portal. If we are to sell our goods in a competitive world marketplace, we have to pay considerable attention and more attention to our marketing and to the demands of our customers. We have a unique product and this Bill will help establish quality assurance in selling that product. Mr President, I beg to move the second reading of the Bill.

**His Excellency The Governor**

Would anyone wish to second the Motion?

**The Honourable the Financial Secretary**

I will second the Motion.

**His Excellency The Governor**

The Honourable the Financial Secretary, thank you. The Motion is that the Bill be read a second time. Does any Honourable Member wish to speak to the Motion in general terms?

**The Honourable Mrs N Edwards**

Yes, Sir, I wholeheartedly agree that if we are going to take this 'cleaner and greener' route, then we of course have to have this great tranche of EC Legislation. I have to say that I am uneasy with it, because I took it to bed and I read it carefully again last night, but it really doesn't mean a great deal to me you know, '...within the scope of Council directive 82: 471 EC of 30 July 1982....'

I feel that we are passing a piece of legislation that we don't really understand. It is not the fault of the Attorney General, who has laboured long and hard to produce this Bill, because he has been asked to do so, but I feel that I would be happier if I knew the number of people who are going to go down this route. I would feel happier if I knew we had a market for it at the end of the day, and I wonder how people who choose not to go organic, stand when it comes to their neighbours being organic – if they inadvertently inflict, on their neighbours land, something non-organic which won't go down too well. Will they be sued or what? Do we not go into those details yet? Do we wait and see what happens? Perhaps the Attorney General would like to comment?

**His Excellency The Governor**

I thank the Honourable Norma Edwards. Would the Attorney General, indeed would anyone else like to comment?

**Attorney General**



The Attorney General is reluctant to comment; it is a novel field and the answer is, I do not know. It remains to be seen. I do not know of any case which has arisen elsewhere. I would honestly hesitate to express on this occasion, any legal opinion whatever, as to what the consequences might be in the example the Honourable Member gives.

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

Sir, it is difficult to answer some of the questions in the nature of this because there is something of a crystal ball gazing. How many will go down the route, I think, will depend upon whether it is seen to be successful. I would, though, say two things, first that increasingly there is a demand for organic produce which is displacing non-organically produced material. In other words, whether or not you get a premium on – for instance – your meat, it may well be in some years' time that you find it very difficult to sell it if it isn't organic, because there is this huge rush of consumer demand that says 'we now want it to be so.'

The second point to make is that were we in the UK, or even worse in France, I think we would have an enormous job complying with this but yet, from the people we have had down here who are well versed in how to apply the EU rules, they feel that we are considerably further forward than other places might be. So, although there is a considerable amount of technicality in here and we have included it all rather than just give you a Bill that says please accept the EU, we have tried to put out as much as we possibly can, a lot of technicality in here, yet I think we have less of a problem, less of a challenge, for our farmers in achieving this, than they do in Europe. I think that should be some assurance to farmers, at least to find out whether they wish to do it. As I think the Honourable Member knows, we have raised this on the presentations in Camp and there was enthusiasm for it, providing people felt that it would help them sell the goods, and providing people felt that it wasn't daft.

You may well now pull out bits that you think are, but I think the purpose of it is to try and comply with sensible standards, and where things are not sensible, you may pull out some of those then. Sometimes we can seek derivations.

What is the market at the end of the day, was the second question. Again, I think I have answered that. The market is growing enormously. At the moment we believe, and I think the Honourable Member has seen the figures, we do believe that there is a premium on meat; there isn't much premium on wool, but there is a premium on meat. Now, whether that will be there in a few years' time, I don't know. I am not making promises that it will be, but I do make a promise that unless you go organic, it will be more difficult to sell your meat because others will be going organic at the same time.

As for labours, the Attorney General has answered that. It is, in a sense, a question of a good neighbour policy, isn't it – the neighbours being able to get on with one another.

**The Honourable Mrs N Edwards**

Thank you for those replies and I do understand that it is a 'chicken and egg' situation, but it isn't entirely... you know, if in the future people have gone wholly organic, then it is extremely important to them that their neighbour doesn't infect their land with wind blown fertiliser or whatever you want; however, it will probably not be the fault of the neighbour. These are just the points I would like to make. However, I wish it well and I hope that people are able to, at the end of the day, sell lots of organic foods and I will support the Bill, but I am not going down this route of organic 'pie in the sky' myself, thank you.

**The Honourable J Birmingham**

Could I ask the Honourable Member a question? I can see where you are coming from Councillor, I just wonder if you are concerned about wind blown fertiliser, would you, at some time in the future, introduce legislation to force everybody to go organic?

**The Honourable Mrs N Edwards**

I would not and that is what I hope doesn't happen. I think that people should have the individual right to choose.

**His Excellency The Governor**

I thank the Honourable Members. Would any other Honourable Member wish to take the floor at this point? If not, then the Bill will be read a second time.

**Clerk of Councils**

The Organic Foods Bill 2000.

**His Excellency The Governor**

I declare the Council to be in Committee.

**Clerk of Councils**

Clauses 1 to 11.

**The Honourable the Chief Executive**

I beg to move that Clauses 1 to 11 stand part of the Bill.

**His Excellency The Governor**

The Motion is that Clauses 1 to 11 stand part of the Bill. Any amendments? Any objection to that Motion? Clauses 1 to 11 stand part of the Bill.

**Clerk of Councils**

Schedules 1 to 7.

**The Honourable the Chief Executive**

I beg to move that Schedules 1 to 7 stand part of the Bill.

**His Excellency The Governor**

The Motion is that Schedules 1 to 7 stand part of the Bill. Any objection to the Motion? No objection, so Schedules 1 to 7 stand part of the Bill. Council resumes.

**The Honourable the Chief Executive**

Could I thank Honourable Members for not giving me lots of technical questions. I have prepared answers to some of them, but I am very glad that you didn't ask them because I didn't understand them.

I now 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 to the Motion? No objection, so the Bill is read a third time and passes.

**Clerk of Councils**

The Organic Foods Bill 2000.

**THE MOTION FOR ADJOURNMENT**

**The Honourable the Chief Executive**

Mr President, I beg to move that this House stands adjourned *Sine Die*.

**The Honourable J Birmingham**

I bow to age and experience, Sir.

**His Excellency The Governor**

Well said. Any other Honourable Member wish to kick off?

## **The Honourable J Birmingham**

Oh, well, I'll pick up. Mr President, Honourable Members, at the last sitting of this House I did mention the remaining oil from the sealing station at Albemarle and I am still not sure what's actually going to happen to the drums that are down by FIPASS. It would be interesting to know whether there is a definitive plan to do anything about it, but I am sure I will hear something in the near future.

Now, marketing, that's a wonderful name or word, isn't it. We hear a lot about marketing. I get scared at night sometimes. Scientists and marketing - now, there's a combination. I would suggest that the first (the scientists) will try and prove the feasibility of anything, but disregard the cost of the research. The marketing man, well, we've seen it in the past, they will actually sell you a Rolls Royce and on occasion deliver a hand-cart. I know that I am seen as a caveman in certain circles, but I am not against development at all, but sometimes I think we have to sit back and see where we actually are. Yes, let's brand, let's sell the Falklands identity, but can we please make sure that we can also deliver the product? After all, that's what it's about, isn't it? The market may well be there but we've got to be able to supply in the end. A certain Sir Thomas Lipton commented some time ago, that half the money we spend on marketing is wasted. But the problem is, we don't know which half. So, yes. I support it but let's not get carried away with the image too much.

On Falklands Landholdings (FLH), and I am saying this for the benefit of the employees of FLH, some of whom are still confused as to what will actually happen in the future, and, if anything I would just assure those employees that they're probably more able to continue in their employment now and there is confidence in their future employment, than maybe there was some months ago. They shouldn't have any fear for their jobs and I would suggest that they are really secure in their employment now.

As people will be aware, oil, mineral resources, is one of my portfolios and it is good to see there's activity to the north of the Islands. It shows that there is confidence, not only in the possibility of finding oil, but finding it so there is enough there to be extractable. But there is also confidence in the way the Falkland Islands Government have been running their oil regime. I repeat, the Falkland Islands Government's oil regime. So, the oil industry is well aware of the situation in the South Atlantic, but there is a large degree of confidence in the way we deal with that.

Recent visitors to the Falklands, people who come here on a regular basis, have been saying that there is generally a good buzz in the air and there is a certain amount of confidence in the air. I think sometimes, we who live here don't see that. It takes somebody from outside to see that. It is a good place to live and I think that sometimes we should sit back again and look at what we have got. I am a great complainer myself, but we should stop looking at the negatives all the time. I see the editorial in the Penguin News is maybe touching on that a little bit today.

Mr President, as it is the last LEGCO of the year, I take this opportunity, as I shan't be here at Christmas, to wish everybody a happy Christmas, and a happy New Year and I support the Motion.

**The Honourable Mrs JL Cheek**

Mr. President, Honourable Members, I thank the Honourable John Birmingham for relieving me from having to speak first for once.

With a year, or less, to the election, I look back on the last three years with a sense of mixed impatience, with the frustratingly slow way in which some things proceed, even when there are firm decisions made by Councillors. But at the same time, there is some sense of achievement that at least we are starting to make progress on some other perennial problems. I am frequently asked questions about the work of Social Services and I am, frankly, very unhappy about some of the ill informed opinions that are stated as fact. If you don't know the facts, check them. The real facts are that children have a right to a decent life. Any humane society recognises that they need support until they are old enough to stand on their own feet. They have the right to be protected from abuse and neglect and that's what we are attempting to do. Anyone who has their eyes open knows that we have failed some young people in the past. We are now seeking to remedy that situation. As I said before, a good start for individuals would be to check the facts before condemning expenditure on this kind of work.

Another area where, as we speak, significant work is being done, is in terms of employment and training. A lot is being done now to consolidate ideas and schemes, ensuring that those who need and want training get it; that those having difficulty finding or keeping work are assisted to do both. I hope my colleagues will support this on-going work with the enthusiasm that I feel it deserves.

I try not to come up with too many negatives but, as the only person who actually voted against giving money to the current BAS set-up in South Georgia, I feel I have to say I was very disturbed to go to a presentation the other day, to find that that contribution is reported. Fine, it was done with the assent of the majority of my colleagues, but the next pie chart that came up showed that as an on-going commitment of the same amount. I was not aware that we had made that commitment yet. To give my personal view, I have a stronger sentimental attachment to South Georgia, than probably anyone around this table, but if, as a Government, we have funds to the level of quarter of a million a year to spare to assist another territory, we are all very loyal to Britain, let's give it to a territory which has some inhabitants that need our help.

Another of the questions we regularly get is regarding our attendance of overseas events. I'm sure no one really believes that they are all jollies. I would like to say in terms of the United Nations Committee of 24, when we say we mustn't lose by default, most people with a significant interest in the political situation here know that's shorthand for saying that if we didn't go, the only opinions heard there would be

those of the Argentines and the people they take along who have some tenuous connection with the Falklands and claim to be speaking for Falkland Islanders. Yes, we lose the vote on the Argentine inspired Resolution. We always have, but if we can persuade a number of countries to speak up on the subject of self determination, then we have achieved much. Councillors there give factual information which doesn't go unnoticed and we must continue to do this because the elected voices from the Falkland Islands should be heard over those other petitioners who have very little to do with the Falklands.

Another area where we must continue to perhaps spend a little money and, unfortunately, quite a lot of Councillors' time, is at the Party Conferences each year. You have access there to a broader spectrum of useful people than almost anywhere else we go. We talk to the MPs, the general visitors and the press. The MPs, of course, are the most important. Their support is needed for our continual security because of their power over the defence of the Islands and foreign policy. They like to speak politician to politician. It is all very well to send the Representative, who does an excellent job in London, but they also like to hear our political views from here. We also have the opportunity to meet Ministers and give them up to date information, which has not gone through the filter of the Foreign Office. We have had difficulties in recent months with the very frequent changes of staff in the relevant departments in the Foreign Office and it's an ideal opportunity for us each year, when we go to those conferences, to speak direct to Ministers who are concerned with us.

I support the Motion.

**The Honourable WR Luxton**

Mr President, I won't try to muck up the system. I have only one matter to raise. I will be as brief as I can. I share my colleague on the left's frustration at the slowness of some things and I am very disappointed that the Retirement Pensions (Amendment) Bill wasn't introduced at this session.

**The Honourable J Birmingham**

A point of order, Mr President. Are you declaring an interest here?

**The Honourable WR Luxton**

I think in my constituency, everyone is interested. It has been approved by Executive Council and Gazetted and I would like perhaps before the close of this session, assurance from the Chief Executive or the Attorney General, that it will be introduced in due course and take effect for the following year at least.

Mr. President, I support the Motion.

**The Honourable DL Clifton**

Mr. President, I support the Motion for Adjournment.

**The Honourable Mrs N Edwards**

I shall be very brief, also. I would just like to comment about Falklands Landholdings. I wish it well in its new state and remind everybody that when we did buy Falklands Landholdings originally, it was with the idea that when it became viable (goodness knows when that will be) the various farms would be passed on to the general public eventually. That seems to have been lost in the midst of time now, but just a quick reminder that that was the original intention. Or one of the original intentions, to buy what is now Falklands Landholdings.

The Honourable Jan Cheek mentioned that things happen too slowly, that is true. I get impatient at times. However, sometimes over the past few years, things have happened very rapidly indeed. I refer to the agreement in 1999 – July 14<sup>th</sup>. It was a bit too fast for me.

(Laughter.)

However, Sir, we will shortly be having a new manager at the Hospital. I wish Mr Muhl well and I would like to take this opportunity to thank him for all the work he has done, particularly on the civilianisation side of the Hospital, the tremendous amount of work he has had to attend to.

(Hear! Hear!)

I think he has done us well on that front and I wish him well for the future. I look forward to welcoming his successor, who has a very similar name to mine, so I hope people won't get confused and start blaming me instead of the Director of Health for things to come.

(Laughter.)

Sir, I support the Motion.

**The Honourable Mrs S Halford**

Mr. President, Honourable Members, I would like to agree with what Councillor Cheek said about South Georgia. I can assure her, that had I been here when the vote was taken, that she would not have been alone.

I had hoped to be able to report that the new FIDF complex was almost complete, but despite everyone's best efforts, there appears to have been further slippage due to a variety of reasons. However, undaunted by this, the FIDF recently hosted the exercise, Commando Challenge Falklands Patrol, which is a Military skills

competition involving teams marching long distances while carrying out command tasks along the route. This year 4 teams took part: three from MPA and one from the FIDF. There was also a small group of females who walked along the route as well. On this occasion the FIDF won. This exercise is used to raise funds by sponsorship for the '82 Trust and all those who took part in the exercise, whether marching, organising, or supporting the event, should be congratulated on their efforts.

I'd like to thank HQBFFI who presented a cheque for £2,000 to this charity and JCUFI, who presented a cheque for £215. The FIDF have yet to collect all of their sponsorship money, which I am assured, will be in the region of a few hundred pounds.

The issue of Councillors travelling overseas for meetings is often talked about, as to whether or not it's worthwhile to the Falklands. I am pleased to report that as a result of a visit I made earlier this year to the UK with the Director of Mineral Resources and the meeting they attended, the Falklands will shortly see more off-shore activity in the collection of seismic data, in the north Falkland basin. This type of activity is welcomed as any new infill data will add to the geological understanding of the whole area.

At the moment, in PWD, as we all know, there are many departments, and I think it only right to say that there is currently much work going on in many areas. It has actually been pleasing to have this commented on by members of the public who say it is actually nice to see that things are being done.

We are about at the end of the year and arguably some people think we have already celebrated the Millennium. Others think we are about to celebrate the Millennium. But whatever, this year will see the Millennium Sports and, as we all know, Government gives an extra couple of days holiday over that period to its employees. I would hope that other employers in the private sector would look favourably on this and consider giving some of their staff some extra time off as well. I am sure, when the next Millennium comes around, we won't be here to enjoy it.

We seem to give an awful lot to agriculture. We are always talking about agriculture and diversification. Earlier this year I had been talking to somebody and suggested perhaps we should be going into potato production. I was told at that time you couldn't sell them if you tried. I understand now, you can't buy them if you try. So, perhaps something has gone slightly wrong somewhere.

But whatever, perhaps we should all dwell on this, "The person who has never made a mistake has never made anything."

Sir, I support the Motion.



## **The Honourable MV Summers OBE**

Mr President, I too, look forward to welcoming "Noel Bag" to running the Health Services.

Mr Chairman, there have been some comments about frustrations. There are many frustrations but there is also, I think, from time to time, some evidence that if we have a little bit of patience and perseverance that things actually start to move in the direction we wish. As one of the Government representatives on the Board of Stanley Services, I would just like to welcome the changes that are about to take place in that organisation. There have been some managerial changes in the overseas section of Stanley Services and we will see in the near future, a move towards a more Falklands orientated business, with more authority in the company evolved back to the Falklands where it properly belongs and a degree of cost reduction in the UK operation. It has taken some time to achieve that but I think we are now well into that direction.

I was very disturbed to hear just recently and to see confirmed in writing just now, that the Standard Chartered Bank is to withdraw yet another service to the public in the Falklands. It is withdrawing its credit card facility and replacing it with something which is of considerably less value, I would suggest, to most members of the public. I think this is most unfortunate. I think it probably does reflect the attitude of that bank to the Falkland Islands. I think those of us who have had discussions with senior managers of the bank in the United Kingdom from time to time, recognise that frankly they don't want to be here and they don't care. I think this is a manifestation of that. But I think it is very, very unfortunate and, if it is not too late, it may well be, I would like to urge the bank to reconsider withdrawing yet another facility from its customers.

I have another point about the Camp, and, it is this. It is not new but we have talked on many an occasion about the communities in FLH, and what a financial burden they are, to the Company itself. We have talked about taking those cost centres out of FLH itself and putting them somewhere else so that they are more clearly identifiable. I think that work on that needs to proceed with some haste. Along with it, there needs to be some very serious consideration about how we deal with the other major Camp communities that still exist.

(Hear! Hear!)

There is Fox Bay, Port Howard and Hill Cove in particular. These communities provide to those farms that surround them and some live in them, a really valuable social back-up and social facility. Yet, the cost burden of those communities is being borne by sometimes, individual farmers, sometimes individual farms. I don't think it's entirely fair. The very large majority of the social back-up that exists for ourselves here in Stanley, is not borne by individuals. It is part of a larger scheme of things. I would like to hope that we can move forward on this question of Camp communities very shortly.

Sir, now with the leave of the House, I would like to say a few words about the events of the last few weeks in relation to the arrest and prosecution of the *Mila*, the vessel owned by the Company, Prion Ltd. of which I am part owner. This has naturally caused me and my family a good deal of anxiety for a number of public and private reasons. For myself, not least of these reasons is that I do not condone illegal fishing by foreign vessels or our own. Illegal fishing threatens the very future of the industry on which the future economic stability of the Falklands is based, by undermining conservation measures worked out in detail, for very valid reasons. The fact that this particular illegal fishing took place many miles from our own fishing zone is of no consequence. They are the same principles and they apply equally to all vessels, of all flagged states, in all parts of the world.

My other major concern has been that had it not been handled correctly by all parties, including ourselves, this incident may have caused damage to the Government of which I am a Member, and made my position on the Legislature untenable. I have been mindful, therefore, from the time that it first became evident that the vessel, *Mila* had been acting illegally, that, in the interests of the integrity and authority of the Falkland Islands Government, I might have to resign.

The events from discovery to prosecution have been well reported and, in any event, it would be inappropriate to dwell on them here. But the findings of the court were clearly always going to be critical to my final decision. If I may very briefly quote two phrases from the judgement, "I feel it is prudent to stress it is not Mr. Summers who is charged with any offence, nor his Spanish colleagues." The other is: "I wish to make it categorically clear that there is no question in the light of Mr. Summers' tested evidence, of any personal responsibility of the Directors." Whilst we had expected this would be the outcome, it was nevertheless a relief that it was so explicitly stated.

I am grateful to those members of the public to whom I have spoken on this subject, who have advised me that following the outcome of the trial, there has been no general wish or expectation that I should resign. I am equally grateful to those of my colleagues and others in the public service who shared with me, their views on what would have been the right thing to do for the good of the Government of the Falkland Islands. They have each indicated that in their view, I should continue. I have not, of course, been able to take account of the views of the minority of my colleagues who have spoken freely to others about what I should do, but have not spoken directly to me. But perhaps the less said about that the better.

If I did resign now, not only would it cause cost and disruption, but it might indicate to some the suspicion of personal guilt where none exists. I have therefore decided that I will complete my term on this Legislative Council and help to complete those programmes we have set out to achieve. I fully accept my responsibilities in respect of the *Mila* incident and I apologise unreservedly to the Government and the people of the Falklands if this has caused embarrassment. In business, as in Government, we go in with our eyes wide open. We take the good with the bad and the rough with the

smooth. If we sometimes feel badly done by, by those whom we have trusted, then so be it. We live in hope that there might be calmer waters ahead.

Sir, I support the Motion.

**His Excellency The Governor**

I thank the Honourable Mike Summers. May I turn to my right where there was some discussion, I suspect about an answer to a question raised by the Honourable Member.

**The Honourable the Chief Executive**

This is in relation to the Retirement Pensions Bill. It has been our intention to get this to Executive Council. Unfortunately, given the sickness of the drafter of the legislation, we were unable to do that. It will be going to the forthcoming EXCO and will be on to the next LEGCO. Subject to Members passing it at the next LEGCO, it would be our intention to recommend that it be backdated to 1 January 2001.

**Commander British Forces**

Mr President, I simply wanted to add my congratulations to the FIDF for their win in the Commando Challenge. I think it actively reflected their high professional standards and their detailed local knowledge.

(Laughter.)

**His Excellency The Governor**

Nicely said and thank you, the Honourable Commander British Forces. Does any other Honourable Member wish to speak to the Motion?

May I say that if Honourable Members, Councillors, have a few minutes, I would welcome the opportunity to discuss a couple of matters unrelated to the business of LEGCO with them just now. I will go out the door and return if that is possible. Just five minutes would help. But all having spoken, the House stands adjourned, thank you.

*Confirmed this 26th day of  
January 2001.*

*Donald G. Laro*  
**Governor**